Ruth Coates

"Mixed Migration"
Looking at Congolese Migrants in Kampala, Uganda

Master's Thesis in Development Studies, Specialising in Geography

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Supervisors: Cathrine Brun and Hilde Refstie

NTNU – Trondheim
Norwegian University of
Science and Technology

Abstract

This master's thesis explores the concept of 'mixed migration' among the Congolese urban migrant population in Kampala, Uganda. The two labels of 'forced' and 'voluntary' migrants become increasingly blurred as people move over growing distances for a variety of reasons. The labels these migrants are given determine what rights and help they are entitled to. The focus of this research is on the migrants who had chosen to stay in the urban setting, effectively stripping them of all their rights due to violating the Ugandan practice of placing refugees in settlements in rural areas. Many migrants are not used to living in a rural environment, and therefore choose to come to the urban setting to better their abilities to make a living.

The study explores why some people end up with a refugee status while others do not, even if their migration stories are similar. The migrants' perspectives towards the Ugandan regime were the main focus, and also if the migrants rights were being fulfilled. What became clear during the research is that it is not necessarily the *cause* of movement which determines what labels the migrants are given, or if they chose to register at all. By exploring the migration stories of 30 Congolese migrants and how they survive in Kampala it became evident that the label they ended up in was influenced by ways in which they maneuvered the migration regime in Uganda. Their choices were influenced by information received from their networks of fellow Congolese migrants, and therefore their 'agency' is important for a proper understanding of why people end up with different labels. The migrants are not passive but, in a somewhat limited way, active participants in the status determination process. Individual perceptions of the labels and rights, and the opportunities and challenges that follow influenced of the migrants' choice to register as refugees or use other means to be able to stay in the city. Some did not see the benefits of registering or were concerned about making themselves known in the city for insecurity reasons.

The study is about making visible the complexity of migration populations and is also an attempt to 'open up' the refugee label and to show the diversity among the people in it along with the constructed divisions it is based on. In order to reach durable solutions for people who move away from a country in conflict, it is important to understand the complexity of their situation. It became clear in the study that the migration policies in Uganda did not reflect migrants' realities, which corresponds with the concept of 'mixed migration' and why it was introduced.

Acknowledgements

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<div align="right">-Ruth Coates, May 2014</div>

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Abbreviations

CARA	Control of Alien Refugees Act
DRC	Democratic Republic of Congo
GoU	Government of Uganda
HIAS	Hebrew Sheltering and Immigrant Aid Society
ICCPR	International Covenant on Civil and Political Rights
IDPs	Internally Displaced People
IOM	International Organization for Migration
JRS	Jesuit Refugee Service
LRA	Lord's Resistance Army
NDP	National Development Plan
NGO	Non-Governmental Organization
NMP	National Migration Plan
OPM	Office of the Prime Minister
RBA	Rights-Based Approach
REC	Refugee Eligibility Committee
RLP	Refugee Law Project
UDHR	Universal Declaration of Human Rights
UGX	Ugandan Shillings
UK	United Kingdom
UN	United Nations
UNHRC	United Nations High Commissioner for Refugees
USD	U.S. Dollars

1.   Introduction

An ever-increasing number of people, divided into 'voluntary' and 'forced' migrants by the policy world, move over growing distances. The two labels are seen as mutually exclusive, not adequately reflecting the reality experienced by many migrants. Their reasons for moving have different degrees of choice and motivations, and they move in streams with a mix of people with different stories (Van Hear, 2011). Groups at risk which deserve protection may therefore not be immediately recognized (Euromed, 2013).

The concept of 'mixed migration' is of rising importance due to this increased migration. When it comes to the classification of the migrants upon arrival, governments face a challenge with people having different protection needs. Their status might have changed along the way and their motivations for movements may be mixed (IOM, 2013a). Mixed migration can be defined as "complex population movements including refugees, asylum seekers, economic migrants and other migrants" (Danish Refugee Council, 2008:1), while the UNHCR – the United Nations High Commissioner for Refugees - describes it as "people travelling in an irregular manner along similar routes, using similar means of travel, but for different reasons"(RMMS, 2013:1). The mixed migration-term reflects the growing complexities of migration in today's globalized world.

In this thesis, I consider the ways in which migrants from the same country end up with different labels in the destination country. The challenge for the receiving countries is managing these complex streams of migrants, and how to adapt their migration policies accordingly. During my fieldwork in Kampala, Uganda, among Congolese migrants, it became evident that the migrants had a clear perception of what label they belonged to, and made their choices accordingly. It was just as much their own idea of the different migrant labels as their stories influencing their decision to apply for a refugee status or not, or in some cases not to register at all.

The policy regimes have a tendency to divide the migrants in clear-cut categories as these labels are easier to handle based on single-motivations for movement like labor, insecurity, studies, threat and so on. These labels are also reflected in the way the system organize the migrants' entries and rights. It is evident that clear-cut categories can be problematic as the movement in reality can be a combination of several of these reasons. People with limited

financial means might be classified as voluntary migrants, even though they might have few other options available and in that way has been forced to move to survive. Others might change their status along the way, like an asylum seeker or a refugee, and transform from their label to a so-called 'betterment migrant'(Linde, 2011). It has therefore been said among researchers and analysts like Van Hear (2011) that there is a 'continuum' between these labels of voluntary and forced migrant, and the term 'migration-asylum nexus' has been used.

Migration can be mixed in several ways; the motivations of the movements might be mixed, the migrants use the same agents or brokers on their travel, they might travel with others in a mixed migration flow, during or after the movement incidences can occur so their motivations change, and migrants can end up in mixed communities at their destination (Van Hear, 2011). John K. Bingham (2010:2) from International Catholic Migration Commission calls for great caution in accepting a "too breezy characterization" of people, groups or whole movements as 'economic migrants'. Frequently, people who have objectively been forced to move by reasons ranging from persecution, conflict, economic or environmental necessity have been and are still being given the label of 'economic migrants' which denies them specific rights and responses proper for 'forced migrants'.

Purpose of study

The purpose of this study was to explore the concept of mixed migration and understand the complexities of migrants' stories through Congolese migrants in Kampala, Uganda. Why do some migrants end up with a refugee status and others not, when their migration stories are similar? Many migrants do not fit in the established migrant labels and migrate with a diversity of motivations, using the same routes and means of transportation. What are the consequences of ending up with different labels?

In order to get this understanding, fieldwork was conducted among Congolese migrants in the urban setting of Kampala, Uganda over 10 weeks in the summer of 2013. Interviews became the main method for data collection. Qualitative interviews were conducted with 30 Congolese migrants with a variation of migration stories who had come to Kampala over a period of almost 40 years. The main focus of the study was to unravel the migrants' own understanding of the migration system, their knowledge of rights and the labeling processes related to these rights. In addition, important actors in the Ugandan migration context like the government and some organizations were interviewed to get a better overview of the process

of coming to Uganda. My focus was on migrants living in the urban setting, as much research has already been done on refugees living in settlements/camps in earlier studies. The blurring of the mentioned labels can be even more predominant in the urban setting.

The aim of the research is to learn if and how the migrants are able to maneuver in the migration regime, and also if the Ugandan government are able to secure their basic human rights. How are these people with a mix of motivations being labelled, and what implications does it have for them?

In relation to this aim, three research questions were developed:

Research questions:

1. **What constitutes the migration regime/refugee regime in Uganda, and how do the migrants relate to it?**

   - Who are the most important actors in the regime, what is their role, and how are they related?
   - How do the migrants relate to the other actors of the regime?
   - Does the Ugandan government secure them their entitled rights?
   - How do the migrants meet the regime upon arrival?

2. **What determines the Congolese migrants' migration- status, and do they have any influence over the process?**

   - Does the status reflect their realities?
   - How does the application process for refugee status work?
   - How do the migrants themselves perceive the process of achieving a refugee status?
   - Why do some choose not to apply for a refugee status?
   - What are the migrants' perceptions of challenges and benefits of the different labels?
   - Do they actively seek to secure own rights?

3. **What knowledge do the migrants have about long-term solutions given by the Ugandan migration regime, and what do they want for their own future?**

- What solutions are the most preferred by the government in the Ugandan setting?
- Are there alternative approaches to the durable solutions provided by the UNHCR?

Where does the concept 'mixed migration' come from?

The concept has been of growing importance in terms of both numbers and political significance at multiple levels. It has its origins in the efforts in the 1990s where the goal was to draw a clearer line between refugees and asylum seekers who are protected under International Refugee Law, and those migrants who are not (Linde, 2011). Van Hear (2011) sees the notion of mixed migration as a result of two factors; an analysis from the 1990s highlighting increasingly common roots of movement, where factors of economic interest could be closely linked to violence and human rights abuse. The second factor was a growing recognition from countries in the north that the asylum systems were being abused and to some degree used for immigration purposes. Van Hear sees the recognition of the term mixed migration as a 'balancing act' where the goal was to recognize the state and the public concerns for migration overall, while also trying to maintain the liberal position on the acceptance of refugees (ibid.:4).

Bingham (2010) provides other reasons for why the concept has received increased attention; the impact of these movements have raised the issue of this challenge to the media and to the political and humanitarian agendas. The ways people move in irregular movements are among the most dangerous, with a great deal of risk and suffering along the way. Bingham (ibid.) further says that mixed migration is complicated at times but the need for protection is not. Another reason for this focus is the increased attention to human rights in the humanitarian sector, coupled with the fact that many international development agencies have increasingly begun to frame their work in terms of rights (VeneKlasen et al., 2004). Each of these migrants are entitled to not only their basic rights as human beings, but depending on their routes and what have happened to them along the way, they might be entitled to very specific rights and assistance. When arriving together in a mixed group, the individual differences might be hard to perceive, representing an important challenge to overcome to be able to give people the protection and help they are entitled to. In his report "Mixed Migration - a humanitarian counterpart", Thomas Linde states that:

> *Migration is a dynamic and social phenomenon, in which opportunities and risks are interrelated and ever evolving. Public policy must be set in a dynamic manner so as to keep migratory options open and avoid situations where winners and losers are rigidly defined and locked into their status (Linde, 2011:94).*

The UNHCR has also acknowledged this challenge of mixed migration and published the report "Refugee Protection and Mixed Migration: A 10 - Point Plan of Action" in 2007. The report was made to assist governments and other stakeholders to incorporate refugee protection considerations into their own migration polices. Later, however, the organization chose to distance themselves from this as they felt that it could compromise its mandate of refugee protection. The concept of mixed migration is in the report claimed to be central to protect asylum-seekers and refugees within these large mixed migration movements. One key aspect is international cooperation among countries and actors working with migration management (UNHCR, 2007). The 10 Point Plan also includes suggestions to a better usage of international and civil society organizations in the process (Euromed, 2013).

To be able to reach solutions it is necessary to *unpack* this concept of mixed migration as the real challenges in the term lies in distinguishing the specific groups within these flows. When only one group in distress is granted protection it is natural for people in similar situations to enter the protection mechanisms and procedures as this may be the only security offered. What is needed is a clear understanding of the full range of rights and obligations under international law and treaties (including the 1951 Refugee Convention) to provide the appropriate assistance and protection (Bingham, 2010).

This thesis is a continuation of this debate. When I am speaking of mixed migration it does not only evolve around the *causes* of flight, but the whole process *after* the flight and how people maneuver the system; how people migrating from the same country and ending up at the same destination, still end up with different labels. Although all of my informants migrated because of insecurity reasons, they did not all identify themselves as refugees/asylum seekers.

Choosing a study area

Uganda was chosen as a study area because of the vast number of migrants/refugees they receive every year. I therefore believed it to be a suitable place to explore questions on mixed migration. The big migrant population is a result of the position of the country which lies at the heart of an area which has become known for instability and wars over many years. I

chose to look at the Congolese migrant population because of its history with the long-lasting conflict, and also because it is the neighboring country to Uganda. Because I speak some French, which is one of the official languages in Congo, I believed that this could help me in the process, which it also did. Throughout the thesis I have chosen to refer to the DRC simply as 'Congo', despite possible confusion with the neighboring state 'Republic of Congo' (which gained its independence in 1960) as all of the people I met consistently used this name.

Kampala, the capital of Uganda, has about 1.7 million inhabitants (UBOS, 2012) although the day population is said to be substantially higher. The city lies by the northern shore of lake Victoria. The conflicts in the surrounding countries have led to stable migration streams for years, and as of January 2013 there are about 118.000 refugees and asylum seekers from the Democratic Republic of Congo in Uganda (UNHCR, 2013). If we include those who have not registered, it is clear that the number of Congolese migrants in the city is substantial. Another reason for choosing Kampala is because NTNU have had many students there so there is a close cooperation already in place. The support of my Ugandan classmate, Peter Wandera, was also important as he was doing his own fieldwork in Kampala at the same time. His help the first weeks made the fieldwork a lot easier to complete.

Migrants in the urban setting in Kampala

Uganda has generally been known for its generosity towards refugees, but the focus of the country has been on placement in rural settlements. As I wanted to take a closer look at the urban migrant population, all of the interviews were conducted in Kampala except for one which took place in the nearby city of Entebbe. Migrants in the urban setting were going to be my focus because the humanitarian sector has tended to focus on the camps and settlements and therefore less is known about people having fled from conflict living in an urban setting.

Migrant labels
Throughout the process of writing this thesis, the way to classify these migrants was difficult. This is also something I wanted to show – that the limits between the different types of migrants are blurred. The concept of 'labeling' is important, as the labels people are given is important regarding the migrants' rights, and also what type of help they are entitled to. This is significant for the different actors and humanitarian agencies when it comes to how and who they should help. In the next section I will therefore give some definitions of the migrant labels as I have used them throughout this thesis.

A universal definition for a migrant is hard to find because several definitions exist. According to the International Organization for Migration "the term migrant is usually understood to cover all cases where the decision to migrate is taken freely by the individual concerned for reasons of 'personal convenience' and without intervention of an external compelling factor"(IOM, 2012:11). This definition only includes people coming at a voluntary basis. The United Nations on the other hand defines migrant as "an individual who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate"(ibid.). This definition excludes people travelling for shorter periods, although the most common way to use the word is to include short-term migrants like people travelling in cyclical migration.

I have chosen to use the United Nations definition, and also include the short-term migrants as that is how many understand the word today. This definition of 'migrant' includes all of the people I interviewed that had come to Uganda for several reasons and for a variation of time ranging from days to decades, although the majority was there on a long-term basis. That is also the reason this is the term most used when talking about the people I interviewed as it is the label which covers all of them.

An economic migrant is someone who has left on a voluntary basis to improve his/hers quality of life. The label can also be used to differentiate from refugees who are fleeing persecution, people entering a country without a legal permission, or people trying to go through the asylum seeker process without a 'valid' cause. Most commonly the economic migrant-label is used for people who migrate because of employment in a different country (IOM, 2013b), but the term was not commonly used among the migrants themselves, only with the organizations and the government officials I talked to. The term 'mixed migration' was not well-established, and several people clearly saw the division as very clear-cut between voluntary and forced migrants. A few of the migrants I talked to had ended up with the economic migrant-label even though they were fleeing persecution in Congo. This was because they did not have the possibility to leave their work to go through the time-consuming process of acquiring a refugee status.

Asylum seeker versus refugee

Throughout the thesis I have used these labels, because they are the legal definitions used by the Ugandan government. As I will show in the later chapters, these labels can be challenged

as people often have a god mix of motivations, and also own preferences of what label they belong to and different ways of maneuvering the migration system.

The 1951 Convention Relating to the Status of Refugees defines a refugee as:

> *Any person who owing to a 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/her nationality and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country (IOM, 2013b).*

While an asylum seeker is:

> *A person who seeks safety from persecution or serious harm in a country other than his or her own and awaits a decision on the application for refugee status under relevant international and national instruments. In case of a negative decision, the person must leave the country and may be expelled, as may any non-national in an irregular or unlawful situation, unless permission to stay is provided on humanitarian or other related ground (ibid.).*

Outline of thesis

I have in the previous sections given a brief introduction on the topic of mixed migration and why the study area Kampala was chosen with a focus on Congolese migrants. The overall aim for the thesis has been provided as well as the research questions formulated to explore this theme. The thesis consists of eight chapters, starting with this introduction. The second chapter gives the necessary understanding of the background of the long-lasting, complex conflict in The Democratic Republic of Congo (DRC) to understand why people move. An introduction to Uganda as a migrant receiving country is also given, showing that the country has received a huge number of refugees for many years due to the instability and conflicts the region is known for. The concept of mixed migration and the challenges that follows is explored before I give a brief introduction to the Refugees Act 2006, the legal document regarding status determination. This is the legal framework Uganda use when determining who is entitled to a refugee status and who is not. Finally the three durable solutions introduced by the UNHCR are presented.

The third chapter presents the theoretical framework developed to study mixed migration where the concepts of 'regime', 'agency', 'labeling' and 'human rights' are central along with actor-oriented approaches and the rights-based approach. In the fourth chapter I present the

methods I used while in the field to get the information I needed where qualitative methods are presented based on my own experiences in Kampala. The fifth, sixth and seventh chapter are dedicated to analysis and answering my three research questions. Chapter five analyzes the migration regime in Uganda, how the migrants relate to it, and to what degree their rights are secured. The sixth chapter explores the meeting points between the people and the regime with a special focus on the status determination process. The final analytical chapter explores the long-term solutions available for the migrants where the three durable solutions of repatriation, local integration and resettlement is used as a starting point, while presenting alternative solutions found among the Congolese migrant population I visited. The thesis concludes with the eighth chapter where a brief summary of the main findings of the research is presented in relation to the given research questions.

2.   Country of origin and country of destination – Congo and Uganda

The following chapter is dedicated to give a historical background for the complex conflict in The Democratic Republic of Congo (hereby referred to as 'Congo' as explained in the introduction). This helps provide an understanding of causes for migration from Congo in general, and also gives the background for movement for my migrant informants. A section on migration within and out of Congo is also given. The second part is focused on Uganda's history of receiving migrants, both from neighboring countries and within its own borders. Uganda struggles with poverty among its own citizens, which is part of the reason why migrants from other countries coming into the country do not get the help and proper protection they are entitled to. Concerns around refugees' rights are presented, in addition to human rights in the general context of Uganda as the country has been criticized for human rights violations from the international community. Furthermore, I will give an outline of the Refugees Act 2006 which is the new domestic legislation relating to refugees in the country. This legal document is connected to the durable solutions to migration introduced by the UNHCR. These three solutions of repatriation, local integration and resettlement is defined and also linked to the Ugandan context to see how the country relates to these solutions. Giving the ability to find durable solutions for their migrant population is the very basis of the migration regimes' existence

Conflict history of Congo (DRC)

Congo is often regarded as one of the wildest, most colorful and anarchic countries on our planet. The country is the second biggest in Africa (after Algeria) covering an area the size of Western Europe, with a population of around 75 million. Congo is extremely rich in terms of natural resources, and most of the conflicts that have haunted the country for decades have been driven by the desire to control these. Congo have provided raw materials that have contributed to western industrial development for generations, but unfortunately the Congolese population has not benefitted from this. The country have managed the extraordinary with coming up with just the right resources at just the right time in the worlds industrial development. These minerals could potentially give Congo a much better future, but

have ended up like a curse instead of a blessing for the country now listed as one of the poorest in the world (Barnwell, 2013).

For centuries foreign powers have come to invade and exploit the country of its wealth, from the Portuguese in the 15th century to King Leopold of Belgium and the Belgian state in the 19th century. Under Leopold's 30 years of rule an estimated 10 million Congolese died in his famous work-camps - about half of the country's population at the time. After Congo finally received their independence in 1960, the greedy government has been more interested in plundering the land, and there has been no real effort to create a modern, functioning state. Belgium did not prepare the state they had controlled for almost 80 years for independence. People in senior positions in the colonial administration were almost exclusively Belgian, and Congo's army, economy and administration were effectively Belgian-run. When independence was gained only 16 Congolese had a university degree, and there were no lawyers, doctors, economists or engineers in the country (ibid.).

In the early 70s Joseph Mobutu seized power over a weak government and ruled as a dictator for more than 30 years. He soon got the reputation of using the country's resources for personal gain and he changed the name from Congo to 'Zaire' in 1971. During his rule roads were worn away by neglect, the telephone system gradually collapsed and the postal service came to an end (McGreal, 2008). People got poorer and started taking matters into their own hands to be able to survive. Especially in the rich mining areas, where other countries soon came with troops to back the local government, many with the belief that they could plunder some of the wealth for themselves. Mobutu was followed by Laurent-Desire Kabila who overthrew Mobutu in a bloodless coup in 1997, and re-named the country 'The Democratic Republic of Congo' (the DRC).

Since the mid-90s the country has been well-known for being an area of interconnected conflicts ranging from local disputes over land and resources, greedy conflicts with rebel groups and neighboring countries, and ethnic and political grievances (Williams, 2013). Shortly after the fall of Mobutu, "The great war of Africa" started in August 1998 and officially lasted until July 2003. The conflict started between Congo and Rwanda, and neighboring countries quickly got involved. It was the world's deadliest conflict since WWII and an estimated 5 million people lost their lives (Barnwell, 2013). In 2001 President Kabila was assassinated by one of his own bodyguards, and his son, Joseph Kabila took over as president. He got a peace-agreement signed but the area still face ongoing cycles of violence.

President Kabila was formally elected in the first democratic election in over 40 years in 2006 and is still the sitting president (HEAL Africa, 2014).

One of the major problems since independence is that the state has been too weak to impose control of the vast territories. Coupled with a lack of both infrastructure and proper hospitals this poses a severe challenge for the country. According to the UN, Congo now has one of the worst living conditions in the world with a life expectancy of 48 years (in 2011), and millions have died in recent wars. BBC News (2014) reports that 1200 people are killed *every day* as a direct or indirect result of the conflict - more than half of them children. Hundreds of thousands of women have been raped over the years, an action done as a weapon of war (Barnwell, 2013) .

Because of the country's unfortunate history with slavery, colonization, the industrial revolution and the Cold War, Congo has been robbed of the chance to shape their own future (ibid.). Numbers from the UNHCR assume that about 450,000 refugees remain in neighboring countries because of the ongoing instability (UNHCR, 2014b). One of the reasons for its continuation is that many multi-national companies' benefit from the illegal trade in minerals, where Coltan (a mineral used in the production of smartphones) currently is in high demand

Migration within and out of Congo

As a result of the long-lasting conflicts between numerous actors people have been fleeing for many years, often to neighboring countries like Uganda, but also within its own country resulting in a huge number of internally displaced people (IDPs). Other reasons include the economic climate and bad governance which results in strong internal and international mobility. In addition to this, people move in search of better living conditions (IOM, 2014). As of December of 2013, Congo holds almost 3 million IDPs where the majority has fled from the north-east part of the country. At the same time about 450.000 refugees remain in the neighboring countries. By contrast, in 2012-2013 more than 100.000 refugees where assisted with return to Congo which demonstrates the changing situation in the country to this day (UNHCR, 2014b, UNHCR, 2014e). Regarding Congolese abroad, estimates vary from 3-6 million, but accurate numbers are hard to obtain due to the lack of official, reliable data (IOM, 2014).

Map of the Democratic Republic of Congo and Uganda
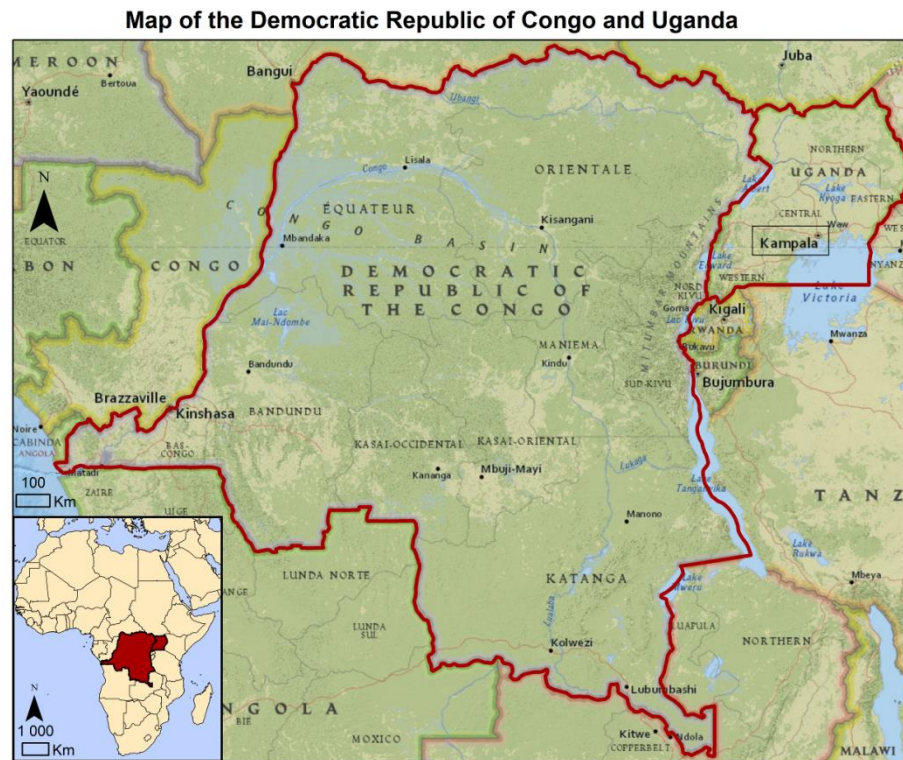
Figure 1. Map of the two countries, the study area Kampala is marked in the north-east. (ArcGIS Base Maps, 2009).

Uganda as a migrant receiver

Uganda is a land-locked country in East Africa bordering Congo, Kenya, Rwanda, South - Sudan and Tanzania - many of them with unstable political and economic histories. It has been, and continues to be, a major hosting country for refugees as the country is located in the center of a region known for instability and conflict. The country was a British colony until 1962, but from that time up until the mid-80s, it has been the haunted by conflicts. The Prime Minister from 1962, Milton Obote, suspended the constitution and took all government powers in 1966 and declared himself President. Army general Idi Amin overthrew the struggling government through a military coup in 1971and drove the country to ruins, both morally and economically. Six years later Obote was back and ruled for seven more years where horrific killings by the army continued. An armed conflict between the government and The Lord's Resistance Army (LRA)[1] lasted for more than 20 years and has been called one of

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[1] LRA is a rebel group led by Joseph Kony, which originated in Northern Uganda as a movement to fight for the interests of the Acholi people. The leader lost support quickly has led a terrifying regime for the last 24 years targeting attacks on innocent civilians, and kidnapping children before forcing them to fight for his movement WARCHILD.ORG. 2014. *The Lord's Resistance Army* [Online]. Warchild.org. Available: http://www.warchild.org.uk/issues/the-lords-resistance-army [Accessed 04.04.14.

the world's worst humanitarian crises. During the rule of Obote and Amin, half a million Ugandans died and about 1.7 million people had fled from the north. In 1982 Yoweri Museveni had mobilized supporters in opposition of the two former leaders and managed to take charge of the country. He is still in power after winning a fourth term of office in the February 2011 elections. This makes Museveni the longest-serving leader in East Africa (Our Africa, 2014).

