

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

This is a preprint of an article whose final and definitive form has been published in *Interventions: International Journal of Postcolonial Studies*, 2006 [copyright Taylor & Francis]; *Interventions* is available online at: <http://www.informaworld.com/smpp/>, and this article is available at <http://www.tandfonline.com/doi/pdf/10.1080/13698010600782048>.

RELOCATING: THE ASYLUM EXPERIENCE IN CAIRO

Elena Fiddian, University of Oxford

Abstract

Refugees' experiences of living in non-Western urban settings are infrequently addressed outside those particular cities. This essay presents snapshots of refugees' experiences of asylum in one such city, Cairo, where it is UNHCR which undertakes the refugee status determination process. Following a presentation of the main institutional actors involved in Cairo's 'asylum scene', it outlines some of the 'general' and 'normal' problems, vulnerabilities and risks encountered by refugees there. The remainder of the essay documents the particular difficulties experienced by three groups of sub-Saharan African refugees in this city: survivors of sexual and gender-based violence, unaccompanied minors and young men at particular risk. It demonstrates that, far from encountering peace through asylum, they discover a site characterized both by new forms of violence and by repetitions of existing abuse, and highlights the reasons why the right to legal counsel is one of the most important rights that a refugee can have.

Key terms

Cairo, refugees, resettlement, sexual and gender based violence (SGBV), unaccompanied minors (UAMs), United Nations High Commission for Refugees (UNHCR)

Introduction

Popular and politically motivated contemporary western debates¹ surrounding asylum systematically fail to recognize the complexity of the asylum experience outside of the west, which is where the vast majority of the world's refugees continue to live. It is true that survival and life in refugee camps and camps for internally displaced populations feature increasingly in media campaigns and in the popular imagination. However, camp-life is often simplified and misrepresented by the media, politicians and fund-raising

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

campaigns, as well as by best-selling popular authors like Helen Fielding (2002) who have set their novels in refugee camps. Further, it is essential to note that an increasingly large proportion of refugees do not live in camps, but rather in non-western *urban* settings.² Conditions experienced by refugees living in these urban locations are infrequently addressed outside of those particular cities, and this paper intends to document the asylum experience in one such location: Cairo.

Cairo has one of the largest refugee populations residing in an urban area in the developing world, with estimates of the total refugee population suggesting that there may be up to one million refugees living in Cairo (Coker et al. 2003). United Nations statistics indicate that over thirty thousand sub-Saharan African and Middle Eastern refugees (excluding those from the Palestinian Territories) applied for asylum and international protection in Cairo between the years 2000 and 2003 (UNHCR 2005). The majority of these are from different areas of Sudan, Somalia, Ethiopia and Eritrea, and smaller numbers have fled from Burundi and Rwanda, from a range of Middle Eastern countries, or from as far away as Liberia, Sierra Leone or Côte d'Ivoire. The present paper is based on observations derived from my work as a legal advisor in Cairo during 2004,³ and part of my motivation in writing this paper is immediately related to my frustrations with the extreme limitations of the contemporary western asylum debate. In this paper I therefore address issues which continually form part of the various lines of this debate, and I also intend to complement articles included in *Interventions* on immigration/forced migration and asylum in different western locations. Whilst writing this paper, moreover, I have been particularly conscious of the extent to which the asylum debate is used as a tool by western politicians, and the degree to which refugees are in essence appropriated by the media and politicians in the west. Hence, while entering into dialogue with, and recognizing the implications for the westernized debate, it is my intention to highlight the

¹ When referring to the 'West' I refer largely to Western Europe, but also to North America and Australia.

² In 2002, 2.4 million 'persons of concern' to UNHCR were residing in urban locations. This corresponded to 16 per cent of all persons of concern to UNHCR that year (UNHCR 2003a).

particularities of the asylum experience in Cairo, and some of the ways in which both western and non-western actors are implicated in refugees' lives there.

This essay is broadly divided into two sections. In the first part, I begin by introducing the main institutional actors in the 'asylum scene': the United Nations High Commission for Refugees, a selection of western and non-western states, and some non-governmental organizations. As I introduce these main actors, and provide information regarding the refugee-status determination process, I will start to outline some of the 'general' and 'normal' problems, vulnerabilities and risks experienced by refugees in Cairo. I dedicate the remainder of the essay to documenting the particularities of the asylum experience as lived by several distinct groups of sub-Saharan African refugees in Cairo: female and male survivors of sexual and gender-based violence, unaccompanied minors, and young men at risk. Having worked primarily with members of these groups whilst in Cairo, I focus on some of the ways in which members of these groups attempt to navigate the RSD process, and the ways in which they are affected by inconsistencies and failures in the system.⁴ Focusing on these groups' experiences of asylum not only highlights the heterogeneity of the refugee population in Cairo and the ways in which refugees' specific needs and rights are being inadequately addressed in Egypt, but also enables the reader to identify some of the ways in which the asylum experience in Cairo is of particular relevance to contemporary asylum debates.

The Main Actors

UNHCR-Egypt

Western and non-western states alike are constantly under pressure from the United Nations High Commission for Refugees (UNHCR), which is mandated, amongst other

³ From January to August 2004 I worked as a legal adviser for an NGO in Egypt. The present essay is based on my own observations and opinions and does not necessarily represent any NGO's viewpoint. I draw upon multiple lengthy interviews completed during my time in Cairo and use the resulting narratives as a means of introducing the reader to some of the complexities of the experience of asylum in Cairo. Since I refer to only a small number of individuals' cases and rely on qualitative methods, I do not claim to present an all-encompassing analysis of the realities of exile in Egypt. While the reader may ask how widely applicable my conclusions are, I have selected these particular examples in the belief that they are indeed representative of many other refugees' experiences in Cairo.

⁴ I have altered the names and certain details relating to some of these individuals' claims, in order to maintain confidentiality. While occasionally relating to the legal bases of their asylum claims *per se*, I will in general avoid referring to the form of persecution experienced in these refugees' countries of origin, and will rather focus on providing snapshots of asylum as experienced in Cairo.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

things, to supervise refugee status determination (RSD) processes in order to ensure that states comply with international conventions and human rights standards during RSD (UNGA 1950). While each state is evidently situated differently in its relationship with UNHCR according to its own strategic and geopolitical significance, the majority of these states present the international supervision of their asylum policies as an interference in sovereignty. In Egypt, however, despite having a national law for processing asylum applications, this law has never been implemented and it is the UNHCR itself which undertakes RSD.⁵

In Egypt, the UNHCR registers and processes asylum applications.⁶ Its staff perform interviews, either granting international protection to those they have recognized, reviewing the appeals submitted by those they have previously rejected, or closing the files of those whose appeals have been deemed unsuccessful. In addition to refugees' claims being assessed in light of the *1951 Convention Relating to the Status of Refugees* (henceforth 1951 Refugee Convention), the UNHCR in Egypt is also mandated to consider whether applicants should be recognized as refugees under the regional refugee convention, the 1969 *Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa* (OAU 1969), henceforth OAU Convention (see UNGA 1979). The 1951 Refugee Convention defines a refugee as an individual who has fled his/her country of origin due to a well-founded fear of being persecuted for a number of specific reasons (nationality, race/ethnicity, religion, political opinion, or membership of a particular social group),⁷ and whose state is either unable or unwilling to offer them protection from said persecution. Article I (2) of the OAU Convention provides a broader definition by including all of those (individuals and groups) who have fled their countries of origin 'owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his [sic] country of origin or nationality.' As I shall outline in further detail below, being recognized as a refugee

⁵ A *Memorandum of Agreement between the Government of Egypt and UNHCR* was signed in 1954 (Government of Egypt 1954). This Memorandum outlines the tasks that UNHCR should complete in Egypt. RSD is not among the tasks included in the Memorandum.

⁶ In 2003 UNHCR processed 56,392 individual claims in over 50 nations, making it the world's largest individual RSD decision-maker, receiving more new applications for protection than Germany (50,563), the UK (49,369) or the USA (43,338). During the years 2000 to 2001, UNHCR-Egypt was the agency office which processed the largest number of individual refugee claims (UNHCR 2003a).

⁷ See UNHCR 2002a, 2002b.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

under the 1951 Refugee Convention enables an individual to be granted more rights and possibilities than those who are recognized under the OAU Convention.

