



**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF HOME AFFAIRS**

**REPORT ON THE SITUATION OF IRREGULAR MIGRATION
IN TANZANIA**

Prepared by:

THE MINISTERIAL TASK FORCE ON IRREGULAR MIGRATION

Dar es Salaam, April 2008

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The Task Force remains sorely responsible for the Report.

LIST OF ABBREVIATIONS

DRC	Democratic Republic of Congo
EAC	East African Cooperation
ICRC	International Committee of the Red Cross
IOM	International Organisation for Migration
MHA	Ministry of Home Affairs
NGO	Non-Governmental Organisation
RSD	Refugee Status Determination
SADC	Southern Africa Development Cooperation
SPCP	Strengthening Protection Capacity
TF	Task Force
ToRs	Terms of Reference
UNHCR	United Nations High Commissioner for Refugees
USA	United States of America
USD	United States Dollars

INTRODUCTION

Following consultations with other governmental and non-governmental stakeholders, on 21st December 2007, the Ministry of Home Affairs formed a Task Force to investigate various issues relating to irregular migration in Tanzania and advise the Government on how best to respond to this phenomenon. The Task Force conducted its work in the first quarter of 2008.

This report contains the findings of the Task Force from its field work. The report is divided in five main chapters organised along the main terms of reference of the Task Force. Chapter One covers the background to the assignment, which is the prevalence of the problem of mixed migration flows in Tanzania, its implications and the challenges which the country has faced in trying to address the phenomenon.

Chapter 2 outlines the methodology used in the study while Chapter 3 consists of the data obtained from the field on the major incidents and issues with regard to the phenomenon of irregular migration in Tanzania.

Chapter 4 covers proposed referral mechanisms for the irregular migrations currently in Tanzania prisons while Chapter 5 attempts to outline a comprehensive and long term strategy to deal with irregular migration flows in Tanzania.

This report focuses mainly on the problem of mixed migration flows from the Horn of Africa across the north eastern border of Tanzania. The main nationalities covered are Ethiopians and Somali, with little reference to irregular migrants from the Great Lakes region. The latter category received limited treatment because of shortage of time which prevented the Task Force from travelling to regions hosting this group. Irregular migration from the Great Lakes region has markedly different dynamics and responses to the same have been significantly different from approach to irregular migration from the Horn of Africa. It is hoped that irregular migration across the north western border will be given due attention in any subsequent initiatives related to addressing irregular migration in Tanzania.

CHAPTER 1

THE PHENOMENON AND CHALLENGES OF IRREGULAR MIGRATION IN TANZANIA

1. The Magnitude of the Problem of Irregular Migration

The world is experiencing an increase of irregular migration, considered as the entry of a person with no proper documents or no official permission into the territory of a State of whom that person is not a citizen. While most of the migrants are motivated by economic reasons, many of them also leave their countries for political reasons and in search of safety and security. Both economic migrants and asylum seekers have been falling into networks of intermediaries, often structured at international level, offering them to help crossing the borders and arrive to destination. These criminal networks have no scruple in profiting from the needs and willingness of the migrants to leave their country by charging them high fees to facilitate their illegal crossing of national borders.

The ILO report for Vienna forum to fight Human Trafficking of 13th to 15th February 2008 discloses that about 2.4 million people are victims of trafficking for the purposes of forced labour around the world. And this lucrative business generates about USD 3.2 billion in annual profit.

As the then Minister for Home Affairs noted recently Tanzania has not been spared of the phenomenon of irregular migration. In Tanzania, this phenomenon has two geographical strands. The first is persons from the Horn of Africa who enter irregularly through the regions on the north east border namely Musoma, Kilimajaro, Arusha and Tanga. While a few of them settle in Tanzania, the majority seek to use the country as a transit corridor to the southern borders with Mozambique, Malawi and Zambia en route to South Africa and beyond.

The irregular migrants from the Horn of Africa include persons fleeing drought, economic deprivation, conflict and others in need of international protection.¹

Between April and November 2007 alone, a total of 1,031 illegal immigrants from the Horn of Africa were apprehended and kept in custody in Tanzania. By January 2008, the figure stood at 1,289 persons from 12 different nationalities. The numbers continue to increase and by April 2008, the figure of Ethiopians and Somalis alone had risen from 1168 to 1,279 (See Annex II).

As the Minister also remarked, the people who move in an irregular manner often place their lives at risk and are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse. Such movements are not only dangerous to the populations concerned; they also constitute a threat to national sovereignty and state security.

¹ Statement by Hon. Joseph James Mungai MP, Minister for Home Affairs of the United Republic of Tanzania at the *High Commissioner's Dialogue on Protection Challenges*, Geneva, 11-12 December 2007, p.1

Also, Tanzania is experiencing the problem of illegal entry and settlement into the Northwest regions of Kagera, Kigoma and Rukwa of tens of thousands of persons from the Great Lakes countries of Democratic Republic of Congo (DRC), Burundi, Rwanda and Uganda. Many of these have taken advantage of the policy of liberal admission of refugees to enter and settle in Tanzania without following the regulations relating to either admission or residence of asylum seekers and refugees in Tanzania.

According to the reports and records from the Immigration Department as of 31st August 2007 there were some 41,262 officially identified irregular migrants in Kagera region. Of these, 18,510 left the country but some 22,752 remain in the region. Around the same time, Kigoma and Rukwa had 18,508 and 14,443 officially known illegal immigrants respectively.

A significantly higher number of irregular migrants from the Great Lakes countries are undocumented and according to the immigration authorities, the figures could run into hundreds of thousands of persons.²

(2) Government Response

Initially, Tanzania employed standard responses to the phenomenon of irregular migration. With irregular migrants from the Horn of Africa entering through the north east of the border, the main approach was to intercept, charge them in court, fine or imprison them and thereafter send them back to their countries of origin. Also, courts have been imposing penalties on persons facilitating the entry and transit of irregular migrants.³

However, these measures have not achieved much in stemming illegal immigration into and through the country.

Moreover, as the then Minister for Home Affairs highlighted in his statement at the 58th Excom Session in October 2007, the Government has encountered a number of other problems in responding to irregular migration. These include:

- (i) Lack of appropriate facilities for holding persons arriving in mixed migration flows as they await to be processed and channelled to appropriate procedures;
- (ii) Lack of financial resources to deport and return those found not to be in need of international protection;

² See Letter from the Immigration Department to IOM with Ref No. JB.217/231/01/101 dated 16th January, 2008.

³ See e.g. John Semnkande, "Wanaoingiza Wasomali Watozwa Faini (Facilitators of Illegal entry of Somalis Fined), *Mwananchi*, 19/03008, and Julieth Mkireri, Wafanyabiashara Wanaswa kwa Kusafirisha Wahamiaji Haramu, (Businessmen Nabbed for Facilitating Illegal Immigrants) *Tanzania Daima*, April 23, 2008, p. 6

- (iii) Lack of destination country to deport persons who are not deserving international protection but who come from troubled countries such as Somalia (sic).⁴

As for irregular migrants from the Great Lakes region entering through the North West border, the primary response has been to round them up and ask them to leave the country voluntarily back to their countries of origin. When they have not heeded the call, the Government has on occasions conducted operations to return them home by force. Such operations have taken place mainly in Kagera and Kigoma regions.

This measure too has encountered some problems including:

- (i) Unauthorised and undocumented residence of some refugees and asylum seekers outside designated areas which exposes them to being inadvertently arrested and deported as illegal immigrants;⁵
- (ii) Alleged human rights violations during expulsions including family separation, arbitrary detention, spoliation of goods, sexual violence and inability of expellees to take their belongings with them. Psychological trauma among the expellees has also been reported.⁶

In the past, the Government has also offered migrants from the Great Lakes and Southern regions opportunity to apply for regular residence by paying a greatly reduced fee. On his recent tour of Kagera Region in early 2008, the President of the United Republic of Tanzania is quoted to have told irregular migrants to apply to regularise their status, cautioning them that long stay did not change their migration status. However, the migrants who are overwhelmingly peasants, have not taken advantage of these opportunities either because of ignorance or poverty.

(3) Formation of the Task Force on Irregular Migration

Concerned with the situation above, the then Minister for Home Affairs, Hon. Joseph J. Mungai (MP) convened a stake holder's meeting on 21st December 2007 to brainstorm on how best to respond to the challenge of "illegal migration" in Tanzania. The Minister, who had just returned from Geneva to attend *the UNHCR High Commissioner's Dialogue on Protection Challenges*, stated that he had convened the meeting "in line with the implementation of a 10-Point Plan of Action" developed by UNHCR to deal with the question of Refugee Protection and Mixed Migration.

On the side of the Government, the meeting was attended by the Minister himself, the Deputy Minister for Home Affairs, the Permanent Secretary, Directors of Immigration, and Refugee Departments, the Chief of Prison Services, and other very senior officials from these three departments of the Ministry of Home Affairs. Partners who attended

⁴ Minister for Home Affairs, Op. cit, p. 4.

⁵ Minister for Home Affairs, Ibid.

⁶ Government of Burundi, Consolidated Report; Assistance for Burundian Illegal Immigrants Returning from Tanzania, 2006-2007, Draft Version 12 February 2008, pp. 3-4.

were the UNHCR Representative, the International Organisation for Migration (IOM) Chief of Mission, and the International Committee of the Red Cross (ICRC) Head of Mission each of whom was accompanied by a key staff. Nearly 20 persons were in attendance.

