

EVALUATION

2010



Africa and Middle East Refugee Assistance
(AMERA-Egypt)

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Commissioned by the AMERA-UK Board

for

[Comic Relief \(UK\)](#)

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AMERA-Egypt Refugee Status Determination team room ©

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The views expressed in this Evaluation are my personal views and I apologize if the reader may come across some unvarnished observations.

This report contains charts that are best read from a color printout.

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PREFACE

I undertook the present evaluation while on leave from my regular employment and on a *pro bono* basis. I split my Cairo based work into two visits (12 - 17 May and 1 – 8 July 2010) and after the first leg of the evaluation I submitted an *interim* confidential report to the Board of AMERA UK with my initial findings.¹

My terms of reference required a comprehensive evaluation of the quality, scope, content, and outcomes of the legal services provided by the organization, Africa and Middle East Refugee Assistance (AMERA-Egypt). I was requested to review existing processes, reflect on ideal practices, gaps that exist in the light of resource and system constraints, the working environment, changes achieved over time and to make suggestions for improvements.² I examined non-legal services to the extent necessary to understand how teams interacted, whether they made sense, *i.e.* their impact and cost effectiveness.

If my report could be summarized into several words I could finish here: I was much impressed and on occasion even amazed. Although accurate, one sentence does not do any justice to the impressive amount of good work being accomplished.

As transpires from the 2004 Annual report³ the quantity of refugees assisted has grown and the quality of services is very good to excellent. Indeed, as previous evaluations observed, AMERA-Egypt performs admirably and provides an invaluable service to the most vulnerable, often in spite management convulsions and financial insecurity. Existing problems must be understood in light of the problems that have been overcome. Few NGOs can show such a positive record in so few years. I found that AMERA's services continue to make a substantial difference. A degree of experimentation, looking for the optimal path, sometimes by trial and error, have yielded dividends. AMERA-Egypt is a widely respected institution, a trendsetter that is looked-up to by practitioners. It contributes to human rights, is based on refugee law and administrative justice. Clients see that their concerns are taken seriously, that they are treated with respect and staff are compassionate.

There are a number of contributing factors to this success, but one in particular towers over the rest: the caring attitude of staff. AMERA-Egypt staff on the whole diligently follow well tested procedures. They clearly constitute a fundamental asset of an organization built-up around an accurate assessment of needs, spurred-on by admirable dedication to goals. They are infused with enthusiasm and benefit from guidance that invariably moves all forward. While asylum seekers often dread an interview with UNHCR, they find consolation and strength when accompanied by AMERA staff or its community facilitators (interpreters).

¹ See “*Preliminary observations/Evaluation of AMERA Egypt; Commissioned by AMERA-UK*” submitted to the UK Board from O. Andrysek on 23 May 2010.

² Terms of reference for the AMERA-Egypt Evaluation as approved by “Comic Relief”.

³ C.f. 2004 when “*more than 450 clients were represented in the refugee status determination (RSD) process...*” and “*... 790 persons have attended ... ‘classes’ and have been offered interviews ranging from one to four hours in length with legal advisors*”; see www.amera-uk.org/Files/AnnualReport2004.pdf.

AMERA-Egypt has matured into a rather unique and vibrant organization that draws on wise mentors, vast experience and a pool of talent. Its *pro bono* legal aid programmes are not static; services have become more sophisticated and have been successfully augmented in scope with psychosocial support to clients. Recent new initiatives include forays to reach out to refugee communities. Engagement in litigation is promising and the potential for advocacy is considerable. Some areas are contingent on boosting existing capacities which calls for securing adequate funding.

Last but not least, AMERA-Egypt has succeeded in developing a solid rapport with UNHCR. Its senior staff praised accomplishments in the area of detention and statelessness and expressed appreciation for the added value of legal assistance and advocacy work to enhance refugee protection in Egypt. AMERA's standing in the NGO community is also high.

Although I will highlight a number of shortcomings, I do so with confidence that both management and the staff will adequately reflect on what and how these shortcomings can best be improved. One of the main challenges facing AMERA-Egypt today is paradoxically not what to improve, but how better can its achievements be recognized. Secondly, there is need to consolidate existing structures so that staff can rely on a stable environment and unambiguous leadership.

I hasten to add that the recently appointed Country Director (CD) deserves to be commended for what he managed to achieve in just under a year. We discussed many matters with candor and at length, there is basically little need to remind him how much is at stake and how much more needs to be done. The main management issues include re-defining existing positions, introducing staff assessments and streamlining remuneration levels. More needs to be done to re-assert a longer-term vision from the top down, in tightening-up procedures, introducing security procedures and defining a media policy. The CD must also harness the potential synergies of legal, psychosocial and community outreach functions and lead AMERA-Egypt into new areas.

With good leadership and funding, AMERA-Egypt can build on a solid track record and tackle burning issues promptly as well as to spawn new approaches, including stepping-up advocacy efforts or by seeking redress for refugee rights before the courts. Other prospective areas that I believe can attract not only funding but yield tangible protection results are resettlement referrals, detention monitoring and stateless related work.

I. METHODOLOGY

1. My evaluation was carried out in two distinct phases and my starting point was conducting standardized interviews with a representative cross-section of staff, including those who provide non-legal services. After signing a confidentiality agreement, the first phase allowed me to collect information, gain more than insights into the functioning of AMERA-Egypt, and to start to compare developments. In the second phase, I conducted a thorough review of evidence and relevant documentation, notably past Annual Reports, a selection of internal management documents, planning papers, and emails and communications between the Country Directors and the UK Board.⁴ Much context was to be gleaned from previous evaluations.⁵

2. In the second stage when confronted with contradictory or incomplete information, I sought to corroborate findings and clarify facts from Gasser Abdel-Razek, the Country Director (CD), the Office Manager (Mahmoud Ali), the IT Manager (Zakaria Mobariz) or directly from responsible staff (often by email or SKYPE). The resulting documentation and notes proved to be rather voluminous but allowed me to review AMERA-Egypt over a period that on most issues spanned back at least 5 years. In terms of the legal services provided I relied much on unrestricted access to client files on the electronic database “*Refugee information processing system*” (RIPS) where staff record actions when dealing with clients.

3. I spent a total of 13 days in Cairo and observed daily routines. I attended several staff and unit meetings and segments of scheduled training sessions for clients and incoming interns. In order to corroborate and cross reference as much data as possible I conducted both formal and informal interviews.⁶ To increase the level of objectivity I invited AMERA staff and selected NGOs to fill out confidential questionnaires.⁷

4. The limits placed on time did not allow an in depth and systematic assessment of the perceptions and aspirations of the clients. While, undoubtedly, this may have been useful, a formal “client survey” was not advisable or altogether necessary as many “results” can be adequately deduced from the files and an examination of how documentation is generated and procedures are followed. Another tell-tale sign are client related statistics and the fact that demand for legal assistance continues to outstrip supply. I nevertheless did cross check a number of fundamental issues with past and present clients and community leaders who were also refugees. It was also impossible not to notice that the waiting room was never empty with clients being served/interviewed from morning to evening. Budgets, expenditures and related issues remained on the periphery of my interest but could not be ignored altogether.⁸ I was also

⁴ The last report to the UK Board was from the Acting Country Director dated 11 September 2008.

