Local Engagement Refugee Research Network Paper No. 5 – March 2020

Tanzania's National Legal Framework for Refugees

Law, Policy & Practice

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Executive Summary

During the summer of 2019, we conducted research on Tanzania's legal framework for refugees, the related policies, and current practices. Discrepancies between international law and policy and local practice have proved significant in Tanzania in recent years. As a country that has hosted refugees since its independence, with no end in sight, the protracted nature of this situation has challenged the government's willingness to cooperate in the implementation of international policies. Drawing on the legal texts, recent academic literature, reports from Civil Society Organizations (CSOs), and findings from semi-structured interviews with local and international actors, we sought to evaluate whether there are gaps in the current national legal and regulatory framework. We argue that the Refugees Act allows for a great deal of flexibility in interpretation, while policies and practices have increasingly restricted the lives of refugees in Tanzania. We also suggest recent actions by Tanzanian authorities have contradicted some of their legal commitments and suggest increased collaborative, local research as a tool for future advocacy.

Introduction

This paper is a summary of field research undertaken in July and August 2019 in Dar es Salaam, Tanzania under the auspices of the Local Engagement Refugee Research Network (LERRN). LERRN was founded in order to examine a significant gap in our understanding of the influence of civil society on the functioning of the refugee regime, especially in the global South, where the vast majority of the world's refugees are found (Ferris 2009). During the summer of 2019, we, Leonard Chimanda and Stéfanie Morris, conducted research concerning Tanzania's legal framework for refugees, related policies, and current practices.

Through this research we sought to answer a number of questions. First, how is international refugee law implemented in Tanzania? Discrepancies between international law and policy and local practice have proved significant in Tanzania in recent years. As a nation that has hosted refugees since its independence, with no end in sight, the protracted nature of this situation has certainly challenged the government's willingness to cooperate in the implementation of international policies. Second, we sought to evaluate whether there are gaps in the current national legal and regulatory framework. In the end, we argue that the Refugees Act allows for a great deal of flexibility in interpretation, while policies and practices have increasingly restricted the lives of refugees in Tanzania. We also suggest recent actions by Tanzanian authorities have contradicted some of their legal commitments and suggest increased collaborative, local research as a tool for future advocacy.

Research methods

The Tanzania Working Group is chaired by Dignity Kwanza and includes Dr. Khoti Kamaga from the University of Dar es Salaam, Relief to Development Society (REDESCO), Oxfam Tanzania, and Tanganyika Christian Refugee Services (TCRS). Each of these actors has extensive history and expertise working directly with refugees in Tanzania. With discretion to select the two topics it felt most important to study in the partnership's inaugural year, the Tanzania Working Group directed the two research teams to examine 1) the localization of humanitarian action, and 2) the national legal framework for refugees.

The research associated with this particular paper is focused on examining the second of these areas: the national legal framework for refugees. We approached this subject through a review of past literature as well as interviews conducted with CSOs in Tanzania. Our conceptualization of CSOs includes national and international NGOs, academic institutions, non-profit groups and refugee committees as these represent "intermediate institutions" between the family and the state through which people organize to pursue shared interests, values, and objectives in public life (Baynes 2002; Schecter 2000).

As a network, our methodologies concentrate on understanding the "micro-foundational level of analysis" and conducting "in-depth fieldwork" to rigorously engage with the specific contexts where implementation efforts take place (Betts and Orchard 2014, 19; see also: Autesserre 2014; Clark-Kazak 2011; Côté-Boucher et al 2014; Geiger 2010; Hilhorst 2013; Hyndman 2000; Mosse 2011). Therefore, this fieldwork includes three distinct yet complementary methodological approaches:

1. We draw on stakeholder interviews and participant observation to construct **ethnographies** of the actors and institutions that are implicated in the policy implementation process and the everyday politics of the refugee regime across contexts (Geiger 2010; Hyndman 2000). This multi-sited ethnographic approach allows for abstraction from an accumulation of observations from a range of contexts to develop a better understanding of the range of actors and interests that affect the implementation process.

2. We employ **process tracing** (Bennett and Checkel 2014; George and Bennett 2005) to explain outcomes in specific efforts to implement particular examples of global refugee policy across contexts. We draw on a combination of document analysis, participant observation, and stakeholder interviews with representatives of host and donor governments, international organizations (such as UN agencies), and other civil society actors (CSOs).

3. We conduct **historical research** to examine the way events of the past have engaged with the implementation of global refugee laws and policies.

These three complementary methodological approaches emphasize the value of conducting localized studies informed by the range of actors and interests that condition implementation. Therefore, co-creation of knowledge is at the heart of this research and would have been impossible without the cooperation of key members in a number of local and international CSOs, all of whom provide vital services and participate in advocacy for and with refugees in Tanzania. These include the following:

Dignity Kwanza ***(DK)*** is a Tanzanian noNRPofit organization located in Dar es Salaam which provides legal assistance, advocacy, community empowerment, and livelihood programs for marginalized and vulnerable populations.

Tanganyika Christian Refugee Service ***(TCRS)***, organized in 1964, has long been a major actor in Tanzanian refugee affairs. As an implementing partner of the Tanzanian government and UNHCR, TCRS has active operations in many of the camps.

Tanzania Refugee and Migration Network ***(TAREMINET)*** is a network and collective of noNRPofit organizations who provide humanitarian and legal assistance to migrants, refugees and asylum seekers. It began operating loosely in 2011 and was officially registered in 2016. It includes DK, TCRS, Refugee to Development Society (REDESCO), IRC Tanzania, and a number of other local and international partners who gather as a collaborative body for organized advocacy on matters concerning these populations in Tanzania.

We also interviewed representatives from major international organization such as ***Danish Refugee Council (DRC)***, ***Oxfam Tanzania*** and ***UNHCR Tanzania***.

Considering the five-week duration of our fieldwork and challenges obtaining permits, we were unfortunately unable to visit any camps or interview a number of key stakeholders, including refugees and government officials. Therefore, our evaluation of ‘practice’ (i.e. things as they currently are across Tanzania, but particularly in camps and border regions) is limited to what organizations could report from Dar es Salaam. However, in the future, and as early as 2020,

LERRN researchers plan to conduct research at these sites to strengthen this dimension of comparison.

The co-creation of knowledge is not only at the center of our research but our co-authorship as well. Leonard Chimanda (co-author) is himself a Tanzanian with a Master's in Law from the University of Dar es Salaam. His research focus has long been on vulnerable refugee populations. Stéfanie Morris (co-author) has a Master's in Public and International Affairs at the University of Ottawa and has specialized in anthropological data collection methodologies, including ethnography and semi-structured interviewing. Chimanda's expertise in Tanzanian law and the use of micro-foundational methodologies are part of the important work of localizing research and knowledge sharing.

