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Refugees in Uganda between Politics and Everyday Practices

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'Find the Gap': Strategic Oversights and Inactions in Uganda's Asylum Procedures

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Abstract

Within refugee and forced migration studies, authors and organisations regularly refer to the existence of various 'gaps'. These 'gaps' exist in multiple arenas: between policy and practice, between organisations' aspirations and actual achievements, and between service providers and the supposed beneficiaries of these programmes. The existence of such gaps is rendered as objective fact and the working assumption is that such 'gaps' must be narrowed or filled, either through circumventing the processes altogether or through establishing more effective and technical forms of bridging them. In this article I instead question who has the power to reconstitute certain spaces as 'gaps', against what or whose normative standards are these spaces able to be defined as 'gaps', and whose interests does that rendering serve. That leads to an exploration of the political and social functions served by two 'gaps' within Uganda's asylum system: the first is the ongoing constitutional petition concerning refugees' rights to naturalise within Uganda; the second concerns Uganda's refugee status determination procedures as experienced by Eritrean asylum-seekers in the country's capital.

Keywords: Uganda, Eritrean refugees, naturalisation, refugee status determination, constitutional petition.

Introduction

Academic and policy-based literature in the field of refugee and forced migration studies is replete with references to 'gaps'. These 'gaps' are identified in multiple domains: in the provision of essential services such as health care, information and education, in access to international protection in all its different guises, in the disconnect between immediate humanitarian relief and long-term development assistance, and in the

various procedures that link policy and practice, to name but a few (for examples, see Koser 2012; Oduntan, Ruthven 2020; Bellino, Kakuma Youth Research Group 2018; Dowd 2008; Suhrke, Ofstad 2005; Ponthieu, Derderian 2013). As will be shown below, however, much of the literature that identifies and seeks to resolve these gaps adopts a top-down and technocratic perspective based on certain recurrent assumptions, and is focused in particular on external donors and these organisations' perceptions of how systems and institutions should run. This article, in contrast, seeks to illustrate the inner logics of certain protection 'gaps' in the context of Uganda through grounded, empirical engagement with the organisations and individuals who function within them. By assessing the dynamics that lead to, maintain and at times necessitate these 'gaps', it complicates simplistic assessments of what constitutes and sustains these 'breaks' in the system and what effective attempts to 'fix' them might consist of.

Within the refugee and forced migration studies literature, the diagnosis, management and closure of gaps is indeed a recurrent theme. In this paper I thus begin by identifying three common ways in which gaps have been discussed in the academic and policy literature, before situating this study in a more critical perspective on how and why they come to be identified. These are 1) that gaps in refugee protection can be neutrally, objectively and technically defined, 2) that gaps between policy and practice constitute breakdowns in the system due to oversights or neglect and 3) that gaps have technical fixes. The first trope to discussing gaps is epitomised in a tool developed by UNHCR in the early 2000s. This tool was designed to identify gaps in protection within both refugee-receiving states and UNHCR's own response architecture, and to focus attention on how to build capacity to bridge these (UNHCR 2005). The organisation defined a gap as occurring when the reality in the host country fell short of meeting the protection requirements for displaced people as recognised in international law (UNHCR 2005: 1). To identify their existence, UNHCR (2008) provided almost 40 pages of questions spanning topics including "opportunities for durable solutions", "basic needs and essential services" and "security from violence and exploitation". Despite recognising at the outset that political will might be an impediment to the realisation of refugees' rights, they present this tool of technical and practical questions as a key step to building and strengthening capacities to rectify protection gaps.

The organisation's work on bridging the gap between humanitarian assistance and development work shows a similar commitment to frameworks for meticulously identifying and detailing the technical nature of the gap. Crisp's (2001) overview of the plethora of initiatives designed to bridge this gap captures this well. He shows how, despite institutional support from both humanitarian and development actors to better synchronise their activities, organisations understood the two to remain poorly integrated due to poor planning, limited funds, weak institutional coordination, inadequate community participation and the underperformance of implementing partners. Crisp then documents generations of ultimately unsuccessful attempts to

"forge a bridge" between the two, primarily through the extension of services and institutional linkages. Suhrke and Ofstad's (2005) work has picked up on the same theme, detailing the overwhelming emphasis within international donors in the 1990s on understanding and bridging the gap between relief and development initiatives. They note the flurry of assessments by actors including UNHCR and the World Bank, and the InterAgency Standing Committee, to try to make sense of this gap and how each party arrived at slightly different reasons for it. For UNHCR and the World Bank, they note that while part of the explanation was understood in technical terms, as a result of the different approaches used by humanitarian and development actors, there was also a recognition that part of the problem was a "gap in interest" as donors have proven reticent to fund long-term development initiatives in post-conflict settings.

In their analysis of these various efforts to define and address the disconnect between relief and development efforts, Suhrke and Ofstad (2005) nonetheless challenge the objectivity of these technical assessments. They ask who has the power to define these 'gaps'? And whose interests does this serve? They highlight how and why multilateral agencies have been "actively involved in identifying gaps and calling for them to be addressed" as part of efforts to consolidate their position within international humanitarian systems (Suhrke, Ofstad 2005: 14). As they state in the context of efforts to bridge humanitarian and development activities, "by referring to a 'gap', advocates of special aid activities [...] invoked the normative power of language. In a policy context, the term has a negative connotation (*ibid.*). A 'gap' practically calls out to be eliminated; to argue that something constitutes a gap therefore implies a recommendation to close it by appropriate funding, institutional measures, or other forms of response" (Suhrke, Ofstad 2005: 14). They thus go on to say that rather than objectively determined gaps influencing institutional priorities, institutional survival and expansion often drive the identification of gaps. When donors wish to implement or create a particular programme, "'gaps' will appear" (Suhrke, Ofstad 2005: 14).

This leads to a related question that becomes particularly important in a context where scholars and organisations based in the Global North primarily serve as the normative interlocutors for appropriate conduct and models of refugee protection elsewhere. Against what or whose normative benchmarks do these spaces or phenomena become defined as 'gaps'? And what perspectives, activities, logics and practices are obscured when spaces are labelled in this way? In his work on the nature of the protection gap experienced by Palestinian refugees who come under the United Nations Relief and Works Agency's (UNRWA's) mandate, rather than UNHCR's, Michael Kagan (2009) poses both these questions. In particular, he highlights how the identification of these 'gaps' is based on both a continuing ignorance of how UNRWA's mandate was both established and evolves, and on a flawed comparison between UNRWA's *actual* competencies and UNHCR's *aspirational* ones. Downplaying the scope and success of UNRWA's activities has nonetheless provided space for greater involvement by UNHCR to be presented as

a panacea to the protection gaps experienced by Palestinian refugees. While stopping short of specifically posing this question, his work thus implicitly asks whose interests does declaring certain gaps support? With fierce inter-agency competition in the humanitarian sphere, as shrinking funds and operational space require organisations to justify their roles in ever more vocal and perverse ways (Cooley, Ron 2002), it is only to be expected that the identification of 'gaps' might become entwined with the broader political economy of organisational survival. It is then "not surprising", as Suhrke and Ofstad (2005: 14) state, that organisations respond "by taking the gap problematique on board. Not to do so mean[s] risk of being excluded from an emerging aid niche".

