

YEMEN

MIXED MIGRATION UPDATE

January 2015

MIXED MIGRATION IN YEMEN

The proximity of Yemen to the Horn of Africa, its long coastline and position at the start of a much frequented historic migratory route to Saudi Arabia and beyond make Yemen an attractive transit or destination point for migrants and refugees alike. Refugees, seeking safety in Yemen and migrants, primarily attempting to seek better life opportunities in the Peninsula and beyond, use the same migratory routes, the same ports of departure in the Horn of Africa and the same points of arrival in Yemen. They also share similar risks, being forced in the same unseaworthy vessels while crossing the Gulf of Aden or the Red Sea from Africa to Yemen.

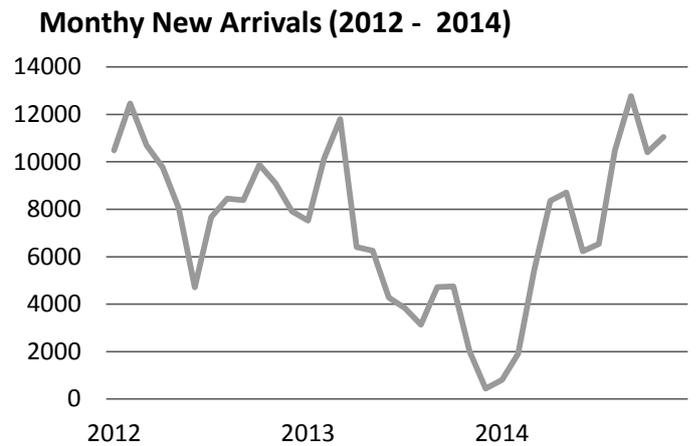
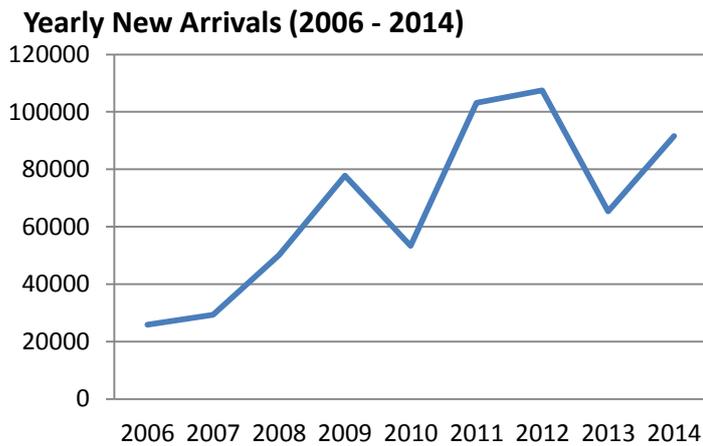
Inevitably such movements are looked at as irregular since they take place without the requisite documentation and frequently involve human smugglers and traffickers. UNHCR Yemen works with the Government of Yemen, experienced local and international partners, UN agencies and other organizations to reduce the dangers faced by migrants and refugees, assist those who, after perilous journeys, arrive on the shores of Yemen and provide protection to those in need, such as refugees and asylum seekers, women and unaccompanied minors caught up in mixed migratory movements.

SCALE OF MIXED MIGRATION IN YEMEN

All individuals crossing the Red Sea and the Gulf of Aden face multiple risks and challenges in their countries of origin, during transit, upon arrival in Yemen and during their onward travel. They risk arbitrary arrest and detention, forced returns as well as physical and sexual violence, often at the mercy of unscrupulous traffickers. Moreover, they often have no access to basic services such as shelter, water, food, basic education and health care.

The mixed migratory patterns fluctuate with every crisis in the countries of origin and with the sea conditions. In the last decade the numbers of new arrivals to Yemen's coast steadily grew, almost doubling between 2006 when some 25,898 new arrivals were recorded and 2008 when some 50,091 were recorded, before doubling again by 2011 with over 103,154 new arrivals recorded that year. In both 2011 and 2012, over 100,000 new arrivals reached Yemen's coastline before the total fell back to some 65,319 in 2013.

