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Immigration and
Refugee Board of Canada

Commission de l'immigration
et du statut de réfugié du Canada

Burundi, Democratic Republic of Congo, Rwanda, Tanzania, and Uganda: Ability to travel from Burundi to neighbouring countries, including obstacles and resettlement (2015-February 2017) [ZZZ105753.E]

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1. Overview

Media sources indicate that hundreds of thousands of refugees have fled Burundi for neighbouring countries since April 2015, and that this is due to the violence and unrest which erupted in the country after an announcement by the President of Burundi that he would seek a third term in office (AFP 23 Jan. 2016; *Newsweek* 20 Dec. 2016). According to sources, the majority of these refugees have fled to Tanzania, the Democratic Republic of Congo (DRC), Rwanda (FP 4 Nov. 2016), and Uganda (UN Dec. 2016, 6). UNHCR indicates that as of October 2016, there were 180,786 Burundian refugees in Tanzania, 29,975 in Uganda, 30,205 in the DRC and 81,307 in Rwanda (UN 2017).

2. Ability to Leave Burundi

In June 2015, according to UNHCR,

[r]efugees who arrived in Rwanda, Tanzania and the Democratic Republic of Congo said that roads are being blocked and people suspected of heading to the border forced off buses. Some have reportedly been arrested and others have had their belongings confiscated. (UN 30 June 2015)

Similarly, a November 2015 report on the Burundian situation by Refugees International (RI), an NGO that "advocates for lifesaving assistance and protection for displaced people and promotes solutions to displacement crises" (RI n.d.), following a fact-finding mission in September and December 2015, which included interviews with Burundian refugees and internally displaced persons (IDPs), states that there were

[strong indications] that Burundi is preventing civilians from fleeing the country and has been doing so for months. RI was told that this obstruction is carried out not only by Burundian government agents – including border agents, SNR [Service national de renseignement, the Burundian national intelligence service], police, and the military – but also by Imbonerakure [members of the Burundi ruling party's youth league (Human Rights Watch 19 Jan. 2017)]. (RI 18 Nov. 2015, 8)

Similarly, a November 2016 report on the crisis in Burundi prepared by the Fédération internationale des ligues des droits de l'homme (FIDH), in collaboration with Ligue Iteka, a Burundian Human Rights NGO[1], states that [translation]

[m]any Burundians seeking shelter abroad are arbitrarily arrested at the [Burundian] borders with Rwanda, Tanzania or the DRC," with people reporting that they "were arrested and then tortured by police officers, SNR agents or Imbonerakure as they sought to leave the country. (FIDH and Ligue Iteka Nov. 2016, 31)

RI states that,

[a]ccording to human rights defenders and UN officials, the Burundian government started cracking down on cross-border movements in early June [2015]. From that time, the government has required all citizens leaving the country to possess travel documents and use formal border crossings. However, the IDPs RI spoke with said that because they were known to security officials, they feared that they would be arrested, if not worse, if they presented themselves before authorities to apply for travel documents or crossed formally.

Those who do attempt to cross formally face abuses which, at their most mild, can take the form of refusal to permit exit, interrogation, or extortion. (RI 18 Nov. 2015, 8)

UNHCR reports that Burundi formally closed its border for 48 hours in June 2015 in anticipation of parliamentary elections, "as per usual practice during elections," according to Burundian authorities (UN 30 June 2015). According to UNHCR, this led to refugees having to "use informal border crossings through the forest to leave the country" (UN 30 June 2015). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

In August 2015, the International Rescue Committee (IRC), an international NGO which assists people affected by disasters and conflicts (IRC n.d.) reported that "[w]omen and children fleeing from violence in Burundi are subject to physical and sexual violence, threats, and separation on their journey to refuge" (IRC 13 Aug. 2015). Further and corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Ability to Travel to Neighbouring Countries

In June 2015, UNHCR reported that "[i]mmigration and government refugee officials in the neighbouring countries continue to register Burundian refugees who manage to get through, even if they use unofficial border crossings" (UN 30 June 2015). The same source added that "[l]arge numbers of other people, who have not registered as refugees, are also believed to have fled" Burundi (UN 30 June 2015).

According to a December 2016 report by UNHCR, Burundians fleeing Burundi are granted refugee status on a *prima facie* basis[2] in the DRC, Rwanda and Uganda and these countries have kept their borders open and have continued to accept new arrivals (UN Dec. 2016, 7). UNHCR also reports that in January 2017, the government of Tanzania announced the lifting of the *prima facie* refugee recognitions that it was previously giving to Burundian refugees entering the country (UN Jan. 2017). UNHCR explains that the decision was officially published on 20 January 2017, "meaning that all the asylum seekers from Burundi who entered the country [from that date] should undergo Refugee Status Determination," but that, in practice, "the new procedure was not yet effective on the ground" as of January 2017 (UN Jan. 2017). Information on changes to entry in Tanzania since January 2017 for Burundian refugees could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.1 Ability to Travel to Tanzania

In November 2015, RI stated that

IDPs in Burundi and refugees in Tanzania whom RI interviewed ... said that they had witnessed Burundian police, SNR officials, and Imbonerakure arresting and/or physically abusing people trying to cross the border for protection, particularly those who were identified by the authorities as political opponents. ... This has forced many Burundians, including unaccompanied minors, to try crossing informally. (RI 18 Nov. 2015, 8)

The same source added that some Burundian refugees who had managed to make it to Tanzania said that they had "pa[id] merchants to drive them across clandestinely, or ha[d] the merchants bribe Burundian border officials to let them through," rather than openly approaching the border points (RI 18 Nov. 2015, 8).

