

# The refugees' role in the migration- development nexus

The case of policies in three African countries

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## Introduction

The migration-development nexus is grounded in the idea that people migrate to seek a better life and more opportunities. Mostly known and studied is labor migration that in turn generates remittances going back to country-of-origin. This has given results of improved infrastructure, healthcare options, education and family investment in agriculture (Lundgren Jorum & Lundgren, 2015).

In all of this, the status of refugees, a phenomenon that has climbed essentially as a problematic part of migration, may also have effects on development. Links between refugees and development is not overlooked, nor is it elaborated on the potential that it could hold. Forced migration is placing the people involved in a different position than other types of migrants, not the least as their movement is far from voluntary but rather the last resort as their home is no longer safe (IOM, 2015). Policies and legal acts for refugee protection with concern to their rights and treatment is therefore an essential and important aspect in order to turn their status into something that will contribute to positive, stable and sustainable development.

The status of refugees as of its present meaning came into force in the aftermath of the Second World War and resulted in the 1951 Convention on the Status of Refugees, founded by the newly formed international organization known as the United Nations (UN). The convention gives the definition of who are a refugee as well as providing the commitments to treatment of refugees and the rights they are given when attained the international status (Loescher, Betts & Milner, 2008). One of the most prominent and important declarations is the non-refoulement principle where refugees hold the right not to be returned to a country where they risk persecution. The convention has since been complemented as the refugees initially covered by it derived only from events before 1 January 1951. The 1967 Protocol then made the status universal, removing the geographical and temporal limitations (UNHCR, 2010).

As of today, the largest flows of refugees are circulating in Africa and what is referred to as South-South migration. Since more and more attention has been given to the outcomes one can find from migration; the refugee protection has become even more relevant due to what possibilities it can bring, or what depriving situations it can fall into. This not the least to answer to the very changing world of today; the complexity of 2015 is heavily different from the outlook of 1951, and very much not in relation to the conditions of the South as the

reception of refugees is often happening on an already strained state's resources (Loescher, Betts & Milner, 2008).

The international refugee regime, with the United Nations High Commissioner for Refugees (UNHCR) as a front figure, holds a mandate in which they shall lead the promotion of protection, and the initiation of the work to find durable solutions, for the refugee situation. Thus, the different set of strains put on a host country for refugees might at first be harmful but as the situation develops from temporary to permanent it may also be possible to generate positive effects. This is elaborated in the work of three durable solutions when framing the facilitation of refugee flows; repatriation, local integration (first country of asylum) or resettlement (in third country). Lately the repatriation solution has been favored as most desirable as it reconnects the refugee with his or her country-of-origin and therefore makes the best case for sustainability (Nyberg-Sørensen, Hear, & Engberg-Pedersen, 2002).

In the case of the durable solutions, they have been through constant evaluation in order to capture the actions that are positive, as well as the ones that are not so successful. A report done through the UN refugee agency on policy development and evaluation service, limits and flaws has been displayed. With regard to each of the three solutions, results state that no one is adequate. If the time of transition is not first adequately dealt with; from immediate humanitarian assistance (the moment you become a refugee and set out to seek safety) to the actual accomplishment of one of the three solutions, they will have no chance of durability (Long, 2009).

Furthermore it is not only the definition of solutions that is necessary but the set directions on how to reach them. This still comes short as expressed by the Migration Policy Institute *“while increasing volumes of research have focused on the actual and potential contributions of migrant communities to sustainable development or poverty reduction in their countries of origin, the findings have not been systematically translated into policy guidance”* (MPI, 2015).

### ***Aim & question formulation***

The aim of this thesis is to look at how the components of refugee status may impact on development in a receiving country depending on how the policies for refugee protection and treatment are formulated and expressed. Such a receiving country will be located within the South-South geographical migration in Africa as this area is not only underrepresented in research but also dealing with large influxes of refugees.

Through the accepted mandate placed on UNHCR as prominent actor of the international refugee regime on the protection of refugees the empirical analysis will focus on the settlement policies in African developing countries and if their stated directives gives refugees the change to be “agents of development” (UNHCR, 2007a). In societies already facing material constraints and deep poverty, the reality is that they are – from neighboring countries - in comparative terms receiving the highest number of refugees. The treatment and vision on how to handle such large influxes are therefore of crucial importance for possibilities of development, for the refugees themselves as well as for the host countries and their populations. The directives and regulations made by governments represent the choices of balancing the burdens and benefits of giving protection to the refugees. Therefore, the research question of this thesis is:

*How do government policies and regulations for refugees in African countries comply with the prerequisites for a positive migration-development nexus?*

## **Theoretical framework**

Research concerning migration and development and the attention has steadily increased over the decades and the essential part that it is not only a relationship that brings about negative effects. The upsides of this causal relationship have started to appear in academic findings as well as acknowledgment in the very recent UN Sustainable Development Goals (SDGs) and therefore on the international agenda for action (UN, 2015a). In this section this relationship will be presented in the existing theories of such negative and positive effects. These theories will be followed by the connections to refugees in particular and what their specific role in the overarching framework has been so far, but also could be in the future.

### ***Brain drain and brain waste***

In the earlier findings when viewing the relation between migration and development most connotations were of negative effects such as the notion of brain drain. This theory came forward in the 1960’s when it appeared that emigration depraved countries of skilled people. Skill was lost as they left in order to search for better opportunities elsewhere (Gibson & McKenzie, 2011; Vinokur, 2006). Brain drain therefore became something destabilizing the chances of development. The impression that the country-of-origin offers public services such as education for its citizens that then leave elsewhere, not “paying back” the welfare costs of the country in taxes becomes an argued point for the brain drain theory. That then means that a country then already with scarce resources lost the high-skills that could have contributed to

development and instead impacted negatively as a result of people leaving (ibid). A further step of negative evidence of migration is the term of brain waste which is not only skilled people loss of one country but that these people and their skill are not coming to use in their new country of residence. This is something that refugees risk to become a part of, as their leave is forced and the opportunities at the place they arrive might be scarce. Thus, refugees fleeing persecution and unsafe environments are rarely in a position to seek places most suitable for them or their skills. Also the receiving communities in turn, risk not having the proper facilities to absorb such skills in the most efficient way. Hence, movement of people can mean that skills are transported out of a country of origin without being retrieved and benefitted from somewhere else leading to a waste of skills and also waste of potential for development (Salt, 1997).