⁵ Notably the R. Haines QC reports from 2005 (14 April 2005) and 2006 (9 February 2007), M. Kagan Esq. 2005 (dated 14 April 2005) and Dr. A. Langley from 2009 (9 February 2010).

⁶ For schedule of interviews see Annexes 4 and 5.

⁷ One with 54 questions for [staff](#) (parts are reproduced herewith - Tables 1-32), the other to [external partners](#) (9 questions); online replies were 51 and 6 respectively (response rates of around 95 and 30%).

⁸ Reporting and financing arrangements are not made simpler by the current “non-registration” status and an arrangement with a private bank account with two co-signatories who may not always be available. This and other factors affect the organization (*e.g.* no medical insurance or cash flow problems contribute

guided by the premise that any magnification implies uncovering imperfections that may not be crucial, let alone fatal, especially when assessing the broader context of an organization with a remarkable track record.

5. The formal interviews focused on AMERA-Egypt staff and led to dozens of face-to-face meetings that on average, took 1 hour. I also met with six external partners, six community leaders (Sudan, Ethiopia, Eritrea) and various persons specifically acquainted with AMERA's work. These included Jo Schecla (account co-signatory), Michael Kagan (former *ad interim* CD and account co-signatory), Alan Leas (former UK based Executive Director), Dr. Martin David Jones (EFRR Vice-chairman) and Dr. Barbara Harrell-Bond, a member of the AMERA-UK Board acting as coordinator for all reporting and fundraising activities. I also met twice with the Representative of the UNHCR in Cairo, Mr. Mahmoud Dayri, his outgoing Deputy Ms. Katherina Lump, with Ms. Rania El-Gindy (UNHCR RSD Team Protection Officer), Eva Tache-Green (UNHCR RSD Officer - former AMERA staff and intern) and Suzanne Duff (Head of the RSD unit, UNHCR DIP Geneva).

My sixty three recommendations are bolded and somewhat litter the text of Chapters IV to X. For convenience they are also summarized in Annex 1.

to staff fluctuation). Few managers seemed to be sufficiently informed about budgets or expenditures and accountability appeared to float somewhere between the English Channel and the shores of Africa.

II. INTRODUCTION TO THE SITUATION OF REFUGEES

6. According to the World Bank, the Arab Republic of Egypt is a “lower middle income” country with a population of approximately 81.5 million people, a per capita income of US\$1,800, a 66.7% literacy rate with 16.7% of the population living below the national poverty line.⁹

7. From a refugee protection perspective, Egypt ranks 10th of the top 15 UNHCR mandate refugee status determination (RSD) operations worldwide.¹⁰ For many years UNHCR operated on the understanding with the Government that as long as it processes and eventually resettles refugees, the authorities would tolerate their presence. Under this “deal” the Government generously granted entry and could be relied on to protect refugees from *refoulement*, providing much necessary security, referring asylum seekers to UNHCR. This worked but also instilled a deep sense of Egypt being little more than a country of transit. As the number of refugees grew and the number of those being resettled fell, tensions and cracks arose.¹¹ While RSD is a right, resettlement is not. Many refugees unrealistically pin their hopes on resettlement against the odds. Logical, as the perspective to become self-sufficient, to lead a dignified life and achieve at least temporary local integration remains remote.

8. Against this backdrop, the nature of legal aid provided by AMERA-Egypt over the last decade managed to address lapses within the system as well as gradually adjust to emerging needs other than purely status determination (*e.g.* assistance with civil documentation, resettlement referral work, assistance to the detained and even protection from deportation through the courts). One should definitely not underestimate how the far has the provision of legal aid in Egypt has positively influenced the general protection environment and how legal representation contributed to UNHCR’s efforts to shore-up its own standards and procedures. Not so long ago UNHCR Cairo viewed work by AMERA with suspicion and even displeasure. Not all UNHCR staff always perceived independent legal aid as little more than an affront to qualified decision making (UNHCR after all was created to protect), but that its existence actually complemented UNHCR efforts. It is equally true that AMERA in many respects provides a functional safety valve for the authorities – and does so at zero cost to the Government. In this regard its services are unfortunately yet to be fully recognized and appreciated by officialdom. My own two decades of experience may be at odds with UNHCR’s official line but I have learned that while the institution may disagree, it is a fact that an asylum seeker left to his/her own devices, *i.e.* with no access to counsel, when quite officially UNHCR needs not bother with giving a reason rejection reason or limits access to one’s own file, ultimately has much more chance to fail on a first interview than to succeed on appeal.

For comparative purposes it maybe useful to recall that in 2009 the UNHCR Cairo Office registered 3.779 new asylum seekers (primarily from South Sudan) and issued

⁹ World Bank statistics for 2008, <http://data.worldbank.org/country/egypt-arab-republic> .

¹⁰ Background information supplied to Evaluator by UNHCR RSD Unit (DIP), 10 May 2010.

¹¹ *C.f.* a registered population of asylum seekers and refugees of 16.000 in 2000 and 40.000 in 2010; these figures must be understood in a context when the majority is no longer are resettled to third countries.

1,101 first instance decisions (77% of which were positive; *c.f.* 2002 when UNHCR's recognition rate was a mere 25%). At the end of 2009 UNHCR reported 37,639 persons of concern from 38 countries. Estimates of persons who may be in need of international protection but have either been rejected or found alternate solution are much higher.¹² The main countries of origin of those recognized as refugees are the Sudan (58% of whom 81% originate from the South of Sudan and 14% from Darfur), Iraq and Somalia (both 17%), Eritrea (4%) and Ethiopia (2%). Egypt's admission policies have become less "generous" and even those who arrive legally (the two main access points are Cairo airport and Aswan port) are no longer referred to UNHCR "automatically".¹³

9. There are no refugee camps in Egypt: most live in large urban agglomerations (notably Cairo and Alexandria). No precise statistics exist, especially of those who may be in detention. In 2009, the UNHCR obtained authorization to access refugees and asylum seekers in detention in only 83 cases. By contrast Amera-Egypt staff visited 700 detainees in 2009, and close to 300 in the first 5 months of 2010. These detainees are in numerous locations, many of which remain off limits to international organizations.¹⁴ According to UNHCR only two asylum seekers who sought asylum after arrest could be visited with no one knowing how many others are there and for how long. Reports of arrest, detention and deportation multiplied but could rarely be followed up due to the limited cooperation of the authorities.