Uganda has had a struggling economy with 56 % of the population living below the poverty line in 1992/93. This had decreased to 31 % in 2005/06 and in 2012, the country ranked 161 of 187 on the Human Development Index (IOM, 2013c). Despite its own poverty, the country is still known for its generosity towards refugees, and has been hosting on average 161.000 refugees per year since 1961. Uganda is also known for providing its population of refugees in the settlements a plot of land to grow their own food to prevent dependency on food and other assistance (UNHCR, 2014f).

The conflict areas in the north-east of Congo shares its borders with Uganda and as a result the country is a natural choice for people when they have to move. There are several transit centers placed at critical border points where fleeing migrants are received and sent to the Ugandan settlements after been given refugee status on a prima facie basis[2]. The Congolese represent 2/3 of the total refugee and asylum seeker population in the country (UNHCR, 2013). Because of the changing situations in Congo, massive influxes of people come within short periods of time. In July 2013 while I was doing fieldwork 66.000 Congolese crossed the Ugandan border within days. Before this recent influx, Uganda already hosted 210.000 registered refugees and asylum seekers, where according to the UNHCR 63% of these came from Congo (Nations, 2013).

The International Organization for Migration (IOM) in cooperation with organizations like SIDA and NORAD, developed a comprehensive migration profile for Uganda released in November, 2013 (IOM, 2013c). They recognized an urgent need for a comprehensive understanding of migration in the country and emphasize that the lack of organized data has prevented government institutions to make suitable decisions regarding policy development. (The last census was conducted in 2002). An additional challenge is that the country has four

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[2] "the recognition by a State of refugee status on the basis of the readily apparent, objective circumstances in the country of origin giving rise to exodus. Its purpose is to ensure admission to safety, protection from refoulement and basic humanitarian treatment to those patently in need of it" RUTINWA, B. 2002. *Prima facie status and refugee protection, Working Paper No. 69,* Evaluation and Policy Analysis Unit, UNHCR.

ministries who are responsible for primary areas of migration policies and activities, but there is a lack of proper coordination among them.

Urban migrants in Kampala

A majority of migrants entering Uganda from other countries are asylum seekers, and many struggle to get healthcare, education, police services and to reach a proper market. According to a study conducted in Kampala in 2010 on livelihoods for urban refugees by Krause-Vilmar (2011), in cooperation with the Women's Refugee Commission, the formal economy in the city is not yet properly developed and and is strictly regulated so people, both Ugandans and foreigners, are required to turn to the informal market where overpriced goods and unstable seasonal employment is the standard. People rely on social networks to get access to jobs, credit and protection, and for newcomers this might be a challenge as many lack a proper system of support in the city. The Congolese refugee population is the largest in Kampala, and in 2010 15.500 were registered by the UNHCR. Many stay in the city without registering making it difficult to obtain the total number of refugees. Kampala has a big number of people living in poverty, foreigners and locals, where more than 60 % of the entire population lives in slums (Krause-Vilmar, 2011).

Human rights and the rights of refugees in Uganda

States are responsible for the protection of human rights for everyone within their territory. As a consequence, the international and regional human rights are important to define and protect integrations standards for people who have been recognized as refugees. Uganda is a member of the United Nations and also of the African Union. The country signed "The 1951 Convention relating to the Status of Refugees" and its "1967 Protocol" on the 27th of September 1976 (UNHCR, 2011). The Convention is the key legal document in defining who is a refugee, the rights of individuals who are granted asylum and the legal obligations of states that grant asylum. It further states who do not qualify as refugees, like for example war criminals. The "1967 Protocol" removed both temporal and geographical and restrictions from the Convention. International human rights law also offers a complement to the convention as it provides a minimum core content of human rights regarding their legal status. From the international treaties the states have ratified, they are obliged to give refugees the highest standard or the provision which is most generous of these. As some of these address specific issues and rights which may not have been mentioned in the 1951 Convention,

"human rights instruments often play a significant role both in further **defining** and **protecting** (i.e. enforcing) refugee integration rights" (UNHCR, 2006:15).

60 years after its implementation, the 1951 Convention is still seen as a cornerstone of protection, even though there have been modifications along the way. Examples of the obligations following this convention is to cooperate with the UNHCR and to inform the UN about laws and regulations they may adopt to guarantee the use of the Convention (UNHCR, 2014a). UNHCR started its cooperation with Uganda in 1964, and had for a period the responsibility for status determination for far more refugees than the Ugandan government could handle. Now, UNHCR only has supervision status, and the determination is entirely up to the government (Olema and Mulumba, 2009).

Uganda is also signatory of the 1969 Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa which are agreements that detail the rights of refugees (Krause-Vilmar, 2011). The International Covenant on Civil and Political Rights (ICCPR) was ratified without reservation in 1995 and the African Charter on Human and Peoples' Rights (ACHPR) in 1986, also with no reservations. Further, Uganda has ratified many of the UN Human Rights Conventions, and has therefore committed to follow the standards in these documents (Claiming Human Rights, 2010). However, Uganda has struggled to fulfill these obligations for *all* of its citizens. One reason is the financial situation the country is in, even though this is currently improving. Challenges include proper sanitation facilities, internal displacement and the development of sufficient infrastructure.

Some examples which shows how Uganda not always safeguards the human rights in the country, which also can be seen in relation to the context that refugees have to relate to is Presidents Museveni's ongoing threats to freedom of expression, assembly and associations. The Human Rights Watch (2013) (HRW) has raised concern over these issues and explains how security forces have the freedom to torture and kill. The HRW further points out the at least 49 people who were killed during protests in 2009 and in 2011. Further the "government banned a political pressure group calling for peaceful change, obstructed opposition rallies, and harassed and intimidated journalists and civil society activists working on corruption, oil, land, and sexual rights" (Ibid.:1). Most recently, the well-known Anti-Homosexuality Bill has caused great involvement from the international community, and in February 2014 the President signed the bill into law, making it possible for life-imprisonment for homosexuals (Human Rights Watch, 2014)

The Refugees Act 2006

The Refugees Act 2006 (also known as 'The Act') is the legal instrument that the Ugandan government utilizes in the status determination process of people entering the country applying for asylum. The procedure of making the Act started in 1998 and finished in 2006, but it was though not put into force until 2008 when the government and parliamentarians passed a range of bylaws. Regulations to operationalize it were passed in 2009 (Sharpe and Namusobya, 2012, RLP, Undated). The Act is a 37-page document which includes a refugee definition based on the 1951 Convention. It has six parts covering issues of determination of refugee status, administrative matters, refugee rights and the establishment of a committee for refugee status determination and the procedures for it.

The Act replaced the debated "Control of Alien Refugees Act" of 1964 (CARA) which was seen as discriminatory and had therefore been highly controversial. The CARA was a law designed to *control* alien refugees in Uganda, not to ensure their protection, and it also fell short of human rights standards. It did not have an objective definition of the term 'refugee', isolated them in rural settlements and made it illegal to leave the camps without proper approval. Further, CARA did not mention the international rights of refugees, which are spelled out in conventions Uganda has signed. Examples of this was the right to identity papers, property, gainful employment, travel documents, freedom of movement, protection against non-refoulment, protection from arbitrary expulsion, education, public relief, access to courts of law and the general right of protection. According to the Refugee Law Project "the CARA directly contradicted and thereby violated certain refugee rights specifically provided under the international instruments" (RLP, Undated:2).

A Refugee Eligibility Committee (REC) is appointed in the Act and put in charge of the status determination process, and an appeals board was chosen to deal with rejected cases. The UNHCR's representative in Uganda, Stefano Severe, expressed that "Asylum seekers have been accorded a very good law, which embodies some of the best regional tenets on refugee law" (Akello, 2009:1). The Act is viewed as a model for Africa, and includes the right to work, freedom of movement and the right to live in settlements and not refugee camps. I will further discuss the differences between the two in chapter five. The Government of Uganda assigns land for refugee settlements to be used for housing and farming. Compared to the camps, these provide better livelihood opportunities for the affected population, which reduce

the dependency on food distributions and other assistance. To promote self-sufficiency among the arriving migrants is an important part of the Ugandan policy (UNHCR, 2014c).

It has been widely agreed among several actors that the new Refugees Act is progressive, human rights- and protection oriented which is a big improvement of the CARA which it replaced. It has thus been criticized by several, like the RLP and Sharpe & Namusobya in the International Journal of Refugee Law to have several deficits, loopholes, inadequacies and room for excess. Sharpe and Namusobya (2012) further argues that the guarantees the Act claims regarding freedom of movement and residence, associations and expression and the right to work fell short when measured against the standards guaranteed by regional and international refugee and human rights instruments to which Uganda has signed (ibid.). Some of the fundamental challenges of the Refugees Act 2006 and the main arguments against it will be further discussed in chapter five.

Durable solutions to migration

The durable solutions discussed for the refugee population in Uganda is based on the three solutions introduced by the UN of 'repatriation', 'local integration' and 'resettlement'. The introduction of the three solutions started after WWII when the international community recognized an acute refugee crisis and needed a suitable solution for the tens of millions of refugees in Europe and elsewhere that was not able to return to their home countries. Most of these refugees were repatriated by force to their home countries in East and Central Europe, but at the end of the war over a million refugees refused to go home in fear of persecution. The International Refugee Organization was established to resettle this last population of refugees to locations around the world. Some were not able to be resettled because of age, disability, unsuitable jobs etc. and therefore remained in camps in Western Europe until the early 60s. The UNHCR was established at the end of the 1950s and focused on local integration to solve this unwanted situation. The process was time-consuming, and some years later the rest of the world became aware that governments and the international community was not able to solve the situation for many of the displaced people which had been living in settlements for over a decade. A global campaign was launched collecting millions of dollars to help the the remaining population to resettle or integrate locally (Loescher, 2012).

The three solutions of repatriation, local integration and resettlement are still valid today. Repatriation is the process of returning a person to their place of origin or citizenship, and is

often regarded as the 'ideal' solution to displacement by the international community provided that the return is voluntary and sustainable (UNHCR, 2006). Local integration is the end-product of a long process where self-reliance is an important component. It "requires a preparedness in the part of the refugees to adapt to the host society, without having to forego their own cultural identity" (UNHCR, 2006:8). It also requires that the host communities are welcoming and responsive to the refugees, and a public system that can meet the needs of a complex population. Related are legal, economic and socio-cultural processes like the granting of a wide range of rights, being able to pursue a sustainable livelihood, and being able to live without being discriminated or exploited (ibid.). Barbara Harrel-Bond (in Dryden-Peterson and Hovil, 2004:28) has outlined a simple definition of local integration in a refugee context as "a situation in which host and refugee communities are able to co-exist, sharing the same resources – both economic and social – with no greater mutual conflict than that which exists within the host country". Finally, resettlement can be defined as "the transfer of refugees from the country in which they have sought asylum to another State that has agreed to admit them as refugees, granting them permanent settlement and the opportunity for eventual citizenship" (UNHCR, 2014d:51). This is an important solution in protecting refugees at risk, but only a small percentage is granted this solution.

The UNHCR had 6.5 million refugees under their mandate at the end of 2012 that had been in exile for more than five years. Many are not able to find work or in other ways become self-reliant and "the waste of human potential is enormous, and the impact of relentless poverty intolerable for those concerned" (UNHCR, 2014d:49). The UNHCRs ultimate goal is to find durable solutions which will enable refugees to rebuild their lives in peace and dignity. Whether or not a durable solution is within reach, UNHCR helps refugees to live more fulfilling lives in the country of asylum, and also to influence governments to include people of concern in their national plans.

Durable solutions in the Ugandan context

Uganda is, like several countries in Africa, plagued with poverty, recognized by the lack of resources and infrastructure for social services. A difficulty in gaining access to economic markets is also a major challenge. This has led to the local settlement structures being supported by international donors to be seen as the optimal solution for the many refugees in the country (Dryden-Peterson and Hovil, 2004). In an official report available from the Ugandan government regarding the role of Office of the Prime Minster (OPM) - The

Directorate of Refugees, the Vision Statement states: "Achieving self-reliance and local settlement for refugees and to promote social development in the refugees hosting areas as a durable solution to the refugees' problems"(OPM, 2012 para.7). It is further described how a number of refugee settlements have been set up in different districts of the country, and that asylum-seekers and refugees choosing to stay in Kampala instead of in the settlements are expected to be self-reliant (ibid.). Policy makers have stated that the original objective of the local settlements was to promote a degree of self-sufficiency among the refugees by allocating land to them, but this has not been a success due to a lack of arable land, and restrictions of movement which have limited the refugees' access to proper markets. The debate around settlements will be further explored in chapter seven.

The settlement policy makes it clear that Uganda does promote local integration in the conventional way as explained above. Refugees are denied support when they choose to stay in Kampala instead of the settlements to avoid that a surge of refugees to the cities. When possible, repatriation is a desired solution, but because of the complex, protracted situation in Congo, for many not always a viable alternative. Resettlement to a third country is possible, but only for the ones regarded most vulnerable, and only a fraction of the refugee population gets this opportunity.

It is obvious that the situation in Uganda is challenging in many ways in terms of reaching durable solutions for its huge migrant and refugee population. I have in this chapter given an outline of the situation in Congo to understand why people migrate, and also the setting they arrive in when they come to Uganda. The human rights related to refugees and the legal framework governing the incoming migrants has been briefly presented and combined with possible durable solutions. In the next chapter the theoretical framework that has guided me in the analysis of this thesis will be presented.

3.   **Theoretical approach for studying mixed migration**

In the following chapter I will explain some of the concepts that have guided my research and subsequently forming my theoretical approach. During the preparation, fieldwork, and finally writing, these concepts were modified and changed several times as the research evolved. I will begin by presenting the actor-oriented approach which stresses the importance of human 'agency'. The concept of 'regime' is useful when exploring migration in a given setting, as this is what the migrants have to relate to upon arrival in a new country. The process of 'labeling' is presented as this is a good way to see how the regime works in practice as the labels define the rights people are entitled to. A discussion of the importance of networks and rumors for accessing information and support will be viewed as this was essential for the migrants I interviewed, also influencing their relationship with the regime. In relation to the 'regime' the notion of rights are essential which will therefore be elaborated. The human rights can be seen as one of the instruments of the regime, making them crucial for the rights-based approach. By using an actor-oriented approach I recognize the dynamics and interactions between the migrants themselves and the constraining migration regime they have to relate to. The approaches and concepts I present here will form the basis for my analysis.

Actor-oriented approach and the importance of 'agency'

The actor-oriented approach was selected because it enabled me to answer my research questions in the best way as the migrants themselves were the main focus during this research. According to Norman Long (2001:13) a dynamic approach to understand social change is required which enhances the importance of "the interplay and mutual determination of 'internal' and 'external' factors and relationships, and which recognizes the central role played by human action and consciousness". A way of acknowledging this relationship is through an actor-oriented approach. This approach arose as a response to the structural perspectives and individualist perspectives regarding the shaping of human behavior. The structuralist perspective focus on *external* factors as the most important for human action, versus the individualist focuses which emphasize how *internal* factors are the most crucial. Structuralists believe that development will happen on the expense of the poor and others who fall behind or out of the process. This will then lead to an uneven web of economic and political relations, and the process of development will benefit the most powerful. The people falling

behind will be forced into cooperation with limited control to make decisions concerning their lives. This will as a consequence reduce their autonomy. According to Long (2001) it is not a good approach to base social analysis exclusively on external determination. The individualists believe that opportunity to control their own behavior rests within themselves and include factors like knowledge, attitudes, beliefs and core values.

In considering the relation of actor and structure, sociologist Anthony Giddens is important in the debate as he was concerned about how social systems are bound together in time and space. He argued that the establishment of social structures are both enabling and constraining on social behavior, and that they cannot be understood without allowing for human agency. According to Giddens, 'agency' is based on the idea that the individual is a perpetrator of events, and that it is always a possibility to act in a different way. The concept is not a given quality but rather "*how* it is possible to act as agents" (Dyck and Kearns, 2006:87). In this way, Giddens makes a distinction between discursive and practical consciousness, which is what individuals can formulate about own actions versus what they know about how to do things in social life in various contexts, but which they may not be capable of putting into words (ibid.) Giddens "structuration theory" tried to bridge the gap between the two approaches by claiming that social structure is both the medium and the outcome of social action. Therefore, agents and structures are equally constituent units in society (Long, 2001).

To recognize the interplay between agency and structure is critical in the actor-oriented approach in order to understand human action. Opportunities as well as limitations to the involved actors are evident in this complex interplay. People should not be looked at as passive recipients of interventions, but as active participants who make decisions and process information through different local actors as well as outside institutions and workers. In this case, it is also interesting to look at the importance of social networks for information and support which I will elaborate on at the end of this chapter and provide a definition of 'networks'. Individuals are conscious and respond differently to similar external and structural situations, and therefore it is not possible to generalize social change. Actors look at circumstances in different ways and they strategize and act based upon own perceptions. Long (2001:240) has defined 'agency' as "knowledgeability, capability and social embeddedness associated with act of doing (and reflecting) that impact upon or shape one's own and others' interpretations" . In other words; actors are reflexive, capable individuals who have knowledge about their own situation and make choices accordingly, even under limiting and constraining situations. 'Agency' can further only be effective through social relations, and to

have a network of actors is essential to be able to make use of one's agency. To be able to manipulate networks of social relations is included in the notion of 'agency', and the influences the actors gets exposed to like claims, order, and information are items of interpretation and action. It is important to mention that the notion of 'agency' varies across cultures and is not a constant and universal concept. This is because there is a big range of different rationalities, desires, capabilities and practices among people (ibid.).

By taking an 'actor-oriented approach' in this study I want to get an understanding of how the migrants experience the regime on the ground; their understandings of it, their needs and priorities. As Norman Long (2004:16) explains:

> *The utility of an actor-oriented approach is that it forces us to inquire into how far specific kinds of knowledge (our own included) are shaped by the power domains and social relations in which they are generated and embedded. This helps us to determine the degree to which specific actors' lifeworlds, organising practices and cultural perceptions are relatively autonomous of, or 'colonised' by, wider ideological, institutional and power frames.*

It is clear that this approach is suitable for the issues I want to study, and also for the relationship between the actors on the ground (the migrants) and the structural framework they relate to (the migration regime). The concept of agency is of key importance in how I am going to study this, looking at peoples' capacity to maneuver the system. Congolese migrants are capable of finding ways of coping with their lives, even in their very limited situation. By using the actor-oriented approach, the migrants 'agency' became visible in this setting as I realized that the Congolese migrants were clearly active in the attempt to improve their own situations and solve own problems, often through their existing networks, as many had given up getting help from either the government or other organizations.

Taking an actor-oriented approach to 'regime'

In the mixed migration debate, the concept of 'regime' is central, as the migrants have to relate to the migration regime in the country of arrival. I wanted to understand the regime through the eyes of the migrants themselves, and therefore chose to have an actor-oriented approach as explained above when studying central actors in the Ugandan context. I will start by defining the concepts of 'regime' and 'actor-oriented approach' and show the relationship between them regarding my own research of mixed migration. This can be connected to the mentioned structure-agency-debate. I will also mention the international human rights and the

rights-based approach in relation to this as human rights is an important instrument of the migration regime. The concept of 'agency' is closely connected to this framework as well as it was obvious that the migrants in their own ways did have some influence over the regime in the labeling-process, even though it might be somewhat limited.

Regime

The concept of 'regime', and especially 'international regimes', have been important in studying international relations since the 1980s. In principle, the study of regimes "is an effort to understand the means and conditions under which states cooperate with one another" (Brahm, 2005: para.1). The interest was a result of dissatisfaction with the leading ideas of international order, authority and organization. Policy dilemmas and a change in politics after WWII lead to new forms of coordination and organization as a consequence of the growth of interdependence. In the study of formal organization there was according to Haggard and Simmons (1987) lacking a collection of state behavior that appeared organized or regulated in a broader sense. Therefore, the study of 'regimes' tried to fill the gap by trying to define a focus in between the international structure and formal organizations. The analysts believed that the state action patterns are influenced by the norms in society, and this behavior was consistent with the search for interests of the state (ibid.). The concept of 'international regime' could replace the outdated "descriptive studies of international organizations with something better adapted to understanding the variation in both the substance and the form of cooperative arrangements among states and to explain how actors might converge on shared understandings given that they do have a range of choice" (Peterson, 2010: para.6)

The shift marked a change in the study of international organization from the exclusive focus on formal international organizations. In an article by Stephen D. Krasner published in 1982, he stressed the normative dimension in international politics and defined regime as "implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations" (in Brahm, 2005: para. 3) and this definition is still relevant in the present day. A simpler version is according to Webster's dictionary the term is defined as "a form of government", while the Oxford English Dictionary describes it as "a government, especially an authoritarian one" (Merriam-Webster's Online Dictionary, 2014, Oxford Dictionaries, 2014) . The last definition fits well with how the concept is being used today in the global media where it tends to have a negative connotation to it. When applying the 'regime'-label on a country it often represents

an authoritarian government or a dictatorship where the citizens have very few rights and democracy is absent. Examples where this is being used today is for the 'Syrian regime' and the 'Afghan regime'.

The research on 'regimes' today has been evolving around how they are formed and transformed, and also their influence on behavior. In this thesis the focus will be on the 'migration regime', where also the 'refugee regime' is important as many of my informants were refugees themselves. The definition of a refugee regime used to evolve around "laws, policies and practices set up to deal with 'refugees' as defined by the 1951 Convention" (Mertus, 1998:322) where the state had the central role. Now other actors have been included like those who are displaced by war and the less formal systems and actors that interact or compliment the original systems and mechanisms. Scott Mainwaring (in Munck, 1996:35) defines the concept:

> *Regime...is a broader concept than government and refers to the rules (formal or not) that govern the interaction of the major actors in the political system. The notion of regime involves institutionalization, i.e., the idea that such rules are widely understood and accepted, and that actors pattern their behavior accordingly.*

One of the main arguments of the so-called 'international regime theory-scholars' is that nations have to take into account both the policy goals and the regimes governing certain sets of issues (ibid.). The decision-makers must therefore consider national power and interest when dealing with these issues, but also look at the local setting of principles, norms, rules and procedures governing decision-making regarding those issues. Also, "in the absence of anything like a regime, nations would simply pursue their own interest in whatever way each believed appropriate. Furthermore, regimes are established by the states, particularly the more powerful states, which are then constrained by those very same regimes; the effect of the regimes is to overcome what would otherwise be major coordination problems." (Young 1983 in Richards and Kritzer, 2002:308)

Different types of regimes

Regimes take several forms. In the world of sovereign states, the main function of the regime is to coordinate state behavior for the achievement of wanted effects in a certain area. In my case the Uganda migration regime is important as it influences the migration streams from Congo and can also influence decisions the migrants take. One example is that Uganda is

known for its generosity towards refugees, and also that they allocate land for them. The regime is also what the incoming migrants meet and have to relate to upon arrival.

There are many international regimes existing outside the control of the national governments which can also constrain them (Ebaye, 2009). The international rights regime is one such example, where the International Human Rights are central for every country who has signed them. These are in a way one of the instruments of the regimes that I will come back to. This regime is in place to affect the behavior of states, and assumes that cooperation is possible in the state-system. Accordingly "regimes are by definition instances of international cooperation" (ibid.:117). Since Uganda has signed the human rights convention, the country is obliged to respect, protect and fulfill the human rights within their borders. It is because of this obligation the human rights apply for Uganda's migrant population, and is consequently an important focus of my thesis. This obligation means that states have to facilitate the enjoyment of the basic human rights, and at an individual level, people have to respect the rights of others (United Nations, 2012).

When talking about the concept of 'regime' it is common to talk about 'national regimes' versus 'international regimes' which can be seen as an odd division. In Uganda, who has signed both the Human Rights and the 1951 Convention, you have international actors who are a central part of the migration regime - they have to relate to the national laws and rules at the same time as the international rights-system. In todays globalized world the relationship between the local and the global is closer, and the division between national and international regimes which is done in much of the literature can therefore be seen as outdated and unnatural.

Regarding the migration regime in Uganda I will explore several important actors in the process of research. These include The Office of the Prime Minister – Directorate of Refugees, the police at Old Kampala Police Station which is the first place asylum seekers come to register, organizations like InterAid, the Refugee Law Project, HIAS, Jesuit Refugee Service and UNHCR to mention a few. I set out to interview representatives of the various organizations to get a better understanding of how they work.

The laws that affect the arriving migrants are also important. The public asylum policy and practice of Uganda is governed by the Refugees Act 2006 which I return to at a later stage. I will look at the role of the other actors mentioned and laws involved, but what will be the key focus is the other 'half' of the regime: the migrants themselves. They represent my main focus

towards the regime, and their experiences and positions will be important in the way I study mixed migration. In this way, the migrants 'agency' is important which I will further explore. I will take the migrants perspective, but still incorporate other factors around them. They are an important part of the migrants' perceptions, and also affect the way they maneuver through the system. The reason I interviewed several of the institutions in the regime is to get a proper understanding of their role in the Ugandan context.

Problems with the concept of 'regime'

The study of 'regimes' have several weaknesses where the most pressing one can be how to define it. Another challenge is related to clarity. It is thus still an important tool widely used, and Brahm (2005) suggests that this is because it is concerned with international cooperation which is a key issue for international relations.

One limitation in relation to migrants and the regime is to isolate the migrants in the migration regime as they do have a life outside the regime as well. A critique of the existing regime-definition is that it is too narrow because it does not include the migrants' social world, which I will show is very difficult; to separate the regime and these networks. The ways migrants use these networks are important for how the migration regime works – especially regarding access to basic needs and information.

The way I look at the migration regime in Uganda, the migrants play a central role, especially through the various networks they have. I have chosen to look at the concept of 'regime' with a broad definition where I also include the migrants. I will therefore include the migrants' networks as an important part when analyzing the current migration regime in the country. My definition of 'regime' is closely connected to the actor-oriented approach and the duality of the focus of structure versus agency below.