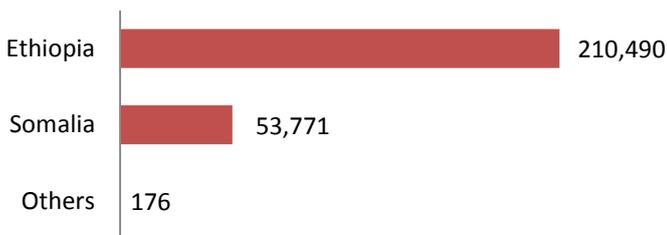
However, 2014 saw another increase in the second half of the year. With 12,768 new arrivals, September 2014 was the largest single month on record; the final 2014 total new arrivals was 91,592 individuals, the majority arriving in last 5 months of the year. Among those new arrivals in 2014, 23,049 have been identified as refugees and asylum seekers. Moreover, the number of dead or missing at sea registered in 2014 reached 246, a figure higher than the past four years combined.



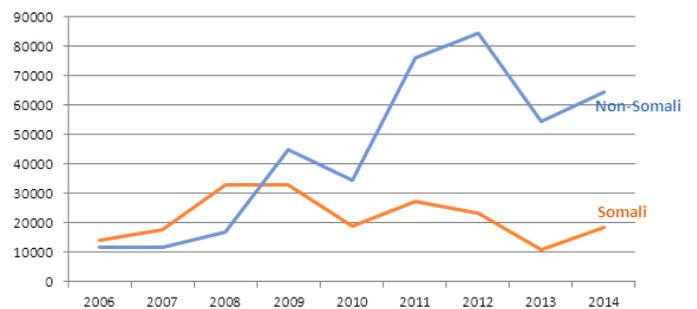
Countries of origin

As described above, refugees, seeking safety in Yemen and migrants, primarily attempting to reach the Kingdom of Saudi Arabia or beyond in search of better life opportunities, use the same migratory routes, the same ports of departure in the Horn of Africa and the same points of arrival in Yemen. The push factors for refugees and migrants in their countries of origin range from generalized conflict, human rights violations, lack of livelihood opportunities, to drought and, for economic migrants, the search for better paid work. Invariably from the Horn of Africa, the majority of new arrivals until 2008 were from Somalia, however since 2008 Ethiopians have made up the majority of new arrivals with Somalis in second place.

Countries of Origin (2012 - 2014)

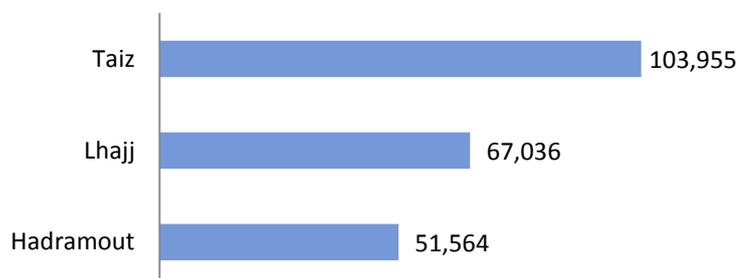
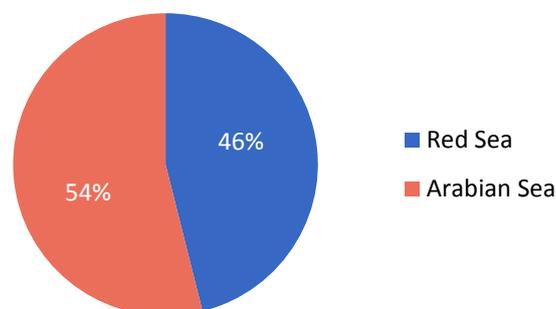


New Arrivals 2006 - 2014



Arrival in Yemen

With around 3,000 km of coastline new arrivals in Yemen are spread across a huge and long area, causing problems for border agencies and humanitarian organizations alike to monitor, screen and assist new arrivals. Since 2012, the majority of new arrivals has reached Yemen in either the Taiz, Lahjj, Shabwah or Hadramout governorates. With the ongoing conflict particularly in Hadramout governorate (and to a lesser extent in Shabwah), the reception, transport and delivery of assistance to new arrivals have become an increasingly complex undertaking as safety and security of aid workers and new arrivals alike has been jeopardized.