### ***Brain gain and brain circulation***

More recently the theories has however evolved to draw in the other direction, namely that migration can contribute positively to development in the potential of brain gain. This is presented as sending countries can benefit from migration by increasing human capital as an effect of emigrating skilled workers. This would then be a benefit for the developing countries instead. However these theories are mostly focused on the South-North migration relationship (Nyberg–Sørensen, Hear, & Engberg–Pedersen, 2002). The modern thinking of migration are also undergoing the research and prosperity of circular migration and by advocating this it could generate growing empirical evidence of the latest concept of brain circulation. This is by researches and organizations considered to be the future to strive for as a facilitation of more circular movement would provide development with the win-win-win situation. As the movement then would go in circles the skill could come to use both to the country of transfer, benefit the migrant and then back to the country of origin as the people come back with experience and resources to their home country (ibid). By making the movements more accessible, efficient and coordinated, it gives the people easier and more desirable opportunities to keep the connection to their country of origin. One can argue that the pattern could be applied in the South-South migration flows as well as but with consideration that these flows are to a higher degree consisting of refugees. Migrants however are to be the overarching categorization of people on the move away from their home, inside or outside their country with different reasons to seek opportunities to a better life (IOM, 2015).

### *The refugee links*

Reflecting upon and analyzing the development theories, the conditions of what qualifies as brain drain or gain can be specified to refugees as well, since they are one group under the migration-umbrella. Even though the movement is of a forced nature, may it be political, religious or ethnical that does not exclude the fact that it could also be a person possessing high or other skills. To take in consideration of course is the very essential fact that they have not moved by free will and therefore the incentives to contribute to development in the host country might be less obvious. The significance of willingness from the refugees themselves would however not matter if the host country does not provide the possibilities to contribute. On the scale of actually effecting the development, the sovereign host community will in the end be the final voice of decision in these matters. Nonetheless, through this grows the prosperity of refugees becoming agents of development which could make them a benefit rather than a burden. In research concerning this, findings show that refugee influxes are profoundly straining on the host country in the short-term prognoses but in long-term provide economic, social and human capital investments in development (Van Hear, 1998). As a result, such findings are guiding the research question and aim of this paper. The interest and focus on refugees and their situation is not only due to the status of being forced from their homes, which can be said for internal displaced persons (IDPs) as well, but that “*refugees, unlike IDPs, are not citizens of the state that provides them asylum*” (Aleinikoff, 2015:2). This is one distinction to consider when analyzing the rights and regulations of the persons of concern, proving once more that the host countries policies will prove to be of great importance for the contribution to development.

The flow of migrants transitioning to a neighboring country of South-South movement is larger than the number of South-North migration; still the emphasis has earlier been on precisely that relation rather than the South-South connection (UNRISD, 2007; Hujo & Piper, 2007). Previous research are presenting that the South-South migration in the region of Sub-Saharan Africa is an issue with large effects on development on an already strained livelihood. This in relation to the special status obtained as a refugee give rise to problems in developing countries when rights which are signed to be provided for the refugees are hard to meet even for the national population of the hosting country (Milner, 2009).

The reality that refugees of South-South migration have yet not drawn enough attention in the discussions of the migration-development nexus can be one of many indicators as to why the work and effort regarding these people are not showing satisfying results. The importance however is not to be overlooked, especially in the parts of the world that do already suffer

from poverty and slow development. Instead the link to refugees in this nexus will affect the contribution to development and naturally to a high degree in the areas that consistently receive large influxes of refugees (UNHCR, 2015e). Consequently the management of such influxes in line with opportunistic approaches can be more prone to seize the skills of the people and capture them into the arena of brain gain and eventually circulation as well.

## Development and policy frameworks

Africa holds the largest flow of migrants; refugees, internally displaced people (IDP), economic migrants etc., and the intra-regional South-South flows are dealing with masses of people each year. However, the systemic arrangements to deal with such flows have yet to give the efficiency to development as they could have the potential to do. Regulations and restrictions alongside an unwillingness to realize the possibilities of migration have yet to reach the continent (Adepoju, 2006).

When reviewing the growing attention to a refugee's status, their effect on society and the possible implications for development, it shows a research not going as far as needed in the world of today (Nyberg-Sørensen, Hear, & Engberg-Pedersen, 2002). Their situation is acknowledged and acute measures and responses to refugee influxes have been in place on the international agenda since the end of the Second World War in line with the *Convention on the Status of Refugees*. Though refugees and their displacements long have been treated as a temporary situation (ibid) the reality has come to prove that around the world, refugees end up in permanent and protracted situations<sup>1</sup>, outside their country-of-origin (Loescher, Milner, Newman & Troeller, 2007). Hence, the treatment does not match the reality in the sense it have potential to do, and even the temporary situations sometimes have problem with maintaining their basic purpose of protection (Milner, 2009).

The government resources and their operational frameworks can provide insight to the final word of host countries and reveal if in fact they are leaning toward finding solutions that will hold, or simply conform to the minimal rights of international law on the status of refugees. Previous research indicates that host government actions are not as much analyzed when it comes to examining the "refugee problem" or any possible solution to it (Nyberg-Sørensen, Hear, & Engberg-Pedersen, 2002). Early work was focused on the refugees in particular and not the system around them. Also, the way to what is initiated by the UNHCR as durable solutions for refugees and the "refugee problem" has so far been problematic.

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<sup>1</sup> Protracted situation defined as "refugees find themselves in a long-standing and intractable state of limbo" (UNCHR ExCom, 2004).

In regard to policy and policy significance, research has generated findings on the possible and probable causes of what influence policy-making within national borders. These studies are not only trying to break new ground in the sense of presenting findings that can improve the efficiency of policy-making but on a deeper level give understanding to the directions that take form in the policies (Jacobsen, 1996). Additionally, criticism on contradictory policies of refugee protection has been made which is expressed to affect negatively the outcome on progress for development (Nyberg-Sørensen, Hear, & Engberg-Pedersen, 2002). The decision and choices being made in regard to the admission and treatment of refugees become important as it relates to the position of how to assist the incoming flow of refugees. A balance act rise from the questions of durable solutions as the implications or problems that can arise when trying to incorporate them towards a policy might not only lead to costs but to benefits as well (Jacobsen, 1996; UNHCR, 2003). UNCHR are positively promoting different durable solutions for refugees in host communities: *“A well-implemented local integration strategy can enable displaced people to give as well as receive: to work legally, to pay tax and to contribute to the economy of their new home country”* (UNHCR, 2015a). Empirical evidence for such well-implemented strategies provides strength to the brain gain theorists and the contribution to migration and development (ibid).