The importance of networks for information and support

An important finding I realized early while in the field was the migrants' dependence on the networks around them to be able to get by. (Wasserman & Faust in Katz et al., 2004) "A social network consists of a set of actors ("nodes") and the relations ("ties" or "edges") between these actors". These were important for the way the migrants experienced the migration regime in Uganda. Networks are valuable because they can provide both cultural and social capital. Cultural capital refers to forms of knowledge, skills, education, and advantages that somebody has that give them a higher status in society. Social capital can be

defined as "the sum of the resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition" (Bordieu in Gauntlett, 2010). These resources that are based on group memberships, relationships and networks for support can naturally be connected to the situation for the migrants in Kampala. According to Gray and Elliott (2001) informal networks of people from the same ethnic group in the receiving society often provide social, financial and cultural support which can be more important than formalized programs. In their book on refugee resettlement, they list needs of refugees at arrival which is also applicable for the mixed migrants arriving in Uganda;

> *Practical needs include accommodation and household effects, employment, financial support, language classes, access to health care and educational opportunities, information and tuition in the laws, customs and practices of the receiving country and access to interpreters. Personal needs include: reunification of families, recognition and understanding of the trauma they have been through, access to appropriate health services, friendship, support and acceptance, the ability to retain their own culture, and the opportunity to make a contribution to their new society.*
>
> *- Gray and Elliott (2001:25)*

Of the migrants I interviewed, a majority of them had received help with covering (at least some of) these needs by their social networks. Rumors are also an important way that migrants can interpret the processes of labeling and also what rights that are supposed to come along with them. People heard stories from other Congolese about their processes and achievements and often acted accordingly. Simon Turner (2004) and Julia Eckert (2012) have both done research regarding the importance of rumors. Simon Turner did fieldwork among Burundian refugees in a camp in Tanzania. Through rumors about information regarding current news, relations emerged in a complex manner between the refugees in the camp, the Tanzanian state and the international community. He further emphasize the importance or rumors in research whereby it can "provide an overwhelming source of knowledge about the ways in which people react to dramatic change and how they attempt to interpret the global through the local and vice versa". Allen Feldman (in Turner, 2004) has argued that rumors are the first attempts in order to stabilize the symbolic order which have been destabilized by violence. Rumors are in a way a 'wide-awake-dreaming' which fuses fiction and facts to make sense of the past and prognostic about the potential results in the future. Feldman further argues that "rumors has a tendency to impute too much meaning into events, in the

sense that causes are found (created) even in situations where there is no cause or meaning to be found, as is often the case with violent events" (in Turner, 2004-239).

Julia Eckert (2012) dealt with similar issues when she did fieldwork in the slums of Mumbai by showing how law and legal knowledge are there transformed and spread through rumors. I found this relevant to my work as well as all of the people I interviewed had received their information through other people, and not the formal offices, for example in relation to getting a refugee status, or to get help with other matters.

Eckert (2012) emphasize how people studying knowledge of legal norms or the way in which law spreads normally do this through law firms, NGOs, international organizations or other judicial institutions. The focus is on how these actors select, interpret and broadcast laws, their objectives and goals, and on power relations between them or target groups. As she points out, these analyses do not offer insights in to other processes where law and ideas of law travel. By looking at the people 'on the ground' it provides a *social* understanding of law and a different view of how this shapes social change (ibid.).

Eckert describes how combined with commercial and governmental forms of legal export, rumors are actually one of the main ways law is spread (!). Her idea is that we need to look at rumors as something that can uncover normative change for those who put their hopes in the laws. A similarity that laws and rumors share is that people identify parallels and dissimilarities and separate some factors to make their situations comparable in both cases. Not all rumors include possibilities, but also limitations, but the comparisons between situations and subject positions they are relying upon is "a form of horizontal knowledge transfer in which norms are re-evaluated and opened up to include new possibilities in terms of acting" (ibid.:155). Rumors are most often talked of regarding fear, but can also be looked at concerning hope, and many plans are motivated by rumors of possibilities. The desire for resettlement among the Congolese in Kampala is one example of such a rumor, and was for many the 'only possible' durable solution for them in their own view.

Eckert's way of looking at people on the ground and the dynamic in how ideas of law and rights are spread is an interesting approach where the people are at the center of attention. In my study among the Congolese migrants, their ideas of labels and rights were based almost exclusively on information from other people in their social network. The majority of my informants were told by friends, relatives or local communities about how they should proceed if they wanted to apply for a status, or to register as a worker. The benefits or

limitations with these labels were also provided by others. One such example is the fear of settlements; even though only a few of my informants had ever lived in one they all had the idea that it would not be a good place to be. What they chose to identify themselves as (refugee, economic migrant, or in exile) was related to how they perceived the different labels and was not necessarily based on the definitions of the labels as we know them (ibid.).

Since I wanted to take a look at the migrants' perceptions of the Ugandan migration system, the status determination process and human rights related to this, Eckert's way of analysis corresponds well with my approach. It was clear from my interviews that the information they received did not come from organizations or government-related offices but rather among their network of friends. I wanted to look at what type of information people use to end up in the position they are in, their meeting with the UNHCR, local police, other migrants and other relevant actors which in some way determines where they are today. I will therefore use her ideas as inspiration in the way I analyze rights and labels among the Congolese.

Eckert also shows what can be called "the dual nature of law's transformative force" (ibid.:15) where the people who express their needs through employment of law see themselves in a different light as 'rights-bearing people', which is one goal of a rights-based approach: to make people aware of their own rights as human beings and to claim them.

Instruments of the regime – Human Rights

When talking about the migration regime, a central part of this is The International Human Rights, stated in the Universal Declaration of Human Rights. These can be seen as one of the instruments of the migration regime where other examples are the 1951 Convention in addition to national laws and policies.

The focus on human rights has been central in the development field for several years, and I wanted to look at how the migrants experienced their stay in Uganda in relation to the fulfillment of these human rights. I also wanted to explore if they were aware of them, in what ways and how they related to them.

Human rights can be defined as "social and political guarantees necessary to protect individuals from the standard threats to human dignity posed by the modern state and modern market"(Donnelly in Mikkelsen, 2005:201) and are both moral and legal entitlements. They are inherent to *all* human beings which mean that we are equally entitled to our human rights without discrimination. The rights are stated in The Universal Declaration of Human Rights

which was adopted by the United Nations in 1948. This was the first global expression of rights in which all human beings were entitled to. The declaration contains 30 articles that have been elaborated in later international treaties, regional human rights instruments, national constitutions and laws. The authors wanted to prevent the horrors that had taken place during the Second World War and therefore formulated economic, social, cultural, civil and political human rights in one document (Mikkelsen, 2005).

Universal human rights are often expressed and guaranteed by law. International human rights law lays down obligations to governments to act and refrain from acts in certain ways to promote and protect the human rights. The rights are indivisible, and include for example the right to life, equality for the law, freedom of speech, the right to work, for social security and to education. The principle of non-discrimination is key on the basis of sex, race, nationality, color and so on. The human rights involve both rights and obligations, and states have obligations and duties under international law. Their task is to respect, protect and fulfill the rights of its entire people, and make sure that nobody experience human rights abuses (United Nations, 2012).

Supporters of the human rights believe that the rights should offer a universal standard because "rights inhere in every human person by virtue of simply being human" (Nyamu-Musembi, 2005:42). Because these rights are not given by the sovereign states, they cannot take them away. The supporters also believe that because most states have ratified them and agreed to be legally bound by international human rights law, they are by definition universal (ibid.).

Critique of the Human Rights

Many have been critical to the idea of the existence of a universal set of rights and claim that there can be no superior idea of rights. Culture is instead seen as the "sole source of the validity of a moral right or rule" (Wilson in Nyamu-Musembi 2005) among some. Others have also emphasized that the human rights reflect primarily a Western view which might not match other people's values and ideas. One example is the importance of individual rights as opposed to community rights, and also on the emphasis on rights instead of duties.

Despite of this critique I feel that the concept of rights is a proper entry to look at the debate, because it gives a voice to the most vulnerable in a society, which in my case are the migrants who often have to struggle to get by in Kampala. An alternative way of looking at rights as

opposed to the most common "state-citizen relations in abstracted individualist terms" (Nyamu-Musembi, 2005:45) is to look at how people has to relate to multiple systems like the internal moral system of the community they live in (constructed by factors like culture and religion) and while at the same time a formal legal regime of the state they live in. By looking at rights in this way, it points to the people on the ground's own understandings of these concerns and interests which can be seen as not only overlapping but also intertwined. This view fits well with my chosen approach.

Rights-based approach

The way I wanted to study mixed migration among the Congolese in Uganda was using a rights-based approach, related to the human rights. A rights-based approach (RBA) recognizes that the causes of poverty, suffering and injustice are closely related to the violation of peoples' human rights (Benest, 2010a). This approach is a way of focusing on and studying rights which also includes the people in the regimes being studied.

The approach suggests a united view of 'sustenance' (consisting of the economic and social rights) and freedom (the civil and political rights) as interdependent because one is essential to a realization of the other (Nyamu-Musembi, 2005). The RBA is a conceptual framework which is normatively based on international human rights standards and therefore the promotion and protection of these is essential. The approach integrates norms, standards and principles of the international human rights system into the plans, policies and processes of development (Mikkelsen, 2005). The perspectives of the actors engaged in struggles for rights are at the core of a rights-based approach to development (Nyamu-Musembi, 2005).

There has been an interest of international development agencies to increasingly frame their work in terms of rights. This is a historical shift where the focus used to be primarily on fulfilling people's basic needs, a so-called 'needs-based approach'. With the rights-based approach the emphasis is moved towards developing the capacities of communities, and to get individuals to realize their rights to be able to claim them. Regarding human development, the RBA adds an element of accountability and liability as it shifts from looking at the eradication of poverty as a development goal to a matter of social justice - "as the realization of a right and the fulfilment of a duty" (Nyamu-Musembi, 2005:42).

Human rights law identifies three groups of agents; the right-holders, the duty-bearers and 'other actors'. All people belong to the first group, and the states can be seen as the primary

duty-bearer in a country because they are the ones who have signed the treaties. This means they are obliged to respect, fulfill and protect all human rights for all its people (Mikkelsen, 2005). The states are though not the only duty-bearer as there are also 'moral duty bearers' (other actors) like private companies, NGOs, community leaders and institutions to make sure that the individual or groups' rights are sustained. Examples from Uganda are the organizations like UNHCR, HIAS, RLP and JRS. A goal of the RBA is to strengthen the ability of states to fulfill their obligations as duty-bearers and also to promote beneficial conversations with the rights-holders (Benest, 2010a).

A common misunderstanding is that the state as a duty-bearer is required to meet *all* the needs of its people. This would of course be a huge financial burden to the public budgets, so its role is rather to facilitate, provide and/or to promote rights. As there are many poor countries (Uganda being one of them), international law allows for a so-called 'progressive realization' of some rights (Mikkelsen, 2005). Fulfilling human rights demands states to *facilitate, provide and/or promote rights*, and therefore they can meet these obligations by acting as a regulator or a facilitator for other actors (like the market and civil society) to provide the services needed. UNHCR is one example in Uganda which the Office of the Prime Minister relies on for their refugee program regarding administrative and operational costs (UNHCR, 2011). Examples of other actors who help the country with receiving migrants is InterAid, Jesuit Refugee Service, HIAS, and Refugee Law project. Without the cooperation between these actors Uganda would not have been able to receive the thousands of migrants they do every year.

Critique of the rights-based approach

A number of challenges and limitations to the rights-based approach have been identified by several authors. One example is VeneKlasen (et. al 2004) in their paper "Rights-based approaches and beyond: challenges of linking rights and participation". An argument is that people that benefit from rights are the people who are already better off and more powerful in the society. This is a result of the 'messiness' in claiming rights, and that the claims and rights depend on the pathways people have access too. The authors further claim that "without a thoughtful analysis of these forces and dynamics at all levels of decision-making and power, organizational strategies may turn out to be ineffectual or counterproductive and, in some cases, dangerous for those involved" (ibid.:4). To avoid conflict and repercussions it is

therefore important with a thorough understanding of local power relations in the local context.

Naila Kabeer (2002) argues that there are problems with this approach related specifically to poverty because people with limited access to resources who are unable to meet their basic needs may have limited interest in rights that seem abstract, which can only be realized through struggle and contestation. Related to this is that people can understand rights in different ways; organizations frequently practice a legalistic approach that can be seen as more technical than empowering, and can in this process ignore people's daily problems which would have been a better way of entering the communities (VeneKlasen et al., 2004). Rights-groups often start with discussion of laws, but when the beneficiaries can relate the rights to their daily lives it is easier to get them involved. This failed process might fail to create networks for change, and also the understanding of how people experience their worlds (ibid.).

Importance of participation in claiming rights is important in the RBA, but as rights can mean different things to people, so can participation. In this relation, participation can mean anything from being provided information to actually participate in the analysis and implementation of the project. VeneKlasen et al. (2004) further claims that the concept of participation is "often framed narrowly as a methodology to improve project performance" (ibid.:5). They also claim that when groups are invited for discussion participants are not there to engage in important questions, but rather the meeting can have the hidden agenda of legitimizing the goals of the institution instead.

Despite of the mentioned critique, I believe that the rights-based approach in combination with the actor-oriented approach adds to my study as it helps me to identify the institutions, the instruments, and the relationship between the actors in the regime. These approaches also put the migrants in the center. According to how I have defined 'regime', this approach can be seen as an operationalization of this as I have included both the migrants and their networks in the definition. One of the key processes taking place in the forming of the regime is 'labeling', as the labels are a key unit for which the regime exists. By identifying the components of the Ugandan regime that I am looking at I can use the right-based approach to analyze it, but with some constraints as the participation of the migrants is missing. The concept of agency is here important to close this gap. In the next section I am going to explain how these presented concepts and approaches can be seen in relation to each other.

How are the concepts of 'regime' 'agency', 'actor-oriented approach', 'rights-based approach' and 'networks' are connected

The way I have chosen to define regime, it includes rules and resources, institutions and actors. In this way Giddens' structuration theory as mentioned briefly above is a good basis to understand the 'regime'. In structuration theory the creation and reproduction of social systems is based on analysis of both structure and agency where neither is more important than the other – they are both necessary for a full understanding of the workings of society (Baert and Silva, 2010). This can be seen in relation to how I have defined regime - as it is not only a reaction against structure, but also it is about trying to merge humanist and structural approaches.

Choosing to look at the 'regime', through the eyes of the migrants, I have argued for the suitability of the actor-oriented approach, a people-centered approach where the notion of 'agency' is vital. The importance of networks for migrant survival has been explained, which also acknowledges the importance of 'agency' in the migrants. In this way I acknowledge that the migrants are not only passive agents, but that they actively try to shape their own future in the choices they make regarding what label they can relate to. I further wanted to look at this through the human rights with a rights-based approach that I will explain here after looking at what this approach is based on which is the universal human rights. In relation to regimes, the process of 'labeling' is key; the labels plays an important part to see how the regime works in practice as they define the rights the people in different categories are entitled to. I will now go take a closer look at the process of labeling, and how this is relevant to my study.

Labeling

In the challenges related to mixed migration the concept of human rights is key, which is closely connected to the labeling-concept; the label people are given determines their given rights and therefore has a huge impact on their life. A new way of looking at this debate is how people actually manage to *maneuver* in the system relating to their rights and given label – as was evident during my stay in Kampala. The migrants often came with a clear perception of what benefits and challenges the different statuses had. I wanted to look at what they knew about this in relation to their rights and the process of labeling.

The act of labeling is a way to construct the social world we live in. They define the norms in relations to others who might have comparable or different labels. Examples are labels of

people like nationals, immigrants, refugees, asylum seekers and economic migrants to mention a few. These labels shape how we act and think about other people, and have genuine consequences for the people involved. Regarding labeling of migrants coming to Uganda, it enables the system of the government and the different organizations to quantify and measure the different pre-made categories of people. This helps with defining people's needs, to justify potential involvements and to find solutions for apparent problems (Eyben et al., 2006). A challenge arises when people do not fit the established labels – how are people placed then?

In the development sector, there was a growing focus on labeling in the 1980s to reach target populations and provide the best assistance for those in *most* need. This made it easier to prioritize assistance, and it is still important in the humanitarian sector today. It is seen as an important way of dividing resources and also to measure the effect of the aid given. Eyben et al. (2006) emphasize that it is important to be cautious with labels because they are created by outside forces and not in relation to existing power relations in a given community. In this way it can be hard for agencies if they overlook these power relations and how they affect local differences. When imposing labels upon people it can create a stereotypical view of them, possibly blinding aid providers of the resourcefulness and resilience of the migrants. This can then lead to limitations in livelihood options and reconstruction possibilities. In this sense the process of labeling can be a very suppressing act (ibid.).

What I have seen through the work I have done with the migrants in Kampala is that the labeling-process is not only an oppressing system where the applicants sit passively with no control of the outcome. Even though peoples' influence on the process in one way can be seen as limited or non-existent, it was clear to me that my informants had a clear understanding of what 'label' they belonged to, and made choices accordingly. People maneuver and use the labels actively and it is not always the case that *every* person one might consider a refugee will end up with that label – neither that those with an element of choice in the decision to leave will end up classified as a 'voluntary' migrant.

Wood (1985) warns that although the act of labeling is a scientific act, it is also an act of evaluation and judgment encompassing stereotypes and prejudice. The labels are not neutral but highly political and ever-changing, and they are also sometimes formed by institutional convenience. They impose boundaries and define categories, which can cause big numbers of people to be excluded from others in similar difficult situations (Eyben et al., 2006). Labels can also give the impression that the groups of people are stereotypical, homogenous and

universal. This takes away peoples historical, political and personal context (Harrel-Bond, 1986).

The process of labeling and differentiating refugees is according to Zetter (2007:180) "predicated on highly instrumental practices which serves the interest of the state". To put a label on someone also homogenizes needs of a diverse group of people (Eyben et al., 2006). A consequence is that people might try to identify themselves as a certain label (like a refugee), to be able to get the support and protection they need even if they might not fit the definition of the claimed label. One way the labeling process can lead to negative consequences is when the labels are linked to resources and services. This can lead to people trying to fit into a wide pre-established label to make themselves visible for the state and humanitarian agencies (ibid.).

Zetter (2007:189) explains that the refugee label has been more difficult to obtain in recent years and is "no longer a right but a highly prized status". In the past, labeling was focused around how the humanitarian agencies formed, reformed and politicized the refugee label. The objection was to *include* refugees, whereas now, the focus is more on *exclusion* and marginalization of refugees done by the government. Fewer people are granted the status, and are labeled as 'asylum seekers' for extended times which limits their rights compared to the rights of the refugee.

The process of labeling people as refugees is more complex than in the past when the term was being used in the 1970s and 1980s. At that time big, often traumatized populations were fleeing from war, and it was mainly a south-south phenomenon. Now, conflicts are more complex and often involve people fleeing from various root causes where persecution and socio-economic exclusion are combined. The flows are a mix of people in 'mixed migration flows' caused by globalized processes and patterns of forced migration. This leads to the increasing complexity of determining who is a refugee and who is not. One example is the 'boat people' from Sub-Saharan Africa risking their life in attempting to cross the Mediterranean sea – are they economic migrants or refugees? (Zetter, 2007). The concept of 'mixed migration' has therefore been introduced as a reaction to this debate as being more open and including people with a variation of stories and motivations. In complex emergencies like the one in Congo this is also a problem, as there is no evidence of clear-cut war and a sudden max exodus which in the past legitimized the label of refugee.

Labels assign meanings and falsely discriminate between people whose needs for protection are vital. The process of labeling shows what seems to be an essential administrative practice to manage the flow of refugees produce labels that are actually designed to facilitate the interest of the state to control the migration flows. As the state slowly tries to withdraw from its obligations and uses NGOs to help them with the migration flows (in the case of Uganda, relying heavily on organizations like UNHCR and Inter Aid), organizations form as a reaction to the restrictive policies in an unsympathetic political discourse. Organizations have shifted their focus from integration to advocacy, protection of basic human rights and supporting asylum claims as a result of filling the gap left by the withdrawal of state support (Zetter, 2007). One such example from Uganda is the Refugee Law Project.

Even though the notion of labeling has several problems, the most interesting in my case, and when looking at mixed migration is to see how people maneuver the migration regimes, their rights as human beings and also the labeling process. The importance of the migrant's 'agency' is evident in this view. I wanted to see how they related to these processes and the acclaimed rights that go along with them – where they fulfilled? It was obvious that it is not only about the formal processes, but also the coincidences present when people cross the border, what resources they have, what they want to do and where they want to live. All these are elements which influence their journey in the Ugandan migration regime.

Studying how migrants relate to and maneuver the regime - an analytical model

In order to study mixed migration among the Congolese migrant population in Uganda the concept of regime is essential. Regime has the components of the government, in some way the international community, organizations, laws and policies like the international human rights law. The migrants themselves and their networks is also an important part in the regime which I have explained above. The components and the relationship between them will be explored in chapter five applying the actor-oriented approach and the rights-based approach where 'agency' and 'human rights' are central. Ways of staying in the country is explored, like getting a refugee status, applying for work-permits, local chief registrations and visa-processes.

To explore further the concept of mixed migration and to understand why people might end up with different migration labels, the concepts and approaches explained in this chapter will

be the framework I will use in the analysis. I have dedicated chapter five to explore the migration regime and its components, where it is clear that the migrants themselves play an important role for support in the urban setting. In chapter six the status determination process and the application process to obtain a refugee status is presented where the labeling-process is important. The migrants 'agency' is central as I wanted to see how they maneuver (although in a limited way) their way through the migration system as a cause of the choices they make. One key binding issue is the knowledge on their rights and the social life of migrants in Kampala. Information flow and the importance of rumors and networks was evident. What I want to develop further is participation, agency and maneuvering regarding the process of labeling and the rights-based approach. The RBA is a people-centered approach with a focus on the capabilities of people to claim their own rights. I aim to understand how people adopt, understand and use the rights and labels and the meeting point between these two discussions. Regarding mixed migration, this is about the opening up of the refugee label and unveiling the complexities of the people in it, and also what constructed forms of division these are based on. In chapter seven, the final chapter of analysis the migration regimes' durable solutions with the main focus on UNHCRs three durable solutions of repatriation, local integration or resettlement is studied. Examples of how the migrants themselves relate to these solutions is given and also how some find alternative ways to find the best solution for themselves.

4.   Methodology – studying mixed migration in Kampala

To enable a study of mixed migration in Kampala among the Congolese migrants a variety of methods was utilized to gather the required information. I wanted to explore why some migrants end up with a refugee status and others with a migrant status when their migration stories are similar, in addition to the inherent consequences of ending up with these labels. This chapter will focus on the methodology I applied to get a better understanding of my research problem. Furthermore, I wanted to know the migrants' understanding of the Ugandan migration regime, and how they choose to cope with it. As I wanted to explore the migrants' own experiences, practices and perceptions of their own situation a qualitative approach was the obvious choice. To form the basis of my study I conducted in-depth interviews with 30 Congolese migrants who had come to Kampala over a period of almost 50 years. They all had different stories and had various reasons for migrating – some changing their status along the way. My main focus was on the migrants, but I conducted additional interviews with representatives from the government and aid-organizations to gain a broader understanding of the situation. The interviews were recorded, and subsequently transcribed and categorized. In addition to this I used secondary data, observation (and informal conversations) to get the data I needed for further analysis.

Qualitative methodology

Qualitative research can provide rich and detailed data for understanding and describing social phenomena. By using this approach the researcher aims to discover the meaning people give to their own social worlds and the meaning of their social behavior. The flexibility of the approach makes it a flexible approach suitable for continuous modification adjusted to the upcoming findings (Boeije, 2010). One of the most important strengths in doing qualitative research is that the researcher gets to look at the topic in depth with the informants' own interpretations of the outcome, as opposed to basing it on the researchers own perspectives. In this way it creates a more holistic picture of the situation studied (Thagaard, 2003). Fieldwork is a central activity of qualitative inquiry which means having direct and personal contact with people under study in their own environments (Patton, 2002). When conducting qualitative research, the type of knowledge produced is not generalized and quantifiable knowledge, but

something that has to do with people's experiences in that certain area. This knowledge can be used to say something more general about a phenomenon (Thagaard, 2003).

I chose to have a rights-based approach in my qualitative study because the approach focuses on promoting and protecting human rights and also because it seeks to analyze inequalities and discriminatory practices that can hinder development (Benest, 2010b). The rights-based approach represents an important tool in the research process, and fits well with the qualitative research since my research is focused on human rights and the migrants' own experiences in Kampala. The combination of these methods corresponds well with the theoretical framework presented in the previous chapter where the importance of actor perspectives is highlighted.

Getting access to the field – establishing a network

The first step of conducting fieldwork is to create a network and develop contacts (Crang and Cook, 2007). My fieldwork was conducted in Kampala, Uganda, over a period of 10 weeks in the summer of 2013. Wanting to do research on migration, the Ugandan context caught my attention as they have a long history of hosting migrants from neighboring countries suffering from instability. A Ph.D.-student at NTNU, Hilde Refstie, (which later became my co-supervisor) had lived in Kampala and done research with a local organization – Refugee Law Project (RLP) – and offered to put me in contact with relevant people. This would be beneficial in establishing a network and starting my research as I had never visited Uganda before and was not sure what lay ahead of me.

Upon arrival in Kampala I visited RLP's office to seek advice on how to get started. The initial step was to apply for a research permit which is required when doing research in the country. Arranging for this permit turned out to be challenge, and at the time of writing I have still not heard back from them. To compensate for the lack of a research permit I acquired approvals from the official government department dealing with refugees, and the local police station to initiate my research. At the RLP.I met with Alexis Kalitanyi, who I asked for assistance in getting a research assistant. After discussing the matter he connected me to a friend of his, a Congolese refugee called Safari, working voluntarily as a pastor in Kampala. Through his church community Safari could introduce me to a big network of potential informants. He came as a refugee from Goma several years ago, and is married with four young children.

My other research assistant, Theo, was a Congolese refugee working as a French teacher in a local middle school. He arrived in Kampala some years ago, and is living with his wife and two children. Theo is a well-respected man in his local community, and I established contact with him through a friend of mine working at a local middle school. As things do not always go the way you expect, I was pleased to have two assistants. It turned out that although the teacher was very helpful, his schedule was tight and I ended up doing only two interviews with him and the rest with Safari. Both of them represented important gate keepers who also interpreted the interviews when necessary, and without their help it would have been very difficult to get in touch with relevant informants. To avoid ending up with only refugees, which are numerous in Kampala, I used a purposive sampling technique to gather participants with different migration stories. In purposive sampling, the participants meet a certain criteria for the study, and are selected because they are able to contribute to the research problem being studied (Patton, 2002). In my study I wanted to get informants who had stories that differing from the others, people who came for a variety of reasons (not just "obvious refugees" fleeing from war), people who might have changed their status or people who for some reason had chosen not to apply for one. A combination of the above-mentioned informants would fit the variation of people in the mixed migration-concept.