Main ports of arrival (2012 - 2014)**Point of arrival by coastal sea (2014)**

UNHCR'S APPROACH TO MIXED MIGRATION

Globally UNHCR recognizes that, while refugees and asylum seekers account for a relatively small portion of the global movement of people, they increasingly move from one country or continent to another alongside other people whose motivations are different. Refugees and migrants moving in this manner often place their lives at risk and, are exposed to extremely inhumane conditions and to exploitation and abuse by smugglers and traffickers along the way.

UNHCR recognizes that it has become imperative for the international community to address this phenomenon in a more coherent and comprehensive manner. For example, it remains fundamental for countries of origin, with the support of the international community, to address the root causes of movements, help stabilizing populations and invest in peace, co-existence and sustainable development. For its part, UNHCR has developed a Plan of Action to ensure protection in a mixed migration context.¹ The plan describes steps that must be taken to establish entry systems that are able to identify the international protection needs of new arrivals as well as appropriate solutions for them, while taking into consideration the needs of other vulnerable groups involved in mixed movements. UNHCR is especially mindful of the need to ensure that the provision of asylum and protection to refugees, asylum-seekers and other persons of concern, such as single women and unaccompanied minors, do not compound the difficulties that states experience in controlling the arrival and residence of foreign nationals and combating migrant smuggling and human trafficking. UNHCR also calls on states in the region to develop alternative migration pathways such as labour mobility schemes in an effort to reduce irregular movements and the concomitant criminal manifestations of trafficking and other forms of organized crime.

An important aspect of UNHCR's approach to mixed migration is the reduction in the tragic loss of life when people travel by sea. The issue of protection at sea was discussed in late-2014 at the High Commissioner's Dialogue on Protection Challenges and the Yemen situation formed a key part of these global discussions in Geneva. UNHCR Yemen and the Government of Yemen's representatives participated in the Dialogue, alongside partners and other nations concerned with tackling the issue and the Dialogue aimed at working on the necessary mechanisms to save the lives of migrants, refugees and asylum seekers at sea.

¹ UNHCR, Refugee Protection and Mixed Migration: A 10-Point Plan of Action, January 2007, Rev.1, available at: <http://www.refworld.org/docid/45b0c09b2.html>

Sana'a Declaration

In 2013, the Yemeni Government hosted the “Regional Conference on Asylum and Migration from the Horn of Africa to Yemen” with the support and cooperation of UNHCR and the International Organization for Migration (IOM). The direct outcome of the conference was the Sana'a Declaration and its follow-up mechanism.

The Conference brought together over 100 participants, including Ministers, experts and other senior Government officials as well as high-level representatives from regional organizations and international, intergovernmental and non-governmental organizations. In addition to Senior Officials of the hosting Republic of Yemen, the Regional Conference gathered representatives from countries of origin and transit (Somalia, Djibouti, Eritrea and Ethiopia) and from destination countries for migrants wishing to travel on from Yemen (Saudi Arabia, Oman, Kuwait, Bahrain, Qatar, and the United Arab Emirates).

The Sana'a Declaration aims to address the root causes of mixed migration, improve law enforcement and combat migrant smuggling and human trafficking, enhance search and rescue capacity, increase support for return programs, promote regular employment opportunities, strengthen linkages between migration and development with a view to prevent irregular outflows and achieve sustainable reintegration, improve data collection and analysis, increase regional and international cooperation, and, crucially, strengthen refugee protection. In relation to refugees the Sana'a Declaration recognized that in any management of migration the core principle of refugee protection, i.e. *non-refoulement* as a principle of customary law, should be respected and duly implemented.