It is important at this point to note that RSD provides an opportunity for an *official declaration* to be made that an individual has been recognized as a refugee according to legally binding conventions. This official recognition, however, does not *make* someone a refugee. Rather, it provides confirmation of a legal status/identity which in essence should be understood as becoming a reality as soon as an individual crosses the border of their country of origin for one of the several reasons outlined in the refugee convention(s) being applied in the country of asylum.⁸ It is this act of crossing the border for particular reasons which 'makes' someone a refugee,⁹ and the RSD process is in effect legal confirmation of this identity. This confirmation should lead to the individual being offered international protection, with a new state replacing the role which would usually have corresponded to the state of origin. The failure to recognize someone as a refugee does not automatically mean that they are not in fact refugees. On occasions, individuals may indeed be rejected because they do not fulfil the criteria specified in the convention(s) being used in the country of asylum, but in very many cases, in Cairo and elsewhere (see see Kagan 2002 and 2003), it is due to procedural errors or a misapplication of the law.

While UNHCR is mandated to supervise the ways in which states process claims for asylum, no organization currently supervises UNHCR when it, rather than a state, completes RSD. NGOs and legal bodies have extensively criticized the UNHCR - including UNHCR-Egypt - for consistently failing to perform RSD according to international standards. While the RSD mechanism in Cairo has admittedly improved somewhat over the last few years, major inconsistencies, and illegalities continue to characterize the process, including those identified by Kagan (2002) in his thorough assessment of the UNHCR-Egypt RSD process. Throughout this essay I shall refer to a

⁸ The OAU definition applies only to African states that have ratified the OAU Convention, as well as being implemented by certain UNHCR offices, including UNHCR-Egypt.

⁹ Refugees are by definition outside of their country of origin, while internally displaced persons are: '...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border.' (UN OCHA 2005).

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

selection of RSD-related inconsistencies which I observed whilst working in Cairo.¹⁰ Some of the inconsistencies I will refer to – such as many UNHCR-Egypt interpreters' lack of formal training – are 'general,' in that they potentially affect all refugees during RSD interviews. Other inconsistencies – such as regarding the treatment of unaccompanied minors during RSD – are specifically related to particular groups of refugees, and, as I shall indicate below, place members of these groups at particular risk of specific forms of abuse.

By outlining one 'general' issue, we may gain some insight into why, having initially expected upon their arrival in Cairo that UNHCR would be able to offer them protection, refugees soon grow to mistrust UNHCR-Egypt. The widespread and deeply ingrained mistrust felt by refugees is in part due to their own personal experiences and those of other applicants. Their allegations are that UNHCR rejects many *bona fide* refugees who fulfil all of the legal criteria delineated in the relevant conventions. Another of the many reasons why refugees mistrust UNHCR, however, is related to the official system regarding medical reports. I have selected this particular example as a means of complementing Miriam Ticktin's excellent article on asylum in France, in one section of which (2005: 363-6) she indicates the ways in which medical officials may be able to provide asylum seekers with a way of becoming an exception to the rule to reject refugees.

In Cairo, and elsewhere, UNHCR often requests medical and psychological examinations to substantiate claims of torture, despite the wide recognition that a 'good torturer' will tend to leave no incriminating signs. However, while the UN's *Basic Principles on the Role of Lawyers* (1990) indicate that all refugees must have access to all evidence reviewed in relation to their case, UNHCR-Egypt frequently fails to provide refugees with the medical reports, diagnoses, and treatment options which result from the

¹⁰ It is important to stress that the majority of UNHCR-Egypt policy documents are categorized as internal. Therefore, any references which I make to UNHCR practice and systems in this paper are derived purely from personal observation of RSD interviews and meetings held at UNHCR, from following my clients' progress through the system, and from informal discussions with NGO workers, with refugees, and with UNHCR staff. Any conclusions drawn are my own.

intrusive and traumatic examinations requested by the agency.¹¹ In addition to failing to comply with its own guidelines and principles on these occasions, which in turn affects refugees' ability to defend their applications for asylum,¹² the extra-legal implications of this failure are extremely serious. On the one hand, many refugees increasingly perceive UNHCR (in its RSD interviews, and connected medical report system) as an organization which forces them to endure painful experiences, prompting them to relive traumatic experiences, leaving them vulnerable, and ultimately offering them no protection. On the other hand, even if the medical evidence leads to a refugee's legal recognition, a related mistrust towards doctors and subsequent reluctance to request medical assistance results from this experience,¹³ which in turn has the most serious of ramifications for refugees' physical and psychological health. Given that the medical centers that provide the majority of services to refugees in Cairo, such as Caritas, are connected to UNHCR as partners, many refugees find it particularly difficult to return to these centers following recognition. This is the case even after NGO workers have explained that 'this time' a diagnosis and treatment options will be discussed.

States in Cairo

While we shall return below to the significance of the UNHCR's failure to complete the RSD process in a legal fashion, and to effectively provide 'international protection' to recognized refugees, to claim that the UNHCR has superseded state control with regards to asylum in Egypt would clearly be erroneous. State policies and state agents continue to affect refugees and asylum seekers within Egypt in very evident manners, as I shall now briefly discuss with reference to the Egyptian state, refugees' states of origin, and western states.

¹¹ Caritas does not complete examinations to determine whether individuals have been tortured. The medical centre based in All Saints does examine such cases. While the Nadeem centre used to be a UNHCR implementing partner, it resigned from this role several years ago, and continues to offer support for survivors of torture. I thank Prof. Harrell-Bond for highlighting these distinctions.

¹² As Kagan stresses: '(t)he right to be heard is limited if a person cannot know what evidence or allegations he or she confronts. The right to counsel is undermined if a person or his lawyer cannot analyze the evidence and reasoning in a case. Likewise, appeals have less utility if a person cannot understand the evidence that supported the original rejection.' (2002: 25).

¹³ During a training session which I gave on interpreting in medical situations, only 3 of the over 50 refugees attending the course expressed anything but mistrust towards doctors in Egypt. The students, who were training as community interpreters, indicated that they would feel unable to encourage members of their community to seek medical attention since, they believed, the risks outweighed the potential benefits.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

The host state (and how NGOs fill the gaps)

While the Egyptian state does not perform RSD, it is the Egyptian government that grants recognized refugees residence permits, and refugees evidently share the national social, political and economic reality shaped by state policies with Cairo's Egyptian, tourist and immigrant/expatriate inhabitants.¹⁴ The initial relief felt by refugees who believe that they have escaped from the persecution and violence experienced in their countries of origin is usually short-lived, as cycles of violence and systematic violations recur. In addition to the structural violence which can characterize urban life in Cairo, human rights abuses regarding arbitrary detention, and the subsequent abuse of detainees are well documented by organizations like Amnesty International and Human Rights Watch, and affect Egyptian nationals and refugees alike (e.g. Amnesty International 2004a).¹⁵ Refugees, however, are especially vulnerable to abuse in Cairo due to their particular, liminal position as refugees, with the urban setting being described as the 'Cairo prison' by Brown, Riordan and Sharpe (2004) in their piece on Ethiopian and Eritrean refugees in Egypt. For instance, state officials have in the past regularly rounded up asylum-seekers and recognized refugees – particularly those of sub-Saharan African origin¹⁶ – with those who have been caught at risk of being deported almost immediately (e.g. Human Rights Watch 2003). While the majority of refugees are not automatically deported by the Egyptian state following rejection by UNHCR, the threat and implications of the round-ups, detentions, and deportation are very real, and are an integral part of the culture of fear experienced by refugees in Cairo.¹⁷

Aside from providing residence permits, little else is actively offered to refugees by the Egyptian state. Hence, while Egyptian law does recognize refugee children's right

¹⁴ The large number of non-Egyptian individuals living and working in Cairo clearly highlights the inadequacies of notions regarding one-way flows to the west, and of the west as a place to get rich. It is worth stressing that the 'humanitarian industry' often benefits providers of aid alongside recipients of aid.

¹⁵ 1,426 Egyptians applied for asylum in industrialized countries during 2003 (UNHCR 2005).

¹⁶ The asylum experience in Cairo, just as in the west, is characterized by extreme forms of racism. Individuals are targeted for abuse not only on the basis of their gender and age as documented in this paper, but also according to their skin colour, ethnicity and nationality. On Ethiopian and Eritrean refugees' experience of asylum in Cairo see Brown, Riordan and Sharpe (2004); on Somali refugees' see Al-Sharmani (2003).