Sampling

My two research assistants, Safari and Theo, were thoroughly introduced to what I was looking for so they could ask around in their local Congolese communities and track people who would fit my criteria. Additionally, they were both used as informants to further strengthen their understanding of what I was looking for. The method of snow-balling[3] became significant in finding suitable informants. Safari had close ties with other church communities, and he would ask pastors he knew to make sure I got a varied selection of people to interview. Finding refugee informants was straight-forward, but it proved to be more challenging to locate individuals who migrated for other reasons or had changed their status. In the end I managed to reach my goal of 30 interviews with Congolese migrants who were in Kampala at the time of research (except one in Entebbe) although two of them normally lived in a refugee camp outside the city, and one normally lived in Goma, Congo.

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[3] "A technique used by researchers whereby one contact, or participant, is used to help recruit another, who in turn puts the researcher in touch with another. The number of participants soon increases rapidly or 'snowballs'" CLIFFORD, N., FRENCH, S. & VALENTINE, G. 2010. *Key methods in geography,* Thousand Oaks, California, SAGE.

My main focus was on the migrants, but to broaden my understanding of the situation I conducted additional interviews with representatives from organizations helping migrants coming to Kampala. These representatives comprised of two people at the Refugee Law Project at Makerere University, Jesuit Refugee Service - JRS, InterAid and Father Micheal, a Congolese pastor who runs his own project with helping refugees. I further included representatives from the government; the Head of Refugee Department at Old Kampala Police Station (where all migrants have to register upon arrival in Kampala) and a representative from the Office of the Prime Minister – Department for Refugees. The whole fieldwork resulted in a total of 37 interviews.

Description of informants

The informants of this study where all from Congo and had migrated for a variety of reasons. Some were either refugees or asylum seekers; some successful business men working across the border, some had come to look for work, while others came for family reunification or just to visit relatives (and as the situation changed at home they had to stay in Kampala). The migrants were between the ages of 15-70, with a span in education level from none to university degrees. Occupations varied; business men, home-makers, un-employed, pastor, teacher, self-employed, construction workers. Some were disabled or too old to work and was getting by with the help of relatives. Six were females and 24 males, and many of them where involved in the Congolese church communities in Kampala. The arrival in Kampala happened between 1964 up until a couple of weeks before I interviewed them. All of them represented histories about escaping conflict and insecurity in some way or another. Still, they did not all identify themselves as refugees. It was interesting to discover how they defined themselves, and how they are labeled when they arrive. Below is an overview over the migrants' different legal status to show the selection of informants in the research.
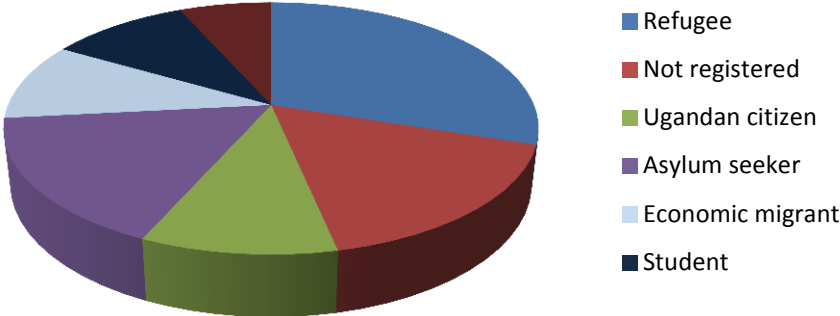
Figure 2. The legal status of the migrant informants.

As gender was not a key aspect my research I did not mind that the majority of my informants where men. The predominance of male informants was a result of Safari, who had mostly men in his contact network, establishing the initial contact. Him locating most of the informants resulted in giving him a lot of power over my research, which is common when being in the field and having to rely heavily on a few key individuals. As mentioned, I felt that his position in the community gave me access to potential informants I would otherwise not have been able to reach. Regarding gender, the most important aspect was to get informants with wide-ranging migration stories, regardless of their gender. A reflection upon the selection of informants you remain with is important – in my case, mostly men involved in the Christian community in Kampala – and how that might have affected the gathered information is still required. Would the fieldwork have turned out differently if more women were involved, and if they came from various backgrounds? I did feel that I got a good selection, as they were not all Christian, and they came from different parts of Congo. What brought them together in Kampala was their shared identity as Congolese migrants/refugees wanting to practice their religion together. It also turned out that for many of them, the networks established through their church communities turned out to be essential for their own survival. The importance of these networks will be further discussed in chapter six.

Communication – using an interpreter

When conducting my interviews with the migrants I was always accompanied by one of my research assistants, but for the interviews with organizations and representatives from the government I went by myself. These last interviews were conducted in English, as it is one of Uganda's official languages, but the migrants' interviews were conducted in Swahili, English or another local language and interpreted directly by the present research assistant. When using an interpreter there is always a chance that information might get lost as language is essential to interpret and convey feelings, experiences and opinions, an aspect the researcher needs to be aware of (Patton, 2002).

The research assistants both spoke English, but one of them had a somewhat limited vocabulary. I considered getting another interpreter but came to the conclusion that this would probably make the informants less comfortable. Having three people present (two of them being complete strangers) the informants would probably be more hesitant in telling their stories. Due to limited funds, paying two assistants for each interview would be financially difficult. In the end it turned out fine so I did not regret my decision.

Having the assistant there during the interviews, ready to interpret, proved to be very convenient as most of my informants did not speak English before coming to Uganda. In this way they could tell their stories in their local language to get the accurate meaning. I asked which language they preferred before starting and several times they switched between languages throughout the interview. Some of my informants knew some English or French but not enough to be interviewed solely in those languages. When the informant or the interpreter could find a proper word in English they would say it in French and I would understand. This made the communication faster. Although I could not conduct the interviews myself in French, I still had the advantage of being able to follow the interviews closely. A few phrases in a common language gave a closer connection to them, and I learned that you don't always need a common language in the beginning – a smile and hand gestures will get you a long way!

Data collection – techniques used

Doing research in a qualitative matter adds the possibility of using several different methods for acquiring data, which makes the research very flexible. Three important methods are conducting interviews, doing observation and collection of secondary data. There are several ways of utilizing these methods, and they can also be combined – one of the advantages of qualitative fieldwork which makes it a spontaneous and unpredictable way of doing research (Kitchin and Tate, 2000). All of these methods where important in my fieldwork, although interviewing was the main method for gathering data. A brief presentation of what the literature has to say about the different techniques will be presented in the following section, its limitations, and also how these methods where used in my own research.

Interviews

Interviewing is one of the most commonly used techniques when conducting qualitative research. It enables the researcher to obtain rich and varied information and provides an opportunity to take a closer look at interviewee's experiences, aspirations, feelings and opinions. There are several types of interviews b ranging from highly structured to more informal. They can be between the researcher and just one informant, or a group of people where the setting is more like a discussion (Kitchin and Tate, 2000). With the semi-structured interview- method chosen, the interview evolves like a social interaction where the researcher has to be sensitive and listen to what the informants say. This type of interview is described as

a conversation with a purpose that lets the informants explain aspects of their life in their own way. Another advantage is that it gives the possibility to uncover new topics that might be relevant for the study which the researcher might not have thought of.

In the interviewing process I talked to two different groups of informants; migrants themselves and representatives from institutions involved in migration in Kampala. The type of information gathered from these two settings where naturally quite different; with the migrants I wanted to learn more about their personal experiences, challenges they had faced, and how they managed to survive in Kampala. I was prepared to hear touching stories which also became the case. The information from the organizations was more 'formal' and not as personal, even though people working for the organizations were very passionate about their work.

Interviewing the migrants

In-depth semi-structured interviews with an interview guide gave me great freedom to explore different topics, and to ask follow-up-questions to close logical gaps. It allowed me to get valuable information crucial to my research questions concerning how the migrants themselves perceived their situation and their impression of the Ugandan migration system. Throughout the interview-process from my first to my 30th interview with the migrants, the interview guide I used did not change much as the most important topics were covered. The change consisted of a better flow as I got more confident in the process and was able to ask better follow-up-questions about the information I received.

Most of the interviews were conducted in the informants' homes as many of them lived close to my research assistant, Safari. Having the interview in their own home, they seemed more comfortable in telling their stories (without neighbors listening), and some had the support of their family present. Others insisted on having the interview somewhere else, and as a result some of the interviews were conducted in the living room of Safari. I was explained that this was to prevent neighbors from seeing that they had been in contact with a 'muzungu'[4]. This was in fear of having people break in their homes in the anticipation that the white person had given them something valuable. Many of the migrants were scared and needed reassurance that their identities would remain hidden. Because their enemies are so close (just across the border) many of the informants had stories about being tracked down and harassed after coming to Kampala.

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[4] 'muzungu'is a local term used in the African Great Lakes region to refer to a 'white' person.

The interview consisted of two parts, where the first part revolved around their life histories before making the decision to leave. The second part focused on what triggered their decision to move, their route and experiences along the way, how they had been accepted when they arrived, and the life they were living now. After the bio-data questions had been covered in its early phases the rest of the interview felt more like a conversation. The original plan was to interview them twice to divide the topics but after the first few interviews it felt more natural to do it at once as it was not very time-consuming, and it eliminated the need to schedule another meeting. Making them feel more comfortable by asking questions that were easier to reply to (like bio-data), before I would ask detailed questions about the reasons they left and their life in Kampala, turned out to be a good way of building the interview.

During the interviews I did not feel like an authority they were speaking to, but more like equals (even though this can be debated too). The fact that Safari was present most of the time, a man they had great trust in, helped them open up to me as well. A couple of the informants told me afterwards that many of the questions I had asked were similar to the ones posed by the police, Inter Aid or OPM.

Interviewing organizations and the government

I did seven interviews with people working with migrants in different institutions, each of them with an interview guide specifically created for the person/organization in question. These institutions consisted of a selection of government and non-government institutions chosen due to their position in the Ugandan migration regime. I read a lot about the different institutions before the meetings, and the fact that I conducted these interviews last made it possible to ask about issues that had come up when interviewing the migrants. Getting in contact with the different institutions was far from straight-forward; to be able to reach the right man at Old Kampala Police Station I had to ask for permission in the main police station downtown, and then come back several times before anyone had time to see me. At the OPM – Directorate of Refugees I stopped by several times before I managed to interview someone on my last day in the country.

A bias is that I was not able to talk to the UNHCR who are important for receiving refugees and asylum seekers in Kampala because of their busy schedule. In the institutions I did manage to get interviews, I was not always able to speak to the most central people in the institution. The interview setting was also quite different than with the migrants; in the offices I was interviewing more 'powerful people' who saw me as 'just a student' and the interview

situation was more formal and structured. It was obviously not on the same personal level as with the migrants.

Recording the interviews

All of the interviews (except one) was recorded on a digital voice recorder. This made the interviews "flow" easier and allowed me to fully concentrate on the questions and follow-up questions rather than focusing on taking notes. Listening to the recordings afterwards enables the researcher to learn and evaluate how he/she asks questions and what kind of feedback he/she gives (Thagaard, 2003). Limitations using this technique include not capturing body language/gestures, and some might be hesitant when knowing they are being recorded. Based on this last limitation, I always asked for permission to record before each interview. When I recorded them I did not feel that it affected the way people responded to the questions, as they had been informed and given a choice before starting. I ensured them that the recordings were only to be listened to by me and then deleted afterwards and I explained that it was hard to get everything they said if I had to write it down. To counteract the first limitation of the recording, I wrote down key-words on the interviewees' behavior and body language during the interviews.

Another challenge with using a recorder is that it can make the interview feel very "formal". The subsequent process of transcribing the interviews is time consuming, but gives you the possibility to go back and listen again and to get good quotes (Crang and Cook, 2007). Luckily none of my informants seemed to mind and all agreed to be recorded for the interview (except one, a key informant working for OPM). When having to take notes at OPM the experience made me aware of how much easier my job as an interviewer became when I could rely on a recorder.

Observation/informal conversations

> *Interviews are self-reports of experiences, opinions and feelings, whereas observation relies on the observer's ability to interpret what is happening and why.*
> *- (Kitchin and Tate, 2000:220-221)*

Another important method in qualitative studies is observation to get an understanding of how the informants live, how they act, and also how they relate to each other in their natural setting. Observation can be used to understand the behavior of people to learn the meaning behind it. Kitchin and Tate (2000) explain that in qualitative studies it is not just about asking

people questions and getting the answer but being aware of the surrounding environment. This can be observation done outside the interview, or "off the record" observations by the researcher done by just being present in the field (Crang and Cook, 2007). There are limitations as to how much one can learn from what people say; to fully comprehend the complexities of many situations, observation can be the best research method (Patton, 2002). As a technique, Crang and Cook (2007) says that observation is something you do all the time while in the field. To document my observations I used a fieldwork diary which I took notes in when there were things I realized after talking to people or had observed directly.

When doing my fieldwork I spent a lot of time with one of the research assistants, Safari, and also with his family. He took me around in his local community, to church services he was holding for the Congolese refugees in the community, and introduced me to a great number of people in the Congolese community where he lived. Walking around in the neighborhood observing people and seeing how they were living, I experienced getting a more holistic picture of their situation. This gave me an opportunity to establish closer relationships with some of the informants as I saw them several times after the interview was conducted. The fact that most of the interviews where done in the very homes of the people I interviewed allowed me to peek into their daily lives and provided valuable information about their situation – especially their economic position. In one incidence where I was at the OPM-office I spotted one of my informants trying to speak to one of the ladies behind the counter. He was all dressed up in his best attire, and the way they spoke to him and almost pushed him out gave me an idea of the hardship many migrants face and the lack of respect they are given. While waiting for the person I was to interview I was told to sit on a chair in a corner and wait as she was interviewing two asylum seekers. In this situation I felt extremely uncomfortable and out of place as I got to listen to their sad story and seeing them cry. Based on the disrespectful way the lady behind the desk talked to them, she did not seem to believe them. This incidence really made relate to the suffering many migrants face in a completely new way.

Secondary data

Secondary data can be an important part of qualitative studies, especially as a way of preparing for going into the field. It can consist of anything from formally recorded texts to more informal information like photographs and letters (Patton, 2002). Before going into the field I tried to learn as much as possible about both Congo and Uganda by reading books,

articles, watching documentaries and reading up on local web pages. This became an important part of the preparatory phase before going and gave me a better idea as to what to expect. It further provided valuable historical information that helped me in the formulation of my interview guides. When arriving in Kampala, I went to the Makerere University to have a look at what other students had been writing about similar topics in their papers. The papers were hard to get access to and turned out to be a time-consuming process, so I decided my time was better used in the field talking to people instead. Another challenge was the difficulties in accessing information about the different organizations and government institutions as it is not always accessible online but only in libraries or the organizations themselves. To get an appointment with them turned out to be difficult as the contact information was not up to date. The time-consuming solution to this problem was to meet up in person and establish contact directly.

The secondary data I used have been valuable throughout the research process and includes recent newspaper-articles, books on similar topics, reports from UNHCR and the RLP, and of course a wide range of online research articles.

Ethical considerations

For every research project, there will always be ethical issues associated with the process. This was a big concern for me before going into the field, especially since I was going to ask people about sensitive topics and probably unravel upsetting stories.

When doing research with poor people, Deepa Narayan-Parker (2000) emphasizes four ethical challenges that can occur; *taking people's time*, *raised expectations, feedback* and *follow-up action.* She further states that these are more visible when the main objective of the research is not to directly empower and benefit the participants, but to help people outside to learn about the realities and experiences of the poor, and then influence policy and practice. Since most of my migrant informants had limited financial means, I feel that her mentioned challenges fit well with my research and also with my experiences looking back at the fieldwork. In the final part of this section on ethics I will also include the importance of confidentiality in the field.

Taking people's time

The first challenge is about taking people's time; the time of the poor is valuable. On the other hand, as Naryan-Parker highlights, when people are given a chance to express and analyze

own realities, many learn and gain satisfaction from the experience, enjoy it and develop solidarity with others. This process can further not only result in greater awareness, but also make people take action to improve own situation (ibid:17). Crang and Cook (2007) argue that one hour is most often sufficient for an interview, being long enough to establish a proper connection and enable discussions while short enough to be 'user-friendly' for most interviewees. My interviews mostly lasted between 30-60 minutes with a few exceptions in each direction. Many of the informants were not employed and appeared to have a lot of time to spare. Even the people who were working seemed eager to give me their time for an interview, and sometimes I came to their work place so we could conduct the interview there. When reflecting on why this was the case, the role of the gate-keeper (in my case the research assistant) might be of importance. As they might want to put themselves in a good light, there is a chance that they exaggerate the researchers' importance as an introduction when asking people to participate. This to make sure that the potential informant will agree to participate (Thagaard, 2003).Whether this was the case for me is hard to know for certain, but at least I did my best to avoid people getting *raised expectations* when talking to me, the second challenge Naryan-Parker introduces.

Raised expectations

It is to be expected that many informants believe you can contribute with more than you actually can and get high expectation to the outcome of their participation (Narayan-Parker, 2000). I therefore made sure to have a consent form ready in three languages which stated what they could expect from participating, that it was completely voluntary, that their identities would not be revealed, that they could stop at any time, that it would be confidential and so on (see Appendix 7). This helped concerning the creation of false hope for the informants as they knew exactly what I could and could not do. My contact information was also included on the form. Even though I was very clear on this, it happened on a few occasions that some of them begged me to get them to Norway or help them more in some way after the interview finished. This was very difficult for me as I was in no position to help them in the way they wanted. This creation of expectations is often out of the researchers' control; it is present but hard to deal with. Just being aware of this and trying to do my best to avoid it was all I could do in this situation (Narayan-Parker, 2000).

To reflect upon how these expectations affected what they actually told me is important, as their descriptions might be influenced by *how* they want to present themselves to the

researcher or the research assistants. According to Thagaard (2003), the informants want to put themselves in a positive light but on the other hand they might want to emphasize the problematic sides of their lives to convince the researcher of their difficult situation. She further explains that to avoid this it is important to avoid own values to shining through and influencing the interview situation. The goal is that the informant will not try to reply to the questions with perceptions of the values or points of view of the researcher.

When I was talking to others about my research I was warned that many people might do just this – try to convince me that their situation is worse than it actually is. I felt that this was not a problem as many of the informants I talked to already new Safari which I conducted most of the interviews with, and he already knew of many of their stories. Being a well-respected pastor I did not feel that they would have lied or exaggerated their story in front of him, but this is of course hard to know with certainty.

It was important for me to give them something as a thank you for their time so I gave them a small symbolic gift which was very much appreciated – especially among the poorest of the informants. This was chosen after having asked people at the Refugee Law Project about what would be most appropriate. I included a thank you-card thanking them in four different languages; Norwegian, English, French and Swahili. This was to make it a bit more personal, and we had fun trying to teach them the Norwegian pronunciation!

Feedback & Follow-up action

Regarding the third and fourth issues of 'feedback' and 'follow-up-action', these can be major challenges as people are often out of reach and spread in a large area (Narayan-Parker, 2000). To handle these issues I interviewed most of the migrants first to get their stories, before using this information when making interview guides for the different organizations and government actors. I also used some examples from the migrants' lives (without revealing their identities) to illustrate some of the challenges they were facing. Besides this I will not be able to carry out additional follow-up. What I have done is to follow some of the migrants through Safari on Facebook. He tells me news about some of my informants, and it is nice to be able to know how the situation has turned out for them. In this way I feel like a part of me is still back in the field. The organizations I talked to did not seem to care about getting feedback which I suspect is because they are used to talking to many people about their work and because I am 'only' an independent master student.

Confidentiality

When conducting qualitative studies, it is important to keep the identities of the informants hidden and make sure that what is being said is between you and them. Participants must be certain that the information they give is safe and that they will stay anonymous (Clifford et al., 2010). In the interviews, sensitive information that could possibly jeopardize the migrants security was revealed, and this is the reason my informants have been given fictitious names when giving their quotes and stories in this thesis. I have chosen to place each informant in a separate model (see Appendix 1) where more information about them can be found. The order they are placed is randomized, and to ensure that no-one can be identified (like the research assistants which I interviewed early in the process), the dates are excluded. All of the interviews with the migrants were conducted between July 8th and August 26th 2014.

As mentioned above, I also gave informants a consent form which specifically stated that the recordings and notes would be locked away. This was of major importance for the migrants that felt insecure in Kampala. One of the informants, "Bonyeme", told me that "to receive you is because of Safari. I fear such interviews… Please keep my identity hidden!". A major reason for this feeling of insecurity is that there is a big Congolese community in Kampala as the city is within close proximity of the Congolese border.

Regarding the people from the different institutions, I have chosen to use only their position and not their names, in order not to expose their identities even though they all said that it was required. Because of some controversial quotes I decided it was best to keep them anonymous, and the list of the interviews can be found in Appendix 2.

Being critically reflexive - positionality and power

When conducting qualitative fieldwork, issues relating to interpersonal relationships, interpretations and experiences are important to reflect upon. Robyn Dowling (2010) has discussed implications of research as a social process in "Power, Subjectivity, and Ethics in Qualitative Research". Gathering information through interviews include personal interactions which are shaped by societal norms, expectations, and power. Qualitative studies have been criticized for its non-objectivity, making it crucial to give emphasis to 'critical reflexivity' in such research. Reflexivity can be defined as "a process of constant, self-conscious scrutiny of the self as a researcher and the research process" (England in Dowling, 2010:31).

Relationships in the field are affected by numerous factors like culture, gender, age, skin color, values, beliefs and class. Coming from Norway as a white, middle-class, unmarried, female student to Kampala, I could definitely be considered as an 'outsider' in this setting as opposed to an 'insider'. Many researchers argue that when studying a group they belong to as 'insiders', they have a deeper understanding of the setting, and can gain more intimate insights of people's opinions. As an outsider on the other hand, it is argued that the researcher has a better chance of being seen as neutral and therefore will be given more information than an insider (Mullings, 1999). During my research I did in some way feel like an outsider, but because my research assistants were considered as 'insiders' in the community, this gave me the benefit from both sides by the migrants opening up to us because of the insider present, and me as an outsider being able to see it from an outside perspective.

In her article "Personality: a new positionality?" Sarah Moser (2008) argues for the importance of the *personality* of the researcher in a research setting as just as (if not more) important for the conducted work that the researchers *positionality*. Moser emphasizes that the researcher's personality plays a significant role in the shaping of power relations in *all* social encounters, also across cultures. If the researcher is outgoing, friendly, and spends time interacting with the informants they are more likely to get deeper information than a "closed" researcher with limited people-skills. For me I felt that this was definitely the case, and was one reason why I did not feel like a complete outsider despite the circumstances. As I have travelled a lot on different continents and love to meet new people from various cultures, I felt that this helped me in connecting with the migrants I talked to. The fact that I also speak some French helped me to communicate (on a basic level) with them which was highly appreciated. Another conversation-breaker was mentioning that I have an older brother who is half African, and several people called me one of their "sisters" when they learned this. The fact that I was so enthusiastic about Africa and about their beautiful home country also seemed to help them getting a positive impression of me.

In a qualitative study, relations of power are present, which intersect research in a number of ways. Dowling (2010) explains how power can enter your research through the stories or the interpretations you make of them or the information you collect. In the field the researcher tries to understand, sometimes by participating or creating situations where people, including the researcher, "are differently situated in relation to social structures" (ibid.:32). Informants and the researcher have different intentions and social roles, but as a researcher you have other capacities in order to change situations and other people. In the both the different

interview-settings there were strong power relations. Many of the migrants I interviewed were in extremely vulnerable positions, triggering a feeling of helplessness from my side as I was not able to help them the way they needed, but was limited to listening to their stories. With the representatives of the government and organizations, the roles were reversed and I felt that they had more power over the situation than me – I felt very 'small' in many of those offices, especially at the police and OPM.

Data analysis

"The field is here and now, not there and then" argues Hyndman (2001) in her article by the same name. Having returned from the field and started analyzing the data I still feel that I have not completely 'left'. One reason is that I have had the time to immerse myself in their stories, and also the fact that because of social media like Facebook, I am still lucky enough to be in contact with several of the people I met while in the field. In this section I will describe the steps taken to analyze my data to finalize my analytical framework and identify important themes in my material.

During the fieldwork I tried to identify recurrent themes that became visible in the interview process, and took notes of them. I recorded all of my interviews (except one), and transcribed about half of the interviews while still in the field. The rest where completed back in Norway due to a lack of time on my final stages of the fieldwork. It was rewarding to transcribe many of the interviews while still in Kampala as this made me more aware of my own role as an interviewer, and what could be improved for the next session. The rest of the interviews were transcribed at home, which was a good way to "reconnect" with my material and "get into" the data again.

I read through the interviews several times and wrote down themes that were recurring. Some were in relation to my research questions, but also other issues where interesting. I realized that I had a *huge* amount of data, and that I was not going to be able to use most of it. It was therefore a challenging process to finalize my main topics and weed out the rest of the information. The way I had planned to look at mixed migration was to a bigger extent focusing on the motivations for movement and the routes the migrants took. While in the field this changed as I realized that they all had escaped insecurities and conflicts in various extents, and that their means of transportation was similar. What seemed more important to focus on was their experiences *in* Kampala, and how the migrants placed themselves in the

different migration labels. The way they sometimes managed to maneuver the Ugandan migration regimes was seen as a better way to focus my research. When I had identified topics and relevant issues related to them I used a very simple coding method to structure my data from the interviews; I printed them all out and used different colored markers to find different topics and themes in the texts.

To be able to finalize my theoretical framework I went back and forth between theory and analysis where each of them developed simultaneously. Even though this study is based on a small number of interviews I believe that I have managed to show a wide range of different stories to explore the research questions I have posed for a better understanding of the mixed migration-concept. It will not be applicable for the entire Congolese migrant population in Kampala, but the study still provides valuable insights into the wide range people and stories, and that these do not always fit in the narrow labels related to 'forced' and 'voluntary' migration.

5.   The Ugandan migration regime – securing migrants' rights?

The concept of 'regime' is a type of government which includes several different stakeholders. In the migration regime, important actors include the international community through rights and obligations like the international human rights, the state, organizations working with migrants and migration, and of course the migrants themselves and their networks as explained in the third chapter. Migration in Uganda is governed by various national policies, laws, regulations and institutions. In the following chapter the Ugandan migration regime is explored. I wanted to explore what migration regime/refugee regime in Uganda constitutes of, and how the migrants relate to it. Does the Ugandan government secure them their entitled rights? The main focus will be on international migration here relating to my study of the Congolese entering the country. When presenting the organizations, their work in the urban environment is emphasized.