The Sana'a Declaration is an important first step in addressing the complex issues related to the management of asylum and migration in the region. The follow-up mechanism to be developed in coordination between the Government of Yemen, interested governments in the region, UNHCR, IOM and other relevant international actors will form the basis for developing an action plan based on the various commitments laid down in the Declaration. UNHCR will be particularly attentive to building upon the Declaration's elements related to rescue at sea, reception and referral mechanisms and protection-sensitive border management.

In late-2014 the Government of Yemen, supported by UNHCR and the International Organisation for Migration continued their joint follow-up of the Sana'a Declaration at a national workshop in Sana'a. This workshop developed clear recommendations on the way forward for action by the Government of Yemen, governments in the region, international organisations, and the donor community. Chief among the workshop's recommendations was the need for a comprehensive strategy covering all countries of origin, transit countries and destinations. Such a strategy would aim at addressing the root causes of the continuing irregular migratory movements out of countries of origin in the Horn of Africa, including investments in local development, mass information campaigns on the dangers of irregular migration, building opportunities for regular migration, including labor mobility, as well as cracking down on the rampant smuggling and trafficking networks who put people in danger during their crossing to Yemen. In order to prevent further loss of life at sea, the Government of Yemen recognised the need to further build the capacities of the Yemeni coast guard to carry out rescue at sea. This will have to include training and awareness raising on the international standards for protection at sea; providing the necessary equipment, technical assistance and support for operational costs; and strengthening coordination based on established roles and the possibilities for swift and safe disembarkation including for commercial vessels.

UNHCR'S WORK ON MIXED MIGRATION IN YEMEN

Reflecting UNHCR's global approach to mixed migration and more specifically the large number of new arrivals at Yemen's coast, mixed migration forms an essential programmatic element of UNHCR's operations in Yemen.

Mixed Migration Task Force in Yemen

Due to the regional nature of the mixed migratory flows, successful strategies and sustainable solutions can only be achieved through close cooperation between all actors, the governments in the region, UN agencies and Non-Governmental Organizations at the regional level and with the support of the international community.

The Mixed Migration Task Force (MMTF) for Yemen, co-Chaired by UNHCR and IOM, is the primary forum that brings together organizations focused on the protection of refugees and vulnerable migrants and assists the government in responding to gaps in the management of mixed migration issues. In addition to UNHCR and IOM, current members include the Government of Yemen, the Danish Refugee Council (acting as secretariat), the United Nations Children's Fund (UNICEF), the World Food Programme (WFP), the Yemen Red Crescent, the Society for Humanitarian Solidarity (SHS) and INTERSOS.

Guiding the coordinated response to mixed migration and developing an inter-agency framework for effective humanitarian intervention, the MMTF serves as a platform for exchanging information, analysis, research and good practice aimed at developing a protection sensitive approach to mixed migration. Priority issues include combatting human trafficking, promoting legal migration, migration and development, strengthening protection capacity and addressing the root causes of irregular migration. Currently the members of the MMTF are prioritizing rescue at sea, safe disembarkation and initial reception of refugees and migrants at Yemen's coast as well as mechanisms for referral, protection and assistance for refugees and vulnerable migrants.

UNHCR Activities

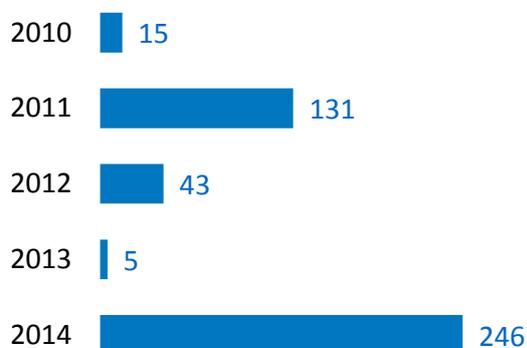
In order to address the protection needs of refugees and asylum seekers in Yemen, UNHCR and its governmental and non-governmental partners cooperate in establishing protection sensitive entry systems, refugee status determination procedures as well as gender- and age-based assistance programmes. In Yemen, UNHCR collaborates closely with a number of international organizations in supporting the National Committee to Combat Human Trafficking, which has developed the draft anti-trafficking legislation which is currently in the Parliament for review and adoption. UNHCR considers its protection and assistance support to be part of a wider set of interventions aimed at strengthening the management of mixed migratory flows, including attempts to protect victims of trafficking and bring perpetrators to justice.

