

Djibouti

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DJIBOUTI

Is there a refugee protection program?	<p>Djibouti has had a national refugee protection program since 1977, when the government enacted the Order on Refugee Status.¹</p> <p>As of May 31, 2021, there were 32,648 refugees living in Djibouti.²</p>
Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?	<p>The refugee protection program is run by the government's Office National d'Assistance aux Réfugiés et Sinistrés (ONARS).³ Somalian and Yemeni asylum seekers are considered <i>prima facie</i> eligible for refugee or asylee status. All other refugees are considered by the National Eligibility Commission (NEC), which is staffed by several different government ministries, including ONARS and the Ministry of the Interior (MOI). The enacting 1977 law allows for UNHCR officials to observe the NEC's decision-making process.</p> <p>The MOI and the Office of the President are also involved in refugee and asylee protection. The Office of the President will intervene when certain national security issues arise.</p>
Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?	<p>According to UNHCR data, from 2003 through 2020,</p> <ul style="list-style-type: none">• approximately 66% of asylum applications were approved;

¹ NATIONAL LEGISLATIVE BODIES / NATIONAL AUTHORITIES, *Djibouti: Ordonnance No. 77053/P.R./A.E. du 1977 portant statut des réfugiés sur le sol de la République de Djibouti*, 9 November 1977, <https://www.refworld.org/docid/3ae6b4db0.html> (in French).

² UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *East and Horn of Africa, and the Great Lakes - COVID-19 Emergency Response, External Update #30*, <https://data2.unhcr.org/fr/documents/details/87463>.

³ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *Fact Sheet: Djibouti*, January 2019, <https://reporting.unhcr.org/sites/default/files/UNHCR%20Djibouti%20Fact%20Sheet%20-%20January%202019.pdf>.

	<ul style="list-style-type: none"> • approximately 13% of asylum applications were rejected; and <p>the remaining were either granted complementary protection (0.2%) or otherwise closed (21%).⁴</p> <p>The NEC began holding eligibility determination sessions in 2013 after a seven year hiatus.⁵ The number of cases decided upon make up only a small fraction of the total of cases. As a point of reference, the NEC decided on 32 cases in 2013, 79 in 2016 and did not meet at all in 2017 due to the unavailability of their members.⁶ The 2017 refugee law provides for an appeal process for those cases where refugee status was not granted.⁷</p> <p>The COVID-19 pandemic has further negatively impacted NEC’s ability to provide timely asylum determinations.⁸ There is a reported backlog in asylum cases of approximately 10,000 people.⁹</p>
<p>Do refugees have a right to work? A right to education? A right to medical care?</p>	<p>Djibouti passed a National Refugee Law in 2017, which guarantees certain fundamental rights to refugees, including the right to work and the right to freedom of movement.¹⁰ Refugees also have the right to open bank accounts and the right to open their own businesses.¹¹</p> <p>A refugee’s right to health care has been laid out in a non-binding Memorandum of Understanding.¹² UNHCR reported that in 2019, 100% of refugees</p>

⁴ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *Refugee Data Finder*, <https://www.unhcr.org/refugee-statistics/download/?url=a0Rl4x>.

⁵ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *Submission by the United States High Commissioner for Refugees for the Office of High Commissioner for Human Rights’ Compilation Report, Universal Periodic Review: 3rd Cycle, 30th Session*, May 2018, <https://www.refworld.org/docid/5b082d2e4.html>.

⁶ UNHCR, *Submission*, *supra* note 5.

⁷ INTERNATIONAL LABOUR ORGANIZATION, *An assessment of labour migration and mobility governance in the IGAD region: Country report for Djibouti*, 2020, https://www.ilo.org/wcmsp5/groups/public/---africa/---ro-abidjan/--sro-addis_ababa/documents/publication/wcms_743309.pdf

⁸ U.S. DEPARTMENT OF STATE, *2020 Country Reports on Human Rights Practices: Djibouti*, March 30, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/djibouti/>.

⁹ U.S. DEPARTMENT OF STATE, *supra* note 8.

¹⁰ UNHCR, *Submission*, *supra* note 5.

¹¹ U.S. DEPARTMENT OF STATE, *supra* note 8.

¹² UNHCR, *Fact Sheet*, *supra* note 3.