The second key assumption underpinning discussions on gaps in refugee protection is that they emerge due to oversights, omissions or breakdowns, and that these should be immediately addressed (Türk, Dowd 2014). While this is undoubtedly the case in many situations, it is arguably also important to consider how particular gaps might enable individual protection, or organisational success or survival, within the refugee regime. One area where this question has immediate relevance is the realm of refugee policy, in which certain gaps may provide space for the acts of compromise needed to get processes off the ground. A contemporary example of this can be seen in the European Union-Horn of Africa Migration Route Initiative, more commonly known as the Khartoum Process. In their incisive and highly critical analysis of the documents and actions that have accompanied this process, Oette and Babiker (2017: 86) note that "the Khartoum Process, solemn declarations to the contrary notwithstanding, lacks sufficient guarantees to uphold the rights of refugees and the human rights of migrants". Through analysis of its main tenants, they thus conclude that "the EU and other policy makers have paid insufficient attention to these challenges, ignoring the considerable body of literature, and the UN Special Rapporteur on the Human Rights of Migrants, who have repeatedly raised concerns about the nature of regional initiatives and partnerships and their adverse impact on rights protection" (Oette, Babiker 2017: 89). While the process was certainly deeply and dangerously flawed, what this analysis nonetheless risks overlooking is that securing broad agreement around a collective response to forced migration in the Horn of Africa would have required the issue of human rights to be broached in indirect and incremental ways. It is highly unlikely that key actors - such as the governments of Sudan and Eritrea - would have coalesced around a migration agenda that foregrounded external human rights mechanisms. It is immediately clear that this risks "sacrificing principles on the altar of pragmatism" (Barnett 2001: 31), but such a gap cannot be understood without considering what aspects of it were 'by design'. This involves asking what roles and functions these omissions and gaps play within international and domestic refugee regimes, particularly when they are intentionally manufactured and strategically maintained.

The third and final dimension worth considering concerns work in which technical fixes are offered as the solution to gaps in protection for displaced populations. This is

particularly the case in work on providing legal and humanitarian support to categories of displaced persons who do not fall within existing frameworks. Authors identify that conventions such as the 1951 Convention Relating to the Status of Refugees or the International Convention on the Protection of the Rights of All Migrant Workers and their Families fall short of assisting those with strong claims for international protection, including those displaced across borders by climate change and natural disasters (Kolmannskog, Trebbi 2010; Cohen, Bradley 2010), labour migrants who cross international borders to avoid conflict in the states to which they had travelled to work (Koser 2012), and stranded migrants without formal paperwork (Dowd 2008; Ponthieu, Derderian 2013). For these legal-normative gaps, which existing laws and guidelines have failed to cover, authors largely propose the development of new tools, frameworks, laws or actors (Kolmannskog, Trebbi 2010; Cohen, Bradley 2010). From their vantage point as international lawyers, Volker Türk and Rebecca Dowd's (2014) approach to addressing protection gaps follows this path. In terms of addressing these gaps, which they largely attribute to the absence of comprehensive legal frameworks in states receiving displaced populations, they point positively to the emergence of numerous technical initiatives "such as the development of a global guiding framework on normative gaps, guiding principles on displacement in the context of natural disasters, a tool to introduce greater predictability and foreseeability to burden and responsibility sharing, temporary or interim protection arrangements, or the strengthening of human rights protection in the context of non-refoulement and other refugee rights" (Türk, Dowd 2014: 285).

Lilly's (2018) work on Palestinian refugees and UNRWA, however, serves to challenge any deference to technical fixes for protection gaps. Much like Kagan, he disputes the narrative on protection gaps for Palestinian refugees, which attributes their problems to the fact that they are not covered by the 1951 Convention. He instead details the international laws that do exist to protect this population, and highlights that what is lacking is the political will to enforce them. Framing the gap around a lack of legal institutions and frameworks nonetheless works to position new institutions and laws, or in this case the extension of UNHCR's expertise, as the solution, rather than the prioritisation of attempts at enforcing compliance with the protective frameworks that already exist. A technocratic solution is thus proposed for an issue that is fundamentally political. Conversely, while Mayblin and James (2019) detail the role of refugee third sector organisations in filling the gap in financial support to asylum-seekers in the UK, they are clear that this is a technical band-aid for a problem that is fundamentally political. This population falls into a gap between market-based opportunities, on account of being prevented from working while their asylum applications are pending, and state-based support, due to policies for asylum-seekers in the UK being explicitly designed to discourage potential applicants from travelling there. With little scope for extending either option in a hostile political climate, the refugee third sector has had

to step in to counteract inadequate state-funded welfare support payments that have left people unable to cover basic needs.

To understand the nature of gaps in refugee protection therefore, it seems crucial to foreground an analysis that assesses how and by whom they came to be conceptualised as gaps in the first place, what politics lie behind the solutions proposed to address them, and how the actors forced to navigate them experience those spaces. With this discussion as the starting point, the main body of this article is thus concerned with exploring the key logics, functions and politics behind two long-term protection gaps in the Ugandan context. The first concerns a gap in accessing durable solutions within the country, as the debate as to whether refugees and their descendants have a legal right to naturalise in Uganda remains unresolved. The second concerns Eritreans' access to refugee status within Uganda, as the overwhelming majority of Eritrean nationals either have their asylum applications rejected or find themselves waiting for the outcome of this process upwards of five years after submitting their claims. Both case studies were researched through interviews and archival work conducted in Uganda in 2013, 2016 and 2020. By relaying the words and behaviours of the actors navigating these gaps on the ground in Uganda, I show the multiple different constituencies that the gaps between law, policy and practice advantage and disadvantage in this context, and the possible dangers that bridging these gaps might entail.