Also the conflict of interest between international protection protocol and national cooperation and evaluation are not easy to solve. This have in the majority of cases presented itself as the negative side of migration and development, namely that countries are drained of skill and actual human resources that in the shape of a refugee becomes part of the numbers counting for brain drain or brain waste. This flow consists of *“refugees from conflicts, wars and natural disasters often go to nearby developing countries”* (Hujo & Piper, 2007:20). In sum, the influxes of refugees become a part of the host country’s planning but have yet to accomplish a consistent stability. Clashing national policy statements, developing countries dependency on international relief and the complexity of durable solutions are factors that have given mixed messages regarding the effects of refugees on development.

### *The refugee regime*

The collective international refugee regime is a gathering of forces: organizations, governmental branches, conventions and other regulatory or advisory frameworks relating to the status of refugees, their protection and its management (Barnett, 2002). For this paper, in accordance with the purpose of policy formation, two prominent conventions are highlighted for their significance to the refugee links in the migration-development nexus. They make up

the foundation of refugee management in legal terms, on the one hand they set the rights and entitlements for refugees, and on the other hand they also set the obligations to which refugees must conform. Together this draws the protectorate on which refugees are supposed to rely on but are also crucial as they provide opportunities for refugees to regain stability, something that can have a strong impact on the possibility to become gainful to the hosting country and community.

### **1951 Convention & 1967 Protocol relating to the Status of Refugees**

In the aftermath of World War II (WWII) a United Nations conference took place in Geneva as it was considered to be necessary to find a unified plan on how to treat the displaced persons by the violence and threats of the war; people finding themselves away from home, outside their country-of-origin and in search of refuge. The result was presented in an international convention, legally binding by the countries acceding to it. Signing nations firstly “*affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination*” (UN, 1951:13) and clarified that efforts should be taken to provide a climate that gave refugees the most possible chances of exercising those rights and freedoms. Additionally the mandate of the High Commissioner for Refugees was recognized to be the leading figure in such protection (UN, 1951). The convention gave a unified definition of the term “refugee” to be anyone acquiring the status in previous conventions up until 1939 or anyone due to events occurring before 1 January 1951:

“...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national” (UN, 1951: Article 1).

One other core term in the convention in regard to refugee protection was, and still is today, Article 33 regarding non-refoulement. By this article signing nations agree to the prohibition of denying any person entry in their territory, weather it being illegal or not if that person’s life or freedom is threatened (UN, 1951).

Moreover as the 1967 Protocol came in to force a re-evaluation had been made and the most significant outcome from agreement and accession of the Protocol was the modifications

to the definition of refugees. From that point on the definition became universal, meaning that it did no longer only hold for people of concern before 1 January 1951, but anyone thereafter as well (UN, 1967).

### **1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa**

Originating from the international convention is the recognition of nation's sovereignty and the application of national laws and regulations. As reality presents different conditions around the world the further hope from the UN was that nations should also aspire to complement the international framework with more tailored regional charters. Precisely so was conducted in 1969 by the African Union (then Organization for African Unity) which became the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. It stands behind and recognizes the UN Convention as "basic and universal instrument relating to the status of refugees". The OAU Convention has included the additional definition of the term "refugee" with the following:

"The term "refugee" shall apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (OAU, 1969: Article 1:2).

Moreover, a regional complements enforced in this convention is the amplified commitment work towards the alleviation of burden on the Member States that grant asylum for refugees. This complies strongly with the present conditions of already strained communities that many developing countries in Africa face.

### ***The RAD-approach and Self-reliance***

Presentations in recent frameworks by UNHCR are indicating the importance of the serious phase of transition from acute refugee to an implemented participant of a durable solution. This transition is the state and strategy of self-reliance and the resources put to it are proven to be highly significant and essential to reach any of the solutions (UNHCR, 2005). By theoretical definition from UNHCR means "*the economic and social ability of the individual refugee, household or community to meet essential needs in a sustainable manner and with dignity*" (UNHCR 2007b: 188), in reality this would be refugees access to services, economic and labour market access. The self-reliance strategy is an evolved branch of the Refugee Aid and Development (RAD) approach (Meyer, 2006) which is one of the forthcoming methods

used to seek durable solutions and improvements in refugee related areas. RAD” *proposes to be a solution to protracted refugee situations that can address a range of interests*” (ibid: 9).

The importance of a policy-formation that aim to seek the potential which refugees hold in terms of skills and experience is an obstacle yet to be found among many developing countries. The scarcity of resources and possibility of development even with nationals present a struggle in itself. The self-reliance strategy is stated to be the crucial position to overcome this burden which is the image of refugees seen in host countries. This in many cases is related to the already poor circumstances of the communities that receive refugees in Sub-Saharan Africa. The livelihood is aligning with poverty that in itself is a push factor for refugees (Adepoju, 2008).

Instead the situation needs to find a way to become beneficial. Thus, by adopting a policy more in line with certain criteria for admission and treatment of refugees the more likely it is to head towards a more positive outcome of durable solutions.

Therefore an analysis of country policies in refugee facilitation would be a way to further evaluate the importance of how they are formulated in relation to migration and development. *“More solid evidence and analysis is needed to explore to what extent migration can play a developmental role in the context of migration flows between developing countries”* (Hujo & Piper, 2007:21).

## Research design

### Methodology

The research in this paper will be conducted through a comparative study, a between-case design building on the method of agreement/difference/congruence originally developed by John Stuart Mills (Powner, 2015). More concrete it will be conducted as a policy analysis, hence not stretching further to analyze the implementation itself or effects of the policies. It will provide more than only one case study as the interest lies in finding out if certain policy-formation and formulation will indicate on a positive or negative outcome on development potential of refugees. The aspiration is that with this method some aspects will be able to single out in the analysis that could pave way to find more efficient actions to act after in order to truly achieve the goal of making refugees “agents of development”.

Drawing from the between-case design the conduct of analysis will be formed under a structured focused comparison as it will give the possibility and opportunity, through a set of questions posed to each selected case in the same way, present answers that can be compared

against each other. This will provide evidence and knowledge about the formulation of refugee policies and the coherence with development, or strive for it. It will mean that with the collected material used for the paper a qualitative analysis will be the conducted research of reports and policy documents.

### **Analytical tool**

The tool at hand used for the comparison of the policies is composed in a table of measurement, where the questions posed to each policy at hand provides a yardstick. The yardstick present a number of principles that can either be checked as incorporated in the policy or not, which provide an indication of the coherence between refugee treatment and positive development aspirations. A present principle will also be graded in a low/medium/high scale to further illustrate differences between the countries.

Regarding the specific principles included in the yardstick, first and foremost is the recognition of the refugee status in the legal sense, a highly important point as this is the fundamental position of refugees; the special treatment under international law, which provides with certain basic rights and protections, such as the non-refoulement stipulation. Furthermore, localization of refugees upon arrival and stay are affecting the possibilities of development in the sense of mobility. If the choice is freer and movement is possible it will increase the opportunities of self-reliance needs such as employment and education (Nyberg–Sørensen, Hear, & Engberg–Pedersen, 2002).