¹⁷ Please see the postscript included at the end of this essay regarding the Egyptian police's violent intervention in a refugee demonstration in December 2005. In brief, the peaceful demonstration of some 2,500 Sudanese protesters in Cairo was violently disrupted, resulting in the death of at least twenty-seven Sudanese refugees/ asylum seekers; almost half of these were children (Amnesty International 2006; Whitaker 2005; Guardian 2005, 2006).

to education, Amnesty International's 2004 report clearly indicates the extent to which refugee children in practice fail to gain access to education in Egypt (2004b).¹⁸ While the right to work and the right to education are rights enshrined in UN-created/monitored conventions and declarations, the UNHCR has thus far been unable to ensure that those 'under its protection' have equal access to these rights within Egypt, despite admonishing states around the world for failing to comply with these international directives. In order to provide some refugees access to some of these rights, the UNHCR has entered into partnerships with several NGOs based in Cairo, in an attempt to fill a selection of the gaps left by the Egyptian state. Hence, a small number of locally organized NGOs, churches, and mosques run basic schools, and some of these receive limited financial support from UNHCR and the Catholic Relief Services. The majority of refugee children, however, (in particular those who do not speak Arabic or English, such as the extensive Somali population)¹⁹ have no access to either primary or secondary schooling. NGOs, churches and mosques also attempt to create secure forms of employment, such as by holding training sessions to teach refugees to clean houses, and running a cleaning employment agency for those men and women who have completed their training. Regardless of these attempts, only a limited number of refugees are able to train and have access to 'safe' employment. Consequently, refugees continue to be particularly vulnerable employees who are unable to report those who exploit them due to their fear of being detained, abused, and/or deported by the state officials they would approach.

Other states

In addition to the role played by the Egyptian government, other states also significantly impact upon refugees' lives once they have arrived in Cairo. After indicating some reasons why certain refugees continue to fear state officials from their own countries of origin, I will briefly focus on the Sudanese peace deal as a means of pinpointing some ways in which events taking place in a refugee's state of origin can continue to affect them even after they have left. I will then outline some key issues related to the resettlement programs run by certain western states.

¹⁸ Only 2,601 refugee children received educational grants for primary and intermediate education in 2003/4. Of these children, 83 attended public schools, 1,876 were enrolled in community schools, and 642 attended private schools (Amnesty International 2004b).

¹⁹ Some Somali children do have access to state schools, with up to a thousand of these having received Catholic Relief Services grants in 2005. I thank Prof. Harrell-Bond for this information.

States of origin – representatives in Egypt

Since a refugee tends, by definition, to have a problematic relationship with their state and those employed by their state of origin, it is unsurprising that many refugees continue to fear officials and representatives from their own country of origin, who are present in Egypt as Embassy and Consular staff. One example of embassy-related abuse and fear experienced in Cairo, is that reported to me by some of my female clients from the Great Lakes region. In their interviews with me, several women separately reported that they had been sexually abused by a man associated with their Embassy. One of my clients, Rania, was a recognized refugee who was supposedly 'enjoying international protection' offered by UNHCR in Cairo. When she successfully resisted the man as he attempted to rape her on various occasions, he subsequently punished Rania's determined resistance by raping her 7 year-old daughter. It was only when the man in question had left the country, and after they had known me for several months, that some of the women who had been sexually abused by this man felt able to speak to me about the extent of the abuse. While the abuse was reported to UNHCR, no support or medical treatment was, to the best of my knowledge, offered to any of the abused women/children, despite their all supposedly being 'of concern to' UNHCR. Through direct contact with Caritas and the Canadian Embassy, Rania's daughter was offered medical treatment in Canada, with the Canadian Embassy arranging resettlement to Canada independently of UNHCR.

States of origin – change of conditions

Given that refugee status is conditional on the applicants' state of origin being unable or unwilling to offer them protection, if conditions in the country of origin change in a substantial and sustained manner (UNHCR EXCOM 1992; UNHCR 2003b; UNHCR 1992: paras 135-139), it is likely that recognized refugees will be repatriated to their 'home' country. Hence, refugees who at a specific point in history fulfilled the criteria of the refugee convention will not necessarily 'be' refugees indefinitely, if it is deemed that the agents of persecution are no longer likely to violate their human rights upon return, and therefore no longer require international protection. I shall now address the implications of one such change in the conditions in a country of origin, with reference to the Sudanese peace deal.

In mid-2004, despite the escalation of the ethnic cleansing taking place in Darfur, a Sudanese peace deal was being negotiated, and Sudanese refugees' claims for asylum were temporarily put on hold by UNHCR in Egypt. In light of the Sudanese peace-deal, it appeared understandable that the UNHCR should have decided to postpone interviews and decision-making regarding those claims which were related to the Sudanese North-South civil war and war-related state-led persecution. It was apparent that UNHCR hoped that the peace-deal would enable the majority of Sudanese refugees to leave Egypt and return to a safe Sudan where they would no longer face persecution, and where they would be offered the protection of the Sudanese state. The residency rights and right to work offered to Sudanese nationals by the Egyptian government in mid-2004²⁰ were welcomed by many refugees, especially by those whose files had been closed and therefore had no expectation of ever being granted protection or legal status by the UNHCR. Indeed, Darfuris whose files had previously been closed by UNHCR were at that point automatically granted temporary protection by the UN body. The changes taking place in Sudan were therefore directly affecting Sudanese refugees in Cairo, in terms of changing their future prospects, and in terms of the rights being granted to them by the Egyptian state. However, the decision to postpone all Sudanese interviews, and to subsequently review the situation in six monthly intervals,²¹ had particularly negative effects on many of those Sudanese individuals and families who had fled Sudan for reasons wholly unrelated to the civil war. As a means of exploring some of the negative implications of the peace deal, I will return to the experiences of a homosexual Sudanese male below.

The state of resettlement

An additional group of particularly powerful states are those represented by the American, Australian, British and Canadian Embassies in Cairo, who run quite significant refugee

²⁰ The "Four Freedoms Agreement," a bilateral agreement concluded between Egypt and Sudan in the summer of 2004, grants the nationals of both states the rights of entry, movement, work and ownership of property in the territory of the other state.

²¹ In April 2005 Sudanese refugees remained under 'provisional protection.' In June 2005 their position will be revisited, resulting in one of three options. Firstly, they may remain under 'temporary protection' in Cairo. Alternatively, all Sudanese refugees may be offered *prima facie* recognition if the peace deal has evidently failed. The final option is that repatriation to Sudan may be promoted depending upon the state of the peace deal. Since leaving Cairo I have been informed that people have already started registering for voluntary repatriation. Regarding the violent disruption in December 2005 of a Sudanese demonstration against the insecurity prompted by these decisions, see the postscript included at the end of this essay.

resettlement programs. Aside from a small number of individuals who are successfully sponsored by western-based individuals and organizations, Embassy-led resettlement programs are the prime way in which refugees are 'invited' to western states from Egypt,²² a term which is increasingly used by western politicians suggesting solutions to the western 'asylum problem' (eg. Dutch Ministry of Justice 2005). However, this notion of 'inviting' refugees to the west is demonstrated to be particularly problematic when we consider who is in fact included on the potential 'guest list.' Firstly, bearing in mind some ways in which we have already noted that the UNHCR-RSD process is seriously flawed, when *bona fide* refugees are unduly rejected, they are therefore absent from the resettlement guest list. We shall return to this point throughout the remainder of this paper. Second, in terms of refugees who have been recognized by UNHCR, only some of these individuals are recommended for resettlement if UNHCR deems that the other two durable solutions (local integration in Egypt, or repatriation following a change of conditions in their countries of origin) are unachievable for those particular refugees.²³ Lastly, once an individual has been selected by UNHCR, the industrialized states complete thorough interviews, medical examinations and security checks, offering only a limited number of those referred the opportunity to eventually be resettled in diverse locations within their states.²⁴ In essence, the individuals who are selected for resettlement by the industrialized states are not always the most vulnerable refugees in Cairo.²⁵

Concluding remarks: timing and implications

As a means of concluding this introduction to the major institutional actors in Cairo's asylum scene, where I have started to outline some of the ways in which the UNHCR's and various states' (in)actions affect refugees' lives in Cairo, I will briefly delineate, and

²² It is important to note that while there is a right to claim asylum, there is no corresponding right to resettlement. Resettlement is one of three durable solutions available to refugee, the other two being "local integration" in the host country and repatriation to the country of origin.