The Constitutional Petition on Refugees' right to naturalise

In August 2010, a petition was filed at Uganda's Constitutional Court by several long-staying Congolese refugees requesting that the court rule on what rights refugees have to naturalise within the country. This was their attempt to get a definitive ruling on their long-term legal rights within Uganda after the Ugandan Ministry of Internal Affairs had rejected their earlier request for citizenship. The main uncertainty surrounded the difference between Article 12 and Article 13 of the Constitution, and Articles 14 and 16 of the Ugandan Citizenship and Immigration Control Act (UCICA, Government of Uganda 1999). Where Article 12 of the Constitution bars refugees from automatic *registration* as citizens, Article 13 provides refugees with the opportunity to naturalise pending their fulfilment of various criteria as set out in the UCICA.[1] Article 16 of this Act specifies those requirements, which include that he or she "has resided in Uganda for an aggregate period of twenty years"; "has adequate knowledge of a prescribed vernacular language or of the English language; is of good character; and intends, if naturalised, to continue to reside permanently in Uganda". In law then, the pathway to naturalisation seemed clear, even if the threshold for achieving it was considered unfairly high.

Though the Court failed to issue a ruling on this in response to Congolese refugees being refused the right to naturalise, the petition took on a new significance when Uganda began considering whether or not to apply Article 1C(5) of the 1951 Convention to

Rwandan refugees in the country. This article, more commonly known as the 'ceased circumstances' Cessation Clause, allows states to cease the refugee status of individuals whom they consider no longer in need of surrogate international protection. In the case of Rwandan refugees, this process was initiated by the Rwandan government in the early 2000s. Through closure of its refugee situation, they sought both to address lingering security concerns and to reap the international validation that follows from the invocation of Article 1C(5). After some hesitation, UNHCR bought into this plan and began issuing recommendations that supported the Rwandan government's call for all its exiled citizens to return (Cole 2016). By 2007, tripartite agreements had been signed between UNHCR, the government of Rwanda and authorities in various countries of asylum declaring that there were no longer valid reasons for Rwandan refugees to claim international protection and that they should prepare themselves for repatriation (Hovil 2010). This was despite the suggestion having already caused considerable disquiet within governments in countries hosting Rwandan refugees, and amongst the refugees themselves.

The reasons for this disquiet are extensive, though most share a common root. They derive from the significant differences between how the Rwandan government has presented the situation in Rwanda since the Genocide and how its citizens and neighbours view the same changes. Magnified by the voices of international advocates (Fahamu 2012; 2011a; 2011b; Harrell-Bond 2011; Erlinder 2013),[2] Rwandan refugees in exile have argued that the Rwandan government continues to persecute many of its citizens through restrictions on basic freedoms and extrajudicial imprisonments and arrests. They contest what was for a long time, and remains in some quarters, the dominant donor narrative on Rwanda, which praises President Paul Kagame and his ruling party, the Rwandan Patriotic Front, for having politically and economically transformed the country after the devastation wrought by the events of 1994 (Yotebieng *et al.* 2019; Kingston 2017). They argue that their lives would be seriously in danger were they to be returned. Like many of the governments in the countries that host them, they have thus expressed their confusion at UNHCR's significant public support for a process that they consider to be poorly informed at best, and mortally dangerous at worst. While Rwandan refugees must balance their opposition to the process against concerns around safety and security, the governments hosting them – which have also appeared reluctant to cancel Rwandan refugees' statuses – have had to find ways of balancing other considerations. These include maintaining amicable diplomatic relationships with the Rwandan government, managing domestic constraints on hosting refugees, and upholding their commitments to norms of international protection.

Even compared to other governments hosting Rwandan refugees, the Ugandan government has been particularly vexed over this issue of how, or indeed whether, to invoke the Cessation Clause for Rwandan refugees. Beyond logistical concerns about invoking Cessation over the timelines proposed by UNHCR, representatives of

the Ugandan government quietly expressed concerns throughout the early 2010s that Cessation was premature in light of continuing government-orchestrated human rights abuses within Rwanda. They felt that it misrepresented the extent to which the country's political system had changed, particularly with regards to ethnic discrimination.[3] Interviews with representatives of the Ugandan government in 2013 nonetheless made clear that the importance of bilateral – and particularly more personal – ties with the RPF rendered them unable to outright refuse their support for this process. One Ugandan Minister tasked with assisting refugees described how he had explained to a Rwandan refugee why he could not assist them: "How do you think I can help you when my nephew is in the Rwandan army?" These complicated relationships were compounded by the complex position that Rwandans have long occupied within Uganda's society and politics. In the 1980s, for example, Rwandan refugees were recruited by President Museveni's National Resistance Army to fight alongside them in their liberation struggle against President Obote (McDonough 2008). More recently, they have been seen as a useful set of aces for maintaining political leverage in negotiations with the Rwandan government.[4] As one Ugandan commentator contended, the Ugandan government has "to retain something [...] to whip out when they need a bargaining chip" in negotiations with their southern neighbour.[5] In this complex arena of having to support the Rwandan government's attempts to invoke Cessation on paper while maintaining significant reservations about pushing the Clause's implementation in practice, certain gaps have proven useful for the Ugandan government.

The gap in procedural clarity around refugees' right to naturalise within the country has provided one space for the Ugandan government to navigate – or, more accurately, suspend – this balancing act. In November 2013, the then Rwandan Minister of Disaster Preparedness and Refugee Affairs, Minister Seraphine Mukantabana, indeed stated that the only factor thwarting the Clause's implementation in Uganda was supposedly a "problem of law".[6] In numerous interviews with government representatives in Rwanda and Uganda, with staff members from UNHCR, with civil society organisations and with Rwandan refugees, the same thing would be repeated. The main impediment to implementing the Cessation Clause was repeatedly said to be the issue of whether or not refugees could naturalise within Uganda, despite the clarity of the country's laws in this regard (Walker 2008).

It was clear, however, that the political context precluded any straightforward legal interpretation of the frameworks. As one staff member at the Constitutional Court wryly stated, "people hide behind the law".[7] Claims that representatives of the government of Uganda were working tirelessly to make the Constitutional Court issue its interpretation of the UCICA were not, for example, backed up by any evidence on the ground. When I visited the Court in 2013, the petition had gone four years without being heard. Upon issuing a request to view it, it was retrieved from a pile of petitions that had also fallen by the wayside.[8] Its contents cast doubt on whether it had ever been

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taken seriously. One of the petition briefings prepared by the government of Uganda contained an anecdote about a white woman who wished to stay in Uganda and was claiming asylum as a way to do so. The evidence put forward to support this claim was a picture of a naked white woman hugging a naked black man with an enlarged phallus, and was clearly intended to mock the whole asylum system. Like many of the other petitions accruing dust at the court, its fate was repeatedly delayed by the lack of quorum on the days it was due to be heard. Staff at the Constitutional Court said that even if a ruling could provide a technical fix to the gap in provision of durable solutions for refugees in Uganda, nothing suggested that this was imminent. Unless the petition was given by powerful parties in the Ugandan authorities, an effort would never be made to populate the court and hit the required number of quorum. The employees nonetheless queried why the petition was so important anyway, suggesting that "if you're black, you just get a new name".[9] An employee at Uganda's Office of the Prime Minister (OPM), the office responsible for dealing with refugee status determination and protection in Uganda, similarly scoffed at my question concerning the importance of this petition, stating that the system was so "crooked, you can pay your way to a passport if you really want one".[10]