1. Legal Frameworks

In what follows we provide an overview of Tanzania's legal and policy foundations and refugee hosting history. Once this context is laid, the main body of our findings will lay out a comparison of refugee law, policy, and practice as it is generally applied today in a number of key areas.

1.1. International Refugee Laws & Policies

The United Republic of Tanzania has been, since its inception in 1961, a major refugee hosting country and has long been known as one of the most hospitable African countries for asylum. In its early days it hosted tens of thousands of refugees fleeing post-colonial conflicts and wars throughout Africa (Mendel, 1997; Milner, 2009). It has also consistently hosted refugees from three countries which have seen a great deal of conflict in the last half-century and which share its long and porous border: Burundi, the Democratic Republic of the Congo (DRC), and Rwanda.

Tanzania has historically worked with the UNHCR to host its refugee populations and most recently participated in a number of initiatives that provide ripe context for examining the implementation of international policy at a local and national level. The UNHCR has referred to Tanzania as, "one of the most important refugee asylum countries in Africa" (UNHCR 2019a). Today, at a national population of approximately 48 million, Tanzania is host to 330,755 refugees and asylum-seekers as of October 2018 (UNHCR 2019b). Most are from Burundi (245,964) or the

Democratic Republic of the Congo (84,170) and live in three chronically underfunded refugee camps: Nyarugusu (153,767), Nduta (92,075), and Mtendeli (23,047). Other non-camp locations include the settlement of Kigoma villages (23,047) and other older settlement (19,337) where Burundians fled in 1972, as well as some urban refugees in Dar es Salaam (257 known).

Tanzania acceded to the 1951 *Convention Relating to the Status of Refugees* – the multilateral treaty which acts as a foundation for all refugee law – on 12 May 1964, without reservation. This convention outlines the most universal definition of 'refugee', based on a person's well-founded fear of persecution. By acceding to this Convention, Tanzania committed itself to a number of other principles, including the principle of *non-refoulement* and the obligation to collaborate with the United Nations High Commissioner for Refugees (UNHCR) in refugee matters. Additionally, in 1968, Tanzania acceded to the Protocol Relating to the Status of Refugees which removed the temporal and geographic restrictions of the Convention (UNHCR 2017). Having signed both these international agreements, as well as many other international treaties relating to human rights and international humanitarian law, Tanzania is subject to all provisions therein. However, as stated by stakeholders in the interviews we conducted, very few of these international commitments have been fully domesticated in Tanzanian law.

In 2015, another wave of political instability in Burundi led to an increase in refugees crossing into Tanzania. As part of its response, in June 2017 Tanzanian joined UNHCR as a pilot country for the implementation of the Comprehensive Refugee Response Framework (CRRF), an initiative to increase the access refugees have to education and labour markets to develop skills and self-reliance. Yet, nearly at the same time in 2017, President Magufuli ordered the suspension of the registration and naturalization of Burundian refugees (Milner, 2013) and began to ramp up initiatives to repatriate Burundian refugees who had come to Tanzania during their country's 2015 election conflicts.

Suddenly, and quite surprisingly according to many sources, including the stakeholders we interviewed, in January 2018 Tanzania withdrew from the CRRF. The government of Tanzania has cited a number of reasons for the withdrawal, including the international community's failure to recognize its historical role as a refugee hosting country and the burden of being so; concerns over security in the camps; believing that some refugees were formerly members of Rwandan

militias; and a lack of international financial support to assist in integrating refugees into host communities (WRC Summary, 2018). This last point was particularly evident in the government's refusal to accept the World Bank loan connected to the CRRF. Others have cited poor communication between the Ministry of Home Affairs and the President's Office leading to misconceptions about the CRRF (Fellesson, 2019). And yet, in December 2018, Tanzania chose to support the Global Compact on Refugees which includes many of their commitments previously made under the CRRF.

Although current repatriation efforts suggest that refugee numbers might continue to decrease in the near future, the significant presence of refugees in Tanzania is likely to continue for many years to come. It is imperative, due to the current need for cooperation between governments and refugee-advocates, that research help develop a greater understanding of the Government of Tanzania's interests and expectations. This understanding could play a critical role in securing Tanzania's cooperation in upholding international legal principles like the right to asylum and *nonrefoulement* as well as international policies such as those under the Global Compact for Refugees.

1.2. Regional Refugee Laws & Policies

Tanzania has also made regional commitments to refugee protection. These are negotiated through three major regional bodies: the Organization of African Unity (OAU), the East African Community (EAC) and the Southern African Development Community (SADC). The United Republic of Tanzania is a member of these regions and, therefore, any refugee protection initiatives taken in these regions are a part of Tanzania's refugee law and policy framework.

At the OAU level, refugee law begins with the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Tanzania signed the OAU Convention on 27 June 1975. Importantly, this instrument expanded the definition of a refugee as defined in the UN Refugee Convention of 1951 and the UN Refugee Protocol of 1967 which only recognized race, religion, nationality, membership of a particular social group and political opinion as grounds of persecution. The OAU Convention expanded the definition to include external aggression, occupation, foreign domination, and events seriously disturbing public order (UNHCR 2017). The

Convention also included a number of important points. It affirmed that "the grant of asylum to refugees is a peaceful and humanitarian act" and included the possibility of making group determinations of refugee status, something lacking from the UN Convention and the Protocol.

In 2013, the partner states of the OAU also adopted the Protocol on Peace and Security. Under Articles 3(2)(g) and 10 of this Protocol, partner states undertake to enhance their mutual capacity in the management of refugees as well as establishing common mechanisms for the management of refugees. Article 10 among other things, requires partner states to incorporate the provisions of the 1951 UN Convention on Refugees and 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa in their national legislation.

The East African Community (EAC), revived in 1977 – including Kenya, Uganda, Rwanda, Burundi, South Sudan, and Tanzania – also has some agreements relating to refugees. As far as the legal framework is concerned, refugees within the EAC are referred to under Article 124 (4) and (5) in the Treaty for the Establishment of the East African Community, 1999. This provision requires partner states to establish "common mechanisms for the management of refugees". However, as some of the stakeholders we interviewed expressed, refugee matters in this treaty and within the EAC are generally treated as a matter of security and not of humanitarian concern.

Tanzania is also a member of another socio-economic regional block called the South African Development Community (SADC), which was established in 1992. Other members include Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Zambia and Zimbabwe. Though this community focuses primarily on economic concerns, a few initiatives have played a role in the regional discussion concerning refugee protection. In 2005, SADC completed the Protocol on the Facilitation of Movement of Persons. This Protocol aims to phase in, over ten year, the free movement of citizens within and between SADC countries. It would allow individuals to travel within member states for 90 days, visa-free. It is unclear exactly how these agreements would affect refugees. However, Article 28(1) of the Protocol requires Partner States to comply with international obligations on refugees including the UN and OAU Conventions on Refugees. Article 28(3) requires member states to affirm their commitment to cooperate with UNHCR and

IOM in matters relating to refugees. Unfortunately, this Protocol is not yet in force as only six States have signed it and a total of nine are required to bring it into force (Williams & Carr, 2006).