While a couple of decades ago entering the country and receiving a refugee status was very easy, Uganda's system is now more stringent. In the first section, actors like the Office of the Prime Minister - OPM, the police, InterAid, and UNHCR and their role will briefly be presented. Additionally the legislation concerning incoming migrants will be explored, where the Refugees Act 2006 - the legal document guiding the status determination process today is central. It is clear that what is written on paper is not always consistent with reality, and the process of getting a refugee status can be extremely time consuming for many – resulting in people failing to follow-up and receive the status they are entitled to. The main critique of the Refugees Act is presented, where the violation of basic human rights according to the 1951 Convention is central. Even though the Act has received praise, especially compared to the CARA (mentioned in chapter three) there are several points which could be improved.

Uganda's migration regime

> *Local communities express sentiment that this country cares more about refugees than their own citizens, which is really a reflection on the bigger picture. You have the population living in dire poverty, but you also have a government trying to uphold some international standards, especially when it comes to refugee protection.*
>
> *- RLP Official, Interview 21.08.13.*

Migration in Uganda is governed by different national policies, laws, institutions and regulations. The policies and laws for refugee protection and assistance have been criticized, especially for favoring refugees settling in the rural settlements outside the big cities. In this section some key issues will be explored in relation to how the country receives its immigrants.

The general legal context

Uganda is a common law jurisdiction with laws based on those from the UK, which Uganda gained independence from in 1962. The latest Constitution, from 1995, was implemented after comprehensive public consultation and debate. Since then the country has ratified a number of regional and institutional instruments in addition to human rights law. Uganda ratified the 1951 Convention on refugees and its 1967 Protocol in 1976 (Sharpe and Namusobya, 2012). The Ugandan Constitution also created a Human Rights Commission to supervise the situation of human rights in the country. "The impressive legal architecture has not, however, always translated into respect for human rights in practice" (ibid.:3). Organizations like the Human Rights Watch have repetitively reported extensive human rights violations towards people in the country, both citizens and foreigners, for example the use of government torture and arbitrary detention. Furthermore, even if Uganda is a country that has a long history of receiving refugees, the specific rights for refugees have received little attention (ibid.).

The National Development Plan (NDP) of Uganda predicts how the country will transform from small scale farming to a more modern state where the income of its people has increased. The plan covers the period 2010-2015, and supports the Act by including issues like how to strengthen the police force and immigration departments. The policy maintains and promotes the rights of refugees by giving assistance to reach durable solutions (IOM, 2013c). Interventions to accomplish this includes the maintenance of resettlement schemes, promoting self-reliance by establishing and implementing income generating programs, and to promote and facilitate repatriation of refugees. The NDP also seeks to assist migrant communities with recovery, resettlement and reintegration process to improve their livelihoods.

In Uganda, four ministries are responsible for the main areas of migration policy. The Directorate of Citizenship and Immigration Control, which is under the Ministry of Internal Affairs, manages the entry and stay of foreigners in Uganda, registration of nationals and 'resident aliens', in addition to issuing passports and travel documents. The Ministry of

Foreign Affairs, with its Diaspora Department, oversees relationships with the diaspora, while The Ministry of Gender, Labor and Social Development deals with labor exportation. The last is The Office of the Prime Minister (OPM) Refugee Department which is responsible for refugees on behalf of the Government in Uganda by managing effective and practical management of disasters and refugee issues in Uganda (IOM, 2013c).

Draft of a National Migration Policy (NMP)

In the report "Migration in Uganda, A Rapid Country Profile 2013" (IOM, 2013c:60) it is mentioned that there is an ongoing process to develop a policy to "comprehensively respond to migration issues that impact the socio-economic, cultural and political development of Uganda and the region". Its goal is to ease the secure movement of people in and out of the country, increase benefits of migration for development and enhance inter-agency cooperation for migration-related actors. This policy shows that Uganda is thinking ahead and acknowledges some of the problems they are facing regarding migration. As of April 2014 it was not possible to find more information regarding the development of the policy, so it is most likely not put into force yet.

The Refugees Act 2006

The Refugees Act 2006 (the Act), as mentioned in the second chapter, is the domestic legislation relating to refugees in Uganda. The Act is a big improvement from the previous legislation, and is said to be progressive, human rights- and protection-oriented, like the inclusion of sections guaranteeing specific rights for women and children. The Act generally reflects Uganda's regional and international obligations, but still the country fails in relation to some regional and international benchmarks. I will return to this critique later in this chapter.

Freedom of movement and the practice of refugee settlements

In article 13 of the Universal Declaration of Human Rights (United Nations, 1951) it states that "Everyone has the right to freedom of movement and residence within the borders of each state." According to the Refugees Act Article 44, section 2, on the other hand says that "An applicant or refugee who may wish to stay in a place other than the designated places or areas may apply to the Commissioner for permission to reside in any other part of Uganda". The freedom of residence is not mentioned in the Act. What is written is that refugees should reside in settlements unless they can prove themselves self-sufficient (Uganda, 2006).

The Ugandan government provides land for refugees in the rural settlements to use for housing and farming. If refugees choose to stay in the urban areas they should according to the Act be self-sufficient, as the urban refugee population receives limited help. By providing land for the refugees the idea is that this will lead to greater livelihood opportunities, as they can sell the surplus they produce. The rights and opportunities in the settlements considerably limits the migrants' opportunities to be self-sufficient, even though this is the primary goal because of the lack of access to proper markets and soil not suitable for farming (UNHCR, 2014c). (These issues will be further explored in chapter seven). UNHCR claims that camps are not found in Uganda, but in legal documents the 'camps' and 'settlements'-terms are used interchangeably, and the practice seems quite similar. A challenge for people when it comes to being placed in a camp is that many are not traditionally farmers and are not used to live in rural areas and grow crops. They originate from cities and want to continue to live in cities. "Abraham" explained that "they were planning to give me a farm where I could dig and do farming, but I told them I could not do this as I didn't know anything about farming".

The main actors for refugees and status determination

The principal government agency which oversees matters related to refugees is the OPM - Office of the Prime Minister's Refugee Department. The UNHCR also holds a central position, even though they are no longer the responsible party for refugee status determination. This was changed when the Refugees Act 2006 came into law in 2009, which I will elaborate later in this chapter. The OPM and UNHCR work together organizing the response to address the needs of protection and assistance for refugees, not only regarding emergencies but also ongoing programs. This coordination is there to ensure the most effective consultations and responses between government institutions and UNHCR, with the support of other local and international NGOs and United Nations partner agencies (UNHCR, 2014c).

UNHCR - United Nations High Commissioner for Refugees

The UNHCR is as mentioned above an important actor in the Ugandan migration regime. They are a humanitarian, non-political organization mandated by the United Nations to protect refugees and help them to find durable solutions. In Kampala the organization works closely with other organizations for needs-awareness, and also to increase the migrants' available support networks. They continue to assist the most vulnerable part of the refugees in the urban setting (UNHCR, 2014f). The organization also works closely with the government

and other organizations with receiving and catering for people in need. The financial requirements for UNHCRs operation in the country has almost doubled between 2010 - 2013 to a budget of USD 92.4 million. The main reason is the growing influxes of Congolese refugees (Sharpe, 2010).

Office of the Prime Minister (OPM) - Directorate of Refugees

The Directorate of Refugees is responsible for the refugees in Uganda on behalf of the Ugandan government. Their vision and mission is:

> *To manage the response to refugees in Uganda by assuring the welfare and protection within the framework of national policy, international laws and standards, while safeguarding the local and national interests (OPM, 2012: para. 6).*

The Police

The Ugandan police play an important role in the migration regime. When asylum seekers come to apply for a refugee status, they have to report at the Old Kampala Police Station before they are sent so OPM. The police also interview the asylum seekers for the Refugee Eligibility Committee – REC, and write a report on each of them. The Superintendent of Police is also a member of the REC.

Figure 3. People waiting outside Old Kampala Police Station. (Photo: author)

Non-Governmental Organizations (NGO's)

Several NGOs are important actors for the Ugandan migration regime. I have here done a selection of the organizations which was mentioned the most during the interviews and which I see as the most important. I also interviewed them all except for HIAS because of time limitations.

InterAid

InterAid is a non-governmental organization (NGO) established in 1988 to improve the livelihoods of disadvantaged people both in the urban and rural areas (InterAid, 2014). Their involvement with migrants have changed in recent years, because before the Refugees Act 2006 was passed, urban migrants had to come to InterAid for interviews after registration at the police. They were mentioned by all the migrants I interviewed who arrived before this change. Now people come here for various services like for counseling, health issues and accommodation (Interview 15.08.13). If the migrant has not yet applied for a refugee status, they are told to first go through these procedures to be able to get help. InterAid works closely with the government, and refer refugees from the settlements to hospitals for treatment. Urban refugees are encouraged to seek help in government clinics, and if they cannot buy the drugs they are prescribed InterAid provides them with the medication for free. Livelihood training is provided and also counselling.

Jesuit Refugee Service – JRS

JRS is a national catholic organization found in over 50 countries worldwide. Its mission is to accompany, serve and advocate on behalf of forcibly displaced people. Their main work areas are with education, emergency assistance, healthcare, livelihood activities and asocial services (JRS, 2014). JRS is the only organization in Kampala who gives priority to asylum seekers on a constant basis with emergency material relief like food and accommodation. When people come for help they have often been referred from OPM or the police, or they hear about the organization through their personal networks.

JRS also refer migrants to other organizations, like torture victims to someone working especially with that issue. Another example is referral of big families to OPM to send them directly to the settlement where their needs can be met, even if they have not gotten their status yet. In 2012 JRS had 2160 new cases with migrants coming for help, but because of limited funds they are forced to turn away many of these. According to the Country

Representative in Uganda at JRS, about 90 % of those who are received by JRS are from Congo (Interview 21.08.13). In recent years skills-training is also given to prevent dependency among the receivers, and the aid is divided 50-50 between skills-training and emergency relief. Aid is given up to 3 months which is the estimated time to process the status application (even though this process is known to take longer) (ibid.).

HIAS

HIAS (Hebrew Sheltering and Immigrant Aid Society) is another organization that works with vulnerable refugees in Uganda to provide assistance, protection and durable solutions for them. The organization has three offices in the country where one is in Kampala where they help the urban refugee population (HIAS, 2014). Their work revolves around capacity building, social assistance, training, psychosocial counselling, resettlement services and national and international advocacy. The advocacy work is to fulfill the human rights for the vulnerable refugee population, so HIAS works through direct services and international advocacy (ibid.).

Like the other actors, HIAS is an organization with close collaboration with the government and other similar organizations, and they often get referrals from them. It is essential for the government to have these organizations that might be able to provide for the asylum seekers in need when they come to them to get a refugee status. The government has limited means and cannot cater for everybody's need. Therefore the police or people at OPM identify the problems and send the asylum seekers to the organization most suitable for their needs. This also works the other way around – if people are not registered they are encouraged by the organizations to register and make themselves known.

Refugee Law Project

The Refugee Law Project (RLP) was established in 1999, to promote and protect rights for forced migrants in Uganda. It is not a conventional NGO like the previously mentioned organizations as it is an autonomous project under the Faculty of Law at Makerere University (RLP, 2014). RLPs work is done through legal assistance, training, research and advocacy. Examples of their advocacy work are training of policy-makers, like members of parliament, and engaging them in key rights concerns in the country and suggest the appropriate legislative response. Matters that requires legal representation like tenancy-issues, employment-related problems and appeals for status determination is also an important part of

their work. They further do resettlement referrals to either HIAS or UNHCR, and these cases are mostly on medical grounds or for protection needs (Interview2, RLP). Another important task is to empower the forced migrants to fight against discriminations in policy, law and practice (RLP, 2014).

Local actors - Church communities, Father Micheal, and the migrants themselves

The migrants themselves should be mentioned because of the important job they do helping people in similar situations. This is done through local communities, like church communities, and also with migrants like Father Micheal who have initiated his own project as described below. As there are many people who do not get help anywhere else, they are forced to rely on their friends, families or other communities (like church communities) to be able to survive in Kampala. This is in correspondence to how I have defined 'regime' in chapter three where the importance of these networks are emphasized. Out of the 30 migrants I interviewed 25 of them had stayed with people in these networks when arriving and was able to get by because of them. The importance of churches to be able to get by is essential for many, as they assist in finding shelter. This is the way many find shelter and help when they arrive if they have no other people they know in the city. There are not many places that receive arriving migrants in the urban setting, and eight of my informants had slept in churches or in pastors' houses when they arrived for some time before they could manage on their own. The church communities are not directly linked to the formal processes in the regimes, but are still important for the first meeting with Kampala for many Christian migrants. Like the experience of Jina Krause-Vilmar (2011) in the report "The Living Ain't Easy, Urban Refugees in Kampala", I was told that it was through the networks (often in relation to churches) that people got access to credit if the need arose. One of my informants, "Arcel", was living in a house owned by a local church community where he got to stay for free in the exchange for letting people sleep in his living room when it was necessary. My research assistant Safari explained that "We have an association of pastors, we do some contribution to help those people in need but it's not officially as we don't have any documents yet. It's an association of churches so we are more than 20 churches together trying to put together something to help our Congolese brothers and sisters. It has been there for more than six years and I am also a member" (Interview with "Arcel", 24.07.13).

Another man I heard about from one of the migrants I interviewed is Father Micheal. He represents one of the refugees who started Center Bondeko (meaning 'brotherhood') in 1997 with the help of UNHCR to help people in the same situation as himself. He is one example of how the migrants themselves can organize to help people around them, and through organizations and networks migrants in need are sent to him. Father Micheal is a Congolese priest who came to Kampala the year before, and saw the desperate need many migrants were facing after fleeing from Congo (Bondeko Center, 2014). The center provides for people, regardless of their official status, social and spiritual assistance, and basic care with shelter and food. Like the other organizations, the funds are limited, but they do their best to provide for the people who come. They also help them with health care and accompany asylum seekers in the process of getting a legal refugee status (ibid.). In 2002 a school was started to provide education for children, and as of August 2013 11 volunteers were working in the center. These volunteers are also refugees (Interview 19.08.13).

Challenges related to securing refugee and migrant rights

Sharpe and Namusobya (2012) wrote a critical report following the implementation of the Refugees Act 2006 and claimed that deficiencies of the document in combination with issues of the implementation "have led to a protection situation characterized by the widespread and systemic violation of certain critical refugee rights" (ibid.:2).

There are several international refugee rights which are absent from the Act, and most of these are concerning welfare. Issues like housing, public relief, labor legislation and social security is not protected under the Act, but this must be seen in relation to the economic situation in general "given that Uganda struggles to provide its own citizens with even basic social security it is understandable that it is not in a position to guarantee such rights to non-nationals" (Sharpe and Namusobya, 2012:7). It should still be mentioned that Uganda did not make these reservation when they signed the 1951 Convention.

In some issues, the Act provides refugees with more rights than the 1951 Convention, like the right of recognized refugees to stay in Uganda which is not explicitly provided in the 1951 Convention (Sharpe and Namusobya, 2012). However, this obligation was ignored in for example July 2010 when 1700 recognized Rwandese refugees and asylum seekers from two settlements in Uganda where forced to return to Rwanda. This happened after an increased pressure from Rwandan governments to its neighboring countries to return refugees back

home, thereby bypassing the UN Agency and human rights law (Human Rights Watch, 2010). According to UNHCR more than 15.000 Rwandan refugees were living in Uganda in 2010. Some came during the genocide, and others came in 2009-2010. Most of them where living in settlements, and had because of pressure from the Rwandan government been denied access to land to encourage their return to Rwanda. According to the UNHCR 98 % of Rwandese asylum seeker applying for a refugee status were rejected. The forced return happened over two days, and the staff of UNCHR was told to leave the settlements before officials started gathering the Rwandan refugees/asylum seekers. The director of Human Rights Watch's Refugee Program, Bill Frelick expressed at the time that "Mass forcible return of refugees and asylum seekers fundamentally violates Uganda's international obligations…The Ugandan government is supposed to protect people seeking asylum in Uganda, not endanger them" (ibid. para 2). The returned Rwandese feared going back because of the justice system, political repression and land disputes. This example demonstrates how the Ugandan migration regime sometimes does as it pleases, despite of international obligations and own laws that protects these refugees.

Migrant or refugee? Maneuvering status and registration processes

The 1951 Convention guarantees the rights of refugees, even before they have officially been recognized and received a status. The rights framework under the Refugees Act on the other hand " applies only to formally recognized refugees, leaving asylum seekers with no specific protections beyond those provided by human rights law more generally and violating the 'government's legal duty to grant convention rights to all persons under its jurisdiction who are in fact refugees', whether or not they have been authenticated as such." (Sharpe and Namusobya, 2012:11).

In Article 5, in the section on qualifications for refugee status, states that "owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality" (Uganda, 2006:8). As the Refugee Law Project have pointed out in their "Critique of the Refugees Act" (RLP, Undated), this does not include people who chose not to return while already being abroad because of a situation change at home. Of the migrants I talked to there were two people in this situation; "Daina" and "Ariza". "Daina" came to visit a family member, and chose to apply for a

refugee status after two months in Uganda as the situation in Congo changed for the worse while she was visiting. When asking about problems in the registration process because of late application (you are supposed to apply within 30 days of arrival in the country) she replied that "they didn't say anything".

"Ariza" had only been in Uganda for one week visiting a relative when he decided to apply for a refugee status. When I asked him what had triggered this decision to apply he replied that "They told me that you cannot walk in the city (Kampala) without a document, and for that I had to register myself to get an ID which shows who I am. The only way to get this was by registering as a refugee". I further asked him what other benefits he would get by getting a status, besides an ID, but then he replied that he did not know. Because he applied soon after he arrived, the people handling his registration did not mention anything.

Refugee Eligibility Committee – REC

The process of refugee status determination has been moved from the UNHCR to the government, where the Refugee Eligibility Committee – REC, determines each application. The committee consists of 10 representatives from different government departments, along with a few others without voting-possibilities like the UNHCR who over-sees the meetings but has no power over the decisions taken (Uganda, 2006). The decision is made entirely based on a paper application file made by other people (either police or an administrative) those who interviewed the applicant have no role in the status determination process.

Stated in the Refugees Act 2006 is that the REC shall meet as often as necessary, but at least every month. According to the Superintendent of Police, Mr. Bernard Musinguzi, who is a member of the REC, the committee now meets about every second month. As a consequence of this, they have to handle between 500-600 cases each session. The committee gathers for several days to get through the applications, and some are postponed if the time is limited. The time spent on each case varies depending on where the asylum seekers are from, but can be about 15-20 min on average (Interview 26.08.13).

Alternative options for registration

When talking to the Congolese migrants with different migration stories, not all of them chose to go through the process of getting a refugee status involving the actors presented above.

Some had alternative ways of registration, so I will here briefly present other ways they maneuvered in the migration system to be allowed to stay legally without a refugee status.

Visa

An option for people coming to Uganda from Congo is to pay for a regular visa. This is a single entry-visa lasting for 3 months, but it costs USD 50 which is impossible for many who arrive. It is this expensive because there is no cooperation between the two governments regarding visa-issues unlike for migrants coming from other neighboring countries like Rwanda, Kenya and Tanzania (Immigration Uganda, 2014b).

Local chief registration

6 of the 30 migrants I talked to had registered with the local authorities at the time of arrival, and not with institutions like the Police or OPM. "It's only to go to the chairman and then you tell when you came and where you are living. He comes with you to see, and then he gives you a card. It costs 5000 UGX" (USD 2) ("Balufu"). This card is renewable every 2 years "Dikembe" explained; "It allows me to move freely without being afraid of the police"

"Balufu" came in 2011 to work because of the situation at home where it was impossible to find a job. He paid USD 50 for a visa that lasted for 3 months. He went to apply for a refugee status but failed to show up to the appointment because of work. When asking what benefits he believed this status would give him he replied that "It was just because my travelling documents had expired so I wanted to get the card and be stable here". He therefore went to the police and the local chief who gave him a card as a member of that village and got a card for 5000 UGX. This lasts for 2 years but is not a refugee card; it does not give him any other benefits besides that he is 'known' in the local community. "Balufu's" situation is a clear example of what can happen as a result of the "utter unavailability of any label or legal status that would fit their specific situation" (Ketelers, 2010:3). (Regarding the situation to migrate to the western countries, this can explain how many migrants leaving their home countries to get a better future might not have any other choice than to become an asylum seeker to be able to get into societies that can provide a better future for them (ibid.)).

The alternative way of chief registration was by many seen as the only other option for registering if the process of getting a refugee status was not possible. Even though 3 of them wished to get a refugee status they were hindered either because they were too busy with work to follow up the registration process, or they were afraid to register. (The others came as

economic migrants in the 70s, and one man was too 'proud' to apply – he did not feel like a refugee). With this registration it is also possible to pay taxes because you are known and registered.

Work-permit/visa

To obtain a work-permit/visa in Uganda was challenging and expensive, so not a single one of my informants actually had one. If setting up a business, the person has to go through an expensive and time-consuming process, explaining the lack of work-permits among the people I talked to. The registration is expensive, and to obtain a license from Kampala City Council the price was in 2010 between USD 54 – USD 140 annually (Krause-Vilmar, 2011). My informants instead either migrated back and forth from Congo doing business, or did the local authorities-registration instead. When asking "Jules", a Congolese business man, about the price of the permit he said "I won't lie to you, I even don't know. It's not a lot a lot, but the process! The things they'll ask you to fulfil… the file, it is not easy. That is why we are still on those visiting visas".

There are different types of work-visas costing between USD 150-1500 which can explain why some are reluctant to apply (Immigration Uganda, 2014a). According to IOM (2013c) the number of labor migrants is increasing, but the number of work visas issued remains low with about 9000 issued in the fiscal year 2012/2013.

Of the migrants I talked to 14 of them were self-employed doing various business (mostly small-jobs) while six were employed elsewhere. Some talked about how they did pay some tax (like people working in the tailoring-business), and one man said he paid about 100 USD a year for this arrangement. Another man said that he had tried to get a work-permit but that it would have cost him 250 USD which he could not afford.

How migrants relate to the regime

> *To be a refugee here is just to be a refugee. But apart from that, everything is on you.*
> *You'll not get any help.   -"Jules"*

Several people felt like they were being pushed from one office to the next, never knowing if they would be received that day or if they would have to spend several days waiting in line. Some suggested that it would be a lot easier if the offices were located next to each other, to save time and money when travelling back and forth.

For refugees in the urban settings they face many of the same challenges as poor Ugandans to access services, employment and to stay safe. What is additional for the refugees is that many also have difficulties with the language, with discrimination, access to credit and also formal sector employment (Krause-Vilmar, 2011). For all of these challenges the importance of having a proper network of people around them is visible, and was also what made the migrants I interviewed able to survive.

Major challenges of the migration system

Uganda has an admission rate of migrants which is one of the highest in the world, and as a result faces several challenges (UNHCR, 2011). From the interviews I did with people in the government, police and other organizations regarding the urban case load there were some challenges that were mentioned as the most severe which were regarding financial issues, insecurity and a lack of coordination. Corruption was also mentioned to be a challenge for some, but not the most pressing one.

Economic

Uganda is a country which is rising economically, but they still have challenges with fulfilling the basic needs of their own population. According to the (UNHCR, 2014f) the country was hosting a total of 328.997 refugees and asylum seekers in February 2014. It is understandable that all the actors I spoke to while in the field mentioned limited financial means as the biggest challenge they faced. At InterAid, the official I talked to said that "the government does not have enough resources to manage, handle this big influx of refugee. They need medical care, they need accommodation, they need feeding, education. Now in the urban program, you have very many children who are not in school because the parents cannot afford school fees. Universal primary education is there, but there are some small money which is requested, and they don't have the money… You will never have enough resources to address the needs" (Interview, 15.08.13).

Insecurity

Uganda is a country situated in an area that has been haunted by wars and rebellion for years (as presented in the second chapter). Refugees face problems of insecurity in the settlements as well as in the city due to Uganda's close proximity of Congo. Some of my informants had also experienced attacks from fellow Congolese who had managed to track them down in Kampala. This resulted in a lot of fear among the migrants, and can also explain the desire to

get resettled – to be able to get as far as possible away from the insecurity they are facing in Africa. Regarding the fear some of the informants expressed about their names being on public display at the OPM-office the an official at the Refugee Law Project said that;

> *I think they could be having a valid fear, because when somebody is fleeing on protectoral security issues, publicizing their names is a way of notifying potential threats where they are. So at most cases, if anybody is looking for a refugee, the place you to is to OPM or Police (Interview 23.08.13).*

The RLP solve this by always putting numbers instead of names on their lists.

Coordination and knowledge

Because little is known about people in the urban setting regarding needs, numbers, protection concerns, livelihood opportunities and current economic coping strategies, it is difficult to meet their needs upon arrival. It is also likely to be difficult to assess them in comparison to poor Ugandans in the same areas. The numbers of urban refugees in Kampala range from 35.000-50.000, and the number is increasing according to the UNHCR (Krause-Vilmar, 2011). In the report from IOM about Migration in Uganda mentioned above (IOM, 2013c), the lack of comprehensive knowledge about migration in the country was mentioned as one of the biggest challenges they face. This results from a lack of organized data like regular statistics, and poor management of administrative sources. The fact that the last proper consensus was conducted in 2002 is seen as a big problem.

Corruption

The problem of corruption was mentioned by several people – both in the government, organizations and among the interviewed migrants. It was not just affecting the migrant population in the country, but also the natives. At InterAid I was explained that:

> *Yeah, even during Jesus' times corruption was there. So corruption is a natural disease. I think even the bishop is corrupt, or even the Pope is corrupt – I think so! … But corruption does not only apply to Congolese, even me. I suffer the same thing! If I go to the police or medical care, these people want something, extra money for official service; it's supposed to be free. So corruption is throughout, whether you are foreign, Ugandan, you suffer from it (Interview, 15.08.13).*

"Patrice", a 49 years-old refugee who had been in Uganda for several years, said regarding the resettlement process that; "In every office you will find Ugandans and they have the same syndrome of corruption. You can't make a single step or reach another door, before you pay".

Relationship between the actors – how that constitutes the regime

The definition of 'regime' from the third chapter, shows how there are a number of actors and components constituting a 'regime', and I have therefore tried to present these in relation to the Ugandan context of migrant reception. It is not possible to present *all* of the different components, but as I have done a selection of the most important ones which became evident during the fieldwork. The so-called 'structures' in the regime can be seen as the laws and policies presented, like the NDP and the Refugees Act 2006 in combination with actors like the OPM – Department of Refugees and the police who use these policies in their work. This is only one 'part' of the regime though, as the actors and the organizations make an important contribution to the regime by supporting the migrants and also fighting for their rights. The cooperation between the different actors is essential because of the vast number of migrants coming into the country making it necessary to have many actors involved to better cater for many people. At InterAid I was explained the importance of a good cooperation and their role in the regime; "It is supplementing the efforts by government to address the issues. You can see UNHCR helps government. And we as NGOs we are partners. Government cannot implement all these programs alone, that's why we have so many NGOs in the settlements handling health care, education, skills development of these refugees. So we as NGO in the process we are complementing and assisting government, UNHCR to address the issues of refugees" (InterAid Official, Interview 15.08.13).