²³ Resettlement states determine the criteria by which refugees' claims for resettlement are evaluated, and UNHCR recommends individuals for resettlement according to these criteria. It appears, however, that the 'types' of refugees selected for resettlement seem to be more closely connected to the needs or priorities of the resettlement states in question, rather than to the needs and rights of the refugees themselves.

²⁴ On very rare occasions, some individuals may also be offered resettlement by specific states for humanitarian reasons. The Canadian Embassy, for instance, agreed to resettle the Burundian mother and daughter referred to above for humanitarian/medical reasons, and their resettlement was 'fast-tracked' so that they arrived in North America 'only' 6 weeks after the abuse was first reported to the Embassy.

²⁵ Hence, as we will discuss below, it is almost impossible for unaccompanied minors to be resettled.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

contextualize, the approximate time-scale of the refugee-status determination process, and resettlement.

During 2004, a first instance interview could take up to a year to take place after registering at UNHCR-Egypt. It is my understanding that first instance interviews are currently being scheduled to take place within a few weeks of a refugee's initial registration. This acceleration is understandable given that UNHCR's caseload has decreased significantly as a result of the postponement of Sudanese refugees' RSD interviews. If accepted at first instance, a durable solutions (DURSOL) interview at UNHCR is scheduled for approximately 6-12 months after the decision has been made. If resettlement is considered the best DURSOL option (the other two being local integration or repatriation to the refugee's country of origin), the individual may expect to be interviewed at an embassy or at the International Organization of Migration up to a year or two after the DURSOL interview. Once interviewed, different states undertake different forms of additional checks, but may take anything between 6 months and several years for an individual to be 'invited' to resettle in a western state. Having received this invitation, the individual will have to wait another undetermined period of time before actually travelling to the resettlement state. A person whose life is under threat, either due to persecution in Cairo, or for particularly serious health reasons, for instance, may occasionally be 'fast-tracked' by UNHCR and the embassy. While fast-tracking may, in theory, take only 72 hours in cases of emergencies, my experience suggests that this tends to take a minimum of between 4-6 weeks and a year. Since just under half of all refugees are rejected at first instance, and appeals must therefore be submitted, interview dates granted, and appeals interviews hopefully completed, the time-scale offered above is in reality a best-case scenario.

As a means of providing further context regarding the significance of this time-scale, and to further outline some of the implications of UNHCR-Egypt's failure to recognize *bona fide* refugees, I would like to briefly introduce one of my clients, who I will call Sara. Sara, a member of a minority Somali clan targeted during the civil war, applied for asylum in 1999, was unduly rejected both at first instance and at appeal, and had her file closed in 2001. UNHCR's failure to complete the RSD process according to

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

its own standards was evident when she was finally recognized at the end of 2004 after her file was re-opened and re-examined by UNHCR. Having survived with her 10 children in Cairo for 6 years as an unrecognized refugee, her 'fast-tracked' DURSOL interview is now scheduled to take place in mid-2005. If she is recommended for resettlement she will have spent at least 7 years in Cairo before being granted any form of meaningful protection. During the last 6 years, her children have received absolutely no education, only the most basic of medical attention, and have suffered from severe malnutrition with long-lasting consequences for their health. Whilst enduring her asylum limbo in Cairo, Sara was forced to work in multiple exploitative conditions where she was violated by her employers, and was forced to co-habit with individuals who repeatedly threatened her own and her children's physical and psychological integrity.

Sara's experiences should not be considered to be particularly extreme and out of the ordinary, and may offer the reader an explanation of why so many refugees are so desperate to leave the 'Cairo prison' via resettlement. In the following sections I will continue to focus on the extent to which asylum often fails to provide an end to, and escape from, abuse. I will also turn in greater detail to the identity of some of the refugees who fail to be included on the resettlement guest list, despite being particularly vulnerable to future abuse in Cairo.

The (In)Significance of Recognition: minors, survivors of sexual and gender based violence, and men at particular risk

As outlined above with reference to detention, round-ups and some of the abuses which characterize the liminal position of refugees in Cairo, recognized, unrecognized and rejected refugees experience serious violations of their human rights after having fled their countries of origin. While not all refugees experience these violations first hand, all are at risk of, for instance, being arbitrarily detained, rounded-up and deported, and all are aware of the particular vulnerability experienced by refugees. In the following section, I will complement this 'normal' picture of these 'generalized' forms of abuse by focussing on the experiences of some particular groups of refugees: unaccompanied minors (UAMs), male and female survivors of sexual and gender-based violence (SGBV), and men at particular risk in Cairo.

One practical reason for my focussing on survivors of SGBV and on unaccompanied minors, is that I worked primarily with these 'groups' of refugees whilst in Cairo. I therefore feel well positioned to document the abuse reported to me by members of these groups in Cairo, and to reflect upon UNHCR-Egypt's practice in relation to these groups. Another overarching reason is that focusing on these groups indicates the heterogeneity of the asylum experience, including the variety of reasons why individuals become refugees, the ways in which they are affected/treated/perceived in the country of asylum, and their particular legal/welfare-based needs.²⁶ I have also decided to focus on the individual members of these 'extraordinary groups' for several other reasons.

Firstly, I focus on unaccompanied minors to partially compensate for the extent to which separated children's experiences of asylum have largely been neglected, including by UNHCR-Egypt itself. Secondly, I focus on female refugees, including survivors of SGBV, partly in order to qualify the claim (to be outlined further in my conclusion to this paper) that 'Third World Women' are 'privileged' asylum seekers. Thirdly, I focus on male survivors of SGBV, and on other male refugees at particular risk, as a means of transcending the tendency to equate 'gender' with 'women' or 'womenandchildren.' I will therefore briefly indicate some of the ways in which different groups of male refugees in Cairo experience extreme forms of vulnerability and abuse, both due to their sexual and gender-identities, and for other, non-SGBV related, reasons.

Unaccompanied Minors

In addition to experiencing the generalized forms of violence and abuse referred to above, unaccompanied refugee children who have either arrived in Cairo without adults, or who have been separated from their parents/relatives since arriving in Egypt, face a wide range of obstacles and find themselves particularly vulnerable. (For an overview on unaccompanied and separated refugee children see UNHCR (2004) and International

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

Committee of the Red Cross (2004)). Problems experienced by unaccompanied refugee children applying for asylum in Cairo include those related to the RSD process itself, and those which are related to the children's safety and welfare.

UNHCR guidelines regarding refugee children were first published in 1988 (UNHCR 1987; 1994; 1997a), and yet UNHCR-Cairo's frequent failures to offer unaccompanied refugee children protection, and to undertake RSD in the best interests of the child, have been well documented by Maxwell and El-Hilaly (2004). It is my understanding that UNHCR-Egypt has recently undertaken a critical re-examination of its responsibilities towards refugee children. This may partly have been as a result of lobbying from NGOs and activists, and in part due to an evaluation carried out by the UNHCR Evaluation and Policy Analysis Unit on UNHCR field-offices' work with refugee children (UNHCR EPAU 2002). While several changes in policy and practice may therefore have taken place since I left Egypt in August 2004, in the following section I shall briefly document a selection of the difficulties faced by nine of the UAMs who I represented in mid-2004.²⁷ I will refer to the four Somali children I represented (brothers Amir and Din, aged 10 and 12, and brothers Kamal and Sadiq, aged 12 and 14), and to the five Burundi siblings whose case I was involved in (aged between 13 and 20). For the present purposes, it is not necessary to provide the legal bases for their corresponding claims, but I will briefly provide an outline of most relevant details pertaining to their family situations before turning to some of the problems these minors have experienced in Cairo.