Blame for the lack of engagement with and progress around the constitutional petition was levelled in multiple directions, dispelling the idea that it could be explained in any exclusively technical way. Representatives of the Ugandan and Rwandan governments, and staff from multiple NGOs, expressed their surprise at UNHCR's lack of support for the petition given both the opportunities it could create for refugees in Uganda and because it was obstructing the implementation of a Cessation Clause that they themselves had recommended. One of the Kampala-based law firms that had been hired to represent the petition bemoaned the lack of support that they had received from any of the parties that was claiming to be driving the petition forward.[11] The two individuals who had been involved in drafting the initial petition confirmed that they had received no assistance from UNHCR during that process, and that the refugee agency had only appeared in court once to support the petition, and that was back in 2012. One of these individuals stated that "UNHCR is lying if they say that they ever really seriously looked at local integration for the Rwandans."[12] Staff at OPM corroborated this. When asked why UNHCR had been so 'hands off' with a petition that could, if successful, fill a significant gap in refugee protection within the country, respondents suggested that it was about self-preservation. The organisation sought to protect its legitimacy and access to refugees by ensuring that its activities were not interpreted by host states as excessively interventionist.[13] An employee of UNHCR Uganda seemed to confirm this while also stating that the organisation had hesitated to lobby on this issue lest it catalyse "public hostility" towards Rwandan refugees, which was an explanation that somewhat unravelled later in the interview when they suggested that Rwandans were indistinguishable from Ugandans because they were "self-naturalising".[14] For refugees

and advocacy groups, UNHCR's response was thus both disappointing and perplexing. Other groups directed blame for the petition's delay at Civil Society Organisations (CSOs). When interviewed on this issue, a representative of OPM first defended their organisation's contribution. They referenced a paper that OPM had submitted to Parliament on how to make citizenship laws accommodate refugees, and described their employer's efforts to encourage the Refugee Law Project, a legal aid charity in Kampala, to lobby at the Constitutional Court. They then insisted that it was CSOs who should have been pushing the petition forward because OPM, as a government entity, could not be expected to side with those supporting naturalisation and expanded rights for refugees. In 2013, it was also still unclear where OPM stood on the issue of citizenship for refugees. During one of my interviews with a senior staff member there, I suggested that the law seemed quite clear on the issue but was quickly rebuffed as the staff member stated in truly Delphic terms that "there are many different interpretations on that position".[15] For the body responsible for assisting refugees in Uganda, this seemed an elusive and inadequate response. It sounded like a tacit acknowledgement that for the Ugandan authorities, vagueness on this issue was a virtue.

A Principle Immigration Officer at Uganda's Ministry of Internal Affairs was most explicit when outlining the political rationales for stalling any decision on the petition and keeping that gap open. He stressed that refugees' right to naturalise was evident in domestic legislation, but that two main reasons accounted for the government's delay in ruling on this issue. First, the Rwandan government had insisted that opportunities were not made available for its citizens to acquire Ugandan citizenship. Whenever naturalisation came up during meetings between his ministry and their Rwandan counterparts, the officer stated that the atmosphere became tense and hostile. This had left the government of Uganda struggling to avoid bruising bilateral relations with Rwanda while also fulfilling its legal obligations towards all refugees, many of whom were not Rwandan, who would benefit from this ruling.[16] Second, although the petition could supposedly be bypassed by a ruling on citizenship issued by the country's parliament, no Ugandan politician was likely to support a campaign to naturalise a group of refugees with a history of political destabilisation akin to that amassed by the Rwandan refugees in the Great Lakes region.[17] The general consensus was that domestic constituencies would not respond favourably to Rwandan refugees being granted equal access to Ugandan politics and Ugandans' land.[18] It was suggested that resistance would be particularly acute in the west of the country, where local populations already felt that Rwandans controlled too much of the agricultural ground (Hovil 2007). Several interviewees suggested that many Ugandans would also be opposed to Rwandans being allowed to officially participate in domestic affairs, and that Rwandan refugees already working as politicians in Uganda would be unlikely to want any "public scrutiny of their immigration origins".[19]

Any definitive ruling on the Constitutional petition would thus have required the Ugandan

government's judicial branch to antagonise multiple constituencies. In contrast, stalling on the process for most of the 2010s may have disappointed refugees and refugee advocacy organisations, particularly through foreclosing an important opportunity for durable solutions (Cole 2016), but it suited the Ugandan government well. It allowed authorities within the country to declare a commitment to invoking the Cessation Clause without having to translate that into actions that may have been politically sensitive or practically dangerous. These gaps, first in the legal framework for refugees in Uganda and second between the policy being publicly supported by the Ugandan government and then the efforts being channelled towards its implementation, were thus intentionally maintained through the Ugandan government's passive approach to redressing them. They were more akin to 'breathing space' than gaps, allowing senior Ugandan figures to continue dragging their feet on the contentious issues of both refugees' long-term rights in Uganda, and on whether or not its neighbour was indeed safe enough to recommend the cancellation of Rwandans' refugee status.

Bottlenecks in the refugee status determination procedure in Uganda

Data collected more recently in Kampala has revealed another area in which a protection gap has become a *de facto* policy and desirable outcome for the Ugandan government. Rather than arising at the point when refugee status should formally cease, as in the case of the Cessation Clause described above, this example concerns the other end of the refugee response in Uganda: refugee status determination procedures. As the following section will show with reference to Eritrean refugees in the country, the Ugandan government has erred in adopting a coherent strategy for this population. Instead of issuing any definitive rulings on the situation that they have left, or what responsibilities the Ugandan authorities should accept towards them now, the Ugandan government has tended to hold them indefinitely in the status of asylum seekers. As the section below suggests, however, this gap has served various functions for the Eritreans themselves, complicating any simplistic assessment that the best way forward would be to override its logics entirely.