Following extensive briefings and deliberations, the meeting decided to form a Ministerial Task Force to assess various aspects of irregular migration in Tanzania.

The Task Force's Terms of reference (attached as Annex III) included *inter alia*, visiting all detention points and prisons to interview and profile all irregular migrants so as to gather information that would help in advising the GoT on addressing the problem. The Minister advised the Taskforce to look at the UNHCR Refugee Protection and Mixed Migration 10 Point Plan (Attached as Annex V) to see if it can be implemented in Tanzania.

The Taskforce was under the chairmanship of the Ministry of Home Affairs/ Refugee Department and UNHCR provided the secretariat. The Task Force comprised members from international organizations, international and national NGOs and the Government of Tanzania organs that are mandated and involved in migration, asylum and refugee issues.

The members selected were from: the Government of Tanzania's Departments of Immigration Services, Refugee Services, and Tanzania Prisons; UNHCR, IOM, Tanzania Red Cross Society, and ICRC. According to its mandate, the Task Force (TF) could co-opt any other member it deemed necessary to achieve its objectives.

The initial members were:

- Mr. Johnson Brahim, Chairperson (Ministry of Home Affairs (MHA), Department of Refugees Services)
- Prof. Bonaventure Rutinwa, Secretary (United Nations High Commissioner for Refugees - UNHCR)
- Mr William Ngeze (UNHCR)
- Mr. Philo Nombo(MHA, Department of Immigration of Immigration Services, HQ DSM,)
- Mr. George Kaswende (MHA, Department of Immigration Services, Zanzibar)
- Mr. Charles Nzuki (MHA, Department of Refugee Service)
- Mr. John Minja (MHA, Tanzanian Prisons)
- Mr. Karoli Nyalali (International Organization for Migration- IOM)
- Ms. Monika Peruffo(IOM)
- Mr. Kibari Tawaqal (Tanzania Red Cross Society)
- Ms. Martha Kassele (International Committee of Red Cross).

The TF co-opted Mr. Michael Mtoba (Department of Immigration Services) and Ms. Jenitha Ndone (MHA, Department of Refugees Services).

CHAPTER 2

METHODOLOGY

Given the deadline and the need to proceed with a methodical and precise approach to analyse the problem and collect reliable information, the TF developed several research tools and a methodology

(1) The Methodology

1. A *migrant profile form* in English was developed on the basis of the interview questionnaire asked by Tanzanian Immigration to foreigners, adding questions to detect *inter alia* the status of the migrant, their final destinations, and their desired solution. The forms in English (Attached as Annex IV) were distributed to all prisons holding migrant detainees for the detainees to fill them prior to the visits of the TF to the prisons. The form in Somali and Amharic were used in the interviews of 10% of the prisoners.
2. *Face-to-face interviews* with the migrants were conducted in prisons paying particular attention to important issues in the ToRs, in particular, travel routes, final destination, reasons for leaving the country of origin and desired solution. The Task Force also collected information from regional and district authorities and people in the field, in particular Immigration and Prisons departments.

Considering the deadline, the number of prisons and the time for travel, a selection was made on the prisons hosting a high number of migrants. The TF split into four (4) groups, where representatives of the Government and other agencies were evenly distributed, and each group was assigned a route.

The Task Force collaborated with the Task Force on Trafficking in persons which provided information of the criminals detained for facilitating illegal migration (kept mainly in Segerea prison).

(2) Limitations

During its work, the Task Force encountered some problems, mainly the high number of prisoners to interview in a limited time.

Another major challenge was communication barriers with irregular migrants from the Horn of Africa. The majority of them speak their mother tongues –Somali and Amharic and do not speak English or Swahili. The Task Force had to communicate with them through translators. Because of shortage of persons who could speak Somali and Amharic, the Task Force was sometimes compelled to use those illegal immigrants who could speak English to translate for the rest. In one prison, it turned out that the translators were actually part of the trafficking network and they had deliberately travelled with their victims precisely to ensure that they speak for them and in the process conceal incriminating information.

(3). Task Force Routes

The Task Force visited a number of regions to interview and talk to irregular migrants detained or imprisoned in those regions. For logistical convenience and time, the Task Force was divided into teams which were dispatched to prisons along the following routes:

Route I: Mbeya, Morogoro, and Dodoma regions.

Route II: Pwani, Lindi and Mtwara regions as well as Zanzibar.

Route III: Tanga, Kilimanjaro, Arusha and Manyara regions.

Route IV: Tabora region

The TF started with Dar es Salaam (Segerea) as a pilot prison.

Along those routes, the following prisons were visited:

- **MBEYA:** Ruanda Prison and Ileje Prison in Itumba town (Ileje district)
- **DODOMA:** Isanga Prison
- **MOROGORO:** Morogoro remand Prison.
- **KILIMANJARO REGION:** Karanga prison in Moshi
- **ARUSHA REGION;** Arusha Prison
- **TANGA REGION:** Maweni Prison
- **MANYARA REGION:** Babati Prison
- **DAR ES SALAAM REGION;** Segerea Prison
- **TABORA REGION:** Uyui Prison
- **LINDI REGION:** Lindi District Prison
- **MTWARA REGION:** Lilungu Prison
- **PWANI REGION:** Mkuza Prison in Kibaha and Kigongoni prison in Bagamoyo

CHAPTER 3

DATA ON MIXED MIGRATION FLOWS FROM THE VISITS AND INTERVIEW OF DETAINEES AND CONVICTS IN PRISONS

The following are the findings of the Task Force with regard to the major incidents of irregular migration into and through Tanzania:

1. Major Countries of Origin

The major countries of origin for the migrants interviewed are Ethiopia and Somalia. Irregular migrants from other nationalities, such as Burundi, Eritrea, Rwanda, DRC, Kenya, Uganda, Zambia and Mozambique, represent 10% of the total number of inmates profiled.

2. Reasons for Leaving Countries of Origin

The migrants gave a number of reasons for leaving their countries the most important ones being economic problems and persecution (individual as well as insecurity related). Other reasons were family reunion, search for education opportunities and famine. Below is how these problems played out.

(i) Economic Problems

Globally, economic problems at home is the major reason for leaving the countries of origin. Of 1,110 persons profiled, 565 individuals or 51% per cent, claimed to have left their countries for economic reasons. Of these 468 were Ethiopians. This represented 80% of all Ethiopians profiled whose figure stood at 584 persons.

Ethiopian migrants claim to leave their countries of origin to look for jobs and better life abroad. Economic difficulties faced by the migrants back home, including lack of jobs, family reunion and better life generally are the major grounds for this group to travel abroad. Most of them are men of working age, who are determined to improve their lives by looking for jobs outside their countries. Ethiopian migrants interviewed claimed to know Ethiopian contractors working in South Africa who employ Ethiopians and they were determined to join them.

There was evidence that most of these Ethiopians come from the southern regions hosting the Kambata and Hadiya tribes. They informed that those regions are mainly rural and poor, particularly affected by overpopulation, scarcity of land to cultivate and low educational or job opportunities for young people. Moreover many of these Ethiopians already had relatives living in South Africa who had offered to help them find jobs.

Some Ethiopians stated that the forthcoming World Football Championship in South Africa opened job opportunities for them in the grey labour market, such as in construction and in street vending.

Another pull factor is the presence of a large Ethiopian community in South Africa who are ready to provide prospective irregular migrants from Ethiopia with money loans to pay travel agents as financial and material support upon arrival.

The second major category of movers for economic reasons were Somali. Of the 386 Somalis profiled, 67 reported to have left Somalia in search of better economic opportunities abroad. This is equivalent to 17% of all Somalis held in Tanzania for infraction of immigration laws.

Other nationalities who reported to have left their countries for economic reasons are Burundians (13), Kenyan (9), Ugandans (4) DRC (1) and Zambia (1).

(ii) Generalised Violence and Individual Persecution

Other migrants reported to have left their countries because of political persecution and/or general insecurity. 309 out of the 386 Somali profiled claimed to have left Somalia for refugee related reasons. This constitutes over 80% of the total Somalis in Tanzanian prisons for violation of immigration laws. Many Somalis claim to have come from Mogadishu area, and to have fled political instability and generalised violence as a result of the war in the country. They claimed to have been on the way to Malawi to seek asylum when they were arrested.

Also, 113 Ethiopians claimed to have fled their country due to generalised violence or individual persecution.

Other nationalities that cited refugee-related reasons for leaving their countries are Burundi (79); Rwanda (17), DRC (11) and Kenya (1).

In total, 530 persons currently held for violation of immigration regulations claim to have entered Tanzania for refugee-related reasons. However, of these, particularly the Burundian, Congolese and Rwandese held in prisons in north western Tanzania are held for commission of common and serious crimes after entering in Tanzania and not for violation of immigration laws as such.

The total figure of irregular migrants who claim to have entered Tanzania for refugee related reasons is nearly 50% of all irregular migrants held in Tanzania for violation of immigration. The Task Force considers this to a particularly important finding considering that irregular migrants are generally considered to have left their countries for economic reasons. It has ramifications as to how the Government and international community should respond to the phenomenon of irregular migration in the country.

(iii) Family reunification

Some individuals, particularly women, claimed to have left their countries of origin for family reunification with relatives living in other countries. The major countries mentioned as hosting their family members are Malawi, South Africa, Western Countries and the USA. A total of 9 persons gave family reunification as the reason for leaving their countries of origin.