Amir and Din's mother and sister died on a boat to Libya two years prior to the children's arrival in a legal advice office in Cairo, and they had been living on the streets or with community members on an *ad hoc* basis since then. They were not aware of the confirmed reports regarding their mother's and sister's deaths. Kamal and Sadiq's mother

²⁶ International conventions and guidelines clearly outline some of the ways in which refugee women are affected by private and public actors/violence, and these guidelines were developed to fill a void left by the original 1951 Refugee Convention. See Kumin (2001). States and international organizations, however, continue to find it particularly difficult to offer individuals protection from private forms of violence. This may be because they do not believe that the private sphere should be interfered with (note that marital rape has only recently begun to be conceptualized as an act of violence), or due to the practical difficulties faced by states when attempting to offer protection.

had apparently abandoned them 18 months before they were directed to our offices. They had often been offered shelter by community members, and had also lived on the streets until they had recently been 'found' by another Somali minor (aged 17). This young man had taken responsibility for them, attempting to find them 'safe' families to stay with, and explaining to them who they could approach for legal advice on their case. The five Burundi siblings had initially arrived in Cairo with their parents, and had been left alone in Egypt when the father, and then mother, were granted the possibility for the father to be treated for a serious illness in a European country. At the time of the mother's departure, all five children were aged under 18. The father subsequently died and the mother was allowed by the European state to stay in that European country; by mid-2004, the children had still been unable to leave Cairo and had been living alone, unsupported, and unrecognized by UNHCR for over 2 years.

Both pairs of Somali siblings were initially unable to register separately from their mothers' files with UNHCR, despite registration being the first simple step needed to enact the basic right to request asylum. I had provided UNHCR with complete testimonies, chronologies and legal arguments for the children when I first accompanied the boys to register at UNHCR, and yet the children were not allowed to even ask that their cases be considered. UNHCR's rationale appeared to be connected to their previous experience of some supposedly 'unaccompanied' children having been recognized as refugees, only for their parents and siblings to 'suddenly appear' and demand family reunification. In practice, it appeared that many children applying for asylum without their parents were deemed by UNHCR to be attempting to abuse the system, which therefore left the children with no protection at all from abuse. By postponing their registration, the UNHCR was unable to provide the boys with the yellow identification cards which are granted to all registered refugees, and which are the only way of proving that the carriers have contacted UNHCR, and are 'of concern' to the organization. This absence of documentation meant that the children would, for instance, be at extreme risk of being detained and deported, as they would be unable to prove to a state official that their case was being handled by UNHCR. Their ability to register for any of the

²⁷While there is no consensus regarding the total number of unaccompanied minors in Cairo, it is estimated that there may have been between 200 and 300 in 2004-2005.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

(extremely limited) services available to refugees upon registration (i.e. basic health care provided by some churches) was also curtailed by the absence of this documentation.

Following several visits to UNHCR over a period of over a month, the UNHCR finally agreed to register the boys. While attempting to simply register, the youngest set of siblings had continued to live in a two bedroom apartment with a Somali woman who had 8 children of her own, and continued to be undernourished and unable to leave the house for fear of being detained. During that month, the older boys stayed with several different families, often being separated from each other, and on occasion sleeping on the streets. Following registration, the UNHCR completed one home visit (primarily, it appeared, in order to establish whether their mother was in fact living with them, despite their claims to the contrary), but continued to offer no meaningful welfare provision to the children.

Once registered, the children's cases were designated as 'to be fast-tracked.' During their interviews, it became apparent to me that the children were cross-examined in such a way that indicated that their credibility was being most seriously questioned, despite UNHCR guidelines specifying that 'the decision on a child's refugee status calls for a liberal application of the principle of the benefit of the doubt' (UNHCR 1994: 43). Four months after I had first provided UNHCR with testimonies, chronologies, legal arguments and supporting documents to register these children, they had yet to receive a decision on their case. This was evidently contrary to UNHCR's *Guidelines on the Protection and Care* of refugee children, which clearly indicate that '[c]onsidering their vulnerability and special needs, it is essential that children's refugee status applications be given priority and that every effort be made to reach a decision promptly and fairly' (UNHCR 1997a).

Eventually, all four Somali children were recognized by UNHCR. However, while their cases clearly legally corresponded to the 1951 Refugee Convention, the children were recognized under the OAU Convention, which means that they will never be recommended for resettlement. Even if they had been granted asylum under the 1951 Convention, these children would have been unable to leave Cairo until they had come of age since, despite children's particular vulnerability, in Cairo, western states only

consider UAMs for resettlement in cases of family reunification. This means that the most vulnerable of refugees are left at particular risk in Cairo, their names never being included on the resettlement guest list by western states.²⁸

The Burundi siblings' case provides an additional view of the way in which UAMs experience asylum in Cairo. While the Burundi children had been able to register as refugees upon their arrival in Cairo, the older sister and brother (aged 18 and 20 respectively in 2004) had been waiting for a decision to be made on their applications for over 12 months. This was a particularly extreme situation, as a decision is usually provided one or two months after the initial interview. The older brother's psychological problems meant that the older sister – Mary – was responsible for her four siblings' welfare, and she was evidently suffering from severe depression when she first came to speak to me about her family's situation. Given that her mother had been granted residency rights in a European country in 2003, she and her siblings had been waiting to be reunited with her since then. During this waiting period, Mary eventually told me, she had been subjected to sexual abuse by a man, who I later discovered was the same man who had raped Rania's 7 year old daughter. Since this man – a friend of her parents – was her only source of money, and since she had to pay the rent for the one bedroom apartment where she and her four siblings lived, Mary had found it very difficult to negotiate the sexual abuse. He had threatened to start abusing Mary's younger sisters if she continued to refuse him, but given that UNHCR had failed to indicate any interest in her welfare, and given her liminal legal situation in Cairo, she had felt unable to report him to the police or to UNHCR. After almost two years living in Cairo without their parents, the children were eventually reunited with their mother due to the International Red Cross' and the European country's actions. Mary and her older brother had, at that point, still not received a decision from UNHCR regarding their claim for international protection.

It is worth noting that for all of these children, it was in Cairo, in what they and their families had imagined as their city of refuge, that they first experienced this sort of physical and sexual abuse. They had fled from situations characterized by mass violence

²⁸ On the detention and deportation of UAMs in the United Kingdom, see Save the Children 2005; Blake

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

(civil war/genocide) to find themselves relocated in a city supposedly at peace, but where they were systematically identified by others as easy targets. Far from leading them to safety, their experience of asylum was equated with abuse and vulnerability, and this vulnerability was accentuated by UNHCR-Egypt's failure to carry out RSD according to its own guidelines on the best interests of the child.

Women Refugees – SGBV and beyond

Just as the children referred to above experienced direct, personalized physical and sexual abuse for the first time in Cairo, many female refugees are also raped and subjected to sexual and gender based violence for the first time in their country of asylum. A large number of women flee to Cairo for non-SGBV related reasons, such as their political opinions,²⁹ nationality or religion, only to arrive in Egypt and be subjected to systematic sexual abuse by other refugees, by Egyptians (state officials and civilians), by tourists and members of powerful institutions. Other women may be subjected to a repetition or re-initiation of cycles of violence, rape and abuse which had previously been experienced in their countries of origin, often prompting very serious forms of re-traumatization. The realities of SGBV in Cairo reinforce the extent to which an individual's search for protection as a refugee cannot be equated with fleeing an unsafe situation (country of origin) to a safe context (country of asylum). Rather, the country of asylum is revealed to be both a site where new forms of violence are inflicted, and a site where the continuation of violence can take place.

UNHCR as an international organization is officially dedicated to reducing violence against women, and to ensuring that refugee women are treated with dignity and fairness during the RSD process. Their numerous and thorough guidelines and publications on SGBV and on women and asylum more generally tell the administrative/legal bodies who usually make decisions on asylum claims how female

and Terry 2005.

refugees should be treated during the RSD process, and outline how states should provide for female refugees' particular welfare needs. However, despite this official institutional commitment to female refugees' rights, women in Cairo face a wide range of particular problems,³⁰ in addition to those faced by all refugees, when going through the UNHCR-led RSD process.³¹ Documenting some of these RSD-related problems enables us to ensure that women's experiences of asylum are not reduced to those of apolitical victims of sexual abuse, a danger I shall address in my conclusion with reference to the portrayal of sexually abused 'Third World Women' as 'ideal refugees.'

Credibility, Time and Interpreters

UNHCR-Egypt has recently begun to indicate the reasons why they have rejected an individual's claim for asylum.³² Since introducing this practice, it has become apparent that 'lack of credibility' (LOC) is the most frequently cited cause for rejection. Issues surrounding the subjective nature of determining an applicant's credibility during RSD processes, and of the impact of trauma on refugees' ability to relate their experiences in a consistent and coherent manner, have been well documented (e.g. Kagan 2003, and Ticktin, 2005: 360-363) and I will therefore avoid a repetition of these arguments. I will, instead, refer to some of the difficulties which I observed at UNHCR RSD interviews. While women share many difficulties with men regarding their ability to present a credible claim to UNHCR, the following are problems which, according to my observations, were primarily encountered by women refugees during UNHCR RSD interviews held in Cairo.