In the same sense the directives regarding the housing, employment, healthcare and education per se, are of importance to analyze as the right to these components are what compose the sense of acceptable livelihood and the universal human rights. Also, this gives an idea of how the coherence between refugee and development policy on a social level is complied, points presented to be contradictive or absent by previous research reports (Hujo & Piper, 2007; Jacobsen, 1996).

The protection of refugees, in the regional and/or national is the measurement chosen due to the discussions of limitations that the Convention and Protocol to the Status of refugees still holds. Such expressions are linked to the fact that the world of today is not what it was in the 1950's and so complements are desirable in order to meet the reality and differentiations around the world. Hence, regional and national additions are welcomed in order to achieve more positive results surrounding refugee situations.

When it comes to the facilitation of more long-term residing refugees, this point of analysis is closely connected to the persistent discussion of the solutions needed when refugees are not

able to return to their country-of-origin. Then the procedures of taking care of those affected can be very significant if the potential of benefitting from refugee influxes or not.

Overall the table of measurement is influenced to a large extent from an already existing UN policy yardstick retrieved in the research of Karen Jacobsen (1996), however modifications have been made in order to better suit the aim and more specific research question of this paper. In order to follow in the line of the theoretical framework and previous research certain rights are chosen to the policy yardstick of this paper to keep the focus of refugee-development links. In the section of rights and regulations the aspects chosen have been done so to reflect the human capital and skills circulation in the brain drain/gain theories. Education and employment are strong indicators of the host country's national policy and provide, together with healthcare and housing, a framework for welfare commitment for the refugees that come. This is then also connected to the self-reliance strategy which consequently builds on the premises that these basic rights are respected, protected and facilitated. The choice of including this strategy on its own is therefore how far the host country stretches in order to find durable solutions.

Lastly, thought of as the contribution to the analysis tool is related to the theoretical argument derived from previous research that in order to act in positive directions for development, refugees are in need of recognition in the specific field. And with such recognition the need of allowance in more ways than legal rights become influential. Other than basic rights to uphold a decent livelihood the way to an integrated society comes in other form of participation and for this paper the participation of social and political character is included.

The choice of conducting a qualitative analysis mainly grounds in the lack of attainable data over the region. There is still an uneven representation of collected data of the region in the area of migration and development (Adepoju, 2008) and as the possibility of collecting it for this paper was not in sight.

**Table 1 - Policy Yardstick**

<i>International policy directives</i>		
Recognition and accession to international Conventions: Status of refugees	<i>Yes</i>	<i>No</i>
Protection of refugees (additional to international Convention) – national/regional	<i>Yes</i>	<i>No</i>
<i>Admission and Treatment of refugees</i>		
Location of refugees	<i>Free</i>	<i>Restricted</i>
Rights and/or restrictions of refugees Housing Employment Healthcare Education	<i>Yes(low/medium/high)</i>	<i>No</i>
Expressed self-reliance strategy	<i>Yes(low/medium/high)</i>	<i>No</i>
Procedures of long-term refugees	<i>Yes(low/medium/high)</i>	<i>No</i>
Acknowledgement in development plans	<i>Yes(low/medium/high)</i>	<i>No</i>
Participation Social Political	<i>Yes(low/medium/high)</i>	<i>No</i>

### **Case Selection**

Criteria used for the selection of cases will be firstly that it is a low developing country (LDC) in Sub-Saharan Africa, due to statement in earlier section that these areas have not been studied as much as developing countries (DCs) although the movements of refugees are of high numbers in this region.

Secondly, high influx of refugees, as this relates to the arguments of a burden of hosting refugees. Where influxes are high, a higher burden is expected to generate more long-lasting, even protracted situations that in result are in need of finding sustainable strategies i.e. durable solutions. This, in combination with the criteria of a LDC country is making out an essential part of refugee facilitation as the strains on scarce resources is the reality for these hosting countries and the need to assess and conduct research becomes even more urgent. These areas already suffering in poverty rating and development growth indexes are therefore

in deepest need of re-investigation of their situations in order to cooperate and coordinate a more efficient and functional facilitation of refugees. Thirdly, the country of choice should also fill the criteria of adopting both the UN Convention of 1951 together with the UN Protocol of 1967 relating to the Status of Refugees and the OAU Convention of 1969, as the acknowledgement of these are essential to the basic existing commitments to treatment of refugees. Three cases have then been drawn from these criteria to be the foundation for the analysis: Uganda, Kenya and Tanzania.

Refugee flows have been a part of the Republic of Uganda for a long time, not only as a country of receiving people fleeing persecution and violence but as a country producing refugees as well. Lately the role as a host country has however grown, taking in people from war-torn neighbors of South-Sudan, Burundi, Somalia and the Central African Republic (Adepoju, 2006). Numbers presented by UNHCR of the refugee and asylum seekers situation make up a total of 433 595 persons residing in Uganda as of April 2015 (UNHCR, 2015b).

The Republic of Kenya holds two of the world's largest refugee camps, Kakuma and Dadaab and the influxes have not during the past year shown any decreasing numbers. A total of 589 994 persons were measured in May 2015 (UNHCR, 2015c).

Lastly, in the United Republic of Tanzania numbers from June 2015 showed that people of concern counted to 160 164, mainly coming from Burundi and the Central African Republic (UNCHR, 2015d).

### *Data selection & Source criticism*

Material used will to a large extent consist of the documents from the open archive of UNHCR as their position in the refugee situation globally is vital, both in the evaluation of the work to help refugees but also in their counselling and regulatory frameworks. The mandate that they hold is of special character for a UN body and the international role sets the overarching guidelines of refugee politics. Therefore, the reports, policies and other documents used in this paper originating from UNHCR can be said to be generally accepted, recognized and legitimized as the UN member states have to a large extent given their support to this international refugee regime. Noted, nevertheless, are the risks of biased material even from a body such as UNHCR as they can be presented to portray an organization of progress and results and therefore give rise to tendency. Their reports do, to high extent, derive from field evaluations which give a proximity to the sources. The use of objective and independent analysts in the evaluation of their work does present the will of transparency as well as for criticism in order to continuously improving their work.

Furthermore the policy documents from selected countries will be included as it is of high importance for the analysis itself, due to the aim of this paper. Considerations when using these documents is of course to keep in mind that ambition and goals stated in the policy can derive from reality to “look good on paper”. The risk of policies to be words not supported by means to achieve them is possible and should therefore be considered in the analysis and conclusions for the paper. To give strength to theory and the necessity of this paper, previous academic research regarding brain gain/drain, refugee protection, UNHCR, Sub-Saharan Africa and refugee policy will be used. Findings and conclusions used are regarded by publishing to be reviewed and acknowledged but should still be viewed critically as bias is always a possibility.