This section on regional law has been included in this work to establish the fact that Tanzania's approach towards refugee protection cannot only be viewed from the angle of Tanzania as an individual state, rather its approach can also be viewed in the context of utilizing the avenues available under the regional blocs to which the country is a party.

1.3. National Refugee Laws & Policies

Tanzania's common law and Westminister parliamentary system are largely inherited from its British colonial history (Shivji, 2009). The first source of law in Tanzania is the 1977 Constitution, stemming from the earlier Union of Tanganyika and Zanzibar Act of 1964. Constitutional law codified President Nyerere's principles of Ujamaa (socialism) and self-reliance, as well as domesticated commitments under the Universal Declaration of Human Rights. It suggests that all people, not only citizens, have the right to access education and to work. In 1984 the National Assembly adopted its eighth Constitutional Amendment whose impact was to incorporate the Bill of Rights into the Constitution. Many of the rights enshrined in this Bill anyone within the territory of the State and not only to citizens. These include the rights of dignity, equality before the law, personal freedom, privacy, religion, freedom of expression, work, education, and property. These rights apply to anyone within the territory of Tanzania and, by so saying, also apply to refugees.

The first uniquely Tanzanian law governing the management of refugee populations was the 1966 Refugee (Control) Act. It gave the government power to geographically restrict refugee settlement to 'designated areas' and required that refugees obtain permits to remain in the country or to move within it. It also gave the responsible Minister power to declare 'any class of persons' as refugees (with a few exceptions, including citizens) (Mendel, 1997). Though the 1966 Act was characterized as the most comprehensive and detailed refugee legislation in Africa at the time, its critics pointed to a number of weaknesses: not defining who qualified as a refugee, being highly inclined to group rather than individual determination of refugee status (this made it harder to exclude people not entitled to protection), and negligibly making provision for the rights of

refugees while highly providing for the duties of refugees (Peter, 1997). Overall, many believed it fell short of international refugee law standards.

From 1960 to 1990 Tanzania practiced what is referred to as an “open door policy” towards the admission of refugees. Though not documented, this policy was evident through practice and the government’s attitude towards refugees. The law in force during this period was the Refugees (Control) Act of 1966. This Act’s most open feature was its inclusion of the provision for group refugee status determination which was also implemented in practice. Otherwise, the law had some restrictive elements, such as allowing refugees to be restricted to reception areas/settlements as well as limiting entry/exit, movement and work without permits (Kamanga, 2005). However, refugees were frequently allowed to ‘settle spontaneously’ or provided land and encouraged to be self-sufficient and even to enter the country’s workforce (Armstrong, 1991). Therefore, the open door policy was more evident through practice than in law.

However, restricting refugees to designated areas also began as early 1962, when the first major flow of refugees arrived from Rwanda as it was experiencing a pre-independence struggle for power between the Hutu majority and Tutsi minority. With subsequent flows from Rwanda, South Africa, Mozambique, and Burundi, camps were created through UNHCR funding and managed by Tanganyika Christian Refugee Services (TCRS). Some land was provided for subsistence agriculture and overtime the majority became self-sufficient, allowing for the withdrawal of international aid actors (Mendel, 1997).

Between 1993-2000, at the height of major instability in the area due to civil wars and genocides in Rwanda and Burundi, Tanzania received more than 1,500,000 refugees. Around the same time, Tanzania was transitioning out of the President Nyerere era of governance and moving towards economic liberalisation and a multi-party system. The sudden influx of refugees caused the government and country to re-examine its open policies, an event marked by the temporary closure of its border with Burundi in March of 1995 and the expulsion of a majority of Rwandan refugees in December of 1996 (Milner, 2009). From that time since, the government has restricted its asylum policies, severely limiting mobility and economic activity.

More restrictive policies were solidified in the Refugees Act of 1998 and then in the 2005 National Refugee Policy (NRP). The details of these two governing documents will be touched on in greater

detail later in this paper. However, both played a role in solidifying the government's discouragement of local integration as a durable solution for refugees.

In December 2007, the Government of Tanzania announced its willingness to offer naturalization as part of a solution for the 220,000 Burundian refugees present in Tanzania since 1972. UNHCR welcomed this news enthusiastically at a time when it was pushing for the implementation of durable solutions for protracted refugee situations (UNHCR, 2008). These Burundian refugees lived in two settlements in the Tabora and Katavi regions in western Tanzania. By 2007, they were mostly self-reliant, producing subsistence crops, tobacco and coffee for export, while contributing to the development of these remote regions. They were also generally taxpaying members of society (UNHCR, 2014).

By June 2010, Tanzania approved 162,156 applications for naturalization, which comprised approximately 98 percent of the applications received (Masha, 2010). However, the process was halted in 2010, with only approximately 750 former refugees having received their citizenship certificates. This created a great deal of uncertainty in the settlements causing some families to suspend their agricultural or education investments (UNHCR, 2014). However, four years later, in 2014, Tanzania announced it would re-launch the initiative and that naturalized refugees would have the rights of citizenship, including the right to remain in their settlements and to move freely throughout the country. At this time, they extended citizenship to over 160,000 Burundian refugees who have been in Tanzania since 1972. They also concluded the naturalized of 3,000 Somali Bantus in 2014 who had arrived in Tanzania in 1991 (UNHCR 2015, 22).

Later, when Tanzania joined the OAU in signing the Convention Governing the Specific Aspects of Refugee Problems in Africa in 1969, it eventually became necessary to pass a new law to ensure compliance with the Convention's commitments. Finally, in 1998 Tanzania passed the Refugees Act, the law still in force today. To its credit, this Act includes both refugee definitions: the definition under the 1951 Refugee Convention and the definition under the OAU Convention. However, this law turned towards more restrictive policies. In 2005, Tanzania released its National Refugee Policy, which reiterated many of the law's restrictions. We will examine the Refugee Act and National Refugee Policy in greater depth in the coming sections.

2. Current Refugee Law, Policy, and Practice

The following provides a critical analysis and comparison of 1) the Refugees Act of 1998 (hereafter the Act), 2) the National Refugee Policy of 2003 (hereafter NRP), and 3) what we know about current practices. We do so in order to create a base analysis upon which LERRN researchers and others can build on in their future fieldwork in Tanzania. The interplay of law, policy, practice and politics is essential in understanding the context which conditions the implementation of international policies with regards to asylum seekers and refugees. The information provided below can also be found in the chart located in Appendix A, in a format designed to facilitate closer comparison of law, policy and practice and includes a few categories for comparison not included in the paper (ie. refugee participation, resettlement, family reunification, and rights of the local populations).