(iv) Seeking further education

Some Ethiopian migrants claim to have left their countries to seek further education abroad. They were heading to South Africa, Australia, Europe and USA.

(v) Famine

Some Somalis and Ethiopians interviewed also claimed to have fled famine in some parts of their countries of origin.

3. Means of Transport:

Migrants from the Horn of Africa use various means of transportation to leave their countries of origin and to travel to their final points of destination. The means commonly used are public buses, lorries, sailing dhows, boats and hired private vehicles. Some stretches are covered on foot. Which means of transport is used depends on the route followed by the irregular migrants. The use of a combination of one or more means of transport is not uncommon.

Dhows and boats are used by those who enter through Tanga, sometimes transiting through Zanzibar. Sometimes dhows/boats take their passengers straight from the Horn of Africa to the coast of Mozambique where they then enter the inland and proceed onward by road to their final destinations.

Also, sailing dhows/boats are used to ferry those who enter Tanzania through unofficial entry points in Bagamoyo and Pangani. From there they take road transportation for their onward journeys through Southern Tanzania.

Public buses and lorries are mostly used by those who travel from Nairobi to Namanga, Holili, Tarakea, Horohoro border points as well as Sirari border in Musoma. The facilitators then arrange for onward movements by public or private/hired means of transport.

It is worth noting that the TF was informed that some of the owners of the means of transport, including dhows and private buses/vans are Tanzanians who are paid for their services. The owners of dhows often come from Zanzibar.

4. Departure and Transit Routes:

Persons moving to and through Tanzania irregularly use various routes depending on the countries of origin, intended countries of transit and points of entry into Tanzania. The routes used by Ethiopians and Somalis are as follows:

(i) Ethiopians

The main point of departure for Ethiopians is Moyale where they stay after leaving their provinces. From Moyale they go to Nairobi with valid travel documents. The Task Force was duly informed that these migrants enter Kenya legally where they meet and pay agents/smugglers who assist them to go to their final destinations, mainly South Africa and few to Malawi, UK and USA through Malawi.

The major routes followed by Ethiopians are as follows:

1st Route: Moyale (Ethiopia) by road –Nairobi by road to Mombasa by road to Tanga or dhows and boats to Bagamoyo and then Dar es Salaam by road –Mbeya- by road to Malawi.

2nd Route: Moyale by road to Nairobi by road to Namanga-Arusha-Mbeya- Malawi

3rd Route: Moyale (Ethiopia) by road –Nairobi by road to Mombasa by road to Taveta—on foot to Mwanza district or Sanya Juu in Hai district in Kilimanjaro- by road to Mbeya- Malawi.

4th Route: Addis Ababa /Moyale / Nairobi/Mombasa/Namanga/Dar es Salaam/Mtwara

5th Route: Addis Ababa /Moyale/Nairobi/Sirari/Mwanza/Tabora/Sikonge/Mbeya-Malawi

6th Route: Addis Ababa/ Moyale /Nairobi/Mombassa by boat/ dhow to Mtwara

7th Route: Addis Ababa/ Moyale /Nairobi/Mombassa by boat to Mozambique and then return by road to Mtwara where they later travel by road to Malawi

Some Ethiopians enter Tanzania after being intercepted in Mozambique. They enter the country across the Tanzania/Mozambique border and later proceed to Malawi.

There are other minor departure points that are not commonly used and these are Angecha and Dila in Ethiopia.

(ii) Somalis:

The main point of departure for Somalis is Mogadishu town where they gather after leaving their provinces. Mogadishu has two main departure points which are Kismayu and Yakshid where organised agents (smugglers) assist the migrants to leave the country. These “agents” organise illegal movements of migrants from points of departure to final destinations in South Africa on a fee.

The main routes taken by Somalis as follows:

1st Route: Mogadishu/Garisa Nairobi/Mombasa/Namanga/Dar es Salaam/Mtwara

2nd Route: Mogadishu/Garisa Nairobi/Mombassa/ Tanga/ Dar es Salaam/Mtwara

3rd Route: Mogadishu/Garisa Nairobi/Mombassa by boat to Mtwara

4th Route: Mogadishu/Garisa Nairobi/Mombassa/ Pemba in Mozambique/Mtwara

5th Route: Mogadishu-Dhoobley - Nairobi- Mombassa –unidentified border line between Tanzania and Kenya and then unidentified route to where they are caught.

Ethiopians and Somalis report that in Kenya they are let to enter with no or little control by the authorities.

(5) Major Entry Points:

There are a number of common entry points for migrants in Tanzania some official and some unofficial. According to the data collected by the Task Force, the top five points of entry by illegal migrants in Tanzania are as follows:

S/No	Entry Point	Number of Entrants
1.	Namanga	308
2.	Bagamoyo	198
3.	Tanga	99
4.	Sirari	85
5.	Longido	26

There are a lot of unofficial border points in the regions bordering Kenya particularly Arusha and Kilimanjaro. Kilimanjaro region alone is reported to have more than 470 illegal entry points used by migrants.⁶

(6) Point of Exit to Third Countries:

Most migrants exit Tanzania through unofficial border points to third countries. These major exit points include Msimbati, Msanga Mkuu, Kitembe Chini, Mahurunga (Kivava) in Mtwara Region; Razaba in Bagamoyo, Kipumbwi in Pangani, Tunduma, Kyela and Ileje Districts in Mbeya region. Migrants mostly exit at night through these unofficial routes commonly known as ‘Panya routes’ (undesignated routes).

(7) Agents/Facilitators

(i) Smugglers

The travel of Ethiopians and Somalis to Southern Africa is facilitated by a network of human smugglers who are loosely connected at major points of immigration control. As noted above, the Ethiopians normally enter Kenya ‘legally’ in the sense of having valid travel documents. In Kenya agents arrange their travel to an agreed point and payments differ according to where one wants the engagement of the agents to end.

Ethiopian migrants reported that payment is made in Nairobi or on the Tanzania/Kenya border to Kenyan or Tanzanian based agents. Then the agents collect the travel documents at the point of payment and from thereon take charge of the transport and other costs of the travellers.

For example, most of the Ethiopians interviewed in prisons in Mbeya, Dodoma and Morogoro reported to have paid their facilitators in Nairobi. The cost ranged from 95 to 2000 USD.

Ethiopians interviewed at Uyui Prison in Tabora reported that the agents gave them the option of paying 1,700 USD and get transported from the Kenya/Tanzania border at Sirari to South Africa or pay 850 USD and be left in Malawi. Most paid the full ‘fare’ to South Africa.

Agents have safe houses and contacts on both sides of the Tanzania/Kenya border where the travellers are kept until they are able to leave. Agents also have contact persons along the major routes of transit. For example, irregular migrants at Uyui Prison in Tabora region reported to have been put in safe houses at Sirari border, Mwanza and Tabora

⁶ Statement of Regional Immigration Officer of Kilimanjaro.

before being caught by the Police at Sikonge, Tabora, while on their way to Malawi via Mbeya. Some of the agents and their collaborators are well known to authorities and some of them have been arrested and charged.

As for the Somali payments to the facilitators seems to be made in Mogadishu, Somalia. For example, the Somali interviewed at Isanga Prison in Dodoma and Morogoro Remand Prison reported that they paid for their transportation in Somalia to an agent known as “Kah Express” based in Mogadishu with offices in Dhoobley and agencies in various places in the region including Moshi and Arusha in Tanzania. Kah Express also operates Western Union Money Transfer Services in Somalia.

The amounts paid by the Somali ranged from 95 to 800 USD. The vast range is not surprising, considering the varied circumstances of the Somali travellers including the extreme young age of some of them (see below) and the varying lengths which different groups take in transit under the care of the facilitators.

There are also in-country facilitators who provide shelter, local transport and other services while the irregular migrants are moving through Tanzania. As reported in *Tanzania Daima* of 23rd April 2008, some of these persons are prominent businessmen in the country.⁷

(ii) Official Complicity

Many Somali and Ethiopian irregular migrants claimed to have spent a lot of money bribing border officials in countries they transited. Some cited this as a reason why they no longer have means to anywhere without assistance.

However, the Task Force did not obtain evidence as to whether Government border and security officials are involved in this lucrative business. But there are some facts which create curiosity as to how they occur without the knowledge or involvement of officials at border posts.

For example, all Ethiopians in Uyui Prison in Tabora reported that upon arriving on the Kenyan side of the Silali border, they were met by a Tanzanian Agent known as Hussein, to whom they had been directed by another agent in Nairobi. Hussein met them at a safe house on the Kenyan side of the border, collected their facilitation fees and took their travel documents. On the following day, he arranged for them to cross into Tanzania by a minibus, using the official crossing point. They were not asked to show their travel documents nor go through the normal immigration formalities. The question is how could this happen? A minibus full of people crossing an international frontier without anybody noticing?

Another suspicious fact is that the majority of irregular migrants are ‘discovered’ and intercepted hundreds of kilometres inside Tanzania and at exit points to third countries

⁷Julieth Mkireri, Wafanyabiashara Wanaswa kwa Kusafirisha Wahamiaji Haramu, (Businessmen Nabbed for Facilitating Illegal Immigrants) *Tanzania Daima*, April 23, 2008, p. 6

and not at entry points. This does not necessarily mean that border point officials are involved in facilitating the movements, especially given the limited human and fiscal resources at the border check points. However, this whole scenario raises the possibility of some unfaithful border officials being involved in facilitating irregular migration.