10. The dimension of the stateless problem remains unclear, and recent evidence suggests that their numbers are under-reported. Relatively few are monitored by UNHCR and AMERA-Egypt detention visits identified more. Many stateless do not approach UNHCR (although this issue is within its mandate) and in the absence of effective consular protection of any country they remain in a precarious situation. They are difficult to deport and when detained not likely to be released. Many languish in detention or are released only if they pay a fine. Some may be refugees.

II.1 Egypt's international treaty obligations

11. Egypt is a State party to the 1951 Convention relating to the Status of Refugees and to the 1967 Protocol relating to the Status of Refugees (1951 Convention) and a number of human rights treaties that usually apply to "*all in the jurisdiction*" and not only citizens.¹⁵ Refugee protection, however, remains poor as the Egyptian Government avoids assuming responsibility and has no domestic legislation. The Ministry of Interior decree No. 8180/1996 in Article 2 allows "*refugees who are registered with the United Nations refugee Office*" to be provided with a temporary residence permit. Such permits,

¹² *C.f.* December 2004 when UNHCR reported 20,489 individuals recognized as refugees (not including tens of thousands of Palestinian refugees registered with the Egyptian authorities) and the figures of the U.S. Committee for Refugees and Immigrants in its 2009 World Refugee Survey reports 122,400 refugees and asylum seekers, including some 70,000 Palestinians, over 23,000 Sudanese, and nearly 20,000 Iraqis; <http://www.refugees.org/countryreports.aspx?id=2325> ; for UNHCR's statistics see Egypt country operation page <http://www.unhcr.org/cgi-bin/texis/vtx/page?page=49e486356> .

¹³ See for example an interesting account of how and when Egyptian hospitality towards Iraqis who often came to settle and invest gradually became less lenient, UNHCR was confronted with a surge in asylum applications in "[Iraqi refugees in Egypt, CARIM Analytic and Synthetic Notes](#), 2009/23, Tarek Badawy.

¹⁴ An NGO often has its advantages, visits piggy backing on low profile "assistance" activities that tend to be welcomed by prison authorities and tolerated by security officials.

¹⁵ Other human rights treaties signed and ratified since include the Convention on the Rights of the Child (CRC), the Covenant of Civil and Political Rights and the African Charter on Human and People's Rights.

when they can be obtained (e.g. if the person has a valid travel document), are renewable and issued for 6 month periods making residence precarious. Egypt also maintains key reservations to the 1951 Convention that further undermine the chances of refugees to enjoy adequate levels of protection.¹⁶

12. Even rights that exist in theory, remain out of reach. Recognized refugees in principle have the right to the same treatment as is accorded to Egyptian nationals with respect to elementary education, but this right is not realized in practice. Neither do Sudanese nationals, including refugees (some estimate that some 3 million reside in Egypt) enjoy the same treatment with Egyptian nationals in respect of employment, remuneration and conditions of employment as is foreseen in the “Four Freedoms” agreement concluded in 2004. Refugees from Arab countries often face inexplicable forms discrimination, even when they approach UNHCR.

II.2 Quality of protection in Egypt

13. The situation is far from acceptable. Even those who manage to obtain refugee status without undue delay, etch out a living on the margins of society. Main problems faced include access to housing, education, medical care and an off-limit regular labor market. Many, especially African, refugees must endure serious harassment and expressions of racism. Few can rely on police protection, and access to government funded legal aid is not to be expected by any stretch of the imagination. The best they can hope for is that when intercepted by police, their UNHCR issued documents are respected. Even when registration is obtained it is for 6 months and renewals often mean remaining undocumented again in the interim. There are also reports of abuse by officials who confiscate or destroy identity documents.

14. Not to be underestimated is that Egypt is under a state of emergency (nearly for a quarter of a century) and police may demand an ID from anyone, at anytime. For refugees and asylums seekers whose immigration status (and documentation) is often perilous, the result is often detention and a life between a police station and the Department of Immigration at the “*Mugamma*” building until cleared by State Security. Detainees remain at the mercy of the system for months, and at times, for years.

15. On balance, the situation of refugees in Egypt has not improved since the evaluations conducted between 2004 and 2006. While exact numbers remain unknown, current recognition systems still do not capture all those who for good reason seek international protection. For many individuals, status recognition still remains key for survival. In terms of earning their living, refugees must rely on the informal employment sector. They remain exposed to exploitation, dependent on charitable assistance and, last but definitely not least, whatever survival skills that can be propped up by counseling. It is the latter that organizations like AMERA try to provide in advice

¹⁶ Including to Articles 12(1) (personal status), 20 (rationing), 22(1) (elementary education), 23 (public relief) and 24 (labour legislation and social security). As they have never been published together with the 1951 Convention in the Official Gazette (November 1981), the legal argument can be made that they never become part of domestic law and the courts cannot apply them. The second argument is that with subsequent obligations assumed, for example under the CRC, no reservations were entered, effectively invalidating relevant reservations to the 1951 Convention.

and information, referrals to reliable care providers who provide it at no cost, and without fear of exposing refugees to corrupt or exploitative practices.

16. Human coping mechanisms are often strong and complex to understand or often defy common logic, but when they fail, one tries to move to another country in an irregular manner. This, in turn, poses additional protection challenges, including paying fines or being whisked away and deported to the country of origin. Those who stay go enjoy few legal rights and generally face extreme economic hardship. This being said, it is also important to acknowledge that in some regards a refugee may actually fare better than the Egyptian slum dweller who attracts no assistance.

17. The few rights that may exist in theory are often ignored by the authorities and attempts to enforce rights before the courts remain in their infancy. Security from domestic or police violence, including rape, is undermined by societal perceptions, legal gaps and police inaction. Community based organizations remain weak and UNHCR assistance programmes reach only “the most vulnerable of the vulnerable”.¹⁷ Self-reliance activities are frowned upon by the authorities and attempts to assist refugees with finding jobs or vocational training opportunities remain modest and inadequate. Capacities of NGOs are minimal and almost exclusively dependent on external funding.

18. Given the woefully inadequate resources at UNHCR’s disposal, coupled with its inability to assume the role of a Government (*i.e.* to guarantee human rights), even its most concerted attempts to extend refugee protection have limited perspectives of success. Moreover, widespread poverty amongst Egyptians makes the authorities relatively immune to humanitarian concerns faced by foreigners. At the same time the law is not always indifferent and refugees have rights that could be tested before the courts. The Government is unlikely to object if refugees seek redress from the judiciary, especially if it abdicated some of its responsibility to UNHCR. All realize that this “solution” while quite convenient for Egypt hitherto, it is not sustainable or desirable over the long term. It is certainly not consistent with Egypt’s international obligations.