2.1. Refugee Definition and Status Determination

The Act and the NRP allow the Tanzanian government to confer refugee status through both individual and group status determination. The Act specifies that individual status determinations should evaluate whether a person meets either the 1951 definition of a refugee (persecution for race, religion, nationality, membership of a particular social group, or political opinion), or the 1964 OAU Convention definition (seeking refuge in another state for reasons of external aggression, events seriously disturbing public order, etc.) (Act 4(1)(a,b)). The NRP itself also affirms that "international protection is exclusively provided to those individuals who satisfy the definition and meet the criteria for refugee status under international refugee instruments" (NRP, para. 1 and 8).

Outside of these powers to evaluate each individual, the government of Tanzania provides for refugee status to be conferred at a group level, to those belonging to a group of persons declared to be refugees by notice in the Government Gazette (Act 4(1)(c)). Nonetheless, in practice group status determination was only frequently applied during the "open door policy" period of the Nyerere era. With the adoption of the restrictive policy in post 1990s, individual status determination has been the government's preferred mode of conferring refugee status. As stated in the NRP, "the government has been using the individualized system of status determination

which works well despite the fact that resources have continued to be the major obstacle in making it more efficient and effective" (NRP, para. 9). It states that group status determinations may in the future be more convenient for large influxes.

The obstacles alluded to in the NRP require us to examine the Act's instructions for the institutional systems meant to perform individual status determinations. The Act stipulates that all applications for refugee status determination should be examined by the National Eligibility Committee (NEC), which must include the Director of Refugee Services (who is appointed by the President) and no less than seven other members appointed by the Minister of Home Affairs from the following offices:

- Director of Public Prosecutions (as chairperson);
- The President's office;
- The Prime Minister's office;
- The Chief Minister's office;
- Ministry of Foreign Affairs and Inter-Cooperation;
- The Inspector General of Police;
- The Director of Immigration Services.

The Act adds that UNHCR should be invited to sit in as an observer. This committee then makes recommendations to the Minister of Home Affairs for the grant or denial of refugee status, as well as decisions about family reunification for recognized refugees and for resettlement in Tanzania. It also advises the Minister or Director on any matter referred to it. However, when the committee is unable to meet, the Minister can direct that an Ad hoc committee be convened to fill this same role. The Ad hoc committee should be based in the region in question, and composed of the following:

- Member of Parliament
- Director of Refugee Services
- Regional Administrative Secretary;
- Regional Security Officer;
- Regional Police Commander;
- Regional Immigration Officer;
- The State Attorney in-charge

The reliability of the National Eligibility Committee (NEC) and the Ad Hoc NEC in adequately evaluating asylum seekers vis-a-vis refugee definitions, however, is quite fraught. Based on statistics shared with us by organizations operating in Tanzania, the committee's approval rates

swing drastically from year to year. For instance, in 2013, the NEC met twice and had an approval rating between 90.3-96.7%. However, in 2017, the Committee met only once and had an approval rating of 1.6%.

More urgently, partners report that the NEC's last session in March of 2018 saw a rejection rate of 100%. The NEC has not convened since Tanzania's withdrawal from the CRRF. Needless to say, the rejection of all applications puts into question Tanzania's commitment not only to international and regional law, but its own commitments regarding refugee definitions and status determinations under the Act. Partners reported that they have been undergoing consultations with the government to improve the reliability of status determinations and that this is an urgent priority.

2.2. Access to Justice

Under the Act section 9(7), any person dissatisfied by the decision of the minister in their status determination or the rescinding of status may petition for review of the Minister within seven days from the day he is informed of the decision. Such review of the decision is to be final. The NPR, however, doesn't provide any further clarification or mention of the ministerial review process for negative refugee status determinations. Furthermore, after having received refugee status, if Tanzania wishes to expel someone for reasons of "national security and/or public order", they must first give the person accused a chance to submit evidence in an appeal to the competent authorities (though it is unclear in the NRP if this appeal would also go to the Minister) (NRP, para. 11). The NPR also adds that the right to appeal expulsion may be retracted when compelling reasons of national security require otherwise.

As per the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention*, Section 192(vi), "[refugee applicants] should be given reasonable time to appeal for a formal reconsideration of the decision, either to the same or to a different authority, whether administrative or judicial". An appeal on the merits of negative decisions at first instance is a fundamental feature of a credible refugee status determination system. Though Tanzania allows for an appeal – or in the case of status determinations, ministerial review – in law and in practice, this system lacks a great deal of transparency. The lack of clarity in criteria, capacity, and consistency surrounding the evaluation of status and of what amounts to grounds for expulsion for

"national security and public order" pose significant concerns. The legitimacy of the decision is compromised by the lack of independence on the reviewer's part (ie. the Minister).

Additionally, and as previously stated, the absence of current refugee status determinations and the previous lengthy wait times for review are major access to justice issues, which compel refugees to live in precarious conditions, with very limited options due to insecure refugee status within their host country. Partners and stakeholders spoke about the lack of regulations governing the implementation of the law, which allows for a great deal of flexibility in its interpretation. This flexibility has, at times, benefited refugees when interacting with sympathetic authorities. However, it also limits transparency and reliability.

2.3. The Right to Work

Refugees in Tanzania are legally entitled to work if granted a work permit by the Director for Refugee Services (Act 32(1); Non-Citizens (Employment Regulation) Act No. 1/2015 13(1)(e)). The NRP on the other hand, recognizes that, "adequate protection of refugees requires the attainment of a degree of self-sufficiency" and that, "Refugees are a human resource which could be utilized for the improvement of the economy" (NPR, para. 17). However, it concludes that due to economic conditions refugees should only be allowed to undertake small income generating activities within the camps. There is, therefore, a greater rigidity in policy than in law. In practice, the government has been implementing the NRP's guidance to only allow small income generating activities. In such, refugees are very rarely legally employed. The organizations we spoke to in Dar es Salaam, who work closely with urban refugees, have no access to statistics on how many work permits the government has issued. They stated that in their knowledge work permits are very rare or virtually impossible to get.

As for "small income generating activities", even these have been increasingly limited within the camps. As per a report published by The Center for Forced Migration Studies, The University of Dar es Salaam, and UNHCR in April 2018, within the camp refugees engage receive food rations and non-food items from the World Food Programme, which many trade for other items. Some also engage in skills-based economic activities such as tailoring, hair styling, etc. or perform more

illegal labour-intensive work working on or renting Tanzanian farms outside of the camps. Others perform incentive labour, meaning work for one of the organizations operating in the camp.