By way of context, significant numbers of Eritreans began seeking asylum in Uganda in the late 1990s. At that point, most asylum applicants claimed that they were being persecuted on religious grounds, particularly if they were Jehovah's Witnesses or Pentecostal Christians. Their stories of persecution were well-substantiated by the information available in Country of Origin reports (UNHCR 2009),[20] which detailed the Eritrean government's punitive response to those practising non-sanctioned religions. Between December 2007 and December 2009, therefore, at least 96% of all Eritrean asylum claims in Uganda were recognised. After this point, however, recognition rates plummeted, with less than 2 percent of claims being awarded status during particular quarters in 2010, 2011 and 2012. During this period, Eritreans' claims stopped being registered under the 'religious persecution' category and started being recorded as

pertaining to 'political opinion', reflecting the growing number of people fleeing the country's more generalised repressive atmosphere. Most individuals were rejected either on the grounds that their claim lacked credibility, or that they should have applied for asylum in the first country that they entered upon leaving Eritrea. From mid-2013, for a period of approximately 18 months, recognition rates then increased again to around 80% as those fleeing the country's indefinite national service programme were recognised as deserving surrogate international protection. By 2015, this statistic had once again inverted. To date, recognition rates have barely exceeded 15% of claims as applicants are summarily dismissed for failing to prove a 'well-founded fear' of persecution and due to a lack of credibility in their initial story.[21]

Discussions with staff at OPM, which remains the office where these decisions are handed down to asylum applicants, point to several explanations for both these low recognition rates and the excessively long time that it takes for a decision to be arrived at and communicated. It was indeed unusual for Eritrean interviewees to have been informed of the outcome of their application within three years of registering at OPM, and not uncommon for respondents to say that they were still waiting on a final decision from the organisation four or five years after applying. One dominant perspective on why Eritreans' claims were not prioritised within OPM was that they are not – and often consciously strive not to be seen as – the archetypal refugee 'victim' (Ticktin 2011). The effect of this is that certain organisations appear to see them as deserving limited protection and even more limited sympathy.

Interviews conducted with staff members within OPM in 2016 revealed the depths of this scepticism towards Eritreans and the intent behind maintaining these protection gaps for Eritreans in Uganda. One Community Support Officer stated that Eritreans were not being awarded asylum because "they don't have reasons for fleeing their country" and are capable of supporting themselves and each other. I asked whether these reasons were behind the Ugandan government's decision five months prior to our conversation to stop registering Eritreans' asylum claims. Though at first she denied that this had happened, saying that they had never stopped accepting this caseload's claims for asylum, she was much more frank on the topic a few minutes later. Her defence was that the Eritreans were "abusing the asylum space...so you have to halt the process". She complained that they were arriving in enormous numbers with their fabricated stories because Uganda was the only place that would still accept them. They were then abusing Uganda "as an exit country for other countries". With the country seen as the main "safe space to depart from" in Africa, she claimed that "[Eritreans] come for convenience so [OPM] had to start putting some measures" in place to change the image of Uganda as a safe holding place for fragmented and traumatised families to pass through. The whole of our conversation was thus laced through with her sceptical stance towards Eritreans' stories and degree of need, and an inherent suspicion about why so many of them had ended up within the country.[22]

Interviews with her colleagues at OPM suggested that this sentiment was widespread. Staff members were concerned that if this population came to see Uganda's asylum system as too lenient, their numbers might increase, and that granting Eritreans asylum on the grounds that they were fleeing national service would send a political message to the authorities in Eritrea that the Ugandan government did not necessarily wish to endorse.

For the most part, however, and provided they were not being granted refugee status in large numbers, the continued presence of Eritreans in Uganda was seen as uncontroversial. Despite the suspicions about the veracity of Eritreans' claims to asylum, therefore, the Community Support Officer said that this population was largely left to its own devices within Uganda. They are seen to be "no problem", she said, unlike other populations whose treatment is deeply shaped by national security agendas, and are even considered to be net contributors to the Ugandan economy. Individuals arriving from Juba in the first few years of South Sudan's independence often came to Uganda to buy goods and a lifestyle that they could not access north of the border, and some began investing in successful businesses within the country. Even those arriving without savings provide an economic stimulus to the capital through the remittances they receive from relatives and friends abroad.[23] When I asked the Community Support Officer what happened to Eritreans when their status was denied, and if they did not have access to these financial resources, she said that "when they fail to cope, they come here. When they aren't able to sustain themselves, they can apply and they are returned to the settlement". For a tiny minority of the Eritreans in Uganda, safety nets therefore existed to support them if their need was considered extreme. For the rest, however, OPM's stance seemed to be that limited engagement from the country's protection institutions, offset by Eritreans' own financial safety nets and Uganda's poor immigration enforcement capacity, provided Eritreans with the space they would need to bide their time in Uganda.

This narrative of benign neglect, however, conveniently glossed over the more pernicious forces driving this gap in asylum support for Eritreans. In particular, it sidestepped how this set-up has allowed employees of OPM and numerous brokers to make substantial sums of money from this population in Kampala. As one respondent stated during an interview in February 2020, "All these refugee organisations are like a business. I heard like that".[24] When my research partner and I would ask Eritreans what the biggest problems were for them in Kampala during research in early 2020, a variation of the following answer would often be relayed: "The Ugandan government doesn't care about us. They care about the money they get from UNHCR".[25] Eritreans were convinced that they were being registered at OPM in order to show up as statistics on the organisation's reports, statistics that would then translate into funding from the major international donors, and so that staff members at OPM could use that opportunity to charge Eritreans for their services. The going rate for refugee status was

said to be between 800-1000 US dollars, though there was a price tag for most services offered at OPM unless the person requesting it was seen to be acutely vulnerable or highly unlikely to be able to pay. Interviewees said that there was little point reporting this behaviour to the Police because the same dynamic was institutionalised there. The irony of having to pay a bribe to report corruption was not lost on the refugees we interviewed. "Everything works with money in Uganda" was the generalised perspective on how to get by in Kampala.[26] When I remarked to an employee at OPM that several of my interviewees had said that they envied those who could pay for asylum straight up because it was probably more cost-efficient than paying smaller bribes over five years of waiting for it, the employee replied with a shrug and a nod, as if such a mundane observation did not require a response. When I asked another staff member at OPM about accusations of corruption within the office, she replied: "I can't rule out many things...this is a public office". Later, she continued: "Some people are not doing their job diligently".[27]

That staff member nonetheless directed my attention towards the various ways in which Eritreans also benefit from 'flexibility' and gaps in Uganda's asylum system. She reserved particular scorn for the Eritrean brokers whom she believed preyed on Eritreans who were struggling to access status. "When you don't have the confidence," she said, "people tell you that you'll go and that you'll get rejected so you believe what the conman is telling you", particularly if it involves assurances that they can expedite the process for you for a small sum. People have "lost quite a sum of money that way", she said.[28] Eritrean asylum-seekers also blamed these individuals and held these brokers responsible for normalising the payment of small fees throughout the asylum process. One Eritrean man, whose family had taken in a friend's four young daughters who had been sent to Uganda from Saudi Arabia, made a point of stressing that it was other Eritreans – be they brokers or wealthy businessmen – who were perpetuating the expectation that Eritreans would pay for services. At the time, he was still livid that the four girls had been charged 200 US dollars at the Old Kampala Police Station just to register for an appointment at OPM, which was only the first stage in registering their actual asylum claim at the office. The man was convinced that Ugandans had learned how lucrative extorting Eritreans could be from observing other Eritreans who, as soon as they entered positions of power in Uganda's asylum system, seemed to affix invoices to their services. It was unusual to meet an Eritrean during interviews in 2016 or 2020 who had not been forced to hand over cash to an Eritrean broker when they went to Old Kampala Police Station to register their intent to submit an asylum claim.