## Results

Set forth in this section are the results of the selected policy-material after being posed to the different points within the analytical tool of this paper, the policy yardstick. This will present what can be revealed about each point and how it complies with more or less positive impact on the migration-development nexus. Moreover, the findings are not only presenting a “degree” on the policy itself, following the yardstick measurements but also between the countries selected. This will lay out a greater basis for the possibility to circle certain factors that could have stronger impact on the migration-development nexus, which will then be elaborated in the analysis.

### *Republic of Uganda*

From the outside and at glance, the long-term reception in Uganda towards refugees is declared with words of generosity, success and accomplishment. The legal act policy, titled the Refugees Act 2006, is the main agenda from which the government of Uganda conducts their reception and treatment of refugees. It is the stated process to follow in great extent as a host country for the people forcibly fleeing their homes. Presented in this act are several sections which take under the matters of refugees and also provides with the commitments of the national government in accordance to international obligations in the domestic context and its conditions. Complementary to this, Uganda has also The Refugees Regulations (2010).

Following the points of analysis in regard to the case of Uganda the results found consists of a vast commitment to deal with refugee protection and facilitation. Firstly and what could be carried as the most fundamental is that provisions of the act are set to be in line with the 1951 Convention relating to the status of refugees and subsequently also the 1967 Protocol

formed by the UN. Furthermore the subjects to the act are also signing under the OAU Convention of Specific Aspects of Refugee Problems in Africa. With that the national act welcomes and acknowledges the entitlements, rights and obligations, made by international conventions. This then falls under the recognition of UN presence and mandate in the facilitation of refugee protection in cooperation with the national resources. The Refugee Act (2006) also states that it accedes to “*any other convention or instrument relating to the rights and obligations of refugees to which Uganda is a party*” (Pt.5, 28: C). Additionally, the national commitments through the act are to also establish an Office of Refugees which is of public constellation, taking on the responsibilities of all administrative work regarding refugees. This includes coordinating inter-ministerial and non-Governmental activities and/or programmes connected to the domain. Together with government, the Eligibility Committee and UNCHR the conduct and protection is going through the Office, this indicating their involvement in advising, recommending and inform the formation of potential policies that touches the relevance of refugees.

The more specifics of rights and obligations of refugees are declared in the act, in line with conventions above national decisions. The treatment should be at least the same as generally given to aliens finding themselves in situations similar as refugees in terms of non-discrimination, reception of identity card, right to stay within the borders of Uganda. Education should be provided of at least elementary level, and possibilities and opportunity as well as allowance to participate in the labor market and pursue a profession and engage in gainful employment. Employment is extended in the Refugees Regulations (2010) with further emphasis that is shall aim at improving the local integration (Pt.11, 64). Refugees, not only those granted the status in Uganda, but also persons pending their application are protected in the act and under international regulations. The leading non-refoulement principle of the UN Convention is the number one, as this obligates receiving states to not refuse entrance even if it could be on illegal grounds. An application and assessment is under this mandate always in the rights of the awaiting refugee. Hence, housing is provided for people that are undergoing the application process as well as those granted refugee status in Uganda. For the people waiting a decision from the authorities they are to be assigned placement in a transit center. After granted status, the refugees are provided housing in designated places decided by the Minister responsible for refugees, head of the Department of refugees. These housing arrangements are constructed as settlements, with the purpose to facilitate “*local settlement and integration of refugees*” (The Refugees Act, 2006 Pt.6, 44:1A).

Moreover there are also the obligations of refugees when accepted which concludes that as nationals form under the rule of law in Uganda, but does also include conforming to measures to maintaining public order. This is further detailed as refugees' obligation to not engage in political activities, either on local or national level. At last, the mobility and movement are under restrictions for refugees, moving outside selected settlement areas is only possible through applications to the administrative authorities.

### *Republic of Kenya*

The country of Kenya has been a part of a long-term period of refugee hosting. The refugee influxes steady continues and within its borders two of the world's biggest refugee camps are found. The presence of UNHCR is ongoing since before the 1990s. According to the Department of Refugee Affairs their work derives to the greatest extent from the rights and regulations drawn in the Refugee Act 2006 and the Refugees (Reception, Registration & Adjudication) Regulations 2009.

As Uganda, the main directives in relation to refugee management, protection and recognition derives from the Refugee Act of 2006. This act states the acknowledgement and accession of international conventions of refugee status and protection of which Kenya is a party of. This includes the 1951 UN Convention and the 1967 Protocol relating to the status of refugees as well as the OAU Convention of 1969.

The recognition of refugee status follows the definition of the UN convention but is clarified with the exception that a person should not hold another nationality in addition to the one from where he or she fears persecution. The act establishes a formation of the Department of Refugee Affairs as a public office concerning all coordination and management of refugees and their related questions. From the office and its head of chairperson, the Commissioner, are all necessary means to be used to promote the welfare and protection of refugees, in terms of policies, recommendations and coordination regarding issues relating to refugee affairs. This includes for example the promotion of durable solutions, consultative ideas to make refugee assistance programmes to have a positive impact on host communities and ensuring that activity by refugees do not have negative impact on natural resources or local environments.

A residence in Kenya is granted to persons still waiting on decision from the authorities in areas selected by the head of the Department of Refugee Affairs as transit centers. When and if the application is granted the refugees are entitled to an identity card as well as permission to remain as a residence in Kenya under the status of refugees, stated as refugee camps. The laws in force in Kenya are then obligated to reach over the recognized refugees as well as

refugees are obliged to follow such laws. Management of the refugee camps is stated under regulations to be maintained in an environmentally sound manner which is for example to provide for the safety, protection and assistance necessary to uphold human rights and decent livelihood. In addition, ensuring the treatment that refugees are complying with national law includes the facilitation of movement passes. They are a required regulation and mandatory for refugees that wish to travel outside the camp area.

### *United Republic of Tanzania*

The third case of study is Tanzania, another refugee-experienced country with a current reality as a refugee host country. Accession to the 1951 UN Convention and 1967 Protocol along with the 1969 OAU Convention have been made and acknowledged in the national legislation as well. By doing so the recognition of refugees and the definition of the status are in line with international frameworks and reinforced in the national Refugee Act of 1998. It there states that the meaning of an asylum seeker is a person seeking refugee status as it is referred to accordingly in all international conventions of which Tanzania is a party. As earlier cases the refugee act enacted by the Parliament and passed by the National Assembly is the major pillar regarding refugee affairs in Tanzania. The act provides the base for the admission, treatment and legal directives of refugee influxes. In accordance with the 1951 Status of Refugees it applies to persons subject to well-founded fear of persecution in relation to race, religion, nationality or membership of any social or political group and who is not able to return to his/her country-of-origin. In addition the status shall apply to a person suffering external aggression or other events seriously disturbing the public order in part or in whole of a country-of-origin and therefore seeking refuge.