However, even these limited economic activities have been increasingly restricted as of late, especially for Burundians, as the government mounts pressure for voluntary repatriation to Burundi. Human Rights Watch reports a rise in police abuse, camp markets being shut down, and threatened deportations. Those asylum seekers who continue to arrive face challenges due to their insecure legal status in accessing aid (Human Rights Watch, 2019). With future LERRN research, we hope to be able to learn more about the challenges that limits on work pose for asylum seekers who manage to enter Tanzania and the local communities.

Finally, despite these restrictive economic policies within the camps and regions surrounding the camps, a considerable number of would-be asylum seekers and refugees reside in the urban centres such as Dar Es Salaam. From our research, we learned that some of these refugees have been there for more than fifteen years and live and work without the requisite permits. Some have moved to and from camps multiple times, based on availability of work, safety, etc. These urban refugees interact and associate with Tanzanians on a daily basis, become their neighbours, and may even inter-marry.

2.4. Freedom of Movement

Tanzanian law, unchanged in this regard from the previous Refugee (Control) Act of 1966, allows the government to restrict refugee movement in a number of different areas. It allows the Minister, or a competent authority, to direct (in writing) that asylum seekers or refugees enter, exit, or travel within the country by specified routes (Act 10). The Minister may also restrict asylum seekers and refugees to designated areas, unless they apply for and receive a permit granted by a Director for Refugees or a Settlement Officer to live or travel elsewhere (Act 16-18).

On the other hand, the NRP states that refugees *will* be hosted in designated areas whereby the international community will be required to provide material assistance (NRP, para. 28). Therefore, in practice, freedom of movement is highly restricted and asylum seekers/refugees are restricted to the camps in Western Tanzania. The NRP also states that camps will accommodate a maximum of 50,000 refugees, that they will be at least 30 km apart, and that refugees will be

allocated temporary plots of land to build a home and personal garden. The Act and NPR alike both provide for the possibility and flexibility of issuing asylum seekers or refugees permits to travel outside of designated areas. However, partners and stakeholders reported the difficulty and confusion in procedures for obtaining such permits. From their knowledge such permits were issued very rarely. Though 'legal', such restrictions cause significant challenges and make it difficult for refugees to access other needs which are not found in the camps or settlements. For instance, stakeholders reported that women frequently risk traveling outside of the camp, without permits, in order to access firewood. These actions, which cause them to risk arrest, also put them at greater risk of gender-based violence and other protection risks.

What is questionably legal, however, under Tanzania's international agreements, is its recent move to restrict the entry of asylum seekers from Burundi. Amnesty International reports that in July 2018, the Government of Tanzania closed all reception centres at border entry points from Burundi and essentially closed its border – severely limiting entry for would-be asylum seekers while also ramping up efforts to push nearly 180,000 Burundians back to their country (Amnesty International 2019). The following section will touch on some of the international principles which make these actions concerning.

2.5. Non-refoulement and Voluntary Repatriation

Section 34(1) of the Tanzania's Refugees Act provides that an asylum seeker or refugee present in Tanzania "shall have the right at any time to return voluntarily to the country of his nationality". It also clearly provides for resettlement as one of the other durable solutions (Act 36(1)). Local integration as the last of the durable solutions is not mentioned at all. The NRP makes it clear that the government considers voluntary repatriation the preferred of all three solutions, and adds that the international community should support efforts to create peace in the country of origin (NRP, para. 14).

However, the methods by which Tanzania's authorities have encouraged repatriation have at times outright contradicted their commitments to international and regional law. As previously stated, the 1951 Convention stipulates, "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be

threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." On the regional level, the 1969 OAU Convention adds a number of principles regarding non-refoulement. According to Article III(3):

> "No person may be subjected by a member State to measures such as rejection at the frontier, return or expulsion, which should compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened..."

Therefore, the OAU Convention adds additional protection from return, in theory severely limiting countries' right to close their borders to asylum seekers. Yet in practice, and as mentioned in the previous section, the government of Tanzania has openly violated this principle by closing its border to Burundi for those seeking asylum.

For those who have already crossed into Tanzania, as asylum seekers or refugees, pressure to repatriate is mounting. The governments of Tanzania and Burundi signed a tripartite agreement with UNHCR in March 2018, planning to repatriate 180,000 Burundians by the end of December 2019. From September 2017 to November 2019, UNHCR and partners, under pressure from the Tanzanian and Burundian governments, repatriated around 78,380 Burundian refugees – many fewer refugees than either government originally intended but still a significant number (UNHCR, 2019d; Human Rights Watch). Government officials have sent mixed messages, saying both that "nobody will be forced to go back" and that all Burundians would be sent back home because their country is now at peace (Guardian, 2019). In a leaked document, verified by Amnesty International, concerning the bilateral agreement signed by Tanzania and Burundi in August of 2019, these governments planned to push for returns "with or without refugees' consent" (Amnesty International 2019). Additionally, the government of Tanzania has employed other means of coercing repatriation, such as closing camps and shutting down markets. In our interviews, some partners expressed their concern with these developments and the voluntariness of returns.

2.6. Right to Education

Under the Act, refugees are entitled to post-primary education, the implementation of which is conditional to the Minister's making of the rules (Act 31). The policy allows refugees to be accorded with education so as to prepare them to more easily reintegrate and be self-sufficient when they go back to their country of origin. As a result, the NRP directs that refugees should be taught using the education curricula of their countries of origin (NRP, para. 16 & 30). From what we understood through our network, schools have been built in refugee-hosting communities. However, the consistency of implementing country of origin curriculums is unclear. This is an area that we would be particularly interested in examining in future field work, since none of the CSOs interviewed for this segment of the project delivered educational services for refugees and, therefore, had limited information to offer.

2.7. Gender Sensitivity

Both the Act and the NRP make no mention of gender. It may be interpreted as being contrary to the New York Declaration for Refugees and Migrants of 2016, which *inter alia* provides for gender sensitivities in addressing all matters relating to refugees and migrants (The New York Declaration for Refugees and Migrants, para. 22, 31, 60, clauses 5(a), 7(c) and 15 of the CRRF). In practice, refugee women, as well as children, frequently face additional vulnerabilities. Displacement often exacerbates the possibility of sexual violence (UNHCR 2003). Women are frequently on the frontlines, pursuing domestic work such as collection of firewood, which in most cases requires the risk of going outside the camps.

As mentioned by stakeholders throughout our interviews, though the Act and Policy may fail to make any distinction, Tanzania is party to a range of international agreements and has passed a number of laws (including its Constitution) that should be interpreted to apply to the protection of dignity for refugee women, as well as other groups at risk such as refugee children, LGBTQ+, and the Stateless.