People further blamed wealthy Eritreans for perpetuating the belief that this population had the means to pay for status. Eritrean businessmen parking up outside OPM, entering the building without joining a queue, and leaving shortly afterwards with the relevant documents in hand did little to dispel this frustration. It also did little to reduce the scepticism of staff within OPM who were happy to have their doubts

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about the 'neediness' of Eritreans in Kampala validated by the ostentatious behaviour of a few individuals.[29] The cumulative result of individuals demanding money from Eritreans, and Eritreans paying when they could, was that this was now understood as the expected form of interaction between Eritreans and representatives of the asylum system and related authorities. "Sometimes they say Eritreans communicate through the pocket. If you can't talk [because of the language barrier], the police just look in your pockets" and then they let you go.[30]

Despite this, many of the Eritreans we spoke with were reluctant to disclose too many details about the corruption that they had experienced. Underpinning this reluctance was a concern that however abusive and unfair the current system was, it still followed certain logics and ultimately provided a clear pathway to refugee status.[31] The last thing that people wanted was the foreclosure of any possibilities to access status within the country.[32] One respondent was emphatic that if "Eritreans are silent...it is because it is better to stay silent to solve your problems". Causing a fuss and attracting attention may mean the loss of any space for manoeuvre. This was felt most acutely by those whose friends or relatives had managed to establish a resettlement opportunity for them, as it meant that the pathways to the refugee status needed to capitalise on that opportunity were apparent, even if expensive. In one interview in December 2016, my research assistant even gently interrupted the woman we were interviewing, who was railing against the exorbitant price now charged for refugee status, to defend why some people had to buy into that system, particularly those whose families had already spent huge sums on processing their resettlement claims.[33]

There were numerous other reasons put forward for keeping that channel open. The small number of individuals we interviewed who had started businesses in Kampala saw the 800 US dollars price tag as worth it for allowing them to register a company and open bank accounts in Uganda. For some, brokers provided them with a route to correcting or amending their paperwork, which saved them hours of time and unpredictable amounts of money that would otherwise be spent at the OPM office. A close friend's brother, for example, had travelled to South Sudan and not returned in time to renew his paperwork, which should technically have resulted in him being sent back to stage one of the asylum process. A broker in his compound nonetheless charged him 100 dollars to iron the whole thing out: 50 dollars went in the broker's pocket, 50 dollars in the pocket of someone at OPM, and the paperwork was delivered back renewed. Similarly, for those whose asylum applications are rejected, the limited oversight mechanisms within the system – and the option to pay your way around them – means that they can simply begin the whole process again. Employees at OPM had been overheard telling Eritreans who had just received news of their rejected asylum applications that they should return to Old Kampala Police Station and restart the process with a new name. Staff advised them that this would at least provide them with an identity document for the next five years.[34] The significant delay between

individuals filing a request for asylum and having the refugee status determination interview also gave people time to prepare the strongest possible case.[35]

As imagined, however, this arrangement does not impact everyone equally. Such a low recognition rate was the source of both legal and moral consternation for many of the Eritreans we spoke with, and the cause of enormous disappointment. The absence of any clear legal justification for rejecting Eritreans, especially in a context where international condemnation of Eritrea's political situation is rife,[36] left individuals feeling particularly frustrated. For many interlocutors, refugee status is still seen as the only way to access certain rights and services within Uganda, particularly the legal right to work and to move freely around the city. It is also seen as their only real route out of the country, either because it might unlock UNHCR resettlement channels or because it would enable them to capitalise on community resettlement schemes and family reunification channels. For those in desperate need of support, particularly women raising several young children alone, the price tag on refugee status nonetheless makes it completely inaccessible. All our respondents were in agreement that only those with money could get refugee status in Uganda these days, regardless of whether they had the most acute need or genuine claims.

There were even multiple stories of people buying the refugee status of individuals who had been awarded it through formal processes. Shanet, for example, had delayed in going back to OPM to receive the outcome of her asylum application due to difficulties finding childcare for her two young children. As a victim of sexual violence, forced marriage and forced pregnancy in her teens, she had been told that she would almost certainly be granted asylum. When she finally returned to OPM, however, she was told that her full status had been rejected and that it would cost roughly 650 dollars to 'reactivate it'. The widespread explanation for this outcome, and many other stories like it, was that "that opportunity is being sold" as people's refugee identification documents are auctioned on to the highest bidders. This seemed to gain weight from the fact that Shanet had been told that this 'reactivation' would require her to first be assigned a new registration number.[37] As another older Eritrean woman stated, "those who are getting [status] are those who want to leave Uganda – those without this plan, who want to live and work in Uganda, are in a terrible circumstance".[38]

There was very little hope among Eritrean interlocutors, however, that the system could be reformed. In February 2020, for example, coffee with some Eritrean friends was interrupted by the news that one of OPM's more corrupt Eritrean interpreters had been fired. Momentary excitement at this news was nonetheless quickly replaced by shrugs as each individual said that his removal would do little to change the larger system. A few years earlier OPM had been purged of the corrupt interpreters that had been reported by Eritrean asylum applicants, only for their replacements to quickly adopt the same patterns of extortion. The group suggested that it is almost too easy to exploit Eritreans when all the risk factors are there: authority figures know that Eritreans have

access to money from the diaspora; the low recognition rates for this population lead people to accept the high price for buying refugee status instead; and the political conditions within Eritrea mean that this population is used to being more discrete and unquestioning. In their opinion, getting rid of corrupt individuals was thus tokenistic without the systemic causes of corruption also being addressed. To illustrate the point, one of my Eritrean research partners shared a story of when she had been translating for a friend during a meeting with the secretary of OPM's Commissioner. After some time, the secretary instructed her to go and bring an official translator, despite herself being a trained interpreter working at one of the main refugee legal aid providers in Kampala. It later transpired that once a trusted translator was in the room, the Secretary had asked the friend for a sum of money to complete the process. If the Commissioner's secretary was only open for business if individuals were willing to pay, my research assistant was doubtful that this system would ever change.