That said, we must emphasise that the Task Force found no evidence of wrongdoing by border officials although the scenarios postulated above indicate, at the very least, serious weaknesses at entry points which allow unauthorised persons to enter the territory of Tanzania.

8. Countries of Final Destination

For the majority of the irregular migrants, South Africa is the main country of destination. A few migrants indicated their destinations as Malawi, UK and USA. However, Malawi is mainly used by migrants as a place to register as asylum seekers but with no intention to remain there.

Upon arrival in Malawi, the migrants surrender to immigration officials seeking asylum as required by regulations. After this the migrants are taken to Kalonga refugee camp as asylum seekers and later refugees.

However, as Jack Redden writes:

Their stay in Malawi is usually brief, but long enough to receive food rations and items like blankets, before continuing the journey.... Within a month, most Somalis and Ethiopians have headed south over the border into Mozambique. Some then move quickly west into Zimbabwe and down into South Africa....⁸

As for migrants with genuine refugee claims, the Task Force sought to find out why they did not seek asylum in the first countries they entered. In particular the Task Force asked why Somalis did not seek asylum until they entered Malawi. Five main reasons were advanced.

The first is lack of access to refugee camps in Kenya, the first country most of them enter after leaving Somalia. Several Somalis stated that they entered Kenya looking for asylum, but they were forced to proceed with their trip up to Malawi because they were denied access to the refugee camp in Kenya, hosting a large number of Somali, due to overcrowding.

The second, and related to the above, appears to be ignorance as to where Somalis can seek asylum. Specifically asked why they had not sought asylum in Kenya or Tanzania, the Somali detainees at Isanga Prison in Dodoma said that they had heard that camps in Kenya and Tanzania do not accept Somali refugees. The only place where Somalis were accepted was Malawi. Asked the same question, Somalis detained in Morogoro said that

⁸ Redden, J., 'Malawi's Dilemma: The Difficulties Facing a Transit Country', in *Refugee Magazine*, [Http://www.unhr.org/refmag/148/index.html](http://www.unhr.org/refmag/148/index.html), p. 1

they had been made to believe that refugee camps in Kenya are not accepting Somali refugees anymore and they did not know of any Somali camps in Tanzania.

The third reason is that the route and final destination are often times determined by agents/smugglers who may not give an opportunity to the travellers to seek asylum in any of the countries of transit. The travellers are often times transported at night in completed covered trucks, and hid in dark houses during the day. As such, they sometimes do not know when they have crossed an international frontier or in which country they are until when they are caught.

A case in point is the 53 Somali detainees in Isanga Prison in Dodoma. They told the Task Force that they had paid an agent in Mogadishu (Kah Express) who had assured them that he would arrange for them to travel safely to their final destination which was a refugee camp in Malawi. He then put them on a truck to Nairobi. They did not know when and how they crossed the Somali/Kenya border as the truck was completely covered.

Upon reaching Nairobi, they were put in another truck but which this time travelled at night. At some location, which they did not know but suspect it was the Kenya/Tanzania border, they were put in another truck which took them to what later they learnt was Chipogolo village in Tanzania. At this location, the driver told them to alight as he was going to find food and fix the truck. However, he abandoned them and disappeared. Then they surrendered to the authorities. Thus, these persons never had an opportunity to present themselves to any authorities at border points they crossed until when they were caught.

Fourth, some Somali refugees stated that they deliberately chose to proceed to Malawi and seek for asylum there because the treatment of refugees in Malawi was far more generous than the one granted to Somali refugees in other countries.

Related to the above, some Somali and Ethiopians with genuine refugee claims do not want to seek asylum in neighbouring countries and instead chose to attempt to proceed to South Africa where the quality of protection is better. As Jack Rudden writes:

South Africa is not just a magnet because of its economy. Unlike many other countries that straddle the routes from the north, the South African government does not insist refugees live in camps. In addition, it gives refugees and asylum seekers freedom to work and live where they want.⁹

Also, the legal regime in South Africa gives enhanced opportunity for finding a durable solution by way of permanent residence leading to naturalisation.

The fifth reason is absence of institutions dealing with asylum on the major points of entry into Tanzania by asylum seekers from the Horn of Africa. Neither UHCR nor the Government Refugee Department has a presence at the points of entry mentioned in this

⁹ Rudden, Jack, Loc Cit.

report in Mara, Kilimanjaro, Arusha or Tanga. By contrast, UNHCR and the Refugee Department have a presence in all districts in north western Tanzania through which asylum seekers enter the country.

Related to the above, immigration and other border officials outside north-western Tanzania did not appear to be aware of their status as “Authorised Officer” under the Refugees Act, 1998 and the attendant duty under section 9 of the same Act to receive asylum seekers and channel them to procedures for seeking asylum. This results in failure to advise asylum seekers among mixed migrants to apply for recognition as refugees in Tanzania.

Chapter 4.

REFERRAL MECHANISMS FOR THE IRREGULAR MIGRANTS CURRENTLY IN TANZANIA PRISONS

The study conducted by the Task Force has given enough information to enable the implementation of Action 5 of the 10 Point Plan namely profiling and referral of the irregular migrants. Not only did the Task Force seek for information indicating the possible migration status of the irregular migrants, it also asked each and every individual interviewed the kind of solution they would prefer.

The interviewees expressed various preferences ranging from return to their countries of origin, seeking asylum in Tanzania, regularising their stay in Tanzania, onward movement to third countries etc. Needless to say, the appropriate response/solution depends on the legal circumstances of each individual. In this connection, the Task Force would like to recommend the following:

1. Applications for Asylum

As noted above, nearly half of the irregular migrants currently in Tanzanian prisons claim to have come into the country for asylum related reasons. As required by international refugee instruments, as well the Refugees Act, 1998, all such persons must be given opportunity to apply for asylum in Tanzania in accordance with the law.

As suggested under Action 6 of the 10 Point Plan, asylum claims that are relatively simple because they are well founded or manifestly unfounded could be assessed in an expedited procedure. A case in point is asylum seekers from Somalia who, as the Government has pointed out several times, have fled their countries for obvious security reasons and due to insecurity, cannot be sent back to Somalia.

Somalis in need of protection should be handed over to UNHCR which should take care of them pending determination of their refugee status in accordance with applicable legal procedures. Considering the situation in Somalia, Somalis requesting for asylum should preferably be recognised on *prima facie* basis.

Asylum seekers from Ethiopia and other countries should be channelled to the National Eligibility Committee for adjudication. Those found to be refugees should be granted asylum in Tanzania and afforded protection and assistance in accordance with the existing arrangements.

2. Return of non-refugees and alternative migration options

As noted above, a significant number of irregular migrants in Tanzania left their countries for economic reasons. Most of them do not meet the criteria for work related international migratory movement. Even those who do, they did not follow the applicable procedures for international migration for economic reasons.

Accordingly, the immediate solution for this category of persons is return to their countries of origin. Many were charged and convicted of illegal entry or presence in Tanzania. They have already served their terms or paid fine. So they can legally leave Tanzania. Some were not charged at all but were detained pending deportation consistent with the Immigration Act, 1995. They too can legally leave Tanzania.

Most of the irregular migrants in both categories (convicts and deportees) have expressed desire to return to the countries of origin. Some of those who have already served their terms or paid fine but have not been released have threatened legal action for unlawful detention.

The Government would like to release such person immediately. However, there have been multiple problems. First is who meets the cost for transport. The Government of Tanzania did not budget for this kind of activity. The Government of Ethiopia is prepared to issue travel documents but is not ready to meet travel costs for its citizens held in Tanzania for irregular migration. So there is a stalemate.

Many inmates assert that they are ready to transport themselves but they can only afford to cover road travel. However, that implies transiting through Kenya which may not be amenable to allow persons, who may have possibly violated Kenyan laws while coming to Tanzania, to re-enter the country.

As pointed out above, Tanzania government is ready to let these persons return home. The former Minister for Home Affairs had even expressed willingness to seek pardon from the President to allow even those who have not finished serving their sentences to return home. However, the main problem is the resources to take these persons home.

In line with Action 9 of the 10 Point Plan, the Task Force would like to strongly recommend the following in respect of this category of irregular migrants in Tanzania:

- (a) All non refugees currently held in Tanzanian prisons for violation of immigration law should be expeditiously returned to their countries of origin in safety and dignity.
- (b) The Government should consider pardoning all those migrants convicted for irregular migration who have not finished serving their terms on the condition that they will leave Tanzania. This will mitigate the negative impact of the presence of irregular migrants in Tanzanian prisons including aggravating overcrowding, the costs of maintenance and the risk of diseases and deaths in custody. The tender age of some of the irregular immigrants should also be a consideration in this regard.
- (c) Countries of origin should, as a matter of international/state responsibility consider meeting the costs of return of their nationals entering irregularly in other countries.