Sources also state that some refugees have crossed the border on foot through the forest between Burundi and Tanzania to avoid being blocked at the Burundi border (Al Jazeera 1 Dec. 2015; RI 18 Nov. 2015,

8). According to Doctors Without Borders (Médecins sans frontières, MSF), in July 2015, approximately 2000 to 3000 refugees per day were crossing the border in this way, with many "without belongings" and "under cover of darkness" (MSF 20 July 2015). RI similarly states that travel is "sometimes at night" and often over "significant distances" (RI 18 Nov. 2015, 8). In an article regarding refugees fleeing Burundi, Al Jazeera also notes that travel may take days and that the journey between Burundi and Tanzania is "often a dangerous one" (Al Jazeera 1 Dec. 2015). RI adds that some refugees have reportedly swum

across the Muragarazi River that forms part of the border with Tanzania, using banana tree trunks, jerry cans, or plastic sheeting to keep themselves afloat. However, even these methods may not be reliably safe, as Imbonerakure reportedly patrol along the border looking for would-be refugees. (RI 18 Nov. 2015, 8)

UNHCR reported in June 2015 that all refugees were being settled at the Nyarugusu camp, but that it had reached its capacity (UN 5 June 2015). *Foreign Policy* (FP), reported that in November 2016, "[t]he Nyarugusu refugee camp was already at capacity with about 61,000 refugees from Congo's various wars; over the past year, it has absorbed about 100,000 more from Burundi" (FP 4 Nov. 2016). According to sources, Nyarugusu camp is the world's third largest refugee camp (*The Guardian* 15 Apr. 2016; RI 7 Oct 2015). According to *The Guardian*, "[a]lthough the road in and out [of Nyarugusu camp] is closely controlled by the Tanzanian military, there are no fences around the camp, meaning residents can fan out into the surrounding brush to look for firewood, and outsiders can slip in unregistered" (*The Guardian* 15 Apr. 2016).

In October 2015, *The Guardian* reported that UNHCR had "started moving 50,000 people from Nyarugusu to other camps in north-west Tanzania to ease crowding," adding that the new sites in Nduta, Mtendeli and Karago had previously been used to host displaced people and already had necessary structures (*The Guardian* 14 Oct. 2015). According to FP, Mtendeli camp, three hours north of Nyarugusu, was opened in October 2015, after "Nduta, filled beyond the brim" (FP 4 Nov. 2016).

3.2 Ability to Travel to the Democratic Republic of Congo

In December 2016, UNHCR's *Burundi Regional Refugee Response Plan* for January to December 2017 indicated that "Burundian refugees enter the DRC into the province of South Kivu, in the territories of Uvira and Fizi. They cross 22 border entry points that are both formal and informal" (UN Dec. 2016, 14). According to RI, Burundian refugees have crossed into the DRC both overland and by water (RI 26 May 2016, 3).

Sources indicate that many refugees cross Lake Tanganyika to enter into the DRC (RI 26 May 2016, 4; UN 18 May 2015). RI specifies that "[t]hose Burundians who make it to the [DRC] typically travel overland into Uvira territory, or across Lake Tanganyika into Fizi territory" (RI 26 May 2016, 4). Agence France-Presse (AFP) describes the lake as a [translation] "porous" border between Burundi and the DRC, "where all sorts of smugglers are active" (AFP 23 Jan. 2017).

According to RI,

the many refugees who cross informally are required to seek out government agents in a nearby town. It is worth noting that some areas where refugees enter the country – in particular the Ubwari Peninsula – have no formal Congolese government presence, meaning refugees may have to walk for multiple days to reach the nearest outpost. (RI 26 May 2016, 5)

According to RI, refugees began to arrive in the DRC in March 2015 "and initially settled in host communities throughout South Kivu and Katanga provinces" (RI 26 May 2016, 6). The same source indicates that most Burundian refugees in the DRC are hosted at a site in Lusenda, in South Kivu (RI 26 May 2016, 4). RI further explains that

[t]hough Lusenda has all of the appearances of a traditional refugee camp, it is officially referred to as a "site" because the Congolese government is not pursuing a strict policy of encampment. (RI 26 May 2016, 4)

In May 2016, RI reported that Burundians who are officially registered and processed at transit centres may face weeks of waiting before they can move to the Lusenda refugee site (RI 26 May 2016, 6).