19. Recent practice appears to suggest that a growing number of recognized refugees are actually threatened with deportation. The implementation of Egypt’s fundamental human rights obligations bears little correlation to assumed obligations. On the other hand as long as the international community demonstrates indifference how refugees are treated, little will change. The International Committee of the Red Cross (ICRC) is after all, denied access to places of detention and the UNHCR cannot always secure even the most elementary standards of protection, including effective protection from *refoulement*. Assistance and protection of refugees (and stateless persons) is an exceedingly thorny proposition, often made possible only by harnessing synergies of advocates and lawyers who manage to visit persons in detention when no one else can.

20. Implementing partners of UNHCR strive to provide safety nets for the most destitute. Even so, this rudimentary assistance is only extended to about 15-17% of the registered refugee population. UNHCR estimates that they cover no more than 30% of existing needs. Cases of malnourishment and micro-nutrient deficiency-related illnesses, including stunting continue to affect many refugees.¹⁸ Resettlement slots have been

¹⁷ UNHCR internal discourse often refers to an officially inexistent category of the “super-vulnerable”.

¹⁸ More on economic situation and poverty see “*Strengthening Livelihood Capacities of Refugees and Asylum Seekers in Egypt*”, Heba Saleh Moghaieb, December 2009 (Report commissioned by UNHCR).

slashed five to six-fold and stringent criteria allow only the most acute and vulnerable cases. 712 individuals were resettled by UNHCR in 2009.

21. Egypt is also a state party to the 1969 Organization of African Unity Convention on the Specific Aspects of Refugee Problems in Africa (1969 Convention). Whereas the 1951 Refugee Convention is restricted in its application to a person “*who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail him or herself of the protection of that country*”, the 1969 Convention applies also to a wider class of individuals in need of international protection.¹⁹

II.3 Prospects – plenty of work on the horizon

22. Few expect that the international community will convince the authorities to better protect refugees. Although this longstanding 1951 Convention signatory state is about to assume Chairmanship of UNHCR’s Executive Committee, Egypt continues to position itself to deflect rather than assume responsibility. The recent upsurge in reported detentions, deportations and deadly use of force attest to an alarming state of affairs. A total of 28 persons including women and children reportedly died when attempting to cross into Israel in 2009 alone. According to Human Rights Watch (HRW) and Amnesty International (AI) an unknown number of persons were killed and dozens were seriously wounded.²⁰ This situation is an alarming indicator of how much remains to be done and is a sobering reminder of what can be realistically expected, especially from an NGO structure that must heavily rely on volunteerism and charitable donations.

23. The deteriorating situation is, in part, attributable to reduced care and maintenance resources UNHCR can deploy just when the cost of living is up and the competition for jobs and scarce resources is mounting. The Government attributes little importance to the “refugee dossier” and it is certainly not about to spend on it. Egypt, in part concerned with the pull factor this may cause, decisively refuses even the most basic forms of local integration. As mentioned above, at best it tolerates UNHCR’s efforts to assist refugees until their repatriation or resettlement. For most repatriation is not a feasible proposition and many persons of concern thus remain trapped in deplorable circumstances. All involved know that it is a constant challenge to advocate and strive for every minor improvement while always paying attention not to step over the “invisible line” and risk that the authorities clamp-down on protection efforts.²¹

19 ... “*a person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality*”.

²⁰ A [HRW report from January 2010](#) claims that as of November 2009 border guards had shot dead 16 migrants attempting to enter Israel (a policy designed to deter migrants from approaching the border). Egypt continues to detain refugees and charge them with illegal entry before military courts and prevent the detained from making an asylum claim. Amnesty International on 5 February 2010 ([AI Index: MDE 12/006/2010](#)) recalls that the use of lethal force began in mid-2007 and reports on 4 foreign nationals – all believed to be unarmed – who were reportedly shot dead. In 2009 at least 19 foreign nationals were killed and scores of were seriously wounded by gunfire.

²¹ This is not to be under-estimated as was just demonstrated in neighboring Libya where the Government simply shut down UNHCR’s office and requested that its Representative departs.

III. REFUGEE STATUS DETERMINATION BY UNHCR

24. While Egypt is a State party to both the 1951 and the 1969 Conventions, asylum seekers need to apply to UNHCR to be recognized as refugees. Consequently, the existing procedures deserve at least a cursory overview. Once recognized, persons are issued by the UNHCR with a blue identity card which needs to be stamped with a residency permit by Egyptian officials. Those who have applied for recognition as refugees are issued by the UNHCR with an identity document yellow in colour. Also “Yellow card” holders need to apply for a residency stamp pending a decision on their applications. Neither form of registration entitles the holder to work but both entitle holders to apply for various forms of UNHCR sponsored assistance.²²

25. An asylum seeker wishing to lodge a claim for refugee status must first register with the UNHCR Office in Cairo. Once registered he or she awaits an interview and a determination made of his or her refugee status. Negative decisions may be appealed within 30 days, but without the right to a further interview. Rejected appeals lead to file closure and any reopening is very difficult.

26. For many asylum seekers the registration procedure poses the first and formidable challenge and for some it is the first and only form of protection available. Confronted with finite resources, UNHCR uses registration a means of *prima facie* recognition of refugee status for some nationalities as such persons are issued a “yellow card” (e.g. Somalis and Iraqis enjoy a presumption of eligibility).²³

III.1 The interview - first instance

27. Once registered, some asylum seekers are given an appointment for a first instance interview to determine refugee status. The procedure is invariably long and backlogs are considerable. Notification of the interview outcome on average takes 6 months. On the day of the interview, asylum seekers are required to bring a written statement of their testimony. The average length of the interview is between half an hour and two hours. According to UNHCR, asylum seekers who receive legal assistance are invariably better prepared and stand a better chance of having their claim properly adjudicated either under the 1951 Refugee Convention or the 1969 OAU Refugee Convention. They are permitted to reside in Egypt but problems persist with work permits. Only those who are recognized as refugees under the 1951 Refugee Convention and are eligible for a durable solution and may be interviewed for this purpose. They are told that they are required to wait several years before becoming eligible for resettlement (to reduce the “pull factor” which resettlement is believed to represent). Exceptions are made for those with pressing security or humanitarian needs.²⁴

²² In reality situation the documentation situation is more nuanced and is more complicated for Sudanese, who form a large part of the refugee population; it need not be explained here.

²³ “*Prima facie*” recognition is subject to policy change: Somalis are no longer so recognized and started to be channeled to the “normal” RSD channel; UNHCR changed practice in May, announced it in July.

²⁴ Those recognized as refugees under the 1969 OAU Refugee Convention are not eligible for resettlement in countries which are State parties only to the 1951 Refugee Convention.