- (d) The international community should assist the Government of Tanzania with the removal of irregular without asylum claims back to their countries of origin. The assistance could take the form of air lifts using military transport planes or meeting the costs of commercial air and surface transportation.
- (e) International agencies with mandate on international migration management such as UNHCR and IOM should, under their mandates or on good offices basis, also assist Tanzania in the return of persons not in need of international protection.
- (f) For those migrants whose relatives are ready to cover their air fare back home, special arrangement should be put in place to give priority to this option. The Somali and Ethiopian communities in Tanzania should also be allowed to assist their fellow compatriots to return home.
- (g) Consultations should be made with Kenya on how to facilitate the safe passage through the country of the irregular migrants back to their countries of origin. The option of road transportation through Kenya should be seriously considered in order to keep the costs down.
- (h) Tanzania should give due consideration to the request of some irregular migrants to regularise their stay in Tanzania under recognised residence categories if they meet criteria for the same. However, this should be done on a case by case basis.

Different processes outside the asylum arrangements should address the situation of people with specific needs which are not refugee related including the victims of trafficking not in need of international protection as well as under age illegal immigrants.

For example, the Task Force findings indicate that some 144 Somali detainees are under the age of 18. Of those, 64 are under the age of 15 years and therefore extremely vulnerable. These persons are supposed to be handled differently in accordance with international norms relating to protection of children, in particular the 1989 UN Convention on the Rights of the Child.

A total of 471 irregular migrants have expressed desire to move on to third countries. Those who have valid visa for the third country i.e. Malawi and South Africa should be facilitated to proceed with their journeys to those countries. Those who wish to go to other countries should be also assisted to do so if they meet the relevant criteria for admission into those countries.

For all the migrants it is necessary to perform family tracing and the Government should invite relevant agencies to help with this duty.

NGOs, lawyers and civil society institutions should play active role in assisting the irregular migrants realise their desired solutions in accordance with the applicable regulations.

The Task Force has prepared a table with a full list of all irregular migrants in Tanzanian prison where each and every one of them has indicated the preferred solution. The Table will be submitted to the Government for further action.

CHAPTER 5

TOWARDS A COMPREHENSIVE AND LONG TERM STRATEGY FOR DEALING WITH IRREGULAR MIGRATION INTO TANZANIA

As the Government addresses the plight of the irregular migrants currently in prisons in Tanzania, it is important to consider the development of a comprehensive strategy for dealing with the phenomenon of irregular migration into Tanzania. This strategy should be built around prevention and response to this phenomenon.

1. Prevention/Minimising the Problem of Irregular Migration

(i) Information Strategy in countries of origin, transit and arrival

As noted in Chapter 2, many irregular migrants, especially those from Ethiopia have left their countries because of poverty and fantasies about greener pastures in South Africa, Europe and the United States. It was also evident in interviews that the irregular migrants were not fully informed by the traffickers on the dangers of smuggling and trafficking and the difficulties they would encounter if intercepted.

The Task Force believes that the number of irregular migrants could be reduced if mass information campaigns are conducted in countries and localities of origin to discourage irregular migration. Such information could for example focus on the difficulties of finding employment in South Africa and highly industrialised countries for persons with modest or no education and limited linguistic abilities.

The campaign could also inform youths in those areas about the criminal nature of irregular migration and that if caught they are liable to prosecution and imprisonment in countries of transit or destination.

Information leaflet in Somali and Amharic languages should be produced and distributed at border crossing points to inform the migrants about rights, obligations and the risks they can face in crossing with the help of illegal agents.

The campaigns should also provide information on legal options for international migration for persons who qualify. For example, Ethiopians held in Ruanda and Ileje Prisons in Mbeya reported that they were not aware of the existence of the Tanzanian Embassy in Ethiopia where they could get visas. Thus, their payments to the agents included the cost of obtaining a Tanzanian visa in Nairobi or in Tanzania.

The Tanzanian Embassy in Ethiopia, the Ethiopian Government and IOM should disseminate information on legal criteria and procedures for entering Tanzania to enable Ethiopians who would have otherwise entered Tanzania illegally to do so in a proper manner and to prevent those who do not meet the criteria from embarking on the journey.⁷

⁷ IOM has been cooperating with Ethiopian government in awareness raising campaign.

(ii) Strengthening Border Management and Control Capacity

Border guards and immigration officials should be afforded adequate personnel and equipment necessary to safeguard both land and maritime borders. Development partners and the international community generally should assist Tanzania with border patrol equipment including speed boats, vehicles, and telecommunication facilities to enable them border control authorities to intercept irregular migrants and handle them in accordance with appropriate legal procedures.

In this connection, UNHCR should extend to other parts of the country the capacity support to immigration authorities component of the Strengthening Protection Capacity Project (SPCP) currently being implemented in North-western Tanzania.

(iii) Prosecution of Facilitators

As recognised by the *United Nations Protocol on the Smuggling of Migrants, Palermo 2000*, trafficking in persons is to be considered and legally punished as an organised crime. Also, the migrants using these networks are at high risk of being exploited once they arrive at their destinations thus becoming being victims of trafficking and exploitation in the countries of transit and destination (*UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children, supplementing the United Nations Convention against Trans-national Organised Crime, 2000*). Tanzania and other countries concern should take measures to give effect in their laws to these international instruments in order to punish the perpetrators and assist victims of trafficking.

In particular, there is a need to enhance provisions of the criminal law relating to smuggling and trafficking of persons as well as facilitation of illegal migration into Tanzania generally. In particular, the penalties for breach of immigration laws should be significantly increased. As several Regional Immigration Officers rightly complained, the fines currently imposed on violators are so low such that they cannot act as a deterrent. Higher fines will also help to partially off set the costs of keeping irregular migrants.

Immigration authorities, police and courts of law should be given power to confiscate all vessels that are used in the irregular migration business, auction them and use the proceeds to cover cost of sending the irregular migrants back home.

2. Response to Future Flows

While the above proposed measures may reduce the number of irregular arrivals in Tanzania, they are not likely to stop them altogether. Accordingly, the Task Force recommends that measures should also be taken to provide Tanzania with capacity to continue to respond to the phenomenon of irregular migration in a manner that is consistent with applicable international norms and which fully takes into account national interests.

(i) Establishment of Additional Official Entry Points

A number of irregular migrants in Tanzania are in this situation not so much because of lack of proper documents, but because of entering the country through unauthorised ports

of entry. The reason for this is the vast distances between official entry points on the vast Tanzanian borders. A case in point is people coming from Shimoni, Mombasa in Kenya to reach the official entry points in Pemba (Wete, Chakechake and Mkoani).

Some official entry points on Tanzania mainland are several hundred kilometres apart thus creating a temptation for aliens to enter the country through unofficial points between them.

To ease this problem, the Government may consider opening additional official entry points at areas frequently used by foreigners to enter Tanzania such as at Ras Kigomasha in Micheweni District, Pemba.

(ii) Establishment of Reception/Holding Facilities

As observed in the previous Chapters, a significant number of irregular migrants, particularly the Somalis come to Tanzania for refugee related reasons. Others, particularly Ethiopians, come to Tanzania for non-refugee reasons. Yet they all end up in prisons either upon conviction or while awaiting deportation back to the countries of origin. This has, among other things, compounded the problem of overcrowding of prisons in Tanzania.

Also, the situation has imposed enormous costs on the Prisons Department related to the upkeep of the foreign prisoners and deportees. According to the Prison Officer in Charge of Mtwara Prison, the cost of supporting one inmate on food alone per month is around 33,309 shillings. It should be remembered that Mtwara is one of the low cost regions in terms of food prices. The cost is likely to be much higher in regions like Dar es Salaam, Arusha and Mwanza. Either way, that is still a lot of money for an institution like the Prisons Department.

Moreover, as the former Minister for Home Affairs rightly pointed out, prisons are not the appropriate place for irregular migrants from countries like Somalia who, as noted above, have left their countries for refugee related reasons. The very tender age of some of them is also another reason why prisons are not appropriate holding facilities for these persons.

The Task Force recommends to the Government to consider establishing ***immigration processing centres*** at border points where most of irregular migrants enter or exist the country.

Immigration Processing Centres could be established at Namanga, Bagamoyo which accounts for almost 30% and 20% respectively of irregular migrants as well as Mbeya and Mtwara which are the top points of exist.

These Centres should be supported by the international community and managed by a competent organisation such as the Tanzania Red Cross Society. UNHCR should have access to such sites in order to identify and assist asylum seekers among the inmates.

In the meantime, prisons currently holding large numbers of irregular migrants should be provided with assistance to cope with the situation. In particular, all the inmates should be provided with urgent emergency medical help, since the overcrowding of the prisons has burdened the prisons' medical capacity. NGOs, religious organizations and others should be requested to provide medicines and medical services.

(iii) Continuous Profiling and Referral

To ensure that these centres do not also become overcrowded, joint mechanisms should be put in place for continuous profiling of arriving migrants. The profiling should involve initial determination of possible immigration status and should allow for appropriate counselling and referral of persons concern to the appropriate mechanism (e.g. RSD, assisted voluntary return, particularised process for victims of trafficking etc.)

If, upon profiling a person makes a refugee claims or appears to be an asylum seeker, he/she should be immediately be brought to the attention of the Refugee Department and UNHCR to be dealt with in accordance with refugee law. Preferably, such persons should be removed from the reception/holding facilities to other appropriate places designated for asylum seekers or refugees.

(iv) Training of Immigration and other Border Officials

UNHCR, IOM and the international community in general should support capacity building of border and law enforcement officials in order to enable them to profile irregular migrants and channel them to appropriate response mechanisms. In particular, immigration officers should be trained on how to recognise asylum seekers and victims of trafficking and how to handle them in accordance with the law and standard operating procedures to be developed.