In response to this institutionalised corruption, certain Eritrean organisations have lobbied to change the asylum system in Uganda. The leader of one opposition group we interviewed in February 2020 spoke of how the rising number of stories about abuse and extortion at OPM had persuaded them to pivot away from campaigns focused on political change within Eritrea towards working to reduce corruption in Kampala. To begin, that group had met with the first broker in the main chain of Eritreans extorting refugees in Kampala: the man who was responsible for gathering people's data at the Old Kampala Police Station. After explaining the consequences of his actions to him, the man had reportedly stopped asking Eritreans for money. The change had nonetheless been temporary, the leader explained, and they had gotten wind that he had reintroduced fees for registration. They were more surprised, however, that his behaviour had ever changed than that it had changed back: "once an addict, always an addict" was their view on corrupt individuals in Uganda. At the time we spoke they were weighing up their next options, which would involve re-engaging with the man at the Old Kampala Police Station on much stricter terms. They were nonetheless not seeking to close the gap *per se*, but to ensure that it was manned by someone over whom they had much more leverage and who would not demand money off even the poorest and most vulnerable Eritreans. A major concern of theirs was that the current individual would be replaced by someone who was working for the Eritrean Embassy and thus who could potentially jeopardise the security of Eritrean asylum-seekers.

What these testimonies collectively point to is that the protracted asylum process for Eritrean refugees in Uganda is experienced by several parties as much as a space for manoeuvre as it is seen as a gap in the protection framework. For the staff at OPM, continually deferring most decisions on the asylum statuses of Eritreans means they do not have to adopt a definitive position on the political context within Eritrea while enabling them to establish a marketplace for the sale of refugee status. Meanwhile, some Eritreans recognised that the 'flexibility' within the system had afforded them

certain benefits, particularly in a context where the overall recognition rate for their asylum claims remains extremely low. It had provided them with a rationale for remaining in Uganda, and an 'asylum-seeker' status to furnish if they were called upon by the authorities to provide documentation. For those who could afford it, the well-trodden path to buying refugee status seemed relatively clear, providing an almost guaranteed route to procuring the status needed to access resettlement opportunities abroad. The figures responsible for facilitating these processes, and aiding people's entry into Uganda, were not universally demonised in our interviews. People spoke of brokers, and individuals that international organisations would undoubtedly label 'smugglers', who had taken them into their homes, offered them financial support when they arrived in Uganda without any contacts, and who had helped them navigate the initial stages of the asylum process without demanding a fee. The inequality in access and opportunity that these informal systems and relationships generated was heavily criticised, but they were also defended against the possible alternatives that would be generated by absolute transparency and professionalisation. This risked undercutting the social and political functions that these gaps served in Uganda's asylum system.

Conclusion

After waiting on several separate occasions to see a particular lawyer at OPM in November 2016, I managed to sit down with her only to be told that it would be better if I got written permission from her head of the Office before we discussed anything at length. In response to my enquiring as to whether that individual was likely to actually grant me this permission, she replied that "the advantage of the system here in Uganda is that things are a bit flexible". Though she was talking more specifically about my ability to vault the bureaucratic hurdles standing between me and an open conversation with her, her words resonated with aspects of the country's asylum system more broadly. The flexibility afforded by certain gaps there has been critical for balancing competing political, legal and economic decisions in a context with one of the highest numbers of refugees per capita in the world.

The case studies discussed above indeed show the political, institutional and personal advantages that can be derived from these gaps. In the case of the Cessation Clause for Rwandan refugees, organisations such as UNHCR and the Ugandan government have been well-served by the fact that legislative ambiguities around refugees' rights to naturalise have for a long time prevented the wholesale implementation of Article 1C(5) on the 1951 Convention. Both groups' rhetorical and performative support for the closure of the Rwandan refugee situation was used as evidence of sustained and sensitive engagement with this population's plight, in turn enabling them to avoid more definitive political gestures and more challenging technical activities (Meyer, Rowan 1977). Given a general shift in contemporary policymaking from *actual* implementation being the most important component of any process to the *promotion* of implementation

becoming "the prevailing mode of governance today" (Gies 2011; O'Shaughnessy 2007), this approach has been a fairly easy and rewarding one to sustain. From the Ugandan government's perspective, the most desirable course to chart around the Cessation Clause for Rwandan refugees has thus been to lament the existence of a 'gap' between policy, proclamation and practice while doing nothing to ensure its resolution.

It is clear, however, that any approach that provides more space for interpretive fiat within the refugee regime will have unequal repercussions. In certain situations it is true that "vagueness can be a virtue" (Bradley 2009: 381), allowing more progressive interpretations of words and actions to emerge and take hold. A lack of precision within the refugee regime has nonetheless also been held responsible for the expansion and normalisation of more restrictive and racist approaches (Chimni 1993). We see the same double-edged sword in the case of Eritrean asylum-seekers in Uganda. The continuation of an under-defined system of registration and refugee status determination has worked for some and not for others. Wealthier individuals, and those with friends and relatives already established in the diaspora, have been best placed to benefit from the system's flexibility while vast swathes of their poorer co-nationals have never been able to capitalise on the pathways that these options presented. Interviewees were nonetheless all unsure about what an improved, optimal version of the system would look like. Even for those who were worst served by the informality and corruption that underpins Uganda's asylum system, rigidity around protocols and the tightening up of the system through objective technical fixes were not necessarily seen as more desirable alternatives.

In this sense, their views corroborated scholarship that has taken a more critical approach to understanding the identification, creation and solving of gaps within the asylum system (Surhke, Ofstad 2005; Lilly 2018). As discussed above, this work has highlighted the need to question the politics of constituting certain dynamics as 'gaps' and to ask whose interests that process serves. Seen from the perspective of many external actors and organisations, and explicitly conveyed in these terms by multiple authorities in the example of the constitutional petition, the two case studies explored in this article appear as clear gaps in Uganda's architecture of refugee relief and protection. A close-up view of those spaces and 'breakdowns', however, begins to reveal the logics and functions that drive responses and behaviours within them. Acts seemingly of omission or oversight are exposed as instances of intentional deferral or equivocation, and spaces and decision-making supposedly absent of clear guiding frameworks and forces are seen as being driven by strong normative and political considerations, albeit ones that remain highly contested by the multiple actors involved. These gaps are thus not reducible to technical explanations derived from a checklist of possible oversights, nor are they amenable to any simple technical fix. This means that the systems seen in the case studies above will not necessarily yield to processes of subsequent elaboration and clarification: they follow principles that are firmly and deliberatively embedded in how

refugee relief and protection are provided in this context. Furthermore, the assumption that either the introduction of new legal frameworks – often based on models of protection adopted by the Global North – or the tightening up of existing ones will constitute the best ways to fill these 'gaps' in refugee protection is not necessarily shared by the populations who would have to interact with them.