²⁹ The connection between sexuality, gender and political opinion has been widely documented, with UNHCR document *Gender Based Persecution* indicating that '(t)he main problem facing women as asylum-seekers is the failure of decision-makers to incorporate the gender-related claims of women into their interpretation of the existing enumerated grounds and their failure to recognize the political nature of seemingly private acts of harm to women' (2003c:7) The document indicates the political nature of a selection of actions which have not habitually been understood as such, including decisions to wear the veil or not, to have an education, to be sexually active or not, to choose a partner, and 'to be free from male domination and violence'(2003c:26-27). On asylum and the public/private divide, see Spijkerboer 1994.

³⁰ While combating violence against women in Cairo has been an issue of long-standing concern to Egyptian and international women's rights organisations, projects focusing on reducing the incidence of the sexual abuse of female refugees in Cairo are relatively recent and as of yet unsuccessful on the whole.

³¹ Clearly, the following problems are not exclusively faced by female refugees, but they are indicative of many women's experiences of RSD in Cairo.

Several of my female clients found it particularly difficult to indicate the precise dates, times, and even sequence in which persecutory events occurred. Such an inability often appeared to be equated by UNHCR interviewers as an inconsistency suggesting a lack of credibility. However, having overcome this difficulty during my interviews with these women prior to their UNHCR RSD interviews, I am certain that this inability does not reflect the applicants' attempts to describe an invented reality. Rather, it emphasizes the necessity to develop alternative, applicant-specific ways of structuring events. For instance, several of my female Somali clients found it impossible to place persecutory events into sequence according to years and months. During my interviews with these women – on average dedicating between five and seven hours to time-related issues – they were eventually able to indicate when events had occurred in relation to their own bodies, by referring to pregnancies, their children's births and lactation periods. Combined with external events like seasons and Eids, these embodied chronologies enabled the Somali women to relay their experiences in an ordered fashion in UNHCR interviews, allaying the interviewers' association of a lack of structure with a lack of truth.

Like the Somali women, Leila, a Sudanese woman who had been held as a slave by her ex-husband's parents for 15 years, also had great difficulty conceptualizing, let alone expressing, the passing of time. She had been locked indoors for 15 years, had no contact with outsiders, and, since she only had one child, found it very hard to establish an embodied chronology similar to those which the Somali mothers of five to twelve children had readily developed. For Leila, events were placed in sequences simply in their relation to one another, with no corresponding external time markers. The UNHCR interviewer found this time-matter particularly problematic, as was evidenced by the amount of time she spent attempting to extract precise dates from Leila.

These examples indicate that different cases may require the patient search for a particular, personally relevant chronological system. However, given that the vast majority of refugees do not have legal representation in Cairo, and given that UNHCR interviews usually last less than two hours, it appears that most refugees will not be given

³² UNHCR's standards require that 'all applicants should receive a written decision automatically, whether on admissibility or the claim itself. If the claim is rejected or declared inadmissible, the decision should be a reasoned one.' UNHCR 2001: para. 50.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

the chance to develop alternative chronological systems. I am convinced that a failure to convey events in a readily understandable (i.e. western based) chronology is amongst one of the main reasons why female refugees are deemed to be lacking in credibility in Cairo.

Interpreters

Another difficulty related to credibility, comprehensibility and consistency is associated with the usage of interpreters. Since the vast majority of UNHCR interviewers speak only Egyptian Arabic and English, a very large proportion of RSD interviews take place through interpreters, and yet most of the interpreters working at UNHCR have received insufficient training, and in some cases, none at all.³³ Beyond the problems created by untrained interpreters who paraphrase and quite simply translate answers incorrectly, many female refugees feel unable to speak freely in their RSD interviews due to the identity of their interpreter. While UNHCR does try to ensure that only same sex interpreters (and interviewers) are present during RSD interviews, other forms of highly important identity issues fail to be systematically addressed by UNHCR-Egypt.

I became aware of the very real impact that an interpreter's identity can have on a refugee's ability to express themselves freely when I was working with Sara, the Somali woman referred to above. Following approximately 15 hours interviewing Sara with the help of one of the two trained female Somali interpreters available, we were forced to use a different interpreter for what was scheduled to be our last meeting. While I was uncertain as to how Sara would react to this change (I had always found that my clients built close relationships characterized by trust and respect with the interpreters we worked with), she surprised me by quietly declaring that she had not told me 'everything' that had happened to her, because of the other interpreter's clan affiliation. She then proceeded to relate a highly detailed account of the gang rape she had survived in Mogadishu, and requested that UNHCR be told that she would not, under any circumstances, speak of this issue again unless it was with an interpreter of her own sub-clan. Despite promises of confidentiality, in an urban setting characterized by the continuation of rape-cycles, which

³³ At the end of a seminar I gave on interpreting in medical situations, I was approached by a UNHCR interpreter who had been working for the agency for several years and had only just enrolled in the Community Interpreter's course run at the American University in Cairo. His contributions during class, in addition to his comments after the seminar, indicated very clearly to me that his presence would have been extremely problematic during an RSD interview with a survivor of SGBV.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

are in turn intricately connected to clan tensions, Somali applicants may be highly reluctant to risk their physical integrity and even their life by speaking of their experiences of rape. This example indicates the importance of considering more than just the gender of the interpreter when determining who will enable a refugee to express him/herself most freely. If a refugee deems that telling a UNHCR interviewer about the particularities of their experiences will put themselves or their families at risk, they may find it difficult to avoid gaps in their testimonies, or to be consistent under closer questioning. They may therefore be unduly rejected, due to procedural errors, rather than an unfounded application.

As outlined above regarding LOC and interpreter-related issues, many female refugees experience major difficulties during their RSD interviews. However, other women and men have been at undue risk of their first instance or appeals interviews not being held at all, just like the unaccompanied minors who were initially unable to register with UNHCR. In the following section, which moves away from 'womenandchildren' refugees in order to also focus on men, I will begin by returning to the way in which the recent Sudanese peace deal has unduly threatened to prevent men and women from completing their RSD interviews. While the case referred to immediately below relates to a male survivor of SGBV, the implications are similar to those faced by Sudanese female refugees who fled for non-civil-war related reasons, like Leila, referred to above.

Male Refugees – SGBV and beyond

UNHCR guidelines and publications clearly indicate their awareness that refugees flee their countries of origin for multiple reasons, with the institution being widely recognized as an international 'expert' on claims for asylum based on sexual and gender related persecution (e.g. UNHCR 2002a, 2002b). However, without an effective mechanism to differentiate between civil-war related and non-civil-war related claims prior to interviews, the UNHCR's decision to postpone Sudanese RSD interviews has placed some individuals at particular risk of not being able to enact their right to claim asylum. One such individual was Omar, a homosexual man who had been repeatedly detained and tortured by state officials in Sudan due to his gender identity and his sexual preferences/activities. Although UNHCR had made provisions for 'exceptional' Sudanese

cases to be heard, Omar had initially been unable to indicate to UNHCR the particular, wholly non-civil-war related nature of his claim since his first instance interview had been postponed in light of the new policy. My first interview with Omar immediately indicated the strong legal basis for his asylum claim, and convinced me that his claim remained wholly unchanged by the peace-deal as it was evident that his life would still be at risk if he were forced to return to Sudan. Since he had been raped and beaten on several occasions since arriving in Cairo, it was equally clear that his case needed to be examined by UNHCR as a matter of urgency, in order to offer him the protection he so desperately required in his country of asylum and beyond. Having received a brief version of Omar's testimony, and having been lobbied intensively regarding the need to consider the particularities of his case, Omar was – as an exception to the Sudanese RSD policy – granted an interview with UNHCR. He was subsequently recognized as a refugee, and was recommended for resettlement given the risks he was facing in Egypt as a homosexual.³⁴

Omar's experiences of the RSD process draw together several key issues already highlighted throughout this paper, including the ways in which changes in states of origin can affect refugees' experiences in their countries of asylum and the ways in which asylum is characterized by a repetition of patterns of abuse. Omar's experience also vividly indicates why the right to legal counsel is one of the most important rights that a refugee can have. The vast majority of refugees in Cairo today do not have access to legal representatives³⁵ who are aware of the exceptions to, for instance, the Sudanese policy, or who are able to lobby on their behalf. Without legal counsel refugees are less able to enact other rights, including the basic right to request asylum; if refugees are not recognized by UNHCR, they are in turn not able to access the benefits which accompany recognition, including the ability to be placed on the resettlement guest list.