I have showed that Uganda has been criticized for not being able to fulfill the rights and the basic needs they are entitled to, and some of the reasons why. That the country struggles with poverty among its own citizens is one important aspect. The fact that the government is not able to secure the migrants their entitled rights is one important reason why migrants maneuver like they do – to make the best out of own situation and try to fulfill their basic needs and their rights as human beings. Their 'agency' is essential to be able to achieve this and is not only dependent on the structures around them. In the next chapter this relationship will be studied further by taking a closer look at the status determination process through the eyes of the migrants themselves. Difficulties along the way and alternative choices they make are presented, and the importance of their networks are clearly visible.

6.   The regime meets the migrants

In this chapter the meeting points between the regime in Uganda and the migrants entering the country is explored. The application process for refugee status and how the process works is explained. What determines their given status? Do they actively seek to secure own rights? As my research showed, people with similar motivations for migration ended up with different labels– some as refugees and some as economic migrants while other chose not to register at all, avoiding all labels. This result is not only due to the formal processes, but also the coincidences present when people cross the border, what resources they have, what they seek to accomplish and where they want to reside. The notion of labeling as discussed in the theoretical chapter is important. Migrants arriving do, in this sense, have some control regarding how they are labeled with a status, and their agency is evident in how they use and maneuver their way through the system. They often have a clear perception of where they belong, like people who refuse to see themselves as refugees even though their migration stories indicate that they are clearly entitled to this status. What consequences does it lead to when given one label over the other? What rights are they entitled to and how do they use and understand these labels and rights? What about those who choose to stay in the city, even though they have to disclaim the possibility of getting help?

Different views among the migrants regarding the rights related to the given statuses are presented, followed by several challenges faced in the refugee status determination process. The Refugee Law Project is central in this discussion and has picked up a lot of challenges and is working to improve the situation for the refugees in the area. With a few examples of migration stories presented, it is evident that it is not necessarily the *cause* of the movement that decides whether people see themselves with one label or the other.

Status determination process in Uganda

Uganda is known to have a generous asylum policy, with an acceptance rate of about 95 %. There are two ways of applying for a refugee status in Uganda determined by where the migrant registers; in a refugee settlement or in the city of Kampala (Sharpe and Namusobya, 2012). The focus here will be on the process migrants in Kampala have to go through.

The majority of Congolese asylum seekers are, according to the Superintendent of Police at Old Kampala Police Station, transferred directly to the settlements upon border-crossing while only a fraction comes to Kampala and register there. Further he explains that most of the Congolese migrants arriving are granted refugee status on a prima facie basis, at least those who go directly to the settlement. The rest have to go to through the Refugee Eligibility Committee to get their status approved, where he is also a member (Interview, 26.08.13).

In the report "Refugee Status Determination and Rights in Southern and East Africa – International Workshop report" from 2010 it is explained that Uganda has long operated with a status determination system granting prima facie-status, but that this practice ended in 2007 and has since then conducted individual assessment. To get a clear answer I contacted a friend working at the refugee desk of OPM after I got back from fieldwork. I was told that as long as his or her country is currently under instability, people in both urban and rural areas are granted prima facie-status. This reflects some of the challenges I met while searching for information for formal processes in the country – different documents claim different things. The migrants might have yet another version about the practices, making this a constant challenge. As I was told at the RLP office when asking about the legal and policy framework of receiving migrants and if it meets the migrants' needs;

> *The legal bit, I think it does… In practice? Most of the things are on paper but in practice it becomes, you know, everybody for themselves… I think Uganda should be having good policies but practice-wise it is a bit of a challenge. You have policies that say they can easily access medicine, medical service, education… Those are there, but in practice some will not. They will be denied education, medical treatment... That is a challenge.*   *- RLP Official, Interview 23.08.13.*

I have consequently chosen to focus on what matches the migrants' experiences of the process with a focus on practice rather than policies. Sometimes policies are mentioned, followed by comments from migrants.

The challenge involved with obtaining updated and corresponding information regarding official procedures corresponds with one of the major challenges regarding migration-related issues in the country profile from 2013 "Migration in Uganda" (IOM, 2013c). Resulting from this is a lack of general knowledge on migration in the country. Further "four ministries hold responsibility over primary areas of migration policy and activities which presents its own challenges in respect to coordination and management of migration data and related issues" (ibid.:11).

Refugee status application-process

Summarized below is how the process described in legal documents, but according to several of the migrants I interviewed it is not always this smooth and efficient as will be evident from their stories.

In the registration process for newly arrived asylum seekers, the migrants go for registration at Old Kampala Police Station within three weeks of arrival in the country. The migrants' bio-data is registered and general information about reasons for flight is collected. If the family consists of more than one person everybody has to be present at this first registration. He/she is given an asylum seeker-document with a registration number, and has to proceed immediately to get an appointment at the Office of the Prime Minister – Directorate of Refugees (only referred to as 'OPM'). The police also refer people they see are in need to other organizations like InterAid and JRS who might be able to help them, but because these organizations are financially limited only a small portion of the people seeking help can be catered for (OPM Official, Interview 26.08.13).

The appointment at OPM should be scheduled to take place within a few days. The asylum seekers are given particular days to come, Sundays and Mondays being the designated days for Congolese. At OPM, each registered migrant will be issued a temporary asylum seeker attestation, requiring renewal every three months until a decision on the application is made by the Refugee Eligibility Committee (REC). This is because the application should be processed within three months, but in reality it can take much longer (Sharpe and Namusobya, 2012). Following the interview at OPM, a second interview is conducted at the police station before the application is processed by the REC (OPM, 2012). The REC has 90 days to make a decision, but due to the sheer number of applicants the procedure may take as long as several years (ibid.). The decision is made entirely based on a paper application file made by other people (either police or an administrative) who has interviewed the applicant but has no role in the status determination process.

During the process of status determination the asylum seeker is not provided with any material assistance as the policy of the government and the UNHCR clarifies that they would have to reside in rural settlement to be given this right. This is to discourage people from staying in the city and choose to reside in the settlements instead (Sharpe and Namusobya, 2012).

Figure 4. Public lists outside OPM with asylum seekers names. (Photo: author)

To receive the result of the status application, the asylum seekers are responsible to come in person to check the lists on public display outside the office of OPM themselves. The list contains the applicants' names, and they have to report with their asylum seeker number in the office to receive the decision in writing. If granted, they are given a refugee identity card directly. The acknowledged refugees are then referred to a specific settlement outside of the city and the transport there is catered for. Making the choice of staying in Kampala leaves them on their own as urban refugees are not given any permanent help (Sharpe and Namusobya, 2012). Organizations are there to cater for their needs, but due to their limited funding and the sheer number of refugees, the help is severely limited.

When the decision is made the asylum seeker must receive a written notice within 14 days, and can then appeal the decision within 30 days. The appeals are handed to the Appeals Board, and the applicant must go through another interview with the police or OPM. The Appeals Board lacks the authority to overrule the REC, so the board has to refer the case back to the REC if they feel the decision was wrong. This means that the same people will view the case again instead of a third party. If the appeal is denied the last opportunity is to apply to court for a last judicial review (ibid.).

Critique of the process

The Refugees Act states that the applicant has to apply within 30 days of arrival in the country. This fails to acknowledge the fact that many of the migrants may not have this

information when they arrive, that they have to locate the offices themselves, and also have money for transport. Different languages can cause additional problems (Olema and Mulumba, 2009). The Refugee Law Project (RLP, Undated) claims that this deadline is unrealistic, and that they have often had experiences with sick and traumatized migrants from a variation of entry points who may not have a refugee desk or a UNHCR office. The fact that the application should be in writing also assumes that the asylum seeker is educated, which is not always the case. When I interviewed the migrants, several of them said that they did not manage to keep this deadline for a variety of reasons, but claimed that the late registration did not cause any difficulties. If the deadline is not maintained, it could be a good idea to follow the RLPs recommendation (ibid.) and extend the deadline or change the text to "apply as soon as possible".

Another critique is made regarding the fact that the asylum seekers in Kampala are interviewed by the police and OPM and never appear directly before the committee who determines their destiny (ibid). Furthermore, regarding the Refugee Eligibility Committee, the RLP criticize the composition of people from 10 different government departments;

> *This composition is fairly representative but purely political only to cater as priority for the interests of the state other than the protection needs of the asylum seeker. Given that Section sec 4 (2) reserves the state the sovereignty to grant or deny asylum, the utterly political composition of the REC is bound to enhance possibilities of arbitrary decisions of denial of asylum in disregard of the eligibility of an applicant under the Act.*
>
> *- RLP (Undated:10)*

In order to solve this, the RLP recommends that NGOs should be given observational status. They also recommend that it should be a requirement for the members to have experience or training in humanitarian law which is not a necessity today. Furthermore the RLP is critical to the fact that the Appeals Board has no authority in overruling the RECs decision which "renders the Appeal Board impotent but rather a perfunctory body created as a lip service to create an impression that there is an appeal process in refugee status determination in Uganda" (ibid.12).

In an article by Bernstein and Okello (2007) about urban refugees in Kampala it is described that the OPM allowed refugees to stay in Kampala only if they could prove that they were 'self-sufficient'. This was done by showing evidence of employment and residency, effectively discouraging people from remaining in the city. Limiting issuance of identity-

documents to those who are able to prove their economic independence is as they say; "discriminatory and violates the letter and spirit of the Refugee Convention: the Convention does not link refugee status to economic status" (ibid.:48).

When a refugee refuses to go to the settlement they have to sign documents releasing the government of the burden to support them. As one informant who was granted a refugee status in 2002 said; "So they told me ok, if you really insist on staying in Kampala you have to get a letter from your LC (local council), your local authority where you stay. And you have to write yourself "Me, Fred Kumbela, I have decided to live in Kampala. I will not ask anything to UNHCR, to Inter Aid, to OPM to Police, a,b,c,d. I will be providing my own food and everything! So I did it so that I can get a paper to allow me to stay in the city" ("Fred").

Migrants experience of the process

For the report "The Living Ain't Easy, Urban Refugees in Kampala" written in collaboration with Women's Refugee Commission, Jina Krause-Vilmar (2011) did research in Kampala to look at refugees in the urban environment and how they coped with their situation in relation to economic challenges and protection concerns. Her report supports the main findings from my own research in Kampala in relation to some of the challenges the migrants face in the urban environment.

Time consuming

Many of my informants complained about the long process of getting their status; they had to go to multiple offices, their appointments kept being postponed, and they would often have to wait for hours before being helped. This was a reason for some of them choosing not to register; they had to work and provide for the family and did not have the possibility to 'waste time' in the offices. "I would leave home at 7 to reach by the time they open at 9. Then you have to wait for them to call your name which can be 3-4 in the afternoon. You are just sitting there" ("Arcel"). Several informants explained they had to go visit the OPM-office several times to check the list and see if a decision about them had been made, spending a lot of time doing so. "Daina" explained that "There were too many people there. Sometimes they get tired (the people who work there) and they will stop working and tell you to come back the next day… I waited for two days, the first day I came and waited from morning until four. Then they told me to come back the next day". "Jaques" complained about the same thing; "To get a refugee status is really disturbing. Sometimes they say tomorrow. You reach there

in the morning, and when it reaches four, they say 'sorry, you can reach in the morning'. So they keep on adding days. They don't count the distance you do". Many also felt forgotten by the government and saw no need to go through the process because they didn't expect it to change their situation for the better. As explained in the previous chapter, neither the government nor the different organizations can help all the people in need. Their social networks and local communities, having no connection to the official processes involved in getting a refugee status, gets increasingly important to cater for their immediate needs.

Time was the biggest challenge appearing in the interviews with the migrants regarding the refugee status application process. The given time of three months to receive a status is rarely sustained, and some of my informants had waited up to nine months. I heard of others who had waited for more than two years before a decision on their application was made.

Financial problems

A major concern in the application process is to cover the fundamental needs for survival, as support is limited. Many depend on their social networks to be able to survive, and some mentioned the financial challenges related to the time-consuming application process.

"I've never seen the help they get us as refugees. Even health care, we usually suffer. For me I decided to get some money and go to a private clinic because you can suffer in line. But when you have money they help you because the corruption is too much. You can go at InterAid for help, but imagine; should I go at InterAid for one full week – what about caring for my family?" ("Mahamadou"). "Thomas" explained that "It was just a waste of time. You go there, wait, sometimes you are renting a house and they are demanding you. That's why I decided not to go".

"Fred" refused to go to the refugee settlements and he was told that "If you don't want to go to refugee camp you will not get any help from us. Because if you want to be an urban refugee so there is no help for urban refugee". Even in the settlements the help is limited in some areas, exemplified by the story of "Clavidia" who usually stayed in a settlement outside Kampala with her grandson. When his arm was broken she had to sell some of her clothes to afford coming to Kampala for treatment as there are no x-ray-machines in the settlements. When I asked at InterAid about situations like that of "Clavidia" they were surprised because treatment is supposed to be taken care of by getting referred from the settlements, and the stay in the city should also be covered (Interview 15.08.13). "Clavidia" instead had to pay for

herself and lived among friends while the arm of her grandson was healing. If this is a result from lack of knowledge about this arrangement or of limited healthcare-facilities in the settlement is not known.

Access to education

Uganda has signed the 1989 Convention on the Rights of the Child which ensures the right to education for refugees, and primary education (the first seven years) should be free of charge. School is in theory free, but with the accompanying costs of fees for books, uniforms, food, teachers' salaries, electricity et cetera many struggle to send their children to school (Krause-Vilmar, 2011).

Several of my informants complained about the access and quality of education for their children. The government schools were not good, and many did not have the money to pay the necessary fees. The majority of the people I interviewed were not able to send their kids to secondary school. According to the study of Krause-Vilmar (2011) more than half of the refugee children over six years are not in school in Kampala, corresponding to the findings among my informants.

Insecurity

As Congo is situated right next to Uganda many of the migrants are afraid to register and declare themselves as refugees. They fear that someone might tell their enemies where they are, and therefore refuse to apply for a status. At the RLP they mentioned that if people were looking for someone, OPM or police would be the place to go. Many people complained about how they publicly displayed their names at the OPM-office when their status application had been processed.

"Bonyeme" was too afraid to register and explained that "somebody who had wisdom back home told me, we knew that the government here are involved in our issues in Congo. So therefore I feared to come and register, I was afraid to meet those people". This was the reason he did not declare himself as a refugee as his enemies where in high positions under President Mobutu and then later Kabila. The only reason he agreed to meet with me was his trust in Safari, and he told me that he was planning to leave Uganda because of this insecurity he was facing. Where he was going he did not dare to tell me.

"Mahamadou" explained how tribal conflicts travel across the border so you can never be safe; "You could find that the interpreter was interpreting you at Inter Aid, he's among that

tribe that hates you, and will not do a good thing for you. He will make things bad for you to spoil your file or story just because you have met another tribe which are fighting in Congo". A terrifying incident happened when "Jaques" was attacked in the city: "One day those people I ran away from came, I was in Kabalagala side, they took me, they tied my arms and legs. They cut me with a knife (pointing to his chest). I was about to die".

It is obvious that the migrants experience valid fear in Uganda, which can also be connected to the proximity to Congo – the border being less than 500 km away. Some also mentioned that they refused to live in settlements because they felt it would be easier for the enemy to track them down there than in the city where they were not as visible. This insecurity can also be one of the reasons why people are dreaming of resettlement – to get as far away from Congo as possible.

Language problems

The fact that Uganda has English as the official language, where Congo has French made the application process difficult for many of the migrants. This is yet another important reason why their networks are vital for information flow. Mutual languages like for example Swahili has geographical differences which can cause errors: "Mahamadou" explained that "the police say that they know Swahili but their Swahili and ours are very different. Sometimes they could write even things that you didn't say because of misunderstanding one another". "Patrice" explained how friends had failed to get their refugee status because of problems with interpretations, and how they return to try again later when their English has improved enabling them to explain their situation better.

Related to work, language can also be a limitation like "Daniel" explained; "We are suffering, we could work, but there are no jobs for us because we are not nationals. The language is also a problem – no English or Luganda".

Discrimination

> Despite of refugees' legal rights, Ugandan attitudes towards refugees are generally negative. Refugees are viewed as an economic burden and looked upon with suspicion as collaborators with former governments that have in the past been hostile to Uganda.
> - Krause-Vilmar (2011:5).

A re-occurring topic that came up in the interviews was the issue of discrimination the Congolese migrants faced on a daily basis in Kampala. Addressing this discrimination at the

interview with InterAid they said that "when they go for health care, the medical workers want money from them. Then they go to the markets, because they are speaking a different language, and they are identified as foreigners, they are charged higher prices" (Interview, 15.08.13).

"Jaques" had reported several bad experiences to the police. His house was burned down by neighbors, and in another incidence his wife had been attacked on the street and raped by several men. He went to the police but "You don't see any help because when we go to report to the police they will say 'OK, don't worry. We are doing the investigation'. You go to InterAid or OPM and they will say, 'OK, we are following your file' and that's all… I have heard that the file is now in court, but nobody is following up". The report on urban refugees in Kampala mentions that Ugandan attitudes towards refugees are generally negative. They are seen as an economic burden in the country and also with suspicion as collaborators with former governments that has a history of conflict with Uganda (Krause-Vilmar, 2011). Some explained how locals could harass them on the bus if they heard them speaking a Congolese language; "They say: this one is the man of Kabila! He has left. How are you – have you brought us gold? Give us gold!" ("Patrice").

"Jaques" further mentioned that he also had problems with his neighbors; "my house was just burned, and it was burned by neighbors – Ugandans. They are saying that I am Congolese, I'm just coming to their country, so there were some conflicts and misunderstanding they decided to burn my house down".

Perceived status-benefits and challenges

> *When we found out about the service here, we heard that the refugees here get no help so we decided it was no point in going there. Better stay here and we can see if there will be some improvement. And there has been no change (for six years) –"Emeka".*

People's perception of the process of getting a refugee status, and the challenges and benefits that come along with it influence if they will bother to apply at all. "Arthur" explained that because the police are so corrupt, if stopped without proper papers at the border he could just pay them to let him pass. Other people said that to register was important to enable them to move around freely and getting access to the services provided by organizations like the Refugee Law Project, InterAid and JRS. Many people therefore try to register but are often hindered by the time-consuming procedure, not seeing the point in the end.

Refugees are not entitled to work-permits according to Ugandan law, and to obtain one is very difficult as a migrant. This actually led to some applying for a refugee status, enabling them to get papers that said they were legally in the country. The main reason why people ended up applying for a refugee status was to get the refugee card which works as an official ID and allows you to move around freely.

Importance of networks

> *When we came we feared that they would take us back to Congo so at first we had to meet other Congolese and ask them the process to see if there was no risk. - "Patrice"*

The importance of networks and rumors as a way of getting information about processes was clear throughout the fieldwork - almost all of the people I interviewed had heard about the application process through friends, family or other networks before deciding if they wanted to apply. As explained in the theoretical chapter regarding networks, rumors, and production of knowledge this was how the migrants were able to survive in the city when they arrived. 25 of the 30 interviewed relied on their networks for food and a place to sleep upon arrival in Kampala. Without the help of these many would have had to sleep on the streets risking crimes like violence, rape, theft and harassment.

It was also through what the migrants heard from other people that they decided what actions to take, like the application for a refugee status, whether or not they wanted to live in a settlement, what benefits and challenges that followed the different choices they made and so on. Even though there were limitations in the information regarding the migrant labels, it still gave them a clear idea of where they wanted to belong. It was not so much based on the motivation for their migration, as what they had learned before arriving, during the migration process or in Kampala that decided what label they wished to have, or avoid. The information about the structures in the migration regime, and the choices they made accordingly clearly shows the importance of their 'agency' and that even though the structures limits them in many ways, they are also able to maneuver in the regime even if this might only be in a limited way.

Perceptions of own label – agency and maneuvering

While interviewing I met several people who refused to acquire the refugee label, even though their reasons for movement told a different story. "Dikembe" is one such example: He had

been kidnapped by the military government, threatened over several months, and had horrible experiences before he managed to escape. "Dikembe" had been in Uganda for 10 years but never registered as a refugee. When I asked him why he replied that "No, I am in exile, but I am not a refugee…The word 'refugee' for me represents poverty, someone who begs. And I am not that, I want to keep my pride and integrity of being self-supported". Hearing his story it would be easy to see him as a refugee, so he managed to avoid this label by actively choosing *not* to go and register at the police/OPM. Instead he went to the local chairman and got a residential ID. He is still to this day hoping to someday go back to his beloved Congo.

Other migrants I met had gone from seeing themselves as refugees to blending into the Ugandan community and becoming Ugandan, a process happening over several years. "Francoise" was kidnapped at school when he was a child in Congo and recruited to the infamous mai-mai group when he was only 12 years old. Some months later he could not go back because of the terrible things he had done, and he came as a refugee to Uganda in the 60s. He received a refugee status and some land, got married, had children and acquired a Ugandan citizen card because it was easily bought at the time. A few years later he moved to Kampala, and when I asked about his status now he replied "I am a Ugandan now". Then I asked what nationality he *felt* he was his answer was "Congolese" and that he was even considering moving back – he missed his home country. Because he came so early, before migration got more restricted, he had a good experience when arriving. The reason why he registered as Ugandan was to get more rights, like the possibility to take up a loan, but still after all these years in the country he sees himself as a Congolese.

"Balufu", another man I interviewed worked as a tailor in Kampala. He came two years ago as there were no jobs in Congo, and friends from back home had promised him work in Uganda. In Congo his parents were farmers who managed to pay school fees for their children. When asking about where his parents were now he replied they were in Uganda too;" ..our parents are in a refugee camp… When life changed there were no jobs. It was not possible to go to the garden because of insecurity. So they decided to leave because there they got land to dig". It was surprising to learn that his parents had come to Uganda before him, while he decided to stay home to finish school. He had chosen to get more knowledge and complete his education and therefore stayed with relatives when his parents left. The fact that his parents left and got a refugee status while he chose to stay challenges existent views on established migrant-labels; it shows how people actively make choices in order to improve their own lives in the best possible way. It is well known in Congo that people are given land

in the refugee settlements, and as "Balufus'" parents were farmers they saw a chance to continue their way of living in a secure place, and therefore decided to go, while their son did not leave until he had acquired skills to make it possible to get a job in the city. It does not mean that people do not have valid fears, but how they chose to cope with them might be different from one to the next.

Challenges related to labeling

In the process of labeling people with a certain status there are numerous challenges. During the interview with an RLP official, he said that it can sometimes be difficult to get a status as the Ugandan government and the Refugee Eligibility Committee tend to look at the *general* conflict in the country when they consider a refugee application. If the country seems to be safe it can be difficult to obtain a refugee status, as they tend to overlook the *individual* reasons why people are fleeing. A migrant can come and say;

> *"I am not fleeing because Kenya is not safe, because of the government. I am fleeing because of tribal issues that had made it impossible for me to even get a livelihood"… You get to the point that rarely will these issues be handled because the system looks at a general conflict… That's why we try to get everybody, the whole policy and government institutions to look at on a case-by-case basis (Interview 23.08.13).*

Another issue is regarding sexual orientation which can cause people to lie in order to get a refugee status; :"…it is kinda hard to go to the police station and say; I fled because of my sexual orientation, because chances are they are going to be victimized. You are telling it to a police officer who knows it is illegal telling them that. We have laws against that, so how does a system that criminalizes that kind of act protect you? These are things that can be challenging" (ibid.)

At JRS they told me that another occurring situation is when people are called from Congo and promised business from fellow country-men if they bring their money for investment. This can be very tempting as business is often tough in Congo, so people bring money to Uganda in order to help their families at home. The money is then taken away from them by their 'colleagues', and the migrant end up applying for a refugee status as they have insufficient funds to go back (Interview 21.08.13).

Rights-awareness among the migrants

The issues of rights were not mentioned much in the interviews with the migrants. Some complained that they were not given to them, while others did not mention them at all or seemed unaware of them. The RLP and JRS explained that it is important that people apply for a status so they are *known* in the country. An official at The Refugee Law Project said that it is a problem that people are not aware of own rights, because they cannot claim them when they are ignorant of them. At RLP they even accompanied people to the offices if they were afraid to go there by themselves. This is because the organizations believe it is crucial that people acquire the refugee status to contribute in making their rights more available to them. It is also important for the planning and implementations to have a proper overview of the inhabitants of Kampala to better cater for their needs, hence the labeling-process is of vital importance. The government is dependent on labeling people which also propagates to other organizations and institutions. They can only help people according to what labels are available to the migrants. At RLP they said that they were dependent on people being registered, and that it was a major challenge with asylum seekers since they receive limited help before they are given an official refugee status. JRS is the only organization which works with asylum seekers and their basic needs in the urban setting and they have limited resources. The official at RLP further mentioned that people end up in a 'betwixt and between'- situation with very limited access to assistance before the refugee status was received. He believed that this was something that should be worked on to see how services could be provided for them (Interview 23.08.13). OPM mentioned that some are sent directly to the settlements if they are in a difficult situation, because of illness or when there are many children involved (Interview, 26.08.13). Normally people have to wait for their official status, taking anything from a few months to years, before being sent to the settlements.

Many of the migrants on the other hand did not often see the point in registering, which shows that they possess one set of knowledge while the organizations have another set of knowledge through their work. It might be difficult for the migrants to see the big picture and how their registration can help the refugee population at large when the migrants themselves feel they do not get the necessary help regardless of their status. The organizations helping the migrants also have goals to accomplish improvement for the refugee population as a whole, and getting a proper overview of them and identifying their needs means the organizations are dependent on getting them to register in the country. Even though many do not get much out of their label as refugees, an important way for organizations to help them is to speak up for them.

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Having updated information about the population is an important step in this process and makes the organizations claims more substantive. The migrants themselves have their own motivations leading the choices they make. This 'tension' is something the organizations like the Refugee Law Project and InterAid are trying to solve by educating the migrants about own rights and how they can claim them. But to do this they have to be *known* in the country, and therefore have to register.