3. Additional Findings

Though more could be said about other areas of national refugee law, a major intent of this paper is to identify possible gaps in the framework. However, after speaking with stakeholders about the Refugees Act, the National Refugee Policy, and their application in reality, many stated that a revision of the law wasn't their current priority. One stakeholder admitted that in the past the flexibility of the Act has at times been to the advantage of refugees, leading to high approval rates for refugee status determinations and allowing some refugees to seek work permits, travel outside of the camps, etc. Therefore, some stakeholders feared that a revision of the law would cause some of the restrictions currently included in the NRP or in practice to be cemented in law. However, a number of stakeholders suggested a need for the Act to be followed by a set of regulations which would guide authorities in their administration of the law, while increasing transparency and consistency.

Some stakeholders stated that their current objectives are to increase the legitimacy of refugee status determinations and other essential refugee services by collaborating with the authorities, particularly in capacity-building initiatives and consultations. Some felt that the government's withdrawal from the CRRF may have resulted from pushing the government too quickly without establishing mutual understanding of the interests and politics at play. This withdrawal demonstrates that there is a great need to understand the ways in which politics influence refugee policy and practices in countries like Tanzania (Milner, 2014). Collaborations should then aim to align all stakeholders (government and CSOs) in understanding the principles of international refugee law and commitments under initiatives such as the Global Refugee Compact, which will hopefully lead to more legitimate practices for refugee status determination evaluations and appeals as well as repatriation.

Lastly, a number of stakeholders mentioned the vital importance of gathering evidence which is "home-grown and Tanzanian-owned" for reasons of legitimacy, leading us to conclude that LERRN's efforts in future years should continue to support the advocacy of local organizations by deferring to their expertise about what research is useful and needed. In particular, stakeholders mentioned the importance of conducting research in local communities near the camps who have

significant experience with refugees, to gather information about the benefits and challenges of refugee settlement in economic matters as well as social.

Conclusion

In conclusion, these findings outline the major legal and policy foundations of current Tanzanian refugee affairs. We demonstrate that this framework leaves room for a great deal of interpretation. It could, with the proper political will, be used to extend work permits and allow for income-generating activities in the camps. It could allow for greater freedom of movement. However, as current conditions show, it can also be used to severely restrict refugees to designated areas. Some current restrictions and challenges also openly contradict international, regional, and domestic commitments, such as closing the border to asylum seekers or suspending status determinations.

This paper is the first step in a multi-year project to better understand the local Tanzanian factors and politics which condition the implementation of global refugee policy. In the coming years we hope to continue the work of co-creating research which can be used as a tool for advocacy, with the aim of supporting national and local government, host communities, and CSOs in Tanzania in their work of providing protection and durable solutions for refugees. In this paper, we demonstrated that the Refugees Act allows for a great deal of flexibility in interpretation, while the policy and practice has increasingly restricted the lives of refugees in Tanzania. Our hope is that this comparison can set the context for LERRN's future research collaborations and the eventual production of evidence-based material to support the work of CSOs who do the consistent, informed, and challenging work of advocacy on behalf of Tanzania's substantial refugee population.

Appendix A: Comparison of Law, Policy and Practice

	Refugees Act	**Refugee Policy**	**Practice**
Refugee Definition	Section 4: - 1951 Convention definition - 1969 OAU Convention definition ("fleeing external aggression, foreign domination or events seriously disturbing public order in either part or in whole of his country") - Anyone declared as a refugee by the government of Tanzania	Para. 1: - 1951 Convention Definition - 1969 OAU Convention Para. 9: - "For large influxes it has been more convenient to use the group recognition or the *prima facie* approach through Ministerial orders…"	None of these definitions are currently being fully applied since the National Eligibility Committee has not met since March 2018. At this last session, asylum seekers were rejected at a rate of virtually 100%.
Refugee Status Determination	*Group Status Determination* Section 4(1)(c): - A person is a refugee if they belong to a group of persons which by notice in the Government Gazette has been declared to be refugees (as defined under section 4(2)(a) and (b)) *Individual Status Determination* Section 6-7: - The National Eligibility Committee will consider all applications for refugee status determination - It will include the Director of Refugee Services and no less than 7 other members appointed by the Minister of Home	Para. 5: - Exclusion clauses will be applied objectively and with due regard for human rights and the principle of due process Para. 9: - Recognizes both individual status determination or declaration of a group by order of the Minister based on factors which forced asylum-seekers to flee and seek asylum Para. 10, rationale for avoiding the use of group status determination: - "Experiences have shown that people take advantage of a grant of refugee status to a group. In	In practice group status determination was only majorly applied during the "open door policy". With the adoption of more restrictive policies post 1990s, individual status determination has been the prefered method of status determination. Currently both forms of refugee status determination has ceased to apply since Tanzania withdrew from the CRRF and declared non-admission of asylum seekers.

	Affairs from the following offices: - Director of Public Prosecutions (as chairperson) - The President's office - The Prime Minister's office - The Chief Minister's office - Ministry of Foreign Affairs and Inter-Cooperation - The Inspector General of Police - The Director of Immigration Services	that way fugitives and those accused of committing crimes against international law have mixed with genuine refugees to enjoy the benefits of refugee protection"	
Access to Justice	Section 9(7-8): - Any person dissatisfied by the decision of the Minister in their status determination or the rescinding of status may petition for review of the Minister within seven days from the day he is informed of the decision - The petition should be submitted in writing to the Minister whose decision will be final	NRP includes nothing about ministerial review of negative status determinations Para. 11: - A refugee expulsion, if necessary (that is, on grounds of national security and/or public order), will result from a decision reached in accordance with due process of law - In the case of an expulsion, a refugee will be allowed to submit evidence and to appeal to have their case reviewed by competent authorities unless where compelling reasons of national security require otherwise	Though the Act allows for ministerial review of negative decisions, this system lacks a great deal of transparency. An appeal on the merits of a negative decision at first instance is a fundamental feature of a credible refugee status determination system. The lack of clarity surrounding the evaluation of status and of what amounts to grounds for expulsion for "national security and public order" poses significant concerns. The legitimacy of the decision is also compromised by the lack of independence of the one actioning the

			Minister. Most pressingly, the lack of current refugee status determinations and the previous lengthy wait times for review are major access to justice issues, which compel refugees to live in precarious conditions, with more limited options due to unconfirmed refugee status within their host country.
Right to work	Section 32(1-4): - The Director may grant a work permit to any refugee who qualifies for the same - A work permit granted under this section can be revoked for "any good course", providing he gives the refugee and their employer 30 days notice. The employer or refugee may make any representation to the Director on this matter within 21 days and the Director must respond within 14 days - The Minister may make rules on the model or type of permit to be issued under this Act, including the time limit and frequency of renewals, the qualifications and procedures for applying for renewal, and fees, revocations and reviews	Para 17: - Refugees are only allowed to undertake small income generating activities within the camps - "Adequate protection of refugees requires the attainment of a degree of self-sufficiency" - Recognizes refugees are a human resource which could be utilized for the improvement of the economy and betterment of life and living standards; but the labour market is generally in crisis and initiatives should take into account the National Employment Policy	The NPR is more rigid than the Law. The NPR is also more reflective of the government's current practices. Partners reported that refugees are rarely legally employed, either in urban centers or in designated areas. Income generating activities within the camps are also increasingly restricted as many markets have been closed in recent months and years. In future research, we hope to be able to learn more about the challenges related to the limited right to work.