III.2 Appeal

28. For those denied refugee status at first instance there is a right of appeal. Applicants face a strict 30 day deadline to file an appeal and UNHCR rarely displays flexibility in extending it. Appeal requests are initially screened by the UNHCR to determine whether the asylum seeker should be recognized as a refugee and if not, whether the appeal should be denied on the paper, *i.e.* without an interview or whether the asylum seeker should be interviewed once more.

29. If an appellant is given an interview, a different UNHCR officer conducts the interview and if represented, the asylum seeker may be accompanied by a legal advisor. Unlike first instance interviews where the asylum seeker's written statement is usually tendered on the day of the hearing, the interviewer on appeal in cases represented by AMERA-Egypt has the benefit of having the appeal statement, submissions and chronology on the file before the interview. Appeal interviews last on average half an hour to two hours.

30. If the asylum seeker is recognized as a refugee following the appeal interview a blue card is issued. If, however, the appeal is unsuccessful or if no appeal is lodged, the file is "closed". Recognition by the UNHCR does not automatically confer any of the rights stipulated by the 1951 Convention. Egyptian authorities have never considered the presence of refugees as anything more than temporary and their situation has not improved since 2001.²⁵ Refugees remain exposed to exploitation as they are not permitted to work unless they fulfill the criteria stipulated by Egyptian labour law (virtually impossible for refugees to do).²⁶ Contrary to Egypt's obligations under the Convention of the Rights of the Child (CRC) and other instruments, children of refugees rarely accessing state education without difficulty, even for primary schooling.²⁷ Refugees are also not entitled to public relief and assistance or rationing. Finally, refugees and their children do not qualify for Egyptian citizenship regardless of the length of their residence. The obstacles faced by refugees are of serious consequence aggravate precarious legal and economic vulnerabilities to the point of relegating many to perpetually live in extreme economic and legal instability.

31. Evidence overwhelmingly suggests that refugees in Egypt belong to the poorest of the urban poor, who compensate by living in overcrowded accommodation and economizing on food. A constant fear of being detained and deported further limits access to income generating activities, education, medical care and community support simply because some are afraid to or cannot afford to leave their homes. Such is the environment one needs to bear in mind when assessing how AMERA-Egypt performs and attempts to provide relief to refugees and alleviate their suffering. From such a vantage point, the assistance of AMERA-Egypt remains irreplaceable.

²⁵ See UNHCR Evaluation and Policy Analysis Unit, Stefan Sperl, EPAU/2001/07; <http://www.unhcr.org/cgi-bin/txis/vtx/search?page=search&docid=3b3310382&query=EPAU/2001/07> .

²⁶ Anecdotal evidence suggests that two such refugees exist, both work for the Radio (language skills).

²⁷ See Articles 28(1)(a) and 22(1) of the CRC or Article 17 of the African Charter.

IV. AMERA-EGYPT PROTECTION WORK

IV.1 Background

32. AMERA-Egypt is the Egyptian branch of the UK charity known as AMERA-UK which started as a legal aid project in 2000.²⁸ Initially associated with the Forced Migration and Refugee Studies Programme at the American University in Cairo, it moved under the umbrella of the Egyptian Organization for Human Rights where it remained for more than two years. In 2003 it developed into an independent entity with a mission to promote the:

*“legal protection of asylum seekers and refugees through increasing access to administrative justice in international and local institutions; providing legal advice and psycho-social assistance on matters relating to asylum determination, re-settlement, family reunification, and other matters relating to the enjoyment of the fundamental rights; and educating members of the legal profession in matters relating to the law affecting refugees in Africa and the Middle East”.*²⁹

33. Although AMERA was founded to provide primarily legal assistance, the first psychosocial worker was appointed in 2004. Some perceived this to be the flip side of the same coin while others saw it to flag a departure from core activities. Such persons felt that a “new” orientation that will undermine the core, that it would prove hard to “marry” with legal work and manage the new challenges properly. There is certainly some merit to both views, but the most recent evaluation from 2009 by Dr. Langley concluded that AMERA-Egypt has been well served by opting to expand. Psychosocial and community work make a valuable contribution to the lives of clients and help legal advisors to become more culturally sensitive and responsive. They protect the refugee from being “re-traumatized” by interviewers who solicit much personal and sensitive, if not outright embarrassing information. There is also significant impact on status determination (*e.g.* in furnishing psychological assessments, attesting to torture induced trauma, detecting pathologies and post traumatic disorders and syndromes).

34. The Langley evaluation noted that this area remains fraught with difficulty but that much has been achieved. The unity of purpose to assist refugees where and when they need it most applies to both the legal and psychosocial spheres. Although they are often held at arms length, there is much to be gained from combining both, as long as its done professionally.³⁰

IV.2 AMERA-Egypt mission objectives

35. In terms of the main objectives, upon closer inspection, 8 of the 10 were formulated prior to the 2005 Evaluation. This indicates that these objectives have stood the test of time, subject only to minor adjustments. By any standard they constitute an ambitious programme especially as each of the objectives in real terms entails a

²⁸ AMERA-UK is a registered charity in the UK and has over the years raised funds for AMERA-Egypt and monitored its work. For more see www.amera-uk.org/index.html.

²⁹ Amera-Egypt Office Manual, October 2008, page 4.

³⁰ Some lapses identified in the psychosocial sphere actually are reminiscent of problems in the legal area.

complex set of tangible sub-goals. Both individually and when taken together, the ten objectives pose an immense challenge for AMERA-Egypt staff.

1. *To advocate for the legal recognition of asylum seekers as refugees and to ensure their access to administrative justice through the preparation of testimonies and legal briefs outlining legal arguments and country of origin information necessary in the evaluation of their first instance claims, appeals, and petitions for re-openings.*
2. *To ensure asylum seeker and refugees' access to administrative justice through the provision of representation at refugee status determination hearings and other administrative procedures before the UNHCR and other international and local institutions and organizations.*
3. *To advocate for the protection of refugees requiring urgent resettlement or other forms of domestic protection due to safety concerns, life-threatening medical conditions, or family reunification considerations.*
4. *To ensure that asylum seekers and refugees are emotionally and mentally able to advocate for themselves and present their testimonies clearly during their refugee status determination hearings by providing psychosocial support to them throughout the process of the preparation of their testimonies and interviews before the UNHCR.*
5. *To cultivate and enhance the body of experience in the field of refugee protection in Egypt through the provision of training in international refugee law to Egyptian and other refugee legal professionals, institutions, and NGOs.*
6. *To cultivate and enhance the body of experience in the field of international refugee protection in North Africa and the Middle East through collaboration with other legal assistance organizations in advocating for refugee protection in international and regional courts of justice and in utilizing complaint adjudication mechanisms provided for in the UN Treaty bodies.*
7. *To ensure that policies affecting refugees and asylum seekers are developed and implemented in accordance with the general principles of human rights law, refugee protection, and principles of access to administrative justice by cooperating with and providing input into policy development by local and international institutions.*
8. *To build the capacity of NGO's serving refugees by working in cooperation with the AUC Centre for Migration and Refugee Studies and the Cairo Community Interpreters Project (CCIP) to provide technical support, training, and assistance.*
9. *To ensure asylum seeker and refugee access to administrative justice and social services by using certified interpreters trained by the CCIP and where appropriate, to assist in the training of community interpreters whose role is key to the asylum process and access to institutions and services.*
10. *To provide one-on-one and family counseling to asylum seekers and refugees who are unable to maintain healthy and normal lives due to past or present psychological stresses.*