Entry to Yemen

The establishment of a functioning entry system is an important element in any strategy related to the effective management of mixed movements. From UNHCR's perspective, protection safeguards are important to ensure that such a system is not applied in an indiscriminate or disproportionate manner that could lead to *refoulement* of asylum seekers and refugees.

As outlined in the Sana'a Declaration, search and rescue at sea operations are of vital importance when boats get into trouble during their crossings to Yemen. UNHCR actively advocates for improvements in safe disembarkation mechanisms and in search and rescue capacity in the Gulf of Aden and the Red Sea to prevent avoidable deaths at sea.

Dead or missing at sea (2011 - 2014)



The border authorities allow new arrivals asking for protection to be transported to UNHCR registration centers in order to receive basic assistance and to seek asylum if they so choose. The positive impact of this arrangement is however somewhat reduced in disembarkation areas under direct military surveillance or in conflict areas where humanitarian access for UNHCR and other organizations is restricted.

Active Registered Asylum Seekers per Nationalities in Yemen as of December 2014:

Country of Origin	Ethiopia	Syria	Eritrea	Palestine	Iraq	Others	Total
Persons	6893	1039	357	135	140	112	8,676

Whereas Somalis are recognized as *prima facie* refugees by the Government of the Republic of Yemen, new arrivals of non-Somali descent risk being arrested, detained, and deported as illegal migrants by the authorities if not timely identified and referred as persons in need of protection and of concern to UNHCR. Among those to whom UNHCR is given access and who are screened in detention only a limited number of non-Somalis seek asylum. Non-Somali migrants that do seek asylum are provided with a UNHCR attestation letter that provides them with five days to transit to the UNHCR offices in Sana'a or Aden for a refugee status determination (RSD) interview.

Reception in Yemen

Along the Gulf of Aden, UNHCR's implementing partner is the Society for Humanitarian Solidarity (SHS), which received the Nansen Award in 2011 for its life-saving rescue work on the coast of Yemen. SHS patrols the coast regularly and transports new arrivals to UNHCR's Mayfa'a Hajar and Kaida transit centers to rest and recover and receive medical care, food and water. New arrivals are then transported to UNHCR's Ahwar (Abyan) or Mayfa'a (Shabwah) reception centers. Nearly all new arrivals, Somali and non-Somali alike, that disembark along the Gulf of Aden coast pass through the reception centers, where they are registered and receive an attestation letter for onward travel to register at UNHCR offices in the country. Furthermore, basic protection information is collected by the DRC.

Along the Red Sea, UNHCR implementing partners, the Yemeni Red Crescent and the Danish Refugee Council (DRC), conduct joint patrols along the coast and transport new arrivals to UNHCR's Bab El Mandab transit center. In this center DRC registers those intent on seeking refugee status with UNHCR and gathers protection information. New arrivals stay only a few hours and Somalis and vulnerable non-Somalis are transported to the reception center in Kharaz camp. Somalis who wish so can remain in Kharaz camp or preferably move to urban centers. Non-Somalis who wish to seek asylum can register with UNHCR offices in Sana'a or Aden for determining their refugee status.

UNHCR compiles statistics for all new arrivals received at UNHCR reception centers along Yemen's coast. Data collection of this sort is an important part of both the UNHCR global approach to mixed migration and the implementation of the Sana'a Declaration. The MMTF serves as the forum for sharing information on the motivations for movement, modes of transport, transit routes, and entry points. Given that a significant number of people arriving on the coast are immediately transported away through smuggling and trafficking networks, establishing complete and comprehensive data on migrants and the nature and trends of the migratory movements remains a significant challenge.