	- Working without a permit or engaging in any activity as a *refugee* is an offence under this Act. Liable on conviction to a fine of no more than 200,000 Tsh or a period not exceeding three years or both a fine and imprisonment		
Freedom of Movement	Section 10(1): - The Minister or a competent authority may direct that an asylum seeker or refugee enter or leave by designated routes and/or that they move from one place to another in specified routes Section 17(5)(a): - No asylum seeker or refugee shall be allowed to leave a designated area unless he has sought and obtained a permit from the Director for Refugees or Settlement Officer. Section 17(5)(b): - No asylum seeker or refugee may be allowed to be out of a designated area for more than fourteen days unless under a permit by the Director for Refugees Section 24(2): - Violating the above provisions is an offence whose penalty is imprisonment for a period not exceeding six	Para. 28: - Refugees will be hosted in designated areas whereby the international community will be required to provide material assistance - No camp shall accommodate more than 50,000 refugees - Camps shall be at least 30 km apart - Refugees are not allowed to own land, though they will be allocated plots of land to build their shelter and for personal gardening (maximum plot size is 35mx35m)	In practice, freedom of movement is highly restricted. In June 2018, Tanzania closed its border with Burundi, preventing asylum claims. The Act and NPR alike both provide for the possibility of issuing asylum seekers or refugees permits to travel outside of designated areas. However, partners and stakeholders reported the difficulty and confusion in procedures for obtaining such permits. In recent years, tighter restrictions make it difficult for refugees to access resources which are not found in the camps or settlements. Many partners believe these measures are meant to create conditions to push refugees to repatriate.

	months or a fine not exceeding fifty thousand shillings or both		
Voluntary Repatriation	Section 34(1-2): - An asylum seeker or refugee shall have the right at any time to return voluntarily to their country of nationality or that from which he entered Tanzania. Any act or omission that aims at preventing or restricting voluntary repatriation except for anything related to the due process of law is prohibited - A refugee who voluntarily repatriates shall surrender any documents acquired by virtue of being a refugee	Para. 14: - The government considers voluntary repatriation to be the best of all three solutions; the international community should support efforts to create peace in the country of origin. Para. 29: - Voluntary repatriation is encouraged by I) tripartite agreements, II) situating camps not too far from international borders (but no closer than 50km), and III) participate in efforts to find lasting solutions to conflicts in the country of origin, and IV) promoting education for peace and reconciliation in the camps	Tanzania and Burundi signed a tripartite agreement with UNHCR in March 2018, planning to repatriate 180,000 Burundians by the end of December 2019. From September 2017 to November 2019, UNHCR and partners, under pressure from the Tanzanian and Burundian governments, repatriated around 78,380 Burundian refugees. Government officials have sent mixed messages, saying both that "nobody will be forced to go back" and that all Burundians would be sent back home because their country is now at peace. The government of Tanzania has employed what some see as means of coercing repatriation, such as closing camps and shutting down markets.
Right to Education	Section 31(1): - Every *r*efugee child shall be entitled to primary education in accordance with the	Para. 16 and 30: - Refugees should be accorded with education so as to prepare them to be	From the little information we were able to gather from partners and stakeholders, these

	National Education Act 1978 and any refugee adult who desires to participate in adult education shall be entitled to do so in accordance with the Adult Education Act. Section 31(2-3): - Every refugee shall be entitled to post-primary education. However, the Minister can make rules prescribing (a) fees, (b) categories of schools, colleges and universities in which a refugee can be enrolled, and (c) prescribing any matter that may need to be regulated for purposes of better and effective implementation of this section.	more easily reintegrate and self-sufficient when they return to their home country - Refugees should be taught using the education curricula of their countries of origin - The government will encourage the international community through UNHCR and other agencies to establish special schools and institutions in the camps	policies are generally applied in practice. Schools have been built in refugees hosting communities. However, the requirement that refugees should be taught using the curricula of their home countries may be harder to implement in practice. This could be an area to investigate more in the future.
Gender Sensitive Provisions	Gender Blind: - The law does not make any provisions for gendered differences	Gender Blind: - The NPR does not make any provisions for gendered differences	Female refugees frequently have additional vulnerabilities. Displacement often exacerbates the possibility of sexual and gender-based violence. They are frequently on the frontline of domestic work such as collection of firewood, which may require them to travel outside the camps.

Refugee Participation	Section 30(3): - Representatives of refugees must be allowed to accompany the settlement officer as an observer during Ward Development Committees Section 30(4): The Minister can establish a non-political organization for Refugee	The NPR does not include any provisions related to refugee participation in governance.	This is an area of practice concerning which we could gather very little information on from Dar es Salaam. We will examine this further in our continued research if possible.
Family Reunion	Section 35(1-4): - A recognized refugee resident in Tanzania who wishes to join or be joined by any family member inside or outside of Tanzania shall make an application to the Minister through UNHCR or the Director who shall submit an application to the Committee which shall make a recommendation to the Minister to allow the family reunion or not - Any person dissatisfied with the Minister's decision should file a petition for review to the Minister - Where there is disunity in the family (divorce, separation, death, etc.), that family member will have to make their own application within two years of the disunity to gain refugee status in their own right. He can remain in Tanzania until a decision is made	The NPR has no express provisions on family reunion. Yet, the Policy commits the government to treating refugees in line with international refugee law standards, which should imply the responsibility to reunite families.	In practice, there are significant procedural challenges especially for refugees who wish to join their family members inside Tanzania. This is an area where the lack of clearer regulation limits transparency and access to information.