36. Much to the credit of AMERA-Egypt, only the sixth remains largely aspirational. This is understandable, and it is in my view only a matter of time before this objective will be systematically implemented. With regard to objective no. 10 (which together with the 6th objective was added relatively recently) the jury, I believe,

is still out but in principle it makes sense for AMERA-Egypt to strive to expand its services beyond the strict confines of providing legal services.

37. Only time will show how beneficial and sustainable this policy shift will prove to be.³¹ On the whole, considering the precarious situation asylum seekers and refugees in Egypt face on a daily basis, one can only hope that all objectives will attract sufficient funding so that they can be implemented effectively.³²

IV.3 Programme

38. The aims of AMERA-Egypt are pursued by teams that strive to provide a degree of relief in the legal and social spheres. They are headed by team leaders that supervise paid staff as well as volunteers. The organizational charts I solicited had to be up-dated several times when I kept discovering discrepancies. In some matters this was understandable (for example with the incoming 2nd Deputy Country Director (DCD) the May chart stood to be updated in June) but when it came to trying to pin down how staff existed, the undersigned was on occasion confused. The same applied to Teams and finally I understood that there were seven (Chart dated 5 June 2010 – Annex 5). I reviewed the functioning of all seven Teams but pursuant to my terms of reference, I kept only the first five in the center of my attention:

1. Refugee status determination (RSD);
2. Protection (registration, family unity, security, Detention, Documentation)
3. Durable solutions
4. Unaccompanied minors³³
5. Community facilitators (interpreters)
6. Community services
7. Psychosocial services

39. Teams 1-3 and the SGBV focal point (assisted by one Legal Officer) report to on DCD (Mr. Tarek Mahrouz) while Teams 4-7 report to the second DCD (Ms. Lorena Guzman). The fact that there are two Deputy Director's was explained to me as a legacy issue from the time when the CD could not work full time.

40. All was in the midst of re-organization and my evaluation fell into a turbulent period characterized by transitory measures, and at a time when new interns join AMERA. While most staff were exceedingly busy, re-assessing their objectives and considering the need to review their operating procedures, most managed to exert themselves and keep pace with daily routines.³⁴ Moreover, several Team Leaders, including of RSD, were about to change and outgoing staff had to dedicate much time to induction and handovers. I understand that more change was to come, for example the RSD team was supposed to get a new post of Deputy Team Leader.³⁵

³¹ For more detail refer to findings of the Dr. Langley report.

³² For a simplified version of AMERA-Egypt Mission Objectives see the 2008 Annual Report; <http://www.amera-uk.org/egypt/Publications.html> . Which one is final could not be ascertained.

³³ The UM Team was in a state of considerable flux; the Team Leader in May left by July.

³⁴ Service provision suffered only moderately.

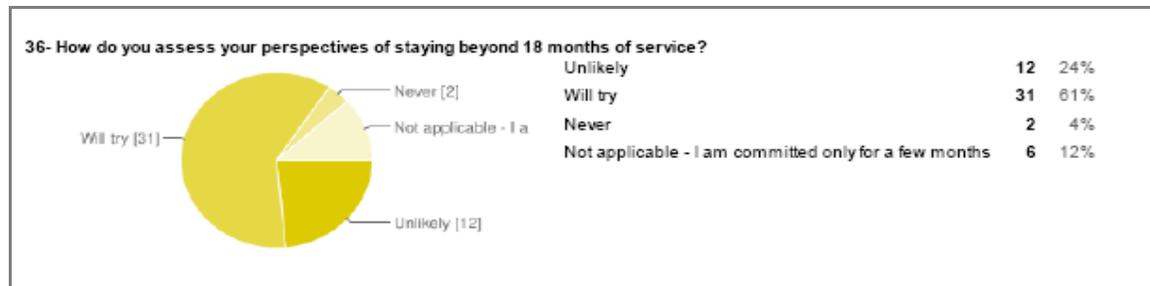
³⁵ An "internal" candidate had been identified and was supposed to have started in mid-June.

IV.4 Staffing

41. AMERA-Egypt is steered by a Country Director acting on behalf of the AMERA-UK Board³⁶ and had 27 paid and 21 volunteer staff.³⁷ They occupy a range of positions that are designated as legal or psychosocial officers, legal advisors, community facilitators or “officers”. Correlation between titles and remuneration scales is erratic. When compared with 2007 all but three or four paid staff are new.³⁸

42. Even relatively very recent staffing tables show how high staff turnover is. The perspectives according to the questionnaires are not that bad but could be much better:

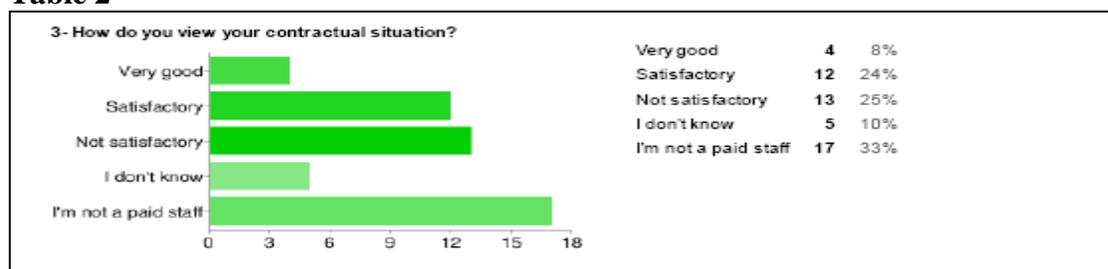
Table 1



43. Two major problems are of concern: First, few job descriptions are current and second, no staff are actually subject to regular assessment. This is not sustainable and when discussed with the CD, he explained that on the one hand this is the result of the budgetary situation and on the other, a re-organization is underway. The Langley report alluded to this in 2009, and while I have empathy for the difficulties that confront AMERA-Egypt, I could not but get the impression that too little is being done too late.