The training should also target NGOs, lawyers, judicial and national human rights institutions to enable them play their parts in ensuring that irregular migrants are accorded treatment that is consistent with standards applicable to migrants of the status they hold. In particular, these actors should be enabled to facilitate admission of persons in need of international protection and build constituencies for protection.

(v) Differentiated Processes and Procedures and Return Arrangements

The Government, in collaboration with UNHCR should put in place arrangements for receiving and processing applications for asylum lodged in north east Tanzania and other areas where UNHCR and the Refugee Department traditionally have had no presence. In particular, the Government and UNHCR should facilitate the National Eligibility Committee to meet regularly to consider asylum applications submitted in regions with no formal refugee programmes, especially where reception centres may be established.

Also, the Government, in collaboration with IOM and other interested agencies, should put in place mechanisms and facilities for swift return arrangements for irregular migrants without refugee claims.

In this regard, the Government may consider entering bilateral agreements with the major countries of origin and transit prior to coming to Tanzania to facilitate the safe and dignified return of their nationals who enter Tanzania illegally along the same lines as the bilateral arrangements which Tanzania has made with Rwanda and is exploring with Burundi for the same purposes. These arrangements could include:

- (i) Development of proper standards for return operations.
- (ii) Return counselling.
- (iii) Issuance of travel documents by countries of origin and transit
- (iv) Passage through countries of transit and
- (iv) Transportation of irregular migrants back to their countries of origin.

(vi) Protection of Refugees

Those persons who are found to be refugees should be afforded protection in Tanzania. They should also be assisted to find durable solutions by way of voluntary repatriation, local integration and resettlement whichever is most the appropriate.

(vii) Addressing Secondary Movements.

It has been noted above that some migrants leave their countries for refugee related reasons but decide not to seek asylum until they reach their preferred countries mainly Malawi or South Africa. The main reason for this is the better quality of asylum accorded in those countries.

UNHCR should make effective use of the Strengthening Protection Capacity Project (SPCP) to improve availability of quality protection closer to where protection is first sought or needed. If some Somali asylum seekers are unable to access asylum in Kenya as they claim, the reasons should be investigated and addressed.

UNHCR, in collaboration with concern states, should explore the possibility of facilitating return of asylum seekers to countries of first asylum, bearing in mind the need for burden sharing.

(3) Institutionalisation of Local Response Mechanisms

To date, the problem of irregular migration in Tanzania has been dealt with on ad-hoc basis characterised by conducting of short term operations to round up illegal migrants, formation of temporary Task Forces etc.

In order to effectively implement the prevention and response measures suggested above, the Task Force recommends the establishment of a national Programme/Project to address the question of irregular migration in a comprehensive, concerted and coordinated manner. The Government should run the programme in partnership with other stakeholders in the field of irregular migration including UNHCR, IOM, academic institutions, human rights organisations and NGOs whose mandates touch upon the issue of migration management.

The Programme should be guided by the Task Force drawing members from the same institutions as the current one. The Programme and the Task Force should be hosted by

one of the institutions, preferably an academic one. With appropriate support, the Centre for the Study of Forced Migration (CSFM) at the University of Dar es Salaam can suitably play this role.

The main activities of the Programme would include spear heading capacity building for Government institutions through training and resource mapping and mobilisation; regular monitoring of facilities holding irregular migration, continuous data collection, working with Government to develop standard operating procedures for reception, profiling and referral of migrants, assisting with profiling and referrals and providing legal, material and psycho-social assistance to migrants as appropriate.

The development partners, UNHCR, IOM and other international organisations should support the establishment of the proposed Programme.

(4) International Cooperation and Coordination

The Government of Tanzania should raise the issue of irregular migration from Somalia and Ethiopia in an appropriate forum with their Malawian, Kenyan, Ethiopian, Somali and South Africa counterparts. These countries should find ways of collectively dealing with the phenomenon of irregular migration. There should be a sort of guidelines, which will address the whole issue of irregular movements from the Horn of Africa and how such movements can be prevented. Relevant international organisations such as IOM and UNHCR should work with these countries to develop the guidelines.

The Government of Tanzania should also raise the issue of mixed migration flows with Southern African Development Cooperation (SADC) and the East African Community (EAC) to both of which Tanzania is a member and both are engaged with questions of freedom of movement and migration. These sub-regional organisation provide a potential for facilitating readmission and return of economic migrants and addressing in a principled manner the question of forum shopping and secondary movements of refugees.

As a starting point, a regional conference on irregular migration from the Horn to Southern Africa should be urgently convened to share experiences and brainstorm on the way forward. The conference should be attended by government officials, representatives of UNHCR, IOM and other international organisations, academic institutions and other human rights and civic organisations from countries of origin, transit and final destination.

ANNEX 1

**NUMBER OF CONVICTED ILLEGAL MIGRANTS AND DEPRTEES HELD IN TANZANIA PRISONS
AS ON 20 JANUARY 2008**

	ETHIOPIA		SOMALIA		BURUNDI		RWANDA		DRC		KENYA		UGANDA		ZAMBIA		MOZAMBIQUE		MALAWI		USA		INDIA		TOTAL
	C	D	C	D	C	D	C	D	C	D	C	D	C	D	C	D	C	D	C	D	C	D	C	D	
ARUSHA	25	102		38							3											1		1	168
DAR ES SALAAM	24	157		89							2														272
DODOMA				52																					52
IRINGA			6																						6
KAGERA					10		9		1				6												26
KIGOMA					19				2				1												22
KILIMANJARO	14		2																						16
LINDI		10		23																					33
MANYARA				37																					37
MARA			1							4															5
MBEYA	32	99	1															2							134
MOROGORO																									-
MTWARA	30	79	47																						156
MWANZA									1	3		2													6
PWANI	12	31	1	59						1															104
RUVUMA				52												1									52
RUKWA																									-
SINGIDA																									-
SHINYANGA																									-
TABORA		14		8	51					12					1		1								87
TANGA	101		22							1															124
TOTAL	137	593	58	380	80		9		16	2															1,289

LEGEND:

C = Convict

D = Detainee

ANNEX II
MIGRANTS FROM SOMALIA AND ETHIOPIA HELD IN TANZANIAN
PRISONS AS OF MARCH 2008

REGION & NAME OF PRISON	NATIONALITIES						TOTAL
	SOMALIS			ETHIOPIANS			
	CON	REM	DD	CON	REM	DD	
DAR ES SALAAM Segerea	01	08	89	43	14	157	312
PWANI Mkuza	02	01	-	03	02	-	08
Kigongoni	-	16	59	4	14	36	129
MTWARA Lilungu	49	10	09	30	-	79	177
LINDI	-	-	23	-	-	10	33
KILIMANJARO Karanga	-	-	-	-	-	16	16
ARUSHA	-	-	33	-	-	146	179
MANYARA Babati	-	-	37	-	-	-	37
TANGA Maweni	-	-	22	-	-	105	127
MBEYA Ruanda	-	-	-	-	-	99	99
Ileje	-	-	-	-	-	23	23
MOROGORO	-	-	07	-	-	-	07
IRINGA	-	-	05	-	-	-	05
DODOMA Isanga	-	-	54	-	-	-	54
MARA Musoma	-	-	01	-	-	-	01
RUVUMA Songea	-	-	-	-	-	52	52
TABORA Uyui	-	-	08	-	12	-	08
TOTAL	52	35	347	80	42	723	1279

LEGEND

CON = Convicted

DD = Detained

REM = Remanded

ANNEX III

TERMS OF REFERENCE FOR THE MINISTERIAL TASK FORCE ON IRREGULAR MIGRATION IN TANZANIA

1. Collect and analyse data on mixed migration flows including:
 - i. Major countries of origin;
 - ii. Reasons for leaving countries of origin;
 - iii. Points of departure from countries of origin, mode of transportation, transit routes; entry points and, where relevant points of exist to third countries.
 - iv. Major countries of final destination.
2. Visit and profile persons currently detained or imprisoned for illegal entry and categorise them for referral to appropriate response mechanism including:
 - i. Refugee status determination in accordance with the Refugees Act, 1998;
 - ii. Voluntary return;
 - iii. Deportation;
 - iv. Facilitation of onward movement to a third country;
 - v. Regularisation of stay in Tanzania.
3. Ascertain costs of implementing the appropriate responses and recommend the possible source of funding.
4. Recommend appropriate reception arrangements for new arrivals awaiting profiling and referral or an appropriate solution. These include reception sites, holding facilities and care and maintenance of persons concerned.
5. Make a recommendation on a comprehensive and long term strategy to deal with mixed migration flows in Tanzania including enhancing the capacity of the Government to respond to the phenomenon.
6. The Task Force may co-opt any person it deems appropriate for carrying out its mandate.

ANNEX IV

INDIVIDUAL MIGRANT PROFILE FORM

Each migrant detained in the prison must fill this form. This form will help us to know your situation and identify the proper channel for help. For multiple answers, tick with X the answer that corresponds to your situation. Thank you for your assistance.