When asking the Head of Research and Advocacy and Access Coordinator at the RLP, about awareness of rights he said both yes and no; people know that they are entitled to leave, to have an opinion and that they want to be heard. But also that;

> *There is a problem in terms of right holders being aware of their duty and responsibility to demand for respect of their rights and that is across the board, from refugees to members of parliament. We live in an environment where the state is so concerned about its regime survival while violating a whole range of rights. These are some of the things which reflect the reality of the country and the government sits above everything and determines what the ministers and chairmen should do. The general public is totally disempowered and so dependent on what is flowing from "the big man's tap" and they don't want to shake the tap because they will miss out. It doesn't matter if their rights are being violated because they see it as a gift, they are in a system of political patronage which creates all sorts of dynamics in rights enforcement and protection of wealth (Interview 21.08.13).*

The migrants' unwillingness to register is not only based on lack of knowledge, but is also influenced by other factors. Even though some are aware of their rights they might choose not to register because they don't see how it would make any difference for them. The importance of being 'invisible' might also be seen as more critical in order to avoid potential enemies. With all the challenges mentioned above related to the time consuming application process which influences their financial situation, the migrants might need to spend that time looking for ways to get money for survival instead. Language problems can further hinder people in the registration process, in addition to own views of the migrants themselves like the man who refused to claim the refugee label and insisted on being in 'exile' but not a refugee. The InterAid official I interviewed said that some can be criminals running away from the law in their respective countries which is the reason they stay away from the police in Uganda. He further explained how people with sufficient resources ask why they should bother to register, no matter the reason they migrated in the first place (Interview, 15.08.13).

In the following chapter the long-term solutions for these migrants will be explored with a focus on the three durable solutions suggested by the UNHCR as introduced in the second chapter. What is obvious is that migrants take unconventional choices to reach the solution they believe best suits them, despite of the governments claimed best solutions.

7.   Long-term solutions for the Congolese migrants

In this chapter long-term solutions for the migrants are explored, as these solutions are what the migrants face upon arrival in Uganda. The three durable solutions of voluntary repatriation, local integration and resettlement forms the basis of the exploration. This is closely related to the migrant 'regime' which is present specifically to create durable solutions for its migrant population. The knowledge among migrants concerning long-term solutions given by the migration regime and what many want for their own future is explored. As a 'fourth solution', Katy Long has suggested including labor migration, and this idea will also be explored. The central issue is how people *practice* these durable solutions today, if they fit the migrants' needs, and their dreams for the future.

Due to the complex emergencies in the world today, and their extended time frames, the return for many refugees is increasingly delayed. The growing refugee population in many countries, like Uganda, has made the national governments reluctant to ease local integration as "local integration carries with it a connotation of permanence as well as security problems and resource burdens" (Dryden-Peterson and Hovil, 2004:27). As a result of this reluctance, many refugees have ended up in so-called 'protracted' situations after living in exile for more than five years diminishing their hope of finding a solution among the three durable solutions (ibid.).

Uganda's settlement-policy

> *Asylum seekers and refugees who opt to stay in Kampala rather than in the designated settlements are expected to be self-reliant. Those who are no longer able to sustain themselves in Kampala are always advised to approach OPM for relocation to the settlement.*
>
> *In general, the Government of Uganda and UNHCR do not provide accommodation and material assistance to asylum seekers and refugees in Kampala. Basic material assistance is only provided to refugees residing in refugee settlements. In exceptional circumstances, where assistance is deemed to be life-saving or in face of serious protection consequences, a one-time only assistance may be provided (OPM, 2012 para. 31-32).*

Uganda's policy for receiving refugees has been to isolate them in refugee settlements in rural areas. The refugees are allocated land from the government of Uganda and expected to

cultivate the land for own food production and possibly sell the surplus for extra income (Olema and Mulumba, 2009). This practice differs from all the three conventional durable solutions, as it cannot be seen as 'local integration' As mentioned in the second chapter, assistance is held back for people choosing to stay in the urban environment, thereby encouraging people to settle in the rural areas. Gaim Kibreab (2011) has in his article "How Durable are the 'Durable' Solutions to the Refugee Problem?" taken a critical look at why governments around the world choose to place their refugees in camps and settlements. When the camps/settlements were put up between the 60s-80s they were seen as temporary structures and were considered as the best means of promoting self-sufficiency among the refugees. As the refugees lost their strategic significance, organizations and governments commitment reduced dramatically leading to institutionalization of the settlements where many refugees have been suffering for decades without integration-possibilities or employment-opportunities. Countries hosting refugees in the developing countries are not able to establish self-sufficiency-programmes without proper commitment from Western donors. Therefore people in these settlements are in desperate needs for basic supplies. Kibreab (ibid.) explains that the reason governments place their refugee population in settlements, like is the case in Uganda, is to control their political activities and freedom of movement to make sure they do not compete with nationals for renewable resources. Kibreab further states that governments want to prevent refugees from competing for scarce social and infrastructural services. Furthermore, by isolating refugees to distant locations allows for governments to shift their responsibilities of meeting the refugees' needs to the international community on an indefinite basis (ibid.). He concludes by stating that "UNHCR, donors and even academics still talk about the three conventional solutions to the refugee problem, overlooking the fact that the single most important solution to the refugee problem—local integration—is no longer operative in practice" (ibid. para.7).

According to a study by Trine Lester (in Olema and Mulumba, 2009) in a refugee settlement in Uganda, the land provided to refugees are often not suitable for cultivation. The land is often too rocky, barren or located in swamps. The size of 300 square meters is insufficient and its use is restricted to use for the given family and may not be sold or leased to others. This is one reason why people in settlement are still highly dependent on humanitarian aid to meet their basic needs.

When asking my migrant informants about their view of the settlements, it was evident that many did not have any experience with farming, and therefore chose to stay in the urban

setting instead. All of them had a wish to stay in the city, also the two who normally live in a settlement Several of the informants had moved from the settlements to the urban areas because of perceived insecurity since they are easier to find in the settlements. Congo being within close proximity further adds to this insecurity. According to the Country Representative of Uganda at JRS, most people who opt to stay in the urban setting are professionals, who believe it is easier to find employment in the cities (Interview 21.08.13). Some of the people I talked to explained that they had personal problems with local leaders, and therefore did not want to live in a camp where somebody could easily locate them. Other reasons for wanting to stay in the urban areas can be to easier access social services, for better education systems, to be able to access communication and financial services like banks to send remittances or to use the internet to connect with relatives (Krause-Vilmar, 2011).

Kibreab (2011 para. 7) questions how UNHCR, donors and academics in these settings can still talk about the three conventional durable solutions of repatriation, local integration and resettlement for refugees, "overlooking the fact that the single most important solution to the refugee problem – local integration – is no longer operative in practice". The debate is what to do with the millions of refugees when donors are not willing to pay for long-term self-sufficiency-programs and the governments hosting these refugees are not willing to let refugees integrate in the local communities by letting them self-settle in the cities (ibid.). This is also a highly relevant question in the case of Uganda who still swears to this solution.

The 3 durable solutions – labor migration as a fourth?

The three solutions were developed concerning refugees and are considered as durable as they promise an end to their suffering and the need for international protection, and also dependence on humanitarian support (UNHCR, 2005). It becomes clear that they are not adequate regarding a proper response to the complexity of contemporary mixed migration flows. The international communities' preferred solution have been 'repatriation', but now it is considered a more difficult and time-consuming solution which demands extensive capacity-building by the international community. The resettlement solution has for a long time been seen as not offering a practical solution to mass-refugee replacement, because of the number of people and the costs related to it. Local integration has received more attention in recent years on international policy agendas, but countries like Uganda are reluctant to adopt this solution. Katy Long (2009) presents the ideas of UNHCR to integrate labor

migration as a fourth durable solution in her research paper "Extending protection? Labour migration and durable solutions for refugees".

> *Self-settlement and self-propelled onward movement outside the structures of the international refugee regime may provide refugees with more agencies. However they also expose refugees to new risks and insecurities, not least through exposure to trafficking, discrimination and exploitative working conditions…. It is for these reasons that in recent years UNHCR has begun to consider whether labour migration may have a role as an innovative "fourth solution" in the cases of certain refugee groups*
>   *(Long, 2009:4).*

Long gives examples from South Africa where half of the migrants who had applied, or already received, a refugee status saw economic reasons as their main motivation for movement. 16 % of people with working visas stated their main motivation was political. "These mixed protection needs are likely to particularly acute among populations leaving chronically fragile states" (ibid.:2) and Congo is a classic example of such a state. She also brings forward the importance of acknowledging the refugees' 'agency' and that their abilities "to choose the solution most appropriate to their own particular circumstances will in itself enhance the quality of protection offered by the international community" (ibid.:1).

In the "10-Point Action Plan on Mixed Migration and Refugee Protection" (UNHCR, 2007) it is suggested that legal migration opportunities might open up a complementary solution for some refugees. By working abroad the pressure for jobs in their home countries are reduced, and also the burden on scarce resources. This again can contribute to the peacebuilding process. Additionally, the host country can benefit by the contribution to their national economies when the state's tax-income is increased (Long, 2009).

Long also describes how the deliberate segregation of refugees in camps in protracted refugee situations are commonly used in many countries, Uganda included, which limits their freedom of movement and also denies them access to labor markets. Due to this, many refugees decide to move onward (in irregular movements) to be able to be self-sufficient and lead a better life. This was also the case for some of my informants who either migrated short-term from the settlements to the cities, or had permanently moved to the city after having tried to live in a settlement. Being able to work enables refugees to meet their own needs, and therefore access to work and a proper market is essential in a long-term protection plan. Studies have shown that the secluding of refugees in settlements/camps trigger onward irregular migration resulting in "that those forced migrants who have a recognised claim for international

protection may nonetheless find it easier to meet their economic needs by working illegally as self-settled undocumented aliens" (Long, 2001:5-6). This is also consistent with my findings as exemplified in the previous chapters. A formal status as legal labor migrants can help to prevent the mass deportations that people in irregular movements can experience and reduce the problem of exploitative employment practices. The solution of labor migration is seen as especially important to livelihood challenges that urban migrants, like in my case the Congolese in Kampala, face (ibid.).

The concern of adding labor migration as a fourth durable solution for some refugee groups is that this will limit the protection space available for refugees. A way to solve this could be to include labor migration into the present understanding of the framework for durable solutions. Another challenge is that this solution makes economic security a priority over political membership but this might lead to governments not being so reluctant to accept them (Long, 2009).

Repatriation – going back to Congo

As a durable solution, Uganda practices repatriation when they see it as the best solution. For migrants from Congo, many do not see repatriation as a possibility. The conflicts have been going on for so long, and they do not seem to end any time soon. Among my informants, only five out of 30 said they had the dream of going back. Of the three students I talked to only one of them had the dream of going back while the other two saw it as better to stay in Uganda. "Muteba" came to Uganda to gain knowledge that his country could benefit from, and he expects his study of computers to be of help for Congo in the future.

"Mahamadou" had the dream of going back to Congo, but to a different place than he came from due to continued instability. To get repatriated you have to apply through UNHCR and OPM, which he did while I was still in Uganda. I saw him at the OPM-office coincidentally when trying to arrange an interview with them. Seeing how he was treated and the degrading way they talked to him was hard. It was no use to go there with the letter, as he never heard back from them. He does not have the money to take his family and return to Congo, which is why he applied for repatriation as the cost of movement is then covered. His mission is to go back someday, but his possibilitiesof accomplishing this is hard to know.

Local integration in Kampala

> *Integration allows refugees and nationals to stay side by side with one another sharing the available resources and infrastructure. This allows peaceful and harmonious co-existence. In Uganda, the bulk of refugees are of rural agrarian communities for which they obtain their livelihood when they access agricultural land, a self-reliance strategy developed by GoU [Government of Uganda] as a mechanism to sustainability*
>
> *- OPM (2014).*

Local integration is based on the assumption that the refugee will stay permanently in the country of asylum and also find a way to fulfill their needs. As mentioned in chapter two, being able to be self-sufficient is one important element in the integration-process (UNHCR, 2006). Integration gives the refugees some stability and an idea of what to do with their lives in the meantime, even though the solution of repatriation might be the final goal. By choosing to reside in the urban setting, the migrants increase their possibility of successfully being integrated in the local communities compared to being isolated in settlements. When refugees stay among the locals it enables the local community to benefit from development aid as a mutual benefit. At InterAid, the Program Design & Management Consultant explained that "we have used the approach of universal, we support the *whole* school. The school community where the refugees are we can give them desks, books, water tank, latrines so it is not only benefitting the individual refugees but the entire school community. That one creates a very good relationship between the school community in terms of refugees and non-refugees" (Interview 15.08.13).

Local integration is just as much about being able to fend for themselves and become 'self-sufficient. In an urban setting, where you reside often reflects your socio-economic status due to the price of housing. This means that your situation is often similar to your neighbours. In a paper on the urban IDPs in Uganda (Refstie et al., 2010), the question is posed as to whether living amongst the poorest of the poorest in a slum in Kampala actually do constitute a durable solution or not. Many of the migrants coming from Congo live in slum-areas, and even though they can be seen as 'integrated' in their communities it can be questioned if this can be considered a 'durable solution'. This represents a weakness of local integration as a durable solution in the urban environment (ibid.).

Among the 30 migrants I interviewed, a minority did feel 'integrated' in the Ugandan society. What they all had in common was the long duration of stay in Uganda, which shows that *time* is an important factor regarding integration-processes. Two of them, "Francoise" and "Nicia",

had managed to obtain Ugandan citizenship as they arrived in the 60s and 70s when it was a lot easier to get. Now, the process is a lot more complicated and one requirement is that you have to have spent at least 20 years in Uganda. This is exceptionally long compared to other countries in the region like Kenya and Rwanda which only requires five years of residence (Walker, 2010). As a result of the time "Francoise" and "Nicia" have spent in Uganda they both felt properly integrated, even though "Francoise" still had dreams of returning to his country of origin. The fact that they were citizens was one reason for the feeling of belonging. A third informant, "Fabrice", arrived in 1990 to join his father when he was young, and then received his citizenship. Because he was only nine when he came he felt integrated in Kampala, but he still felt like a Congolese in spite of his Ugandan citizenship.

"Arthur" came to Uganda in search of employment at the age of 19. He had gone through several different jobs before ending up in an autonomous government department. With this job he received an official ID which recognizes him as a Ugandan. "Arthur" explained that "I think that if they knew I was Congolese they would chase me" and also that "even if other people know me as Congolese there is no problem, but at work they have to know me as a Ugandan to keep me there". In this manner he had found his own way of being integrated locally, despite his lack of official papers or registering upon arrival.

Dreams of resettlement among Congolese migrants

> *Most of the minds of Congolese, they think about resettlement: we need to resettle to a third country. Out of a 100, 98 will say, when we do interviews here, what did you want? 'I want accommodation, and if possible – please help me to get out of here'.*
> *- Country Representative Uganda, JRS, Interview 21.08.13.*

One of the things I realized during my research was the constant focus on resettlement that many of the migrants saw as the only possible durable solution for them. I was aware that many Africans have this dream of settling outside of Africa but I did not expect this to be characteristic for the Congolese population in particular, at least in Uganda. Out of the 30 informants, 13 were dreaming of being resettled. In reality only a fraction of them will manage to move to a different country. According to numbers from UNHRC (in Ketelers 2010), less than 1 % of all refugees in the world get this chance. At OPM I was told by a Community Services Officer that many of the applicants did not follow-up on their registrations as they felt it was no use when they realized it would not lead to them being resettled. She further said that "when you expect a car and is offered a bike, they don't take

you seriously" (Interview 26.08.13). It is possible to speculate the reasons for this, but the general impression I got while in the field was that the migrants did not feel secure this close to Congo and that many had very traumatic experiences in their home countries which made them want to get as far away as possible. People in general seek the best possible security for themselves and their families, and when hearing success stories through their networks it is not hard to imagine why they get the dream of resettlement. In search of making the best of their situation, resettlement has seemed to become *the* solution to a better life. At JRS I was told that because of this perceived quick-fix of going abroad, even without knowing what they are opting for, they would rather die in such an environment than in Africa. Many Africans have these ideas that when they get resettled, it will be easy (Interview, 21.08.13). At RLP they emphasized that in most cases they find that people do have genuine problems, which could require resettlement, but the size of their families makes it difficult to accomplish (Interview, 23.08.13).

At JRS, I was explained how people come from relatively peaceful zones of Congo, with the sole purpose of getting resettled abroad. These movements were referred to as 'planned movements' where people bring their families, register and then send their kids back to school in Congo. When they are called for interviews and asked "please come along with your family for screening. Then they'll start giving excuses; give us four days, give us a week. Then they have to recollect them from their countries. I mean, it is common" (Interview, 21.08.13). Others ask for repatriation when they realize they will not get resettlement. One of the migrants I interviewed, "Mahamadou", shared this impression of the process and told me; "let me open my heart to you; according to the story of resettlement there is too much lie. You have to lie so many things, false stories to make your situation worse. I think the majority do so".

A few of the migrants I talked to tried everything in their power to get resettled; one man, "Patrice", was desperate to go abroad as he believed it would solve his and his family's problems. He wrote e-mails to every organization he could find online, personally showed up in their offices, and sent written letters to organizations and people that he believed could help him. Like a few of the other informants, he asked me if I could get him to Norway and a better life. "Jacques" also believed that this would solve his problems; "You know why we usually like to go outside? There you do a job, you get money, and you work by hours. That's why we like abroad".

 "Abraham" was the only migrant I met who was waiting for his file to be processed so he could join his wife and children in America. The couple had been in separate countries when she applied and they were therefore not in the same file. He informed me that the whole process took 1.5 years and that she had to go through seven interviews in different offices before she was resettled. She was one of the lucky ones. The wife left four months before, and when I spoke to "Abraham" in July 2013 he was hoping to join his family by the end of the year. This turned out to be a long process, and from Safari I have heard that he is still waiting as of April 2014.

Father Micheal had been granted what he defined as a 'sponsorship' through his church community where they guaranteed for his stay and travel expenses. He explained that this way the long legal processes of getting resettled is bypassed, and you are referred directly through to the immigration office. This is an alternative way of being able to move permanently to another country, and was also something mentioned in some of the migrant interviews.

Extreme measures taken to realize resettlement-dreams

During my interviews with organizations, I got to hear several stories about the extreme measures people take to realize their dream of getting resettled. An important factor to achieve this is to be able to prove that they are not secure in the country. When asking an RLP officer about the biggest challenges related to Congolese refugees was their high expectations and that

> *..you get clients who look at any other thing short of resettlement is not help. That is becoming a challenge, especially with the Congolese community… If your help is not bordering on resettlement, you are not doing anything. So we deal with issues where they will forge all kinds of documents, to the extremes that sometimes they do not get medical assistance because they want their condition to get worse (Interview, 23.08.13).*

Another example was of people trying to hide their family members because they think that they will affect their resettlement process. At JRS I was told a story about a woman who set her own house on fire to prove that she was in danger shows how desperate people can become in search for a better life (Interview 21.08.13).

Alternative options as durable solutions

In the previous section the most common durable solutions were explored and a possible inclusion of a fourth solution - labor migration - was introduced. The next section will focus

on some alternative durable solutions that arose during the fieldwork. The way people migrate and make a living is often done outside of the normal 'practices' which shows how adaptable people are to be able to survive.

"Pecari" is one example who usually lived in a settlement hours away from Kampala. Like many other refugees he choose to come to Kampala for 'small jobs' up to one month before having to report themselves back in the settlements. This registration is done every month, but for many it is hard to travel back and forth because of the long distance and travelling expenses. "Pecari" explained that he would come as often as he could, about 2-4 times a year. The reason he and many of his friends chose this solution was because of the limited supplies they were given in the settlements, and he told me that to be able to eat everyday he had to search for income elsewhere. As a result, many people travel as often as they can afford out of the settlements and in to the cities where the possibility of finding short-term employment is better.

Transnationalism

In today's world it has been argued that regarding durable solutions for refugees, the UNHCR needs to "incorporate human mobility and reflect the reality of transnational diasporic communities" (Long, 2009:5). Van Hear has also stated that 'transnationalism' is certainly a solution preferred by the displaced, "since it is a practice often pursued by them in everyday life" (Van Hear in Long 2009:5).

Some of my informants practiced this solution of cyclical migration across the borders of Congo and Uganda. Refugees are not able to cross international borders with the same ease as nationals because the access to conventional travelling documents is limited. "Mahamado" explained that "as a refugee it is not easy to travel, and to get the travelling documents for refugees can take even a year. You have to show the reason; you have to get an invitation-letter that maybe you are going to a certain conference. It's limited".

I also heard that people often cross the borders by night if they don't have the proper papers, or they have to pay expensive visas for single-entry crossing. In the summer of 2013 when I was conducting my fieldwork it was common to travel up north and cross the South-Sudanese border to get employment. This was before the conflict broke out in the area, and because the country was newly established there was a lot of construction to be done and finding work was easy. "Kambale" had taken this opportunity in order to find work, and went with a group

of people. Because the border is not checked, it was easy to cross and many people used this solution in order to get some income.

Another example of a man who has ended up by using regular travels across the Ugandan-Congolese-border in order to make a living. "Jules" has managed to go his own ways – taking unconventional choices to get where he is today. He has been living in several countries, starting as a refugee in Uganda. When I asked him if he was a refugee now, he laughed and said "I am not a refugee, I am here on visa!". "Jules" came to Uganda for the first time in 1996 when the war had started in Congo. He spent some years in Uganda as a refugee, but as there were no jobs for him he heard that it was easier to find a job in South Africa. He got married in Congo before he left. As a refugee you are not allowed to leave the country, but "Jules" still decided to go as he had heard that there were more opportunities in South Africa. He crossed the borders illegally, spending several months on the way, and declared himself a refugee (again) in South Africa. According to him it was an easy task. "Jules" worked as a security guard before getting better job. With the situation of war at home, followed by a volcanic eruption in Goma in 2002 he managed to bring his wife and children there too. When asking about his status he replied he no longer felt like a refugee when he was able to get a good job and earn good money, while on paper he was still classified as one. After 5 years he missed Congo and the situation seemed stable. They all went back, he started a business with his sister, but soon after the insecurity came back and they all left for Uganda, this time on a visa. He arrived in 2006, and is still going back and forth between the countries with a fee of 50 USD every time. The visa is valid for only 3 months and only allows for single-entry. The rest of the family are safe and in school, even without the proper papers to stay legally in the country.

Because of the knowledge he had regarding the challenges in getting a permanent visa he has been travelling back and forth ever since. As he is doing business with goods between the two countries he explained that he could not apply for a refugee status as you are then not allowed to leave the country as you wish. To make sure he had all his papers straight he has to make sure that his passport is valid and that he never overstays his visa. His wife and kids on the other hand had papers that had expired but because "they are at school and at home, no one will disturb them". One year "Jules" calculated that he had spent about 500 USD on visas. When asking him if there were no simpler solution for him, he explained that it is so difficult and expensive to obtain a work permit that he has given up even before trying to get one. Because so many dreamed of resettlement I also asked him if he had this dream and he replied

"Yeah, before yes. But now I don't want… when I talked to my relatives who are there I see that things are not easy also as we were thinking. I say why do I have to go there and struggle again?... at least here I am close to home".

"Jules" story is interesting as he does not fit the conventional label of a refugee. Although he did flee from Congo according to reasons that entitle him a refugee status, he did not see himself as one, because to do his business he has to go back and forth between the countries. He managed to challenge the regime and go his own ways using his 'agency' and own knowledge to find a solution that fulfilled his needs. This exemplifies how people can find solutions outside of the established norms on settlement.

Another man, "Archange", has solved this in a different way – but also with the outcome of travelling frequently across the border paying the expensive visa upon every entry. His large family back in Congo makes it impossible for him to move them to a safer place, so therefore they all live in Goma where the situation has been insecure for a long time. The way he solved this challenge, as business in Congo is slow, is to travel across the border to Uganda about two times a month to buy things that he sells in Goma. He explained that this was the only suitable way for him to make a living, despite the high cost involved in buying visas every month. For many of the examples I have mentioned above, the solution of further migration, usually on a short-term basis, has become the solution for many in order to get some income.

With the introduction of labor migration as a fourth solution to migration, this would have made the situation in Uganda for many migrants significantly easier. Katy Long (2009) sees labor migration as especially useful regarding protracted refugee situations where the three durable solutions have not been suitable or effective. As it is difficult and very expensive to get a work-permit as explained earlier, people use alternative ways to be able to work in the country. If people would see the benefits of registering, this would make it easier for the government and other organization to get a better overview of its migrant population, and also help in planning and policy-development. The process of labeling is again important as people need to be visible in order for the facilitation of possible durable solutions. Long further emphasize how labor migration can offer refugees the effective protection and benefit both the hosting states and refugees' home countries.

With the final examples from the migrants in how many feel forced to take alternative actions outside the conventional durable solutions in order to make the best of their own situation.

8.   Conclusion

The concept of 'mixed migration' is undoubtedly important and uncovers multiple challenges in terms of labeling migrants failing to fit within established migrant categories. To take a closer look at this dilemma I set out to examine the migration regime in Uganda through the eyes of the Congolese migrants. It became evident that despite all of my informants having moved for reasons related to the unstable situation and resulting insecurity in Congo, not all of them ended up with a refugee status.

The overall aim of my research has been to question the established migrant labels and show how they fail to encompass the diversity among migrants, resulting in substantial implications in terms of how the migrants are received and catered for. The concept of mixed migration has received increased attention in recent years, and the "Refugee Protection and Mixed Migration: The 10-Point Plan in action" (UNHCR, 2007) represents a clear example that it is now being acknowledged. The challenge is founded on how to receive these migrants when their protection needs are identical but their motivations mixed. Below is an overview of the topics covered in my three research questions, accompanied by a brief summary of my most significant findings.

The Ugandan migration regime

The main components of the Ugandan migration regime was explored and identified to include the government, the international community through rights and obligations, national laws and policies, and finally organizations involved in the area of migration. The main actors in the government consist of the police and OPM - Directorate for Refugees, which asylum seekers have to approach to apply for a refugee status. The UNHCR is an important organization to supplement the government in their work of catering for the migrants' needs. They work in accordance with the government and their main task is to help refugees who choose to stay in the settlements in rural areas. The additional organizations I chose to include were InterAid, JRS, HIAS and the Refugee Law Project. Migrants approach InterAid mostly for counseling and health issues but will only receive assistance if they are labeled as refugees. InterAid used to be involved in the refugee application process, but this has now shifted to the government. For asylum seekers the only place to get assistance is at JRS, which

can provide for basic needs along with skills-training and language courses, but due to financial limitations only a small number of the migrants seeking their assistance can be provided for. The organization of HIAS is concerned with capacity building, social assistance, training, psychosocial counseling, in addition to resettlement services and national and international advocacy. The Refugee Law Project, mainly providing legal assistance, training, research and advocacy, gives an important voice to the many migrants in Kampala and are approached by refugees who have experienced wrongdoings. In addition to these established organizations, the migrants themselves have started projects helping their peers in need. Bondeko Center is an example of such an initiative, providing shelter, food and skills training in addition to guiding the migrants through official processes.