	- Family, under this Act, is defined as a husband or wife, lawfully married, and their children below 18 years of age and any dependents as ascribed under the Immigration Act 1995		
Resettlement	Section 36(1-3): - A refugee residing in Tanzania has the right resettle in any country outside Tanzania and may apply to the Minister for the same at any time - A refugee living outside of Tanzania may apply to the Minister at any time for resettlement in Tanzania but must remain outside until application is granted - When the Minister receives an application for resettlement in Tanzania he shall consider the application and may submit it to the Committee which shall make recommendations for further consideration	Para. 13: - The Policy recognizes the durable solution of resettlement in a third country	Resettlement was evident in the previous years in which some refugees were resettled to US and Canada. However, currently the government's Voluntary repatriation is the most preferred solution
Rights of the Local Population	The Act has no express provisions related to the rights of local populations aside from outlining their role in receiving asylum claims. However, requirements to reside in camps or settlement, restricted movements and requirements to surrender weapons all may be	Para. 24(iii,v): - NGOs and local community are recognized as implementing partners - The local community is responsible for the reception, initial screening and provision of	The fact that NGOs and local authorities act is implementing partners for a great deal of refugee policy is clear. However, large INGOs such as Oxfam Tanzania and DRC still play an important role, not to mention that the majority of funding

	interpreted at aiming at protecting the security and welfare of the local community. Section 9(1): - An asylum seeker to present himself or herself (not later than seven days after entry) to the nearest authorised officer or a Village Executive Officer for recognition as a refugee	temporary asylum to new arrivals prior to being transferred to designated areas - NGOs are responsible for providing material assistance to refugees in line with acceptable standards Para. 34: - Where public buildings or any other infrastructure is destroyed as a result of refugee presence, the international community shall be called upon to assist in the rehabilitation.	comes from the international community. The opinions and impact on local populations is an area for significant future research.

Works Cited

AMNESTY INTERNATIONAL (6 Sept 2019) ‘Tanzania: Confidential document shows forced repatriation of Burundi refugees imminent’, https://www.amnesty.org/en/latest/news/2019/09/tanzania-confidential-document-shows-forced-repatriation-of-burundi-refugees-imminent/ (accessed February 2020).

ARMSTRONG, A. (1991) ‘Refugees and Agricultural Development in Tanzania’ in J.A. Mollett, ed., Migrants in Agricultural Development. MacMillan Academic and Professional.

BEAUMONT, P. (7 Oct 2019) ‘Tanzania warns return of hundreds of Burundian refugees is just the start’. The Guardian. https://www.theguardian.com/global-development/2019/oct/07/tanzania-warns-return-of-hundreds-of-burundian-refugees-is-just-the-start (accessed February 2020).

BENNETT, A. and CHECKEL, J. (eds.) (2014). Process Tracing: From Metaphor to Analytic Tool. Cambridge: Cambridge University Press.

CHACHA, D. (2002) ‘Julius Nyerere: the intellectual Pan-Africanist and the question of African Unity’. *African Journal of International Affairs*, 5(1): 20-39.

CLARK-KAZAK, C. (2011) *Recounting Migration: Political Narratives of Congolese Young People in Uganda*. Montreal: McGill-Queen’s University Press.

HUMAN RIGHTS WATCH (12 Dec 2019) ‘Tanzania: Burundians Pressured into Leaving’, https://www.hrw.org/news/2019/12/12/tanzania-burundians-pressured-leaving (accessed February 2020).

HUMAN RIGHTS WATCH (29 Oct 2019) ‘Tanzania: Asylum seekers coerced into going home’, https://www.hrw.org/news/2019/10/29/tanzania-asylum-seekers-coerced-going-home (accessed February 2020).

KAMANGA, K. (2005) ‘The (Tanzania) Refugee Act of 1998: Some Legal and Policy Implications’. *Journal of Refugee Studies* 18(1).

UNHCR (2003) ‘Sexual and gender-based violence against refugees, returnees, and internally-displaced persons’, https://www.unhcr.org/3f696bcc4.html (accessed February 2020).

UNHCR (2008) ‘Supplementary Appeal: Comprehensive Solutions for Burundian Refugees in

Tanzania's Old Settlements: 2008-2009'. Geneva. February.

UNHCR (2014) 'Tanzania begins granting citizenship to over 162,000 former Burundian refugees, ending more than 40 years of exile', report 17 Oct 2014, https://reliefweb.int/report/united-republic-tanzania/tanzania-begins-granting-citizenship-over-162000-former-burundian (accessed February 2020).

UNHCR (2015) 'UNHCR Global Trends -- Forced Displacement in 2014'.

UNHCR (2017) 'A guide to international refugee protection and building state asylum systems'. Inter-parliamentary Union, https://www.unhcr.org/3d4aba564.pdf (accessed February 2020).

UNHCR (2019a) 'UNHCR Chief calls for international support for Tanzania', https://www.unhcr.org/news/latest/2019/2/5c5d6ed44/unhcr-chief-calls-international-support-tanzania.html (accessed February 2020).

UNHCR (2019b) 'Tanzania Country Refugee Response Program 2019-2020', https://data2.unhcr.org/en/documents/details/68448 (accessed February 2020).

UNHCR (2019c) 'Tanzania Refugee Situation: Who's doing, what, where', https://reliefweb.int/sites/reliefweb.int/files/resources/70467.pdf (accessed February 2020).

UNHCR (2019d) 'Voluntary Repatriation of Burundian Refugees', https://reliefweb.int/sites/reliefweb.int/files/resources/72174.pdf (accessed February 2020).

MASHA, L. (2010) 'Statement to Parliament by Lawrence Masha, Minister of Home Affairs'. Dodoma: Parliament of Tanzania, 25 June, translated from Kiswahili by Nicolous Praygod, University of Dar es Salaam.

MILNER, J. (2009) *Refugees, the State and the Politics of Asylum in Africa*. Palgrave Macmillan.

MILNER, J. (2014) 'Introduction: Understanding Global Refugee Policy'. *Journal of Refugee Studies*. 27(4): 477-494.

MENDEL, T. (1997). 'Refugee Law and Practice in Tanzania'. *International Journal of Refugee Law* 9(1): 35–59.

PETER, C. (1997). 'Rights and Duties of Refugees under Municipal Law in Tanzania: Examining a Proposed New Legislation'. *Journal of African Law* 41(1): 81-99.

SHIVJI, I. (2009) *The Legal Foundations of the Union.* Dar es Salaam University Press.

SWAI, I., ANASEL, M. and MASUE, O. (2013). 'Achievements and Challenges of women special seats arrangement in Tanzania'. *Journal of Policy and Leadership*. 2. 121-135.

WILLIAMS, V. & LIZZIE CARR (2006) 'The Draft Protocol on the Facilitation of Movement of Persons in SADC' Southern African Migration Project: Migration Policy Brief No. 18. https://samponline.org/wp-content/uploads/2016/10/brief18.pdf (accessed February 2020).

WORLD REFUGEE COUNCIL (WRC) (11-13 February 2018). World Refugee Council Meeting Summary. Dar es Salaam, Tanzania. https://www.worldrefugeecouncil.org/sites/default/files/users/user280/WRC%20Tanzania%20Summary%20-%20ENG.pdf (accessed February 2020).

YOON, M.Y. (2008) 'Special Seats for Women in the National Legislature: The Case of Tanzania'. *Africa Today* 55(1): 61-86.

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