Prison of _____ Town _____ Region _____

Date _____

A. Who Are You?

1. FamilyName/Surname: _____

Maiden Name for married women: _____

Given/First Name: _____ Middle Name: _____

Other Name(s) Used: _____

2. Sex: Male Female

3. Date of Birth: Day _____ Month _____ Year _____ If unknown, age _____

4. Place of Birth: (Town/Locality/Country) _____

5. Nationality/Citizenship: _____

6. Religion: Christian: Muslim: Hindu: Other (specify): _____

7. Ethnic or Tribal Group: _____

8. Languages spoken: _____

(Mother language)

(Others)

9. Marital Status: Single Married Separated Divorced Widowed

If married, since when? _____

10. Last Address in your Country: _____

Town/village: _____ Region: _____

Telephone # _____ Email Address _____

11. Do you have any contact in Tanzania? Yes No

If yes, who: Your host Facilitator of your trip Family member Friend

Other (specify) _____

Where: _____

Town/village: _____ Region: _____ Country: _____

Telephone # _____ Email Address _____

12. Who is your next of kin? Mother Father Brother Sister
 Wife Husband Child Other (specify)_____

Next of kin' contact address: _____

Town/village: _____ Region: _____ Country: _____

Telephone # _____ Email Address _____

13. Is there anyone who can assist you? Yes No

If yes, who: Your host Facilitator of your trip Family member Friend

Other (specify)_____

Where: _____

Town/village: _____ Region: _____ Country: _____

Telephone # _____ Email Address _____

B. How Did You Get to Tanzania

14. Date you left your Country: Day ___ Month ___ Year _____

15. From which town did you start your trip: _____ Country _____

16. Please indicate the route of your trip:

▪ 1st country and town where you stopped: _____ date: _____

Mode of transport: bus lorry truck ship airplane other (indicate) _____

▪ 2nd country and town where you stopped: _____ date: _____

Mode of transport: bus lorry truck ship airplane other (indicate) _____

▪ 3rd country and town where you stopped: _____ date: _____

Mode of transport: bus lorry truck ship airplane other (indicate) _____

▪ 4th country and town where you stopped: _____ date: _____

Mode of transport: bus lorry truck ship airplane other (indicate) _____

▪ 5th country and town where you stopped: _____ date: _____

Mode of transport: bus lorry truck ship airplane other (indicate) _____

17. Who offered to you to travel when you were in your country?

Friend Relative Employer at destination Someone threatened me Nobody

Organizer of the trip Organised the trip by myself Other (indicate) _____

18. Did you pay any amount to travel to your destination: Yes NO

How much: _____ Currency _____

To whom: Organizer of the trip before leaving my country Owners of the transports

Public Official of some country Someone providing accommodation

Other (specify) _____ When: _____

19. Did you have to take a loan to pay your trip: YES NO
20. Where were you promised to be taken (indicate country/town): _____
21. Were you aware of what you were going to do at your final destination: YES NO
 What: Work Study Reunify with my family Look for a job Seek asylum
 Do not know
 Other (specify) _____
22. Where you promised a job on arrival YES NO
 Which type of job: Highly qualified (i.e. school teacher, Medical Doctor, etc.)
 Qualified (i.e. carpenter, nurse) Not qualified (i.e. street selling, construction, etc.)
 Were you to get a contract: YES NO
23. Date you Arrived in Tanzania: Day _____ Month _____ Year _____
24. Where did you enter Tanzania (indicate country/town): _____
25. Did you report to any Government Office after Arriving? YES NO
 If yes, where (indicate country/town): _____
 When? Day _____ Month _____ Year _____
 To whom: _____
25. By which transport means did you enter Tanzania: Bus ship lorry truck
 airplane
 Other (indicate) _____
26. Were you in transit to another country? YES NO
27. If yes, what was the intended point of exit in Tanzania to reach your destination?
 Town _____ Do Not Know
28. Do you have with you any Travel Document or Identification papers (e.g. Passport, birth certificate, travel visa, identity card, driver's license)? YES NO
 If you do, enter the details in this table,

Type of Document	Document No.	Date of Issue	Expiration Date

C. Family Information

29. Please list all family members who have come with you to Tanzania:

Family Name/First name	Date of Birth or age	Country of Birth	Relationship	Where they currently are

30. Please list close family members presently living in your country of origin (only husband or wife, mother, father, daughters, sons, and unmarried brothers or sisters)

Family Name/First Name	Date of Birth or age	Country of Birth	Relationship

D. Education & Work

31. Highest Education Attained: _____
 Years (from _____/to _____) Name/location last grade attended
32. Qualification Awarded: _____
33. Occupation/Skills: _____

E. Your Situation

34. Main Reason for leaving your country: Economical problems Political problem
 Fear for my life No job Looking for better future Family reunification
 Threats to me or my family Offer of job by a recruiter Study abroad

Other (specify): _____

35. Final destination of your trip (country and city/town) _____
36. When were you apprehended in Tanzania? Day ____ Month ____ Year ____
37. Where were you apprehended in Tanzania? Town _____
38. By whom? Police Immigration Citizen Don't Know Other _____
39. Why were you detained? Visa expired No visa/no travel documents
 Violation of residence permit
40. How long have you been detained/imprisoned (please indicate the number of months up to present) _____
41. Are you convicted? YES NO

42. Does any of your family members (father/mother/wife/husband/brother/sister/children) back home know where you are? YES NO

43. Would you like to inform your relatives on your current location? YES NO

If YES please give his/her full postal or physical address and phone number

Address _____

Phone _____

44. What kind of solution do you prefer: Return to your country Asylum in Tanzania

Legal residence in Tanzania Continue with your trip Going to third country

Other _____

45. If you want to return to your country, can you afford to cover your air ticket? YES

NO

To the best of my knowledge, the statements in this form are true, complete and accurate.

Signature of Applicant: _____ **Date:** _____

ANNEX V

REFUGEE PROTECTION AND MIXED MIGRATION: A 10-POINT PLAN OF ACTION

Contents

Introduction

1. Cooperation among key partners
2. Data collection and analysis
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4. Reception arrangements
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7. Solutions for refugees
8. Addressing secondary movements
9. Return arrangements for non-refugees and alternative migration options
10. Information strategy

Introduction

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 reasons for moving are different and not protection-related.

More often than not such movements are irregular, in the sense that they take place without the requisite documentation and frequently involve human smugglers and traffickers. The people who move in this manner often place their lives at risk, are obliged to travel in inhumane conditions and may be exposed to exploitation and abuse. States regard such movements as a threat to their sovereignty and security.

It has become imperative for the international community to address this phenomenon in a more coherent and comprehensive manner. States have assumed protection responsibilities for refugees under international instruments which it is in their collective interest to honour.

More specifically, steps must be taken to establish entry systems that are able to identify new arrivals with international protection needs and which provide appropriate and differentiated solutions for them, side by side with such other solutions as need to be pursued for other groups involved in mixed movements. UNHCR is especially mindful of the need to ensure that the provision of protection and asylum to refugees and other people of concern to the Office does not compound the difficulties that states experience in controlling more generally the arrival and residence of foreign nationals and in combating international crime.

This paper sets out ten key areas in which UNHCR has an interest and a potential role to play, and where the Office believe initiatives are called for and could make a positive impact. The Plan of Action provided in the paper is especially relevant to situations

where refugees are at risk of refoulement, human rights violations and hazardous onward movements.

The paper does not purport to be comprehensive in relation to matters that are beyond the competence and responsibility of UNHCR. Nor does it contain a detailed blueprint for the implementation of each component of the Plan of Action.

The matrix in Annex I sets out the goals that the Plan of Action is intended to achieve and contains suggestions for activities that might be undertaken under each of the ten component parts. The Plan of Action is global in nature and its implementation would evidently have to be adapted to specific regional and national contexts.

1. Cooperation among key partners

Effective approaches to the dilemmas of mixed movements will inevitably depend upon full cooperation amongst the key actors concerned: affected states, governmental bodies, regional and international organizations with relevant mandates (e.g. UNHCR, OHCHR, UNICEF and IOM) as well as local and international NGOs.

Hence, a first step is to identify and convene such actors in an appropriate forum so that they can exchange information and establish terms and conditions for cooperation and coordination. The convenor of such a forum would preferably be one or more of the affected states but an international organisation can also play a 'good offices' role in this respect.

2. Data collection and analysis

A key to any coherent and comprehensive strategy is the collection, analysis and exchange of data about the characteristics of the movement and those groups which make it up. Such data should typically include information relating to conditions in countries of origin, motivations for movement, modes of transport, transit routes and entry points. An international or regional organization may be well placed to offer support for this function.

3. Protection-sensitive entry systems

The establishment of a functioning entry system is an important element in any strategy relating to mixed movements. Border control is essential for the purposes of combating international crime, including smuggling and trafficking, and averting security threats.

Practical protection safeguards are required to ensure that such measures are not applied in an indiscriminate or disproportionate manner and that they do not lead to refoulement. In this respect, border guards and immigration officials would benefit from training and clear instructions on how to respond to asylum applications and how to handle the needs of separated children, victims of trafficking and other groups with specific needs.

With regard to irregular maritime migration, a particular range of considerations arise, including safeguarding lives at sea, respecting the obligations of maritime law,

maintaining the integrity of the search and rescue regime and ensuring the smooth flow of maritime traffic.

4. Reception arrangements

Appropriate reception arrangements are needed to ensure that the basic human needs of people involved in mixed movements can be met. Such reception arrangements should also enable new arrivals to be registered and provided with temporary documentation. Especially in situations where a high percentage of the new arrivals are refugees or asylum-seekers, UNHCR could facilitate the putting in place of appropriate arrangements, or be otherwise involved on a temporary basis, together with the principally responsible party.