By staying in Kampala, the refugees disclaim their right for assistance. This is important for the way I have chosen to look at the regime, as it increases the reliance on the migrants own networks of fellow migrants to enable them to survive in the urban setting. This same network is how they acquire information about the different labels and their potential benefits and challenges. Most of the migrants' knowledge and opinions related to the different labels were shaped by fellow migrants' experiences, not through the government authorities in charge of the refugee status-process. How the migrants experience their label and how they *practice* it, not always being coherent with the legal definitions, appeared to vary. The matter not only concerns their motivation for movement as the status might not reflect this – but also how they *maneuver* the regime despite the inherent constrains. This is where the notion of structure versus agency has proved useful. Even though I have taken the migrants' point of view, they are influenced by the structures around them, structures I chose to include by interviewing representatives from both the government and other organizations. I interviewed them to better understand their role in the whole migration system in Uganda.

Uganda receives thousands of migrants every year due to their location and neighboring countries, reputed for unstable political situations. People from Congo has for this reason been fleeing to Uganda for centuries, and most recently the conflict in South Sudan has caused many Sudanese to cross the border. A country like Uganda struggles to handle these migrants in need, as a big part of its own population is living in poverty. Many of the challenges are related to financial limitations, but as all organizations I interviewed explained, the Ugandan government does their best and should be credited for their work despite of the critique cited in this thesis.

Determination of refugee status for Congolese migrants and the fulfillment of their rights

The refugee status determination process has been explored, along with thoughts the Congolese migrants themselves have around the process. It became evident that the process was time-consuming and challenging in numerous ways, resulting in several migrants choosing not to register at all. The notion of 'labeling' is of growing importance as the labels are tools used by policy makers and practitioners to identify who is entitled to what, in terms of assistance. Being labeled as an economic migrant entails rights far from those of a refugee. To discover how the regime works in practice can to some extent be done through its labeling, making rumors and networks for information flow a natural focus for my study, as this how the migrants themselves relate to and interpret the labeling processes. I have subsequently explored which consequences it entails for the migrants to end up with the different labels. It was evident that due to refugees and asylum seekers not receiving any help when staying in urban areas, many did not see the point in registering at all.

The legal framework, with an emphasis of the Refugees Act 2006, has several weaknesses which have been exemplified. The fact that refugees have to disclaim their rights to any kind of help if they choose to stay in the urban setting represents one such weakness. Another challenge related to the approval to stay legally in the country was visible with difficulties in getting a work-permit for the migrant, involving a costly and time-consuming process. Some individuals even went to the extent of applying for a refugee status only to get papers enabling them to remain in Kampala legally. This shows a clear challenge in the existing framework, forcing people to take unconventional choices like applying for a refugee status without regarding themselves as such, or being dependent on short-term visas, to be able to make a living in the city.

How the migrants regard themselves in relation to one label or the other was not necessarily determined by their *cause* of flight, but rather a process that they were involved in, and to some extent controlled. The concept of 'agency' is evident in the way they use the information they have to maneuver in their best interest. Based on the knowledge the migrants had, either before leaving their homes in Congo or after arriving in Kampala, they made decisions on which steps to take and what strategies to use in order to get the best possible outcome. This goes to show that they were not mere passengers controlled by the process.

Knowledge about long-term solutions and dreams for own future

The three long-term solutions presented by the UNHCR formed the basis of my discussion on the subject, but it was evident that the preferred solution by the Ugandan government to place refugees in rural settlements did not match any of these solutions. The humanitarian community, like the UNHCR, has paid close attention to the approach set by the government to withhold assistance to refugees settling in urban environments. To handle vast amounts of refugees in an urban setting where they are scattered and difficult to identify compared to refugees in a settlement, the government has given them incentives to reside in the latter through a promise of assistance. On the other hand, refusing to assist refugees residing in cities can be seen as a violation of people's right to freedom of movement

Isolating refugees in settlements cannot be regarded as 'local integration', and examples of how the one-size-fits-all-approach fails to fit all refugees were visible in the migrant-interviews. This approach has been widely criticized on the basis of how the migrants are isolated, how the security in the settlements is insufficient due to the close proximity to Congolese enemies, in addition to the minute opportunities to become self-sufficient in a location lacking proper markets. How the migrants chose to deal with their situation was exemplified, and some felt they had to take alternative choices with transnationalism through cyclical migration because of the difficulties in obtaining a work-permit.

Final comments

In the debate around mixed migration I have explored the process of migration and the discussion around it instead of solely focusing on the *causes* of movement. The causes were similar for all the migrants I talked to, an effect not evident in their respective labels as they had maneuvered through the system in a number of ways. Their life in Kampala and why they had chosen to live in the urban setting shifted my focus slightly. Challenges they face where also explored, many of these in relation to violation of the human rights. My focus has been on how people understand and adopt their rights and labels, coupled with the meeting point between these two discussions.

Gaining a more nuanced understanding of people who move in mixed migration streams is of vital importance. Subsequently, it is essential to have policies and frameworks that are able to capture and reflect the realities of these migrants - regardless of the reason they are forced to move, be it for financial reasons to be able to survive, or reasons related to war and insecurity.

In order to establish suitable durable solutions for them it is important to properly understand their situations and needs. People are still in need of protection, and enjoy the same universal human rights for it. By seeing them as active agents that are able to make choices regarding strategies for survival, this can provide us with a broader understanding of their situation, enabling us to design relevant policies to provide solutions to address their problems.

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10. Appendices

Appendix 1: Model of informants - migrants

Fictitious Name	Gender	Age	Arrival Kampala	Reason for migration	Official Status
1. Ariza	M	22	2013	Came to visit family. Situation changed.	Asylum seeker
2. Clavidia	F	70	1 week ago, lives in settlement. Came 2012.	Insecurity in Congo, too old to work.	Asylum seeker
3. Abraham	M	40	2010	For insecurity reasons.	Refugee (waiting for resettlement)
4. Jessica	F	24	2012	Father killed. Insecurity.	Refugee
5. Daina	F	23	2012	Came to visit family. Situation changed.	Asylum seeker
6. Karome	M	24	2011	For studies.	Student
7. Rishi	M	65	1970	To get a job.	Economic migrant
8. Jacques	M	42	2001	Family killed. Insecurity.	Refugee
9. Patrice	M	49	2007	Tortured by rebels. Fled.	Refugee
10. Pecari	M	24	4 days ago, lives in settlement. Came 2004.	Father killed. Rebels wanted their farm.	Refugee
11. Emeka	M	70	2007	Insecurity in home place.	Not registered
12. Bonyeme	M	43	2005	Tortured by government. Fled.	Not registered
13. Daniel	M	36	2012	Insecurity. Government wanted their land.	Refugee
14. Francoise	F	64	1964	Fled, worked as child soldier.	Ugandan citizen
15. Odry	M	21	2011	For studies.	Student
16. Fabrice	M	32	1990	Join father who had moved 2 years before.	Ugandan citizen
17. Thomas	M	32	2004	To get a better-paying job.	Not registered
18. Arcel	M	63	2012	For treatment for diabetes. Situation changed.	Asylum seeker
19. Muteba	M	24	2000	For studies.	Student
20. Deborah	F	15	2012	Home place attacked - fled.	Not registered
21. Mahamadou	M	33	2004	Threatened by rebels in Congo.	Refugee
22. Kambale	M	20	2009	Home place attacked - fled.	Asylum seeker
23. Dikembe	M	53	2003	Fled after military government kidnapped him	Not registered
24. Divine	F	35	2012	Threatened by rebels who wanted their farm.	Refugee
25. Balufu	M	26	2011	To find a job.	Economic migrant (no time to get refugee status)
26. Fred	M	31	2002	Arrested and tortured by the government - fled.	Refugee
27. Nicia	F	57	1979	To find a job.	Ugandan citizen
28. Jules	M	38	2006	Insecurity in Congo. Better business in Uganda.	On a visa
29. Archange	M	33	4 days ago. Lives in Goma.	For business. Comes 2-4 times pr. month.	Business man, on a visa
30. Arthur	M	33	2000	To find a better job.	Economic migrant

Appendix 2: Model of informants – organizations/government

Organization/government unit	Position	Date of interview
InterAid	Program Design & Management Consultant	15.08.13.
Bondeko Center	Founder	19.08.13.
Refugee Law Project	Head of Research & Advocacy Department and Access Coordinator	21.08.13.
Jesuit Refugee Service	Country Representative Uganda	21.08.13.
Refugee Law Project	Assessment & Intake Officer	23.08.13.
Old Kampala Police Station	Superintendent of Police, in charge of the refugee desk	26.08.13.
OPM - Department of Refugees	Community Services Officer	26.08.13.

Appendix 3: Interview guide – migrants

Migrants: Interview 1 (life history – travel story)

Name, age, location (in Kampala), marital status, children, education, language

What is your current migration status? (Refugee.. etc?)

How long have you been in Kampala?

What part of Congo are you from?

Can you tell me more about your home place – what was it like growing up/living there?

- Was the situation stable? Did you feel safe?
- What was your family situation?

How did you make a living there?

- Was it hard to find a job/make a living?

Motivation for leaving:

How was the situation in your home place when you left? (in general)

- Had it changed and in what way?
- Did you feel insecure – why/why not?

How was your own situation in Congo the time before you left?

Why did you not leave before? What made you wait?

Why did you choose to leave?

- When did you decide it was time to leave?
- How long between when you decided to leave and you actually left?
- What made you take this decision?
- Did you ever consider moving somewhere else in Congo instead of moving abroad?

What happened when you decided to leave?

Who did you go with?

- What about the rest of the family? Where are they now?

How was your journey?

- What means of transportation did you use? Why?
- How long did it take you?
- How were the conditions you were travelling under?
- How did you fund your journey? Who helped you?

When did you come to Uganda, and why did you choose to come here?

- When and how did you get to Kampala?
- Why did you choose to come to Kampala?
- Do you know anyone here?

Where did you go first? Or did you come directly to Kampala? Why/why not?

- Why did you choose Kampala, and how did you get here?
- If not – what was your route?

Part II– in Kampala

Arrival - Registration process

When did you arrive in Kampala?

Did you register in any way when you came?

How did you get information about the registration process?

- Where was the first place you registered?
- Who did you register with?
- If so, how was it? What did they tell you?
- Can you tell me the whole registration process step by step?
- How long where the interviews?
- How long did it take you to receive a status?

If you chose not to register when arriving – what was the reason?

For people with late registration; why did you wait to register?

General help

Have you been in contact with someone from the government? Have you received any help?

What about from aid organizations?

- Have you received enough help concerning housing? Or other necessities?

Do you know of any organizations formed by the Congolese themselves in Kampala?

- Do you know the ways in which they are helping people?

Are you participating in organizational work yourself? Why/why not?

Have you ever tried to improve your own situation in Kampala? (Like talked to organizations etc?

Have you ever helped anyone in the same situation – if yes, in what way?

Status determination

(If received status) How was the process of status determination? How long did it take?

Did you feel it was a fair process?

If you are registered as a refugee - does it make a difference to you to be a refugee?

If you are not a refugee, would you have liked to have that status? (Why/why not)

What will it take for you to not consider yourself a refugee?

- Has this changed in any way? Or is it likely to change in the future?

Is there any way your situation could have been handled different from the government or organizations? How?

Livelihood

What do you do in Kampala? How do you make a living?

- Has this changed from when you first arrived?

Do you get financial help from anyone (government, organizations, relatives)?

- Any other kind of help?

IV

Housing

How did you find a place to stay when you came? (Help from relatives? Government? Organizations?)

Do you rent or do you own your house?

Have you ever lived in a settlement? If yes, which one?

- How long did you stay there?
- How did you end up there?
- How was your life there?
- How did you make a living in the settlement?
- Did you stay with your family?
- How big was the settlement – how many people lived there?
- What kind of help did they provide for you?
- Did you feel safe there?
- What were the main challenges in the settlement?
- Why did you choose to live in Kampala instead?

How is it living in Kampala compared to the settlement?

- Would you ever go back?

Situation in Kampala

Are you satisfied with your situation in Kampala now? Why/why not?

- Do you feel secure here?
- Have you gotten any help with health care, schooling etc since you came?
- What would be needed here for you to be able to enjoy your life here more?

What are the main differences between your life here now – and how is was back in Congo?

- What is better?
- What is worse?

How is your relationship with people in Kampala? Neighbors etc?

Do you have contact with the place you left? How?

Have you ever gone back? Why/why not?

Would you like to stay in Kampala, return, move on to somewhere else?

- Do you have any friends/relatives who have gotten resettlement?

Do you think about the future? What do you see? Where are you in 10 years?

If you could choose – how would your life look like in 10 years? (Your dream)

Appendix 4: Interview guide – OPM

Name, position in the organization, how long working in the organization?

Organization

How many staff at OPM – Directorate of refugees?

How many migrants are recognized officially (registered) in Uganda and by what criteria?

- Is there any estimate of how many migrants there are in Uganda overall?
- Number of refugees/migrants, number of new arrivals to their knowledge.
- Do any migrants come directly to you before going to the police?

How many migrants do you as OPM engage with in Uganda annually?

- And per day?

What are your responsibilities towards Congolese migrants?

How is the refugee status of Congolese migrants determined?

Where do most asylum seekers come from?

Where do most economic migrants come from?

Status determination

Can you describe the process when you receive new migrants in Uganda?

- How do you manage to inform the migrants about the process and requirements for applying for status?
- How does the status determination process work?
- How is the refugee status of Congolese migrants determined? (prima facie?)
- What do you find most difficult in coming to a decision about status determination?
- How many urban migrants in Kampala to your knowledge?

Do you have any insights into the migrants' impression of the migration system?

- And the status determination process?
- How much power do the migrants themselves have over the status determination process?

What are your criteria for differentiating between different kinds of migrants?

- What criteria are you looking for when determining their status?

What is your impression of the process? Anyway it could have been done better/more effective?

How do you see the boundaries between refugees and other types of migrants. (personal opinion).

What happens if the migrant/asylum seeker does not manage to register before the deadline of 30 days within arrival?

- What kind of consequences does that have for them?

What is the idea behind the public display of the migrants' names when their status is ready?

Do you know how many people appeal the status decision?

- How many get changed at appeal?
- For what reasons?

REC

How does the REC work? (Refugee Eligibility Committee)

- Who are they made up of?
- How often do they meet?
- How many cases do they deal with each time?
- How much time is on average spent on each case?
- How many people appeal their status?
- How many gets it changed after appeal?

Mixed migration

What are the most common motivations for movement for the migrants?

Based on the experiences you have with the migrants, do most have many reasons for moving, or one strong reason for movement?

- To what extent does that effect the status determination?
- In what ways?

In your organization how do you divide between refugees and economic migrants in practice – where do you draw the line?

What happens to those who are categorized as economic migrants?

- What rights do they have?
- To what extent do you think the process reflects the complexities for peoples' reasons for migrating? (i.e. are they looking for particular reasons for migrating?)

Government responsibilities

What responsibility does the Ugandan government have towards the (Congolese) migrants who receive refugee status?

- How does it differ between refugees in settlement and urban refugees?
- How do you ensure that their rights as refugees are met? (schooling, health care, shelter etc).

How do you think the system could better support the migrants (/and refugees)?

What are the main challenges you have identified in working with Congolese migrants/refugees at the moment?

How much do you involve the migrants in the planning and evaluation of your work? I.e. Do you ever seek input from (Congolese) migrants?

What is the long-term strategy towards Congolese migrants in Uganda?

What do you see as the major challenges of the migration system in Uganda?

Have you ever worked with other migrant groups in other countries, and if so, do you see any specific patterns/challenges/characteristics to the Congolese migrants coming to Uganda?

I was just wondering – can people apply for official refugee status whilst in the settlements? If not, what is the status of those people staying in the settlements?

Appendix 5: Interview guide – Police

Name, Position, etc.

Can you describe the process when receiving new migrants here?

-   Where do they come from – how do they know they have to come to you?
-   Do most come directly to Kampala? Do some go to the settlements first?
-   How long have they been in the country when they come to you – I know that you are supposed to register within 30 days, but is that mostly the case?
-   How long is each interview?
-   What do you ask them? What are you trying to find out?
-   What language are the interviews conducted in? Do you often use an interpreter?

If you think they are refugees – what do you do? And if they are economic migrants – are they also sent to OPM?

How many people do you interview each day?

-   Do you have anything to do with the status determination or is that only OPM?
-   Where do they mostly come from?

What do you do when you receive unaccompanied minors?

-   What kind of assistance do they get?

Do many people come on behalf of their whole families? Do you meet the whole family or just one representative?

What are your responsibilities towards Congolese migrants? Do you offer them, or direct them to, any kind of support – e.g. health care, economic support, legal support, where appropriate?

Are there any other organizations, other than OPM, who you may refer them to for further support? (E.g. NGOs)

How is the refugee status of Congolese migrants determined?

Is the first decision usually final? Is there a chance to appeal? Do many people appeal?

What opportunities/challenges has there been in relation to these migrants from Congo in recent years?

What responsibility does the Ugandan government have towards the Congolese migrants who receive refugee status?

What are your criteria for differentiating between different kinds of migrants?

-   What criteria are you looking for when determining their status?

Where do most Congolese migrants enter Uganda?

-   How are they welcomed?

How do manage to inform the migrants about the process and requirements for applying for status?

What happens to those who are categorized as economic migrants?

-   Are they being sent back?
-   What services or support do they have access to, if any?

What are they entitled to as refugees?

VIII

- And how does this differ from being an asylum seeker?

How do you see the boundaries between refugees and other types of migrants? (Personal opinion).

What is your policy towards other types of migrants?

- Any alternative ways this could be done?

What do you see as the major challenges of the migration system?

What are the most common motivations for movement for migrants from the DRC?

Why do they come to/ choose Kampala/ Uganda?

Do you think most people stay in Uganda for a long time? Do you know if many move on to seek long-term repatriation to other countries?

Based on the experiences you have with the migrants, do most have many reasons for moving, or one strong reason for movement?

- To what extent does that effect the status determination?
- In what ways?

What is the long-term strategy towards Congolese migrants in Uganda?

Appendix 6: Interview guide – organizations

Name, position in the organization, how long working in the organization?

Organization

How many staff (paid, volunteers)?

- Who are your main funders?

How is the organization involved in receiving migrants in Uganda?

- What are your main points of engagement with them?
- At what point in the process do the migrants come to you?
- Or do you find them?
  If so, how do you do this – are they referred from elsewhere?

How is your cooperation with the Ugandan government?

How many migrants are currently situated in Uganda to your knowledge? (forced and voluntary)

- How many urban migrants?

Where do most Congolese migrants enter Uganda?

- How are they welcomed?

How many migrants do you engage with in Uganda annually?
How many are you forced to turn away because of limited resources?
- How do you decide who to help?

Status determination

Can you describe the process when receiving new migrants in Uganda?

- Where do they have to go?
- How do you manage to inform the migrants about the process and requirements for applying for status?
- How does the status determination process work?
- How is the refugee status of Congolese migrants determined? (prima facie?)
- How are you involved in the status determination process?
- What do you find most difficult in coming to a decision about status determination?
- How many urban migrants in Kampala?

What is your impression of the process of getting refugee status in Uganda?
- How well do you think the government caters for their needs?

Do you have any insights into the migrants' impression of the migration system?
- And the status determination process?
- How much power do the migrants themselves have over the status determination process?
- Have you heard complaints about corruption in the system?

What are your criteria for differentiating between different kinds of migrants?

- What criteria are you looking for when determining their status?

What is your impression of the process? Anyway it could have been done better/more effective?

How do you see the boundaries between refugees and other types of migrants. (personal opinion).

What are they entitled to as refugees?

X

- And how does this differ from being an asylum seeker?

Do you know how many people appeal the status decision?

- How many get changed at appeal?
- For what reasons?

Mixed migration

To what extent do you think the process reflects the complexities for peoples' reasons for migrating? (i.e. are they looking for particular reasons for migrating?)

What are the most common motivations for movement for the migrants?

Based on the experiences you have with the migrants, do most have many reasons for moving, or one strong reason for movement?

- To what extent does that effect the status determination?
- In what ways?

In your organization how do you divide between refugees and economic migrants in practice – where do you draw the line? (How strict is the divide – do you just help refugees who have been given the status?)

What happens to those who are categorized as economic migrants?

- What rights do they have?

Government responsibilities

What responsibility does the Ugandan government have towards the (Congolese) migrants who receive refugee status?

- How does it differ between refugees in settlement and urban refugees?

How do you think the system could better support the migrants (/and refugees)?

What do you see as the role of your organization in this?

What are the main challenges you have identified in working with Congolese migrants/refugees at the moment?

- How are you planning to solve these challenges?

How do you ensure that their rights as refugees are met? (schooling, health care, shelter etc).

How much do you involve the migrants in the planning and evaluation of your work? I.e. Do you ever seek input from (Congolese) migrants?

Have you ever worked with other migrant groups in other countries, and if so, do you see any specific patterns/challenges/characteristics to the Congolese migrants coming to Uganda?

What is the long-term strategy towards Congolese migrants in Uganda?

What do you see as the major challenges of the migration system in Uganda?

Appendix 7: Informed Consent Form (English version)

NTNU – Trondheim
Norwegian University of
Science and Technology

Informed Consent Form

Title of research study: Mixed Migration - looking at Congolese migrants in Kampala, Uganda.

Researcher: Ruth Coates
Master student in Development Studies
Norwegian University of Science and Technology (NTNU)
Department of Geography
7491 Trondheim, Norway
ruthc@stud.ntnu.no
Tel: 0790497985

Interpreter:

Supervisor: Cathrine Brun
Department of Geography
NTNU
7491 Trondheim, Norway
cathrine.brun@svt.ntnu.no

1. Purpose of the study
The purpose of this research study is to better understand the motivations for movement for the Congolese migrants in Kampala – both economic migrants and refugees. How do they perceive the status determination process? Do they get the protection they are entitled to under International Human Rights Law? The information gathered will set the basis for a master thesis in development studies that will be completed in May 2014.

2. Procedure and duration
Participants will be asked a number of questions relating to their lives before they arrived in Kampala, their travel history, situation in home country and assistance upon arrival. The interview will last about one hour.

3. Discomfort and risks
There are no risks involved in participating in this research study beyond those experienced in everyday life. Some questions are very personal and may cause discomfort. Other questions may bring back memories of traumatic events. Curiosity of neighbors may lead to questions about the research study.

4. Benefits
Participants will not benefit directly from this research study. The aim is to better understand the lives of the Congolese migrants in Kampala. In the long run, this understanding may lead to policy changes.

XII

5. Statement of confidentiality

Participation in this research study is confidential. The information will be stored and secured at my personal laptop in a password protected file, and the handwritten notes taken will be locked away. In the event of publication or presentation resulting from the research no identifiable information will be communicated.

6. Right to ask questions

Please contact Ruth Coates at telephone number 0790497985 or send an email to ruthc@stud.ntnu.no with questions, complaints or concerns about this research study. You can also call this number if you feel like this study has harmed you. During the interviews you can ask any question or provide input relating to the research study.

7. Compensation for participation

Participants will not be paid for their participation. However, the travel costs will be reimbursed.

8. Voluntary participation

Participation in this research study is on a voluntary base. You can stop at any time. You do not need to answer questions that make you feel uncomfortable. Refusal to take part in or withdraw from this research study will not have any negative consequences on your behalf.

If you agree to take part in this research study and the information outlined above, please sign below and indicate the date.

You will be given a copy of this consent form for your own records.

---   --
Participant signature   Date

---   --
Researcher signature   Date

Appendix 8: Permission letter – OPM

Ruth Coates

Øvre Møllenberggate 53A

7030 Trondheim, Norway

27.06.13

Commission of Refugees

Office of the Prime Minister

P.O. Box 341, Kampala

My name is Ruth Coates, and I am a Norwegian master student in Development Studies at the Norwegian University of Science and Technology (NTNU) in Trondheim, Norway. I am currently in Kampala to do research for my master thesis which will be about Congolese migration to Uganda, in the term of "mixed migration" – people have mixed motivations for movement. The concept of categorization and the different rights thecategories hold is something I will take a closer look at with a focus on the urban Congolese migrants/refugees.

I am writing this letter to ask for some information that is relevant for my research. What I need is information about how many Congolese migrants are currently in Uganda now. How many refugees? Other categories? Also – how is the process of status determination? Who works with these issues? What determines the migrants status? How does the process of status determination work? What are the advantages related to having a status or urban refugees?What are some of their main concerns when coming?

The research will be conducted from the period between 25.06.13 until the 28th of August when I return to Norway. My findings will be presented in my thesis that will be available from my university, and will not be published anywhere else.I am planning to focus on the migrants and interview them about their situation and also talk to organizations/someone in the government working with migration issues.

Any assistance is highly appreciated!

Best regards

Ruth Coates

Ruth Coates

07904979 85

Master student in development studies

NTNU, Trondheim, Norway

Appendix 9: Permission letter - Police

Commander   21.08.2013

Kampala Metropolitan Police

I am a Norwegian master student in Development Studies, currently based in Kampala and undertaking fieldwork for my upcoming master thesis. I am conducting my research amongst Congolese migrants in Kampala, exploring the notion of 'mixed motivations' for migrating. I am exploring people's motivations for migrating, the ways in which they are received in Kampala, and how the status determination process works, amongst other themes.

It would in this regard be really helpful to be able to interview someone from the police about this topic.

I would be very interested to find out more about the role of the police in the status determination and support of migrants, about how the system works, and about any insight you have into the motivations of migrants based on your experience of working in the process.

I was wondering whether anyone would be able to meet me, preferably thisweek?Or in the beginning of next week? The interview will probably only take about 30-45 minutes, and would be a huge help to me in my research.

I will be in Kampala until the 28th of August and I would be happy to come and meet you at your office at any time which is most convenient for you.

Any time you could give me to discuss this a little more would be very much appreciated.

Best regards

Ruth Coates

Ruth Coates
Cell: 0790497985
E-mail: ruthie_coates@yahoo.com

Master student, Development Studies
NTNU – Trondheim
Norwegian University of
Science and Technology

[Handwritten note: ALL DPC/KMP Assist the student with any relevant information to her research.]

[Stamp: KAMPALA METROPOLITAN POLICE, COMMANDER Comm/KMP, P.O. BOX 2976 KAMPALA, dated 21 AUG 2013]