The administrative regulations that is part of this act constitutes of the establishment and mandate of the body for Refugee Services. Included is also the directive of the Eligibility Committee that holds the mandate of granting or denying refugee status to applicants. The committee is consisting of at least seven members whom are to represent the Public prosecutor's office, the President's office, the Prime Minister's office, the Chief Minister's office, the department of Foreign Affairs, the Inspector General of the Police and the Director of Immigration. The overall administrative parties hold the responsibility to manage and coordinate the facilities and services in relation to reception and care of refugees. Moreover in the responsibilities of administrative services the Director of Refugee Services appoints the designated areas for refugee settlements. The settlements are assigned for refugees only, and personnel appointed to the areas in their line of work.

When granted refugee status the person of concern is issued a permit to remain in Tanzania and is then to be directed to one of the present settlement. The settlements are to be maintained by an officer supervising and ensuring that the residence is run in an efficient and orderly manner, providing the basic and essential services for the general welfare. This also includes the ensuring that every precaution is taken in order to preserve the health and well-being of the refugees. Designated rights for the refugees furthermore include primary education and post primary education which is in line with the national education act as well as entitlement to adult education for those who wish for it. Regarding work permits, such can be applied for and received by any refugee if granted by the Director and the Ministry responsible for Labour.

Restrictions are drawn in the act as well which are much centered to movement. As granted refugee status in Tanzania you cannot move outside designated settlements if not obtaining a permit to do so by authorities. Also, the stay outside is not to exceed a period of fourteen days. The movement of refugees is moreover only allowed on specified routes.

In regard to development and sustainable management, refugees are recognized as actors in the coordinated national development plan drafted together with the United Nations Development Programme (UNDP). The United Nations Development Assistance Plan for the period of 2011-2015 acknowledges the attention necessary for including refugees in the work as well.

**Table 2 - Policy Yardstick results**

<i>International policy directives</i>		Republic of Kenya	Republic of Uganda	United Republic of Tanzania
Recognition and accession to international Conventions: Status of refugees	<i>Yes/No</i>	Yes	Yes	Yes
Protection of refugees (additional to international Convention) – national/regional	<i>Yes/No</i>	Yes	Yes	Yes
<i>Admission and Treatment</i>				
Location of refugees	<i>Free/Restricted</i>	Restricted	Restricted	Restricted
Rights and/or restrictions of refugees	<i>Yes/No</i>	Camps	Settlements <i>(high)</i>	Settlements <i>(medium)</i>
Housing		Yes <i>(medium)</i>	Yes <i>(high)</i>	Yes <i>(medium)</i>
Employment		Yes <i>(low)</i>	Yes <i>(low)</i>	Yes <i>(low)</i>
Healthcare		Yes <i>(medium)</i>	Yes <i>(medium)</i>	Yes <i>(high)</i>
Education	<i>Yes/No</i>	No	Yes <i>(high)</i>	No
Expressed self-reliance strategy	<i>Yes/No</i>	Yes <i>(medium)</i>	Yes <i>(high)</i>	Yes <i>(low)</i>
Procedures of long-term refugees	<i>Yes/No</i>	Yes <i>(medium)</i>	Yes <i>(medium)</i>	Yes <i>(medium)</i>
Acknowledgement in development plans	<i>Yes/No</i>	Yes <i>(medium)</i>	Yes <i>(medium)</i>	Yes <i>(medium)</i>
Participation		Yes <i>(medium)</i>	Yes <i>(medium)</i>	Yes <i>(medium)</i>
Social		No	No	No
Political				

## Analysis

The analysis that follows derive from three cases (countries) located on the African continent and will be an in depth discussion from the findings presented in Table 2 of the previous section. Part of the criteria for the selection of cases were that all have taken part of international and regional conventions and hence acknowledge to work within the international refugee regime and incorporate it in their national legislation. The frameworks that have been the basis for the analysis are what each of the selected countries declares as

their Refugee Act which constitutes the national binding commitments to protection, recognition and management of refugee affairs (The Refugees Act, 2006 (Uganda); The Refugee Act 2006 (Kenya); The Refugees Act 1998). These documents are each country's underpinning apparatus to conduct correct facilitation to refugees entering their territory.

Initially the accession to broader conventions that constitutes part of the international refugee regime, by the UN and the OAU, show that the acts for refugees of all three countries acknowledge these basic rights and procedures when conducting refugee politics and legislative power of such matters within their borders. The commitment means a non-discriminatory approach and attitude as well as treatment towards all persons entering the country. In terms of the specific entry in a foreign country, the UN Convention relating to the Status of Refugees (1951) and Protocol (1967) as well as the OAU Convention (1969) stands by the non-refoulement principle which means a type of non-discrimination in regard to how a person enter. Namely, all should be treated the same when and if they come in search of refuge and applying for the refugee status.

Furthermore the acts state and define the term "refugee" in accordance with the conventions of which they already are a party. These clear statements agreed upon by the national governments give an operationalization to a course of conduct but are, even if legally binding, under possible turns of interpretation. Written in the OAU Convention is the definitively agreement that the bottom line decision of who is granted refugee status in the receiving country is the national authorities (OAU, 1969 Article 1:6). What can be said about the decision of denial on the premises of who is defined as a refugee, each case are given the rights to be fully screened and also review as the Refugee Acts of each of these countries offer opportunities to appeal. This could then be seen as an extra precaution in order to try and provide as fair treatment as possible for the applications from persons of concern.

Each of the country-cases has also, by adopting their respective Refugee Act established a specific office relating to refugee affairs. This office is of public appearance which, on paper, is then accessible to everyone. Also by this establishment the specifics and particular conditions for refugees are given attention with the obligations to keep track of all events concerning refugees, both in order to create stability and functioning facilitation but also be a trained eye to further advice and communicate to other higher authorities. Such aspirations open a door in order to achieve coherence and find more coordinated and cooperative government strategies that will improve the protection for refugees as well as search for solutions to their situations.

When going further in these Acts for the countries of Uganda, Kenya and Tanzania the more specified rights and regulations are where difference in content and inclusion starts to appear. The legislation policies give varied directives, not only about which specific areas of concern for this analysis that is included or not, but also how it is expressed. Here, when breaking down from the general term of non-discrimination and non-refoulement from an international standpoint and instead look at what happens when a person is granted the refugee status is when the effects on development can be more closely screened.