Refugees in mixed migratory movements

In Yemen, UNHCR works to protect and assist refugees caught within mixed migratory movements through:

- **Advocacy and training:** UNHCR advocates for and hosts training sessions on protection sensitive border management that recognize the presence of vulnerable persons in need of protection within the mixed flows of migrants, refugees and trafficked persons. Advocacy and training stresses the need for identification of these vulnerable persons and their referral to the competent protection and assistance mechanisms.
- **UNHCR's reception centers:** With 54,397 new arrivals to Yemen passing through UNHCR's reception centers during 2014 UNHCR is able to identify refugees and asylum seekers at the earliest possible moment.

Country	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Total
Somalia	372	385	680	997	1714	1703	1523	2171	3162	2356	1462	1053	17578
Ethiopia	257	810	2283	3184	3163	1933	1234	4340	4504	5300	5979	3789	36776
Others	0	13	2	1	16	1	0	4	0	2	1	3	43
Total	629	1208	2965	4182	4893	3637	2757	6515	7666	7658	7442	4845	54397

- **Detention monitoring:** With the cooperation of the Government of Yemen, UNHCR's screening of new arrivals in detention is a key safeguard against the risks of forced return of refugees or asylum seekers when caught in irregular migratory movements.

UNHCR'S PRIORITIES ON MIXED MIGRATION

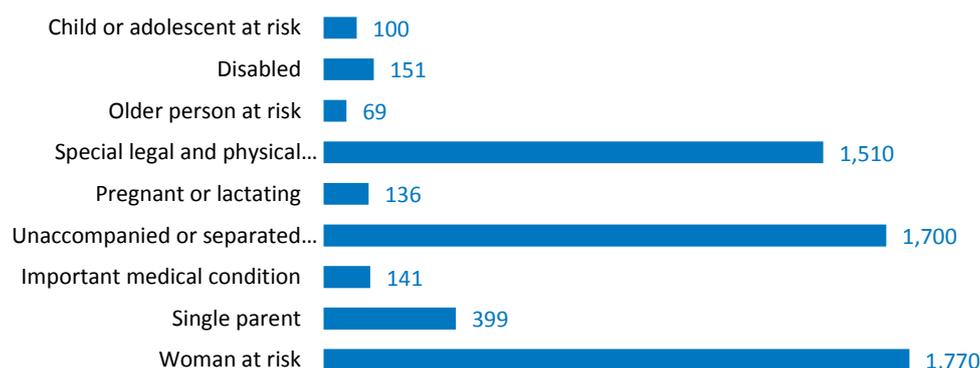
UNHCR's history of working to protect and assist individuals caught up in mixed movements in Yemen has focused so far on the following areas:

- **Rescue at sea:** UNHCR remains deeply saddened by each tragedy at sea. With the numbers of deaths in 2014 already exceeding the previous three years combined, UNHCR will continue to advocate for stronger search and rescue capacity in the region to secure safe disembarkation and proper identification, assistance and referral of vulnerable persons in need of protection and assistance.
- **Early identifications of protection needs and *non-refoulement*:** UNHCR recognizes the need for the Government of Yemen to closely monitor and screen the arrival of third country nationals in the country, including by sea. Border

control and immigration procedures, however, should respect the principle of *non-refoulement* and recognize the presence of vulnerable persons in need of protection within the mixed flows of migrants, refugees and trafficked persons, and should make provision for the proper identification of these vulnerable persons and their referral to the competent protection and assistance mechanisms.

- **Patrolling, Screening and Referrals:** With a view to supporting the Government in the reception of new arrivals and identification and registration of potential asylum seekers UNHCR conducts patrolling along the Gulf of Aden and Red Sea coast. New arrivals, often exhausted, malnourished and in shock, receive humanitarian assistance including health care, food, shelter, and as a priority all new arrivals are vaccinated. New arrivals are screened for persons of concern using in-depth profiling questionnaires. Persons with specific needs are identified and referred to partners for specialized assistance, e.g. victims of trafficking, women, and disabled persons, unaccompanied and separated children; with special attention made to identify potential smugglers and traffickers upon arrival. They are referred to legal procedures. Refugees and asylum seekers are referred to the Government of Yemen registration centres or UNHCR Offices for registration.
- **Minors and Women:** Special attention should be paid to vulnerable minors and women within mixed migratory movements to ensure their specific protection needs are adequately met. As with UNHCR's advocacy for border control and immigration procedures that ensure that adequate protection for refugees and asylum seekers, special attention should be given to the protection of vulnerable minors and women.