	<p>had access to healthcare.¹³ According to a reporting associate at UNHCR, refugees do not pay for healthcare in Djibouti.¹⁴</p> <p>There are schools in refugee settlements for children, staffed by the Ministry of Education.¹⁵ Teachers in refugee settlements receive the same education as teachers outside of refugee settlements.¹⁶ Additionally, Djibouti has committed to integrate refugees into public schooling through secondary school by 2025.¹⁷ During the COVID-19 pandemic, 100% of students enrolled in school in refugee camps received distance learning.¹⁸ However, the U.S. Department of Justice reports that over 40% of school-aged refugee children were not actually enrolled in school.¹⁹</p>
<p>Are those seeking refugee protection free to live freely or forced to reside in camps?</p>	<p>Refugees have the right to the freedom of movement. However, an estimated 80% of refugees reside in camps.²⁰ The three primary camps are Ali Addeh, Holl Holl and Markazi. Markazi has been designated specifically as a settlement for Yemeni refugees.</p>
<p>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal permanent</p>	<p>Chapter III of the Civil Code provides for naturalization of noncitizens.²¹ The residency requirements range from 5 to 10 years, depending whether the applicant can show they provide an important service to the country.²² Children are not eligible to be naturalized.²³ There are other certain requirements, such as providing proof of medical</p>

¹³ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *Djibouti*, <https://reporting.unhcr.org/djibouti>.

¹⁴ Emails with hassanno@unhcr.org.

¹⁵ UNHCR, *Fact Sheet*, *supra* note 3; *see also*, UNHCR, *Submission*, *supra* note 5.

¹⁶ *Outcome Document: Delivering the Global Compact on Refugees*, December 16, 2019, <https://data2.unhcr.org/en/documents/details/72948>.

¹⁷ *Outcome Document*, *supra* note 16.

¹⁸ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *Education – Regional Overview: East and Horn of Africa and the Great Lakes Region*, February 17, 2021, <https://data2.unhcr.org/en/documents/details/84962>.

¹⁹ U.S. DEPARTMENT OF JUSTICE, *2019 Findings on the Worst Forms of Child Labor: Djibouti*, <https://www.justice.gov/eoir/page/file/1323751/download>.

²⁰ UNHCR, *Submission*, *supra* note 5.

²¹ The full text of the Civil Code is available at: *Djibouti: Loi No. 003/AN/18/8eme/L portant Code Civil*, April 9, 2018, <https://www.refworld.org/docid/5ec7e6244.html> (in French).

²² Loi No. 003/AN/18/8eme, Chapter III, Articles 39-40.

²³ Loi No. 003/AN/18/8eme, Chapter III, Article 41.

<p>status available for people with refugee status?</p>	<p>fitness and proof of assimilation to the Djiboutian society, including learning the local language.²⁴</p> <p>As of 2013, any children born in the refugee camps are automatically issued birth certificates.²⁵</p>
<p>Does the country offer temporary protections available other than refugee status? If so, what are they?</p>	<p>Upon entry to Djibouti, refugees have 30 days to apply for refugee status with ONARS (or through UNHCR). This provides for a temporary six-month residency permit, which can be renewed.²⁶</p>
<p>What, if any, penalties are there for people without status or people who are denied refugee protection?</p>	<p>People without status or people who are denied refugee protection risk being imprisoned and subsequently deported. There are two primary facilities where detained migrants are held: a base in Obock and the Nagad Detention Centre near the capital of Djibouti City.²⁷ Children are also detained in these facilities. Often, deportations occur very quickly after detention (within a day), but there are reports of migrants being held for many years.</p> <p>There is no maximum length for immigration detention under the law.²⁸</p> <p>There have been multiple reports of Ethiopian migrants and asylum seekers being deported back to Ethiopia.²⁹</p>
<p>What organizations exist in-country that can help displaced people seek available protections? What other</p>	<p>UNHCR has a presence in Djibouti, with a representation office in Djibouti City and two field offices in the Ali Sabieh and Obock regions. Ali</p>

²⁴ Loi No. 003/AN/18/8eme, Chapter III, Articles 42-43.

²⁵ UNHCR, *Submission*, *supra* note 5.