## *Rights and Regulations of Refugees*

### **Location**

The location of refugees and their mobility connecting to that location call for some critical questions to keep in mind when going further on with the declared rights and regulations. In all cases the refugees are granted stay on the territory of the applied country but only in designated areas, decided and distributed by the authorities. The meaning of this is that the right to acquire a place to live is followed by a restriction to where that place will be. Movement outside designated areas can be allowed but only by attaining a permit from the established office for refugee affairs. Additionally, the permit is with a standard time-limit of fourteen days. The designated areas are justified with security concerns and respect for the authorized officials to be able to manage their work which includes the mandate to uphold public order. Also, the designated areas are a way to keep the persons of concern assembled in order to be able to facilitate the provisions that are granted them under the Refugee Act as well as international standards. This includes the cooperation with UNHCR and therefore their ability to reach all refugees within a country which could become more complicated if they were settled in to many spread places.

### **Employment & Education**

The right of employment of those granted refugee status is in one way or the other part of each of the three acts (see Table 2). In Uganda the rights of employment are stated as the right to engage in different sectors as well as own establishments following the national laws and regulations for such activity. If also holding specific qualifications for a profession, the refugee hold the right to practice that profession if approved by authorities. Refugees also hold the right to engage in gainful employment. With these rights it is presented to provide opportunities for refugees to be a part of the labor market in Uganda and with the ambition to

cherish and seize the potential skills that a refugee might hold even though being his/hers current situation is of a forced nature. For this case the rights are thus leveled as high.

As for Kenya, the right to employment is not provided in the same extensive manner as Uganda and notably it is expressed to follow “*the same restrictions as are imposed on persons who are not citizens of Kenya*” (The Refugee Act, 2006 Pt 16:4). Such restrictions are set by the Department of Immigration Services which on the situation of refugees grants the right to apply for a work permit, specific for refugees. In relation to the specific status the application is free of charge and in collaboration with UNHCR and the Department of Refugee Affairs. This work permit gives the opportunity to engage in gainful employment as well as voluntary services (The Kenya Citizenship and Immigration Act, 2011).

In the final case, regarding the employment in Tanzania, their act says that a work permit can be applied for, by all refugees. The approval of qualities for holding the work permit is decided by the director for refugee affairs. Yet it is not specified any closer of how different qualities are assessed, thus making a less extensive (medium) expression of the right. Leaving such space for interpretation increase the risk of missing out on skill possessed by refugees and can therefore also lead to the very effect of brain drain or even waste.

To be said about educational rights and opportunities all the countries’ acts give the provision of elementary education in line with national laws. This, in written form as well as in theory is then regarded as refugees given the same right to education as nationals. This is one important point not only for the commitment to non-discriminatory actions but also for the prosperity of development. The effort to grant and provide education is one essential investment of producing skill for the future. An additional positive part of the educational provisions in Tanzania is the right to adult education if one so wish, separating this country from the other two in this matter, as shown in Table 2. This could most definitely indicate an opportunity to gain skills in the host country as educating those coming from conditions were they have not been able to attain it earlier can result in better contributions by the refugees to their host country. Going beyond positive effects for the hosting country, an adult educated refugee could become and acting agent in giving back to the country-of-origin in the long-run. Either by remittances or if, in the future, a return to his/her home country is possible.

### **Healthcare & Housing**

All three countries have, through their act, an established department regarding refugee affairs. They hold the obligation to make sure that refugee designated areas is maintained in an environmentally sound manner. This broad commitment gives way for considerable

interpretation which does make it harder to see a clear direction of what the standards, for example regarding healthcare, should be and if they are similar to each other. Authorities working closest to the refugee areas have obligations toward provision for the people living as refugees; however they are different depending on which country and related act one chooses to look at. As for Kenya, the rights provided for refugees are of the more general but still narrow definition that says they are to be given a place to stay that is hygienically managed. In relation to the rights of which the refugees hold, that being permitted to live in a designated area, these areas are to be equipped with *“adequate facilities and services for the protection, reception and care of refugees in Kenya”* (The Refugee Act, 2006 7:D). Moreover, the Kenyan Refugee Act differs from those of Tanzania and Uganda in their choice of housing in refugee areas. The rights offered to refugees are camps which are facilitated with approaches of more relief-bound measures. The camps offer protection and shelter but are less solid equipped than the settlement alternative that are to be found in the latter two cases. Settlements instead are part of a structure and process where the coming refugees are not only assigned a place to stay which is providing facilities in regard to their well-being and health, they are also given a piece of land to utilize. This piece of land becomes an opening for agriculture use and then possibilities to provide food for them and/or to contribute to others living in the area as well.

Uganda have here the most elaborated Act regarding settlements as it is specified in writing that these areas are to hold purpose of integration for the refugees. Health as well as a safe place to live is two factors that do affect the livelihood to a great extent and also can pave way to further participation in the community of which a refugee resides in and thus become a vital part of having any chance to make it a positive participation. The possibility to grow own crops not only provides food but also offers a more active position and maybe a chance to not stay as dependent on aid. Furthermore such approaches could be seen as a part of the aspirations that the international refugee regime embraces in their pursuit of durable solutions and burden relief. The meaning of integration of the refugees in their settlements, seen in the Ugandan case is also a more focused direction than what can be found in the acts of Kenya and Tanzania. Living where efforts are made for the refugees to blend more with its hosting local community can give the opportunity to feel more welcomed and involved.

### **Development planning**

The broader spectrum of development and its possibilities with and among refugees are found in the Refugee Acts. Expressed points of focus in the management of designated

refugee areas have incorporated the promotion to find sustainable processes. Such commitments and obligations are assigned to the responsible department (refugee affairs) and its authorities. Additionally, the refugee protectorate has a part to play in the more general arena of development, which invites to the understanding and realization of interconnectedness between refugee affairs and development.

Not only do the governments under these Acts acknowledge their responsibility but also the collaboration with UNHCR and other developing agencies and their resources. They all have, in addition to the specific refugee's acts, produced a national development plan in collaboration with the United Nations Development Programme (UNDP) in which refugees are recognized as participants being able to affect outcomes in society (UNDAF, 2014; UNDAF, 2016; UNDAP, 2011) . Their inclusion, even if the results are not part of this paper, is given a chance to reach positive actions instead of exclusion which would make them outsiders that could pose more harm than good for their protection.

Kenyan authorities for refugee affairs are for example to promote, to the best extent, durable solutions to all refugees and ensure that the resources in refugee areas are used in a sustainable way. Also any form of refugee activity of economic and productive manner should not be negatively impacting the host communities or local environment.