44. Staff is retained on various forms of contracts, including oral agreements, for periods spanning a few months to a year. I found a quarter to be discontent while those paid on an hourly or per page basis (for example interpreters) had some doubts too.

Table 2



45. Not all contracts are signed/concluded in a timely and proper fashion and as the questionnaire showed, only about half the respondents were satisfied. This factor should

³⁶ The UK based full time position of Executive Director is vacant (Mr. A. Leas resigned in February); given the costs of such a position and as there is a Country Director, its fate appears to be under review.

³⁷ I cannot really vouch for these numbers except that I believe them to be reasonably indicative; a list of all staff indicating the length of engagement and remuneration I received missed several people I happened to interview (e.g. the 2nd DCD and two new IT interns); this is evidently an instance of sloppy management that is noticeable only when one is close and can compare facts in real time.

³⁸ At the end of 2007 there were 24.5 full time positions, 15 interns, 24 interpreters and 2 vacancies.

be of considerable concern to management especially as few wish to openly raise the matter. I reproduce the advice I gave while in Egypt: Remuneration scales should be revised together with all job descriptions and that these be re-drafted pursuant to a standard format with a view of a yet to be defined appraisal system.³⁹

46. Teams are a mix of Egyptian or foreign nationals and employment is open to refugees.⁴⁰ This formula provides for a good mix of local knowledge and skills with the refugee's understanding of realities. Foreign nationals bring added value difficult to find in Egypt (for example English drafting). The continued "reliance on foreigners" has been mentioned in the past but in my view is understandable. It is in acceptable limits as in an optimal world one would look less at nationality but more at skills, including the command of languages. AMERA-Egypt definitely needs more staff with Arabic, but legal or other skills, if one must choose, also need to be prioritized.

47. Problems lie more in related areas, including the transparency of recruitment processes, remuneration scales and the fact that persons who occupy essentially similar positions and technically have the same levels of responsibility and experience are not always treated equitably. If AMERA-Egypt seriously wishes to attract more Egyptian staff, remuneration and benefits must be made more attractive as the potential for mobility of locals is just as high, if not higher than for expatriates. Locals stand more to gain if they leave Egypt (salaries, perspectives) and they can always return. Expatriates come for a limited period anyway and few wish to settle.

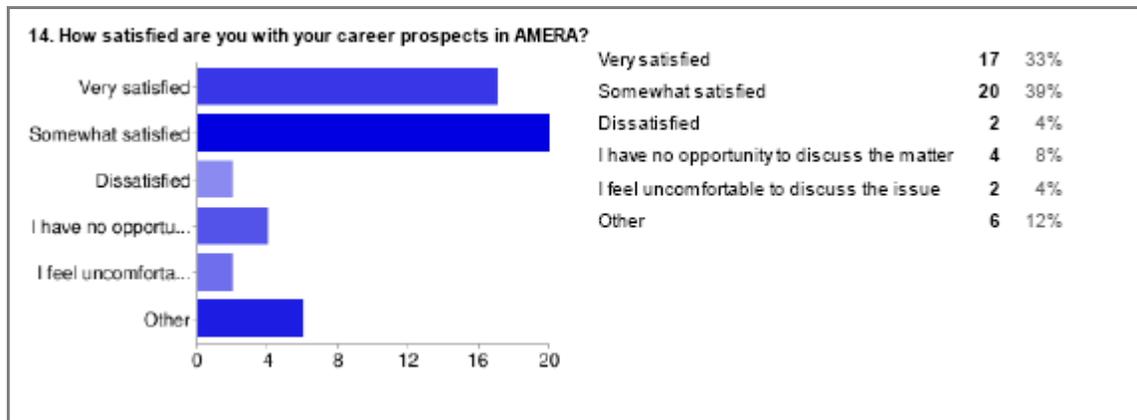
48. The unregistered status of the organization gives cause to a number of problems including acting as a brake on potential expansion and cause for a number of other inconveniences (one cannot contemplate creating a trust fund, purchasing rather than renting office space *etc.*). Although not unusual in Egypt, from a staff perspective the situation is not really labor law sensitive. For a human rights organization to avoid payments into social funds (towards pensions *etc.*) or to avoid paying medical insurance is a touch unconventional, if not unsavory. As indicated, there is comprehension for realities, nevertheless the confidential questionnaire flagged remarkable concern in this regard which is an additional reason in my view to tackle this unsatisfactory situation resolutely. I hasten to add that I do not feel sufficiently knowledgeable to offer more concrete advice, but the UK Board ought to carefully review the staffing situation and take the problems out from under the carpet where they may conveniently remain.

49. The positive side of staffing matters is that an absolute majority are very satisfied or somewhat satisfied (33% and 39% respectively) with their "career prospects". Job satisfaction levels are remarkable for the present but do not really translate into much commitment to remain with the organization over the longer-term:

³⁹ For more on contracts see below "Management issues".

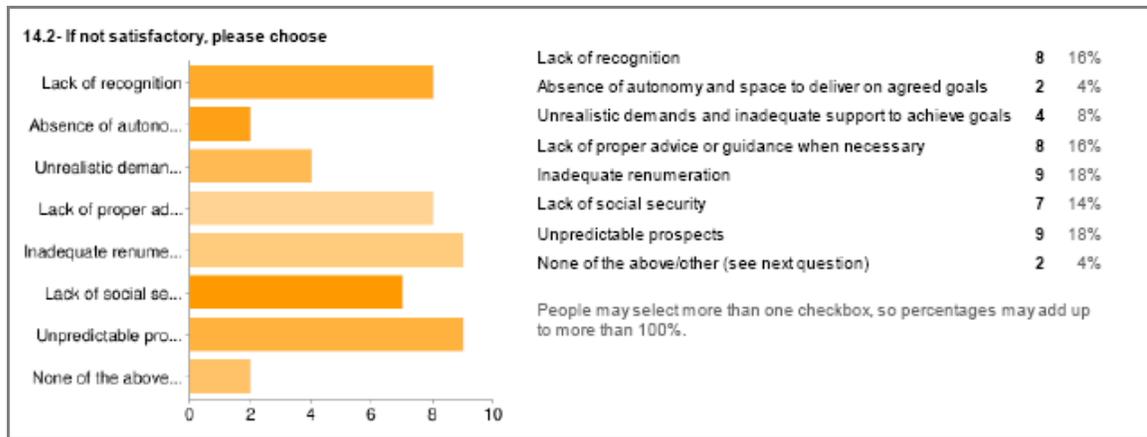
⁴⁰ My best estimate is that in early July there were upwards of 13 paid Egyptian staff and about 5 unpaid volunteers (interns – advisors). I estimate that at least 10 nationalities were represented.