Without romanticising these processes, as it is clear that they have negative implications for the legal protections provided to certain populations, it is nonetheless important to interact with these 'gaps' not only as spaces of absence or oversight, or as spaces where key actions do not happen. Grounded empirical engagement instead reveals various actors attempts to 'find these gaps' and to maintain them as spaces where certain actions and inactions are made possible and where particular relationships can be forged. When confronted by 'gaps' within the refugee regime, it may thus be important to balance questions about what has gone wrong and what can be done to fix this with questions such as: whose interests does declaring certain gaps support? Against what or whose normative standards are these dynamics or spaces being defined as 'gaps'? And what roles do they ultimately play within international and domestic refugee regimes, and for the affected populations themselves?

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NOTES:

1 - Article 14 of UCICA on "Citizenship by registration" states that "(1) Every person born in Uganda- (a) at the time of whose birth- [...] (ii) neither of his or her parents and none of his or her grandparents was a refugee in Uganda...shall, on application, be entitled to be registered as a citizen of Uganda". This denies refugees any automatic right to register within Uganda, as is commensurate with the jurisdiction of many States. In Article 16, however, on "Citizenship by Naturalisation", it states that "the board may grant to any alien [refugees being included within the definition of alien in Uganda] citizenship by naturalisation subject to the provision of this section" (Government of Uganda 1999).

2 - S. Erlinder, *Stateless,* Documentary, 2013: https://vimeo.com/56649555

3 - Interviews with a Minister in the government of Uganda, and Ugandan employees of OPM, Kampala. October to December, 2013.

4 - Interview with Ugandan staff members at OPM, Kampala. December, 2013.

5 - Interview with a Ugandan lawyer at a Ugandan rights-based NGO, Kampala. October, 2013.

6 - Minister Mukantabana speaking at a MIDIMAR Press Conference held in Kigali. 28 November 2013.

7 - Discussion with Ugandan staff members at the Constitutional Court of Uganda, Kampala. November, 2013.

8 - Several people discussed how public interest and human rights cases – including a significant one pending at the time on polygamy – were often given almost no attention in the Constitutional Court.

9 - Discussion with Ugandan staff members at the Constitutional Court of Uganda, Kampala. November, 2013.

10 - Interview with a Ugandan technician at OPM, Kampala. November, 2013.

11 - Interview with a lawyer at Athiang and Co. Advocates, Kampala. December, 2013.

12 - Interview with a staff member from a Ugandan legal advocacy and human rights organisation, Kampala. November, 2013.

13 - Interviews with individuals including staff members at OPM, staff members of Implementing Partners of UNHCR Uganda and UNHCR Rwanda, Rwandan refugees and staff members at numerous NGOs, Kigali and Kampala. October to December 2013.

14 - Interview with an expatriate senior staff member at UNHCR Uganda, Kampala. October, 2013.

15 - Interview with a senior protection officer at OPM, Kampala. December, 2013.

16 - Interview with Principle Immigration Officer at the Ministry of Internal Affairs in the Directorate of Citizenship and Immigration Control, Kampala. December, 2013.

17 - Interviews with members of the government of Uganda, including employees at OPM, Kampala. October to December 2013.

18 - Interview with an expatriate senior staff member at UNHCR Uganda, Kampala. October, 2013.

19 - Interview with a Ugandan lawyer at a Ugandan rights-based NGO, Kampala. October, 2013.

20 - United Kingdom Border Authority, *Country of Origin Information Report: Eritrea*, 2008: https://www.refworld.org/pdfid/48f357592.pdf.

21 - Statistics obtained in person from OPM, November 2016.

22 - Interview with Community Support Officer, OPM, Kampala. November, 2016.

23 - Interview with members of an Eritrean Human Rights Organisation, Kampala. November, 2016.

24 - Interview with an Eritrean family in Kabuusu, Kampala. January, 2020.

25 - Interview with an Eritrean woman (30-40 years old), Kampala. December, 2016.

26 - Interview with Eritrean woman (20-30 years old), Busiga, Kampala. November, 2016. This interview also threw up the gendered dimension of negotiating with authorities in Uganda, as the young respondent said that she was often asked for either money or sexual favours when she approached these offices.

27 - Interview with a Protection Officer, OPM, Kampala. December 2016.

28 - Interview with a Protection Officer, OPM, Kampala. December 2016.

29 - Interview with member of an Eritrean Human Rights Organisation, Kampala. November, 2016.

30 - Interview with Eritrean woman (20-30 years old), Busiga, Kampala. November, 2016.

31 - Another example of this was when we interviewed a man in 2016 who had arrived from Israel. At the time, the Ugandan government was strenuously denying that they were accepting Eritreans directly from Israel, and claimed instead that they all transited first through Rwanda. This man nonetheless had

an air ticket and immigration letter that clearly showed his final destination as Uganda. When I asked to photograph the ticket to send to a human rights organisation investigating this phenomenon, the man said no on the grounds that the worst possible outcome would be that Uganda stopped receiving Eritreans directly from Israel. The journey via Rwanda was more expensive and more dangerous, so he did not want to jeopardise the route to Uganda. This route has subsequently been documented elsewhere.

32 - Interview with Eritrean male (30-40 years old), Kabalagala. November, 2016.

33 - Interview with Eritrean female (20-30 years old), Kabalagala. November, 2016.

34 - Interview with Kifilit, Nakulabye. November 2016.

35 - Interview with two friends (20-30 years old) in Chicken Cottage, Nakulabye. January 2020. One woman had been renewing her paper at OPM for a year without being given a date for the asylum interview. The only positive of this situation was that because she had not yet been interviewed, she had not yet had to decide how to frame her case. It was at this point that her cousin interjected to say that she had spent six years in Uganda without paperwork, and that the staff at OPM had yet to give her a date for when she was likely to hear about the outcome of her application. In the meantime, she had managed to get a job as a chef and establish a community for herself in Uganda, so at this point suggested that it was better that she did not hear from them.

36 - For examples see: Human Rights Watch (2018), *Eritrea,* in «World Report: 2018», https://www.hrw.org/world-report/2018/country-chapters/eritrea; UN General Assembly (2016), *Report of the Commission of Inquiry on Human Rights in Eritrea*, A/HRC/32/47, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/093/42/PDF/G1609342.pdf?OpenElement (accessed on 16 December 2020); UN General Assembly (2015), *Report of the Commission of Inquiry on Human Rights in Eritrea*, A/HRC/29/42, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/114/50/PDF/G1511450.pdf?OpenElement (accessed on 16 December 2020).

37 - Interview with Eritrean woman (20-30 years old), Busiga, Kampala. November, 2016.

38 - Interview with Eritrean woman (40-50 years old), Kampala. November, 2016.

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