Specific protection needs among refugees | 2014



- **Registration and Refugee Status Determination:** Registration and Refugee Status Determination (RSD) in Yemen are among UNHCR's mandated responsibilities in Yemen. The Government of Yemen registers Somalis on a prima facie basis, while non-Somalis seek for Refugee Status Determination with UNHCR offices in Sana'a and Aden. UNHCR provides those seeking asylum with asylum seeker certificates, valid for one year, before starting their individual RSD. SGBV cases and unaccompanied minors are fast-tracked and vulnerable cases are given additional assistance.
- **Legislation:** UNHCR encourages the Government of the Republic of Yemen and the Yemeni Parliament to work toward developing strong legislative mechanisms to counter trafficking. In addition to the legislative framework, an adequate institutional and administrative system should be developed to ensure that victims of trafficking are identified and protected, while perpetrators are prosecuted. A clear action plan would serve this purpose and help build law enforcement capabilities. Likewise, UNHCR fully supports the Government of the Republic of Yemen in its plans to drafting a new Asylum Law. Such a step would help further anchoring the state's responsibilities under the 1951 Convention towards persons seeking protection in national legislation and practice.
- **Capacity building:** UNHCR, together with its partners and the Government of the Republic of Yemen, continues to build capacity of all actors involved in rescue at sea, safe disembarkation and initial reception of refugees and migrants at Yemen's coasts as well as on systems for referral, protection and assistance for refugees and vulnerable migrants. The regular facilitation of workshops and trainings will continue. As for all activities in the context of mixed migration, a regional approach is necessary. Raising awareness and ensuring implementation of the recommendations of the Sana'a Declaration in all countries party to this document is therefore crucial.

- **Regional cooperation:** By definition, the management of mixed migratory movements has regional and international ramifications and implications. As such Yemen, as a country of origin, transit and destination, cannot deal with this alone and needs the support and cooperation from the international community as well as from neighboring countries in the region. Long term solutions can only emerge from jointly addressing the cross-border dimensions of migrant smuggling and human trafficking. The 2007 UNHCR 10-Point Plan of Action on Refugee Protection and Mixed Migration¹, the result of the 2011 Djibouti Expert Meeting on ‘Refugees and Asylum-Seekers in Distress at Sea – how best to respond?’² and the Sana’a Declaration signed in November 2013 by the Government of Yemen and ten countries from the Arabian Peninsula and the Horn of Africa, offer the key refugee protection and migration management reference documents.
- **Comprehensive approaches to the management of irregular migratory movements:** UNHCR advocates for a whole-of-government approach to the management of mixed migration, addressing the needs of refugees and asylum seekers, vulnerable migrants, victims of trafficking and persons in an irregular situation with a view to finding different solutions for these different groups, acknowledging the distinct roles of the governments, the international organizations, local authorities, service providers and civil society actors in this joint endeavor.

¹ UNHCR, Refugee Protection and Mixed Migration: A 10-Point Plan of Action, January 2007, Rev.1, available at: <http://www.refworld.org/docid/45b0c09b2.html>

² See the Background Paper and Summary Conclusions of the Refugees and Asylum-Seekers in Distress at Sea - how best to respond? Expert Meeting in Djibouti, 8-10 November 2011, October 2011, available at: <http://www.refworld.org/docid/4ec211762.html> and <http://www.refworld.org/docid/4ede0d392.html>

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Links:

Mixed Migration Task Force – www.mmyemen.org
High Commissioner’s Dialogue on Protection at Sea 2014 – www.unhcr.org/pages/5357caed6.html
Sana’a Declaration – www.unhcr.org/531dbb246.html