²⁶ INTERNATIONAL LABOUR ORGANIZATION, *supra* note 7.

²⁷ GLOBAL DETENTION PROJECT, *Djibouti Overview*, September 7, 2020, <https://www.globaldetentionproject.org/countries/africa/djibouti>.

²⁸ GLOBAL DETENTION PROJECT, *Djibouti Immigration Detention Data Profile*, <https://www.globaldetentionproject.org/djibouti-immigration-detention-data-profile-2020>.

²⁹ See, e.g., AMNESTY INTERNATIONAL, *Djibouti: Asylum Seekers, Refugees at Risk of Deportation*, August 24, 2016, <https://www.amnesty.org/en/documents/afr23/4698/2016/en/>, INFOMIGRANTS, *Djibouti a expulsé plus de 2 000 migrants éthiopiens en avril*, April 4, 2020, <https://www.infomigrants.net/fr/post/24369/djibouti-a-expulse-plus-de-2-000-migrants-ethiopiens-en-avril> (in French), UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *UNHCR concerned about reports of refugees returned to Ethiopia from Djibouti*, June 7, 2021, <https://www.unhcr.org/afr/news/press/2021/6/60be482c4/unhcr-concerned-about-reports-of-refugees-returned-to-ethiopia-from-djibouti.html>.

<p>organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</p>	<p>Sabieh is home to the Ali Addeh and Holl Holl refugee camps and Obock is home to the Markazi camp.</p> <p>There are many non-governmental organizations with a presence in Djibouti, including, but not limited to:</p> <ul style="list-style-type: none"> • Association pour la Protection et l'Épanouissement de la Famille (APEF) • Caritas • Danish Refugee Council • International Children's Action Network • King Salman Center • L'Union Nationale de Femmes de Djibouti • Lutheran World Federation • Norwegian Refugee Council
<p>Is there other information that might be valuable for displaced people arriving in that country to know?</p>	<p>Like Afghanistan, Djibouti is a majority Sunni Muslim country.³⁰ The majority of refugees in Djibouti arrive from neighboring countries on the Horn of Africa: Somalia, Ethiopia and Eritrea. In recent years, there has been an influx of refugees from Yemen, comprising about 17% of the total refugees in the country. According to the UNHCR, there is no record of any Afghan refugees resettling in Djibouti.³¹</p> <p>All refugees should expect to be tested for COVID-19 upon arrival to the country. According to a reporting associate at UNHCR Djibouti, all entrants to the refugee sites are tested for COVID-19 for free. If they test positive, they will be placed in an isolation tent within the camp. There are no costs to the refugees associated with this testing or isolation</p>

³⁰ U.S. DEPARTMENT OF STATE, *2018 Report on International Religious Freedom: Djibouti*, 2018, <https://www.state.gov/reports/2018-report-on-international-religious-freedom/djibouti/>.

³¹ UNHCR, *Refugee Data Finder*, *supra* note 4.

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	<p>period (unlike for entrants to the country at main entry ports).³²</p> <p>Overall, COVID-19 cases have stayed relatively low in Djibouti, with 11,635 cases and 155 deaths reported to the Africa CDC as of July 24, 2021.³³</p> <p>As of May 2021, preparations had begun to vaccinate refugees living in the Ali-Addeh and Holl-Holl refugee camps.³⁴ Refugees living in the urban center are also eligible to receive COVID-19 vaccines, but the UNHCR reports that the desire to be vaccinated among this population is low.</p> <p>Djibouti suffers from high levels of unemployment and refugees report minimal local integration in labor force.³⁵</p>
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³² Emails with hassanno@unhcr.org.

³³ UN HIGH COMMISSIONER FOR REFUGEES (UNHCR), *COVID-19 Update*, July 24, 2021, <https://app.powerbi.com/view?r=eyJrIjoiMTY4MzAzYjEtNzAxMS00Mjc3LWE0ZWEtOGU4ZWFlZGRhYWU3IiwidCI6ImU1YzYzM3OTgxLTY2NjQ0NDEzNC04YTBlLTY1NDNkMmFmODBiZSIsImMiOiJh9.>

³⁴ UNHCR, *External Update #30*, *supra* note 2.

³⁵ UNHCR, *Submission*, *supra* note 5.