Omar's case also draws attention to the ways in which men both share many of the vulnerabilities faced by female refugees, and may also be particularly discriminated

³⁴ See Human Rights Watch 2004; Amnesty International 2003

³⁵ Kagan (2003) suggests that only one in seven asylum-seekers had access to legal counsel in Egypt in 2002, and that individuals benefiting from legal advice were twice as likely to be recognized by UNHCR than un-represented individuals.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

against during the RSD process. UNHCR is officially dedicated to ensuring that male survivors of SGBV are offered adequate treatment throughout their RSD process, in terms of understanding the reasons why they became refugees, the particularities of their experiences in Cairo, and their welfare and legal needs. However, the implications of taboos surrounding discussions of male experiences of sexual and gender based abuse are very real, with individuals often feeling unable to speak freely and openly about their experiences in front of either male or female interviewers and interpreters. While refugees have the right to choose the gender of their interviewers and interpreters, it is usually assumed that this means that women should be interviewed solely in the presence of women, in case SGBV is to be discussed. It is less frequently acknowledged that men, whatever their sexual and gender identities, may be survivors of SGBV, and that they may feel at risk when discussing these elements during interviews. All of these difficulties are closely connected to the problems discussed above regarding credibility and interpreters.

Just as we refocused our discussion on women's experiences of asylum in Cairo by ensuring that non-SGBV related issues were included, it is now necessary for us to indicate, at least briefly, some of the particular problems faced by men who are not necessarily victims of SGBV.

The groups I have focused on in this essay (unaccompanied minors, female refugees and male survivors of SGBV) could be categorized as 'extraordinary' refugees. Special conventions and guidelines have been designed to provide for their particular needs and rights, recognizing the multiple reasons why individuals request and how they experience asylum. However, this tendency to prioritize the 'extraordinary' can be particularly problematic on several levels, including the simple fact that it may lead to observers forgetting the 'normal.' Hence, single young males in Cairo who do not speak Arabic are amongst one of the most vulnerable groups in Cairo, being at particularly high risk of committing suicide, and yet receiving no special attention from UNHCR, and rarely being amongst those who will be deemed eligible for resettlement. One male refugee, Sherif, indicated that he had decided to stop taking antibiotics for a serious infection in his leg (a decision which led to his deep wound approaching a gangrenous stage which would have required the amputation of his foot had he not received

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

emergency medical treatment when he did), because this was the only way that he could become an 'extraordinary beggar.' Sherif was a 'normal' single, male refugee who decided that becoming 'extraordinary' was the only way that people would pay attention to him, and that this was the only way that he could stay alive.

Concluding Remarks

Many 'normal' refugees do indeed attempt to make themselves 'extraordinary' to survive in Cairo, understanding 'difference' in this context as being correlated to special attention and special treatment. On a global, institutional level, the significance of being 'extraordinary' has been recognized by the UNHCR, which has worked hard to ensure that special conventions and procedural guidelines for 'extraordinary' refugees compensate for the bias inherent in the original international refugee regime. In a European context, through her observations of the French Refugee Appeal Commission, Ticktin (2005:362-363) identifies the extent to which 'Third World Women' are 'privileged' by the French RSD system – in particular those who have been sexually-abused – and perceived to be the 'ideal asylum seeker.' These 'ideal refugees' are, she is told by one of the judges, more readily believed (or at least pitied) by asylum judges, with their compassion leading to an increasing proportion of women's claims for asylum being accepted.

However, such claims of privilege on the basis of what I have referred to as extraordinary identities, are problematic on several fronts. Firstly, Ticktin correctly stresses that perceiving 'Third World Women' as being more readily understandable as apolitical victims than men perpetuates gender and racial hierarchies (2005: 366-367). She further indicates the violence of an RSD system which 'privileges forms of life or humanity not constituted as right-bearing individuals, but as corporeal victims of sexual violence, innocent, non-agentive, and apolitical' (ibid:367). However, while Ticktin suggests that this construct may well lead to the recognition and protection of these 'ideal refugees,' my experience of the UNHCR-managed RSD system in Egypt does not support this proposition. The female survivors of SGBV, alongside the unaccompanied children and the male survivors of sexual violence referred to above may well be understood as

being 'ideal refugees:' they certainly all fulfilled not only the legal bases identified in the 1951 Convention, but they could also be perceived as innocent, apolitical victims. And yet, Sara, like many other Somali women whose cases were unduly rejected at first instance and at appeal, alongside Leila, Rania, the four Somali brothers, the Burundi siblings, and Omar, were clearly not privileged by the system. The only 'privilege' they have had is to have been fortunate enough to finally have access to legal representation with which to successfully navigate the RSD system.

Refugees in Cairo, be they 'extraordinary' or 'normal,' have survived not only the abuses committed in their countries of origin, but also struggle to survive the violence and abuse perpetrated in their country of asylum, Egypt. Far from encountering peace through asylum, they discover a site characterized by new forms of violence, or by repetitions of existing abuse. And when the search for peace in their countries of origin progresses, many refugees' insecurities – such as Omar's and Leila's – intensify rather than abate, clearly indicating why peace can be bad for your health. If refugees fail to be recognized by UNHCR due to procedural errors and infringements on their rights, including their very right to apply for asylum, they cannot, in turn, be included in western states' resettlement guest-lists, and will therefore continue to be at risk of being abused in Cairo.

Postscript

A great deal has happened to Sudanese refugees in Cairo since I wrote this article.³⁶ In September 2005, a group of over 1.000 Sudanese men, women and children started a mass demonstration in Mustafa Mahmoud Square near UNHCR's offices in Mohandeseen. The protesters denounced their liminality and insecurity in the city, demanding that their voices be heard and their situation taken seriously by the UN. The sit-in was tolerated for several months, with the number of demonstrators rising steadily to approximately 2,500.³⁷ At the end of December 2005, however, the Egyptian police arrived *en masse* to disband the protest. In the ensuing violence, at least twenty-seven Sudanese refugees were killed, almost half of whom were children. The protesters were forcibly removed

³⁶ The following section is based on numerous media, NGO and UNHCR reports/briefings published after 30 December 2005, including the Guardian (2005, 2006), Amnesty International (2006), UNHCR (2006a, 2006b) and other NGO reports on file with the author.

³⁷ Amnesty International (2006).

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

and over a thousand individuals were taken to three detention centres on the outskirts of Cairo.³⁸ The Egyptian Government threatened to deport over 650 detainees to Sudan, despite many of them having been recognized by UNHCR and many others having fled from Darfur. UNHCR and human rights NGOs have worked to ensure fair legal treatment, protection and counselling for the traumatized survivors.³⁹ Despite the eventual release of most of the detainees, their futures remain uncertain.

Acknowledgements

I would like to thank all the refugee women, men and children who shared their strength, fears and nightmares with me in Cairo. I also thank the following people for their insightful feedback, corrections and support: Perveen Ali, Robin Fiddian, Barbara Harrell-Bond, Benadetta Lacey, Delphine Lourtou, Maria del Carmen Mendez Fernandez, Christian Mommers, Mark Pallis and Olivia Vazquez Medina. My special thanks go to Robert Young and also to the anonymous reviewer of this piece for his/her comments. Any remaining errors are my own.

References

Al-Sharmani, Mulki (2003) *Livelihood and Identity Constructions of Somali Refugees in Cairo*. FMRS Working Paper No. 2. American University in Cairo.

Amnesty International (2006) 'Amnesty International opposes deportation of Sudanese nationals and seeks inquiry into killings of protesters', 6 January, available at: <http://www.amnesty.org.uk/news/press/16694.shtml> (accessed 30 January 2006).

——— (2004a) *Egypt: Fear of torture or ill-treatment/incommunicado detention*. AI Index: MDE 12/014/2004, 29 November 2004. Accessed at <http://web.amnesty.org/library/Index/ENGMDE120142004?open&of=ENG-EGY> (19 March 2005).