According to UNHCR, the Lusenda site was newly established as of 5 June 2015 (UN 5 June 2015). RI states that the camp was established in July 2015 (RI 26 May 2016, 4). AFP states that the Lusenda site is approximately 70 kilometres from Burundi by land, but only 35 kilometres through Lake Tanganyika (AFP 23 Jan. 2017).

A January 2017 AFP article cites the coordinator of the DRC's Commission nationale des réfugiés [National Commission of Refugees] as saying that there were no current plans to open a new refugee site as Lusenda was still under capacity and that about 30 to 40 percent of Burundian refugees in the DRC are living

with host families (AFP 23 Jan. 2017). RI also states that, as of May 2016, some Burundian refugees were "living in communities throughout South Kivu's Uvira and Fizi territories," but noted that "[r]efugees who choose to live at Lusenda are the only ones with access to regular assistance" (RI 26 May 2016, 4). UNHCR states that "[i]n South Kivu, the security situation is volatile [and] marked by the presence of armed groups, by internal displacement, and refugees of other nationalities, notably Rwandans" (UN Dec. 2016, 14). According to RI,

[l]ike much of the DRC, Uvira and Fizi territories are profoundly ill-suited to host refugees. State control and capacity in these territories are limited, with local security forces often a source of insecurity for the population. Social services are barely functional-to-nonexistent, and standards of living are extremely low. Further, more than 50,000 Congolese in these two territories are internally displaced, with more than 360,000 IDPs in South Kivu province as a whole. (RI 26 May 2016, 4)

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3.3 Ability to Travel to Rwanda

The Rwandan Ministry of Disaster Management and Refugee Affairs issued an official notice on 24 April 2015 that the government of Rwanda would grant *prima facie* refugee status to Burundians fleeing Burundi, due to the "overwhelming number" of them crossing into Rwanda, noting that as of 23 April 2015, 11,000 Burundian refugees had crossed into Rwanda (Rwanda 24 Apr. 2015). According to UNHCR, "as a result of the Government's open border policies, refugees fleeing Burundi have had unrestricted access to asylum through *prima facie* refugee status and [enjoy] freedom of movement" (UN Dec. 2016, 22).

In June 2015, UNHCR reported that some Burundian refugees arriving in Rwanda reported "difficulties as a result of road blocks set up on the way to border crossing points in Burundi" (UN 5 June 2015). Information on the situation after June 2015 could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

UNHCR states that refugees are hosted at Mahama Camp and that two reception centres were established near the Burundi border in 2015, while a third reception centre was established near Mahama Camp in 2016 (UN Dec. 2016, 23).

3.4 Ability to Travel to Uganda

According to UNHCR,

Uganda has seen a steady arrival of Burundian refugees despite not directly bordering the country and during 2016 the rate of arrival has been higher than initially anticipated. After experiencing a peak in arrival numbers in March 2016, the arrival rate started to decline from May onwards. (UN Dec. 2016, 42)

The same source further states that Burundian refugees in Uganda have made their way there mainly through Rwanda, as well as through the DRC and more specifically, in Uganda, the main border entry points are Mirama Hills, Mutukula and Bunagana (UN Dec. 2016, 42).

UNHCR indicates that Burundian refugees are hosted at settlements in Nakivale and Oruchinga, in the southwestern part of Uganda (UN 5 June 2015). In December 2016, UNHCR stated that some refugees were settled in urban areas, although most are in Nakivale settlement (UN Dec. 2016, 42).

Sources report that Burundian officials have encouraged Burundian refugees in Uganda to return to Burundi, citing a return to stability in Burundi, but that Uganda has said that all repatriation would be on a voluntary basis (DW 20 Feb. 2017; IBT 15 Feb. 2017).

Deutsche Welle (DW) explains that

[p]reviously, the Ugandan Minister of Relief and Disaster Preparedness Hillary Oniek showed some sympathy for Burundi's demand that the refugees go home ... But this is causing uncertainty among Burundian refugees and has led the Ugandan government to clarify that it will stand by international law and that, at this point, no refugee will be repatriated against his or her will. (DW 20 Feb. 2017)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Ligue Iteka was created in 1991 and its focus included the situation of returnees and IDPs (IRRI n.d). In January 2017, the Ligue Iteka was accused of being "a repeat offender in tarnishing the brand image of the country and of sowing hate and division amongst the Burundi population" and was officially disbanded by the Burundi government (Frontline Defenders 4 Jan. 2017).

[2] In a document published in 2001, UNHCR states that group determination of refugee status on a *prima facie* basis "means in essence the recognition by a State of refugee status on the basis of the readily apparent, objective circumstances in the country of origin giving rise to the exodus. Its purpose is to ensure admission to safety, protection from *refoulement* and basic humanitarian treatment to those patently in need of it (UN 19 Feb. 2001, para. 6).

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