5. Mechanisms for profiling and referral

Once new arrivals have been registered and provided with temporary documentation, an initial determination will have to be made with regard to who they are, why they have left their own country and where their intended destination is. Counselling provides an opportunity to establish whether they wish to seek asylum and to identify other options available to them, including return, regularization or regular onward migration. This channelling arrangement would not constitute a refugee status determination. Rather its role is to give a good indication of a person's motives for departure and to ensure the person's situation is met with the most appropriate response. Annex II to this note provides a schematic representation of how such a profiling and referral mechanism might work.

6. Differentiated processes and procedures

With respect to asylum claims, those which appear to be relatively simple (because they are well founded or manifestly unfounded) could be assessed in an expedited procedure. Other and more complex claims normally will require a more detailed assessment. Different processes outside the asylum arrangements should address the situation of people with specific needs which are not refugee related, including victims of trafficking not in need of international protection, as well as persons who are seeking to migrate (see Chapter 9 below).

While UNHCR is likely to be a principal partner for states in relation to refugee status determination procedures, NGOs, lawyers and civil society institutions should also have a role to play in this component of the Plan of Action. In relation to other processes, UNHCR will only be minimally involved, if at all. The likely partners will depend on the situation in the specific country and on which organisations are present and willing to act as partner.

7. Solutions for refugees

People who are recognized as refugees or as otherwise being in need of international protection require a protection-based response that includes a durable solution, the nature of which will depend on the opportunities and constraints inherent in each situation.

A comprehensive approach involving a mix of solutions will often offer the best chances

for success. Beyond the classic durable solutions, legal migration opportunities may open up a complementary avenue for some refugees.

Refugee-receiving countries may benefit from international assistance to strengthen national protection capacities.

8. Addressing secondary movements

Addressing the situation of refugees and asylum seekers who have moved on from countries where they had already found adequate protection requires a more defined strategy. This strategy should take into account both the legitimate concerns of states about irregular onward movement and the rights and well-being of the people concerned. To date efforts to articulate such a strategy have failed to muster international consensus. UNHCR is committed to continuing the effort in this regard.

9. Return of non-refugees and alternative migration options

For people who are found not to be refugees, and for those who do not wish to seek asylum, expeditious return in safety and dignity is usually the preferred response of states. UNHCR may, on a good offices basis, assist states in the return of people who are not in need of international protection where this is the most appropriate and agreed solution. The manner in which UNHCR could be of assistance deserves closer examination by all interested parties.

There will be circumstances where people who do not meet the criteria for refugee status may nevertheless be in a position to access alternative temporary migration options. These could variously allow them to stay legally in the country of arrival, or to move to a third country for humanitarian reasons, or for the purposes of work, education or family reunion. Efforts to address mixed population movements should also explore a place for regular migration options, temporary or even longer term.

10. Information strategy

All of the measures described above should be complemented by information campaigns in countries of origin, transit and destination. People need to be alerted to the dangers of irregular movement and the difficulties they might face upon arrival, as well as to any alternatives to irregular migration which might also meet their circumstances.

Such information campaigns will likely not curb irregular movements entirely but, if combined with the other action points and supported by longer term measures to tackle the root causes of such movements, they may have a positive impact.

While information campaigns are primarily a task for agencies with a migration or information related mandate such as IOM, UNHCR may also play a role in such initiatives. UNHCR also has capacity and interest to initiate public awareness activities about the plight of refugees, in order to promote tolerance and to combat racism and xenophobia.

UNHCR ,January 2007

Annex I

Ten Point Plan of Action

Check List for UNHCR

Goals:

- Government responses to mixed movements are comprehensive, cooperative and protection sensitive.
- Solutions are available which address differently and in appropriate ways the situation of the respective groups.
- Refugees are identified and protected, while the irregular movement is reduced.

Objectives

Activities

1. Collaboration among key partners

1. Identify key partners/stakeholders at national level to participate in a collaborative response.
2. Promote the creation of a national coordination structure at the appropriate level(s).
3. Establish a regular consultation mechanism with partners (Government, IOM, ILO, UNODC, ICMPD, UNICEF, UNDP, UNFPA, NGOs, regional organizations etc.)
4. Ensure consultation with civil society structures and academia in order to exchange information on developments and to mobilize community support.
5. Include asylum/migration issues on the agenda of the UN Country Teams (UNCT) and reinforce information flow and links among UNCTs in the region.
6. Inject asylum/migration issues in UNDAF at national level.
7. Establish consultation and coordination mechanism at regional level.
8. Encourage/mobilize donor support.
9. Lobby and advocate internationally for appropriate responses, around the ten points, within national and international fora.

2. Data collection and analysis On refugee flows within mixed movements

1. Cooperate with the establishment and/or usage of databases covering the specific region to better understand movements and identify appropriate responses.
2. Use such databases to systematize collection of data on asylum-seekers and refugees, to set in train the exchange of data with UNHCR country offices in the region, as well as in other impacted States, to anticipate routes, movements and trends, identify secondary movement situations, and improve case tracking, using, as appropriate, ProGres.
3. Build into this, as appropriate and in full respect for confidentiality guidelines, relevant information derived from RSD and interviews to ascertain trends, transit routes, etc.
4. Devise Country Information Notes on trends and patterns of movement.

5. Review and analyse reports to anticipate routes, movements and trends and to formulate country-specific strategies.

Overall Cooperate with data-collection and research initiatives, as appropriate, to contribute to the generation of a coherent and comprehensive overview of overall trends.

3. Protection-sensitive entry systems (in-country, at borders and at sea)

1. Undertake or strengthen capacity-building of border and law enforcement officials in order to sensitize them to refugee issues and to facilitate admission of persons in need of international protection.
2. Put in place training programmes/workshops for NGOs, lawyers, judiciary and national human rights institutions, to facilitate admission of persons in need of international protection and build constituencies for protection.
3. Actively monitor and follow up on conditions of detention and treatment of asylum-seekers/refugees
4. Explore how UNHCR might positively interact with arrangements put in place for interception and managing maritime movements, including giving consideration to measures to monitor interception.

4. Reception arrangements

Make recommendations on what role UNHCR can and should play in any reception arrangements for new arrivals, including in reception sites, with appropriate safeguards (e.g. UNHCR access).

5. Mechanism for profiling and referral

Pursue establishment of joint mechanisms, with identified partners and in appropriate locations, to profile arriving groups. This arrangement should preferably include mechanisms to identify the profile of new arrivals and their eventual protection needs, and should allow for appropriate counselling and referral of the persons concerned to the appropriate response mechanism (e.g. RSD, assisted voluntary return, particularised process for victims of trafficking).

6. Differentiated processes and procedures

1. Pursue the development of legal frameworks for determining refugee status and meeting protection needs. The aim should be:
 - o functioning national asylum procedures;
 - o adequate administrative and institutional capacities at appropriate level(s);
 - o NGO and civil society engagement in protection and assistance arrangements.
2. If there is no properly functioning national asylum procedure, UNHCR to assume responsibility for RSD. In this connection, offices to ensure that a proper case management is established, which is able to prioritise certain cases and can appropriately address particular needs (single women, unaccompanied and separated children, etc.).

7. Solutions for refugees

All solutions to be considered in a comprehensive approach.

Voluntary repatriation

Undertake activities to facilitate voluntary return, underpinned, resources permitting, by promotion of sustainable reintegration in countries of origin, in cooperation with relevant partners, as well as by returnee monitoring.

Local integration

Where repatriation is not feasible in the short or intermediate term, explore options for whatever might prove an appropriate local stay arrangement (including advocating for leave to remain of persons found to be in need of international protection but unable or unlikely to access more formal status).

Resettlement

In cooperation with the Resettlement Service, become familiar with the concept of strategic use of resettlement and coordinate on resettlement needs and dilemmas, with a view to agreeing on a region-wide approach to resettlement, as part of overall burden-sharing arrangements to ease pressure on host countries. Explore resettlement pools or resettlement quotas for specific groups in this context.

8. Addressing secondary movement

1. Make effective use of the Strengthening Protection Capacity Project (SPCP) to improve availability of quality protection closer to where protection is first sought or needed.
2. Actively examine how and under which circumstances UNHCR can ease the process of readmission and, as appropriate, set in train the necessary activities with countries of first asylum.

9. Return arrangements and alternative migration options for non-refugees

1. Contribute appropriately (i.e. through cooperation with IOM) to making return of persons found not to be in need of international protection a realizable solution.
2. Advocate for proper standards for return and be prepared to facilitate return, including by activities in the areas of documentation and return counselling.
3. Explore the need for and the value of a post-return passive monitoring role for UNHCR in countries of origin.
4. Explore utilising legal migration channels (e.g. temporary labour migration schemes in third countries and in-country of presence).

10. Information strategy in countries of origin, transit and arrival

1. Coordinate/cooperate in efforts of IOM and other partners to undertake mass information campaigns in countries of origin, transit and destination, to discourage irregular migration, warn of the dangers of smuggling and trafficking, and focus on legal options.
2. Explore whether and, if so, how to establish joint information centres in countries of origin.
3. Undertake public awareness activities with the media to sensitize about the plight of refugees, including through human interest stories, in order to promote tolerance, and combat racism and xenophobia.