——— (2004b) *No Education, No Future? The right to primary education of refugees and asylum-seekers*. Accessed at <http://www.amnestyusa.org/countries/egypt/document.do?id=708C88B4536A6E2280256F1E0042422A> (19 March 2005).

——— (2003) *Egypt: Imprisonment for Actual or Perceived Sexual Orientation in Agouza*. AI Index: MDE 12/031/2003. Accessed at

³⁸ Two prisons and one military camp (UNHCR 2006b).

³⁹ Regarding the legal status of detainees, see UNHCR (2006a, 2006b). Recognized refugees and individuals originating from Darfur were released soon after their detention, forming part of the 440 Sudanese who were released between 7 and 20 January. The UN body has requested that none of the protesters should be deported to Sudan on humanitarian grounds, citing the unstable and evolving situation in their country of origin, family separation, and the hardship/result of the violent disruption of the demonstration (UNHCR 2006a). More up-to-date information will be posted by UNHCR at www.unhcr.org.

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

<http://Web.Amnesty.Org/Library/Index/Engmde120312003?Open&Of=Eng-347> (19 March 2005).

Blake, J. and Kirby, T. (2005) 'Happy Birthday. We are throwing you out of Britain' *The Independent*. 23 February 2005.

Brown, N.R., Riordan, S. and Sharpe, M. (2004) 'The Insecurities of Eritreans and Ethiopians in Cairo,' *International Journal of Refugee Law*, Vol. 16, No.4, 661-701.

Coker, E., Bichard, A., Nannipieri, A. and Wani, J. (2003) *Health education for urban refugees in Cairo: A pilot project with young men from Sierra Leone and Liberia*. Reproductive Health for Urban Refugees Initiative, FMRS, American University in Cairo, January 2003. Accessed at <http://www.aucegypt.edu/academic/fmrs/Reports/Healtheducation.pdf#search='cairo%20urban%20refugees'> (19 March 2005).

Dutch Ministry of Justice (2005) *Arrival of invited refugees*. 24 January 2005. Accessed at <http://minjus.nl/english/press> on 08/02/05.

Fielding, Helen (2002) *Cause Celeb*. Penguin Group USA.

Government of Egypt (1954) *Memorandum of Agreement between the Government of Egypt and UNHCR*. 10 February 1954.

Guardian (2006) 'Eviction violence kills 25 Sudanese refugees', 4 January.

——— (2005) '10 dead in Cairo protest camp clearance', 30 December.

Human Rights Watch (2004) *In a Time of Torture: The Assault on Justice In Egypt's Crackdown on Homosexual Conduct*. March 2004. Accessed at <http://hrw.org/reports/2004/egypt0304/> (19 March 2005).

——— (2003) *Egypt: Massive Arrests of Foreigners. African Refugees Targeted in Cairo*. 10 February 2003. Accessed at <http://www.hrw.org/press/2003/02/egypt0206.htm> (1 March 2005).

International Committee of the Red Cross (2004) *Inter-agency Guiding Principles on Unaccompanied and Separated Children*.

Kagan, Michael (2003) 'Is truth in the eye of the beholder: Objective credibility assessment in refugee status determination,' *Georgetown Immigration Law Journal*, 17:3 June 2003.

——— (2002) *Assessment of Refugee Status Determination Procedure at UNHCR's Cairo Office 2001-2002*. FMRS Working Paper No. 1, American University in Cairo, December 2002.

Kumin, Judith (2001) *Gender: Persecution in the Spotlight*. Accessed at <http://www.unhcr.ch/1951convention/gender.html> (19 March 2005).

Maxwell, Laura and El-Hilaly, Aya (2004) *Separated Refugee Children In Cairo:*

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

A Rights-Based Analysis. FMRS Working Paper No. 5, American University in Cairo, September 2004.

OAU (1969) *The OAU Convention Governing the Specific Aspects of Refugee Problems in Africa*. Adopted in Addis Ababa on 10 September 1969.

Save the Children (2005) *No Place for a Child: Children in UK immigration detention - Impacts, alternatives and safeguards*. Accessed at http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/2442_no%20place%20for%20a%20child.pdf (19 March 2005).

Spijkerboer, Thomas (1994) *Women and Refugee Status: Beyond the Public/Private Distinction*. The Hague, Emancipation Council.

Tickin, Miriam (2005) 'Policing and Humanitarianism in France: Immigration and The Turn to Law as State of Exception,' *Interventions*, Vol. 7(3):346-368.

UN (1990) *Basic Principles on the Role of Lawyers (Principle 21)*. Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990.

——— (1951) *The 1951 Convention Relating to the Status of Refugees*. Geneva, 28 July 1951, 189 UNTS 150.

UNGA (1984) *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. General Assembly resolution 39/46 of 10 December 1984. Accessed at http://www.unhchr.ch/html/menu3/b/h_cat39.htm (19 March 2005)

UNGA (1979) *General Assembly Resolution 34/61*. 29 November 1979

UNGA (1950) *Statute of the Office of the United Nations High Commissioner for Refugees*. General Assembly resolution 428 (V) of 14 December 1950. Accessed at http://www.unhchr.ch/html/menu3/b/o_unhcr.htm (19 March 2005).

UNHCR (2006a) 'Deadline met for completing interviews', 17 January, available at: http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.htm?tbl_/NEWS&id_/43da0ae14_ (accessed 30 January 2006).

——— (2006b) 'UNHCR has until Sunday to complete status assessment of detained Sudanese' (13 January, available at: http://www.unhcr.org/cgi-bin/texis/vtx/home/opendoc.htm?tbl_NEWS&id_43c7a55014_ (accessed 30 January 2006).

——— (2005) *2003 UNHCR Statistical Yearbook Country Data Sheet: Egypt*.

——— (2004) *Trends in Unaccompanied and Separated Children Seeking Asylum in Industrialized Countries, 2001-2003*.

——— (2003a) *2002 UNHCR Statistical Yearbook*. Accessed at

Elena Fiddian (2006) 'Relocating: The Asylum Experience in Cairo,' *Interventions: International Journal of Postcolonial Studies*, 2006, Vol. 8(2): 295-318.

<http://www.unhcr.ch/cgi-bin/texis/vtx/home/opendoc.pdf?id=41206f7a0&tbl=STATISTICS> (19 March 2005).

——— (2003b) *Guidelines On International Protection: Cessation of Refugee Status under Article 1C(5) and (6) of the 1951 Convention relating to the Status of Refugees (the "Ceased Circumstances" Clauses)*. HCR/GIP/03/03, 10 February 2003

——— (2003c) *Gender Based Persecution*. Confer/UNHCR003.

——— (2002a) *Guidelines On International Protection: "Membership of a particular social group" within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*. HCR/GIP/02/02, 7 May 2002. Accessed at http://w3.uchastings.edu/cgrs/documents/legal/unhcr_psg-guidelines.doc (19 March 2005).

——— (2002b) *Guidelines On International Protection: Gender-Related Persecution within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees*. HCR/GIP/02/01, 7 May 2002. Accessed at http://w3.uchastings.edu/cgrs/documents/legal/unhcr_gender-guidelines.doc (19 March 2005).

——— (2001) *Asylum-Processes: Fair and Efficient Asylum Procedures*.

——— (1997a) *Guidelines on Policies and Procedures in Dealing with Unaccompanied Children Seeking Asylum*.

——— (1997b) *Note on the Cessation Clauses*. EC/47/SC/CRP.30, 30 May 1997.

——— (1994) *Refugee Children: Guidelines on Protection and Care*.

——— (1992) *Handbook on Procedures and Criteria for Determining Refugee Status*.

——— (1987) *Note on Refugee Children*. EC/SCP/46.

UNHCR EPAU (2002) *Meeting the Rights and Protection Needs of Children: An Independent Evaluation of the Impact of UNHCR's Activities*. UNHCR, Geneva.

UNHCR EXCOM (1992) *Cessation of Status*. Executive Committee of the High Commissioner's Programme: Conclusion No. 69 (XLIII) UN doc. A/AC.96/804

UN OCHA (1998) *Guiding Principles on Internal Displacement*. Accessed at <http://ochaonline.un.org/DocView.asp?DocID=575> (19 March 2005).

Whitaker, B. (2005) '20 killed as Egyptian police evict Sudanese protesters', *Guardian* 31 December, available at: <http://www.guardian.co.uk/sudan/story/0,,1675808,00.html> (accessed 30 January 2006).