These very particulars are worth noticing as potential progress to create development for the refugees themselves but also together with the host community. However, when phrasing that it is to be ensured that refugee activity is *not to affect* local environment it could instead become interpreted as a regulation working in the opposite direction. For example if authorities assess that refugee activity does strain on resources and affect security such as public order and distress that cause protest from the national population, the refugees are then endangered to move back to only relying on relief assistance and aid from others and go back to the position of burden and dependency. Human capital is then lost as skills are not being used to the capacity that they might hold.

Concerning the dependency of refugees and negative associations of the burden they can pose on a community, the most far-reaching approach that in theory is presented as feasible to battle it is the self-reliance strategy. This strategy is found in the Ugandan refugee act. Their commitment to promoting such a strategy is linked to the piece of land given in the settlements. For the purpose of self-employment and wage-earning this strategy aspires to give more freedom to the refugees but also to make use of the skills that come with refugee influxes. The self-reliance strategy that then are to work as a bridge to durable solutions indicates that it exist planning for a longer period of time and not only to the immediate

rescue relief when refugees first arrive. The planning of such strategy can give structure to those not able to return to their country-of-origin and at the same time avoid protracted situations with negative spirals of brain drain and brain waste.

Concerning the cases of Kenya and Tanzania, their acts do not refer to any self-reliance. Kenya on the one hand does express commitment to durable solutions, indicating that there should be preparedness for long-stay refugees, however to less extent than in Uganda. The Tanzanian act on the other hand presents a more vague point of direction for refugees residing within their borders. Support is stated for voluntary repatriation or resettlement if one or the other is possible or wished for, but continuous residence in the country is not mentioned in particular. This results in separate fulfillments of the principle analyzed (Table 2), and pave way for different commitments and approaches to the treatment of refugees within each country's borders.

### Participation

Moving on to the last points of analysis which concern participation, this is where all of the above discussed points could be merged and come together. The explanation to this is that participation is a collective word, taking part in activity can be employment and education as well as housing arrangements. Where and how you live affect your ability to participate, and most certain the opportunity to contribute to development and sustainable long-term involvement within the society you are settled in. In this matter the three Refugee Acts are unified in how they allow or regulate participation. Turning to the social aspects of it, refugees should be respected and accepted, with aspirations to communicate and participate in their new society if they so wish. Thus, the national policies are extending an acceptance towards the incoming refugees with the ambition to make the situation a positive rather than a negative experience.

Moving to the political dimension however, participation is strictly regulated, meaning that this is not a possibility for the refugees. Any involvement, either it being a connection back to the county of origin or in the host country is considered a breach in of the refugee status and will result in persecutions. This view is consistent throughout all countries in this analysis. Consequently, such regulations pose an important question regarding if the host country's policy is positive in the sense of the migration-development nexus i.e. positioning toward a gain or a drain of skills. Arguably, by not giving the refugees any place regarding politics, this might restrict the refugees own opportunity to speak their mind about the situation in which they live in. Furthermore, the opinions do not necessarily need to be merely negative or

disturbing to the public order but voices that speak with personal experience about improvements that could be beneficial for everyone.

An overall view of the factors in this analysis show national refugee policies that do position themselves differently when put in relation to development. However, the distance between them are not too far, and the room for interpretation is visible in all the cases selected in this paper. What seems is that even if some aspects are favorable for the opportunity for refugees to take a more progressive role in their host country, some more regulated ones prevent the real effect of a more tangible contribution. Presenting as a prominent obstacle among these chosen factors is the location of refugees, the designated areas. The complexity of these regulations is that it prevents the full potential of participating in the host-country as a whole. Moreover, it complicates the overall process of development to achieve positive outcomes where host countries can benefit from the migration-development nexus.

## Conclusion

This empirical research was set out to analyze the national policies regarding refugee protection, recognition and management and is on those terms analyzed on written commitments i.e. policy documents. The conclusions drawn are made from how government directives state to act in these questions, and from that see if refugees are viewed upon and given a chance to be part of the positive attributes shown in the migration-development nexus.

Firstly, the results from this analysis recognize the relevance of the critique regarding contradictions in the policies (Nyberg–Sørensen, Hear, & Engberg–Pedersen, 2002), generally not interpreted as favorable of a positive and progressive process toward refugee influxes and development.

However, efforts are visible as well as steps in the right direction. The national policies for refugees specifics does show the acknowledgement that it is a field of its own, hence demanding resources to cope and govern. Moreover, not only recognizing development in the refugee policies, refugees are recognized in development policies. This is an important connection to value, maybe not for a revolutionary change at present but what it can bring for the future. Regarding each case separately, the Ugandan policies are seen as the strongest force towards positive impact on development as of their lead in self-reliance strategy and most expressed commitment to integration of the refugees. Tanzania is on the following path, with the settlements and deeper focus on education compared to the last country of analysis, Kenya. However, even though Kenya take a fall for development mainly as the policy

presents lower conditions in housing, their policies present higher commitment to procedures of long-term refugees.

Refugees fall under the collective concept of migration, but their unique position demands different approaches, which this analysis has explored. The important aspects to draw from findings in this paper is the lack of clarification within these documents, thus increasing the possibilities of interpretation that could lead to deteriorating procedures that leave refugees in the state of dependency. The space of interpretation will likely influence and reflect on the implementation of the policies, concluding that more interpretation in the documents result in less efficient and effective accomplishment. Although not part of this paper, the success of implementation strongly depends on the policy at hand, as it is the preceding step which ultimately navigates the implementation.

While some factors do truly strive for the potential of refugees' skills, others limit them. One more prominent factor which was revealed in the analysis would be the restriction of the designated areas. They gather all people forced to run from their homes in places they cannot leave without permission. Such practices in turn impede on the other services and rights that the refugee status holds and maybe even more importantly, it truly limits the chances of participation and consequently integration. This results in policy directives that alienate refugees who in turn might not feel belonging anywhere and therefore not wanting to participate. This plants another obstacle in the way of positive development in an already precarious situation.

Policy learnings to draw from this analysis are that more efforts are definitely needed. Firstly the situation of where refugees are to reside within a host country does require better solutions. Also, the vague directives should be revisited and structured. More emphasis on sending a clear directive also benefits the continuous work for developing stronger coherence between refugees and nationals which implies a better chance at stability and development for these countries that do need it. Lastly, as the empirical data is far from comprehensive in the South-South migration flows, clearer directives do not hold the single answer to more positive development. The reality of a subsequent successful implementation of a policy must therefore be complemented with more research concerning other influential factors which will most likely vary from each country's unique context.

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