Table 3



50. The reasons given by those who were not satisfied highlight lack of recognition, inadequate guidance and remuneration and should be given some deeper thought:

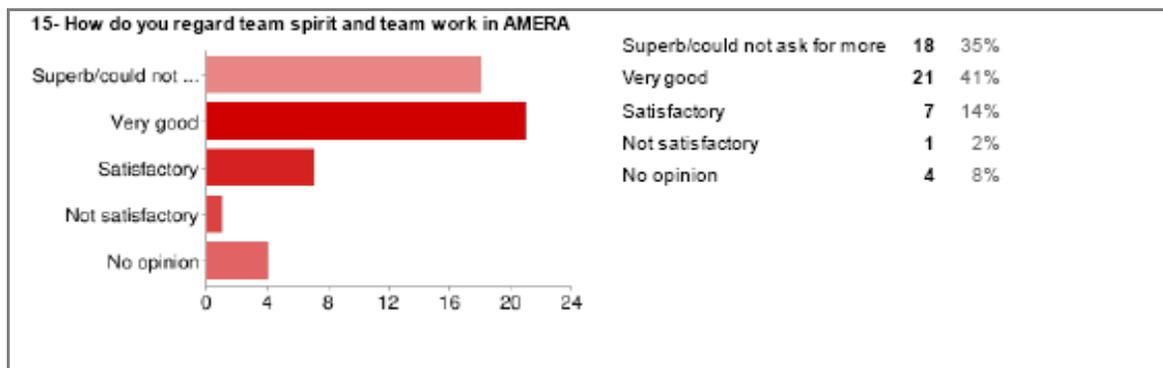
Table 4



51. The above chart brings into focus, at least tangentially, some of the reasons for the chronic and high staff turnover. The reasons for relatively low retention rates are, of course, more complex, but the views expressed in interviews included stress, lack of perspective, team instability, and the extra responsibilities this in turn entails, difficulty to achieve change, and sometimes, poor management.

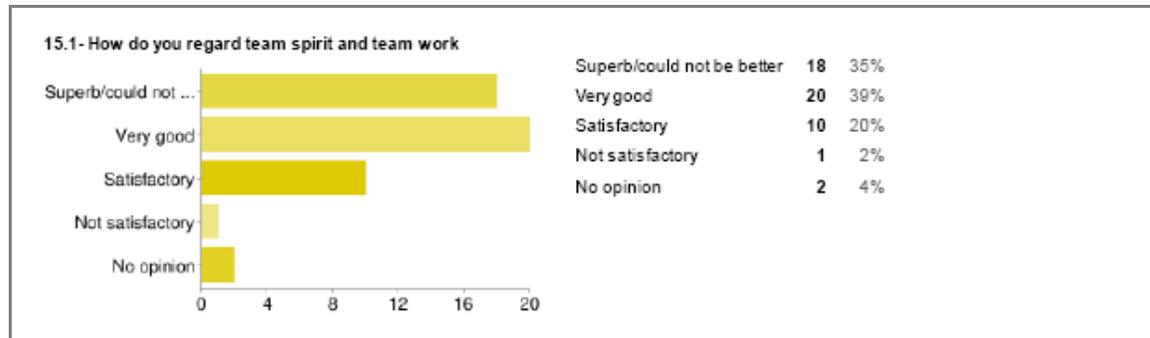
52. On the other hand team spirit on the whole is either very good or superb (76%):

Table 5



53. Results are even better in individual Teams where satisfaction reaches 94%!!

Table 6



IV.5 Internships

54. Once selected, interns (“advisors”) complement full-time staff. They are not remunerated and must be prepared to commit themselves for at least seven months. Over 35 interns joined in 2009 and 15 in July 2010 and are assigned to teams depending on their educational background. Five categories of internships exist, each with a well designed job profile and clear application requirements ([Legal Advisor](#), [Psychosocial worker](#), [Counselors](#), [SGBV](#) and [IT](#)).⁴¹ Foreigners stay on tourist visas.

55. Budgetary considerations (*i.e.* inability to hire more staff to carry out core functions) lead to a high reliance on short-term and non-remunerated internships. While the arrangement works, staff are perpetually obliged to allocate a high percentage of their time to the induction and subsequent coaching of newcomers. This does detract from core staff time. AMERA-Egypt hence also fulfills an additional and not really declared objective: it is an excellent training institution for others.

56. Volunteer “advisors” are accepted twice yearly (January and July).⁴² Not all can afford such a commitment and either rely on student loans or scholarships. Some accrue new debts. Applications for placements are due three months prior to the starting date and notification occurs two months before the start. This places exceptional demands with regard to twice yearly training sessions and subsequent coaching and supervision.

57. Once selected, all attend a two-week-long intensive training course in refugee law, social welfare issues and procedures *etc.*⁴³ In addition, various education seminars and case consultation groups are available. After training, advisors are assigned individual cases and are supervised by staff. Responsibilities are many and may include substantial responsibilities with one or more teams or to act as a focal point. **The current balance of regular staff and “advisors” should be changed either by a reduction of the number of internships on offer (with a concomitant reduction of outputs) or by extending the internship periods to a minimal of 13 months (to allow for some overlap).**

⁴¹ For details see www.amera-uk.org/egypt/interns.html . The page needs updating.

⁴² Interns are expected to bring their own laptop so everyone needs to have their personal equipment secured against viruses and installed with dedicated software, much additional work for the IT Manager.

⁴³ I managed to observe several sessions and found them to be informative, well calibrated albeit some staff, especially at the more senior level, seemed to be less prepared (not all presentations were sufficiently structured, detailed or backed up by power-points or hand outs).

Consideration should be given to provide a monthly stipend after a three or six month period for those who prove their worth and AMERA seriously wishes to retain.

58. Another area ripe for consideration is to offer stipends for the most committed interns to encourage them to stay beyond an initial period. This may be an attractive proposition for those who could extend but might not be able to afford to remain longer. It would also provide a better return on the “investment”. The CD is to be given some credit for trying to retain those who showed potential by offering a stipend.⁴⁴ Stipends should become predictable and the norm for the best interns rather than exceptions made possible by the occasional availability of funds.

59. It is worth mentioning that many interns often rise through the ranks. Most gradually assume more responsibility and becoming a Team leader is not exceptional. While some are prepared to stay longer in spite of minimal monetary remuneration, not all can afford to extend. Others move on and accept offers to work elsewhere or return to their studies. Former AMERA-Egypt interns are appreciated and many become UN Volunteers or are recruited by international organizations like OCHA or UNHCR. The [AMERA web “Alumni page”](#) shows how many pursue a humanitarian career with various agencies or in academia - a remarkable and valuable achievement in itself.⁴⁵

IV.6 Community Facilitators

60. “Community facilitators” (interpreters) are indispensable to practically every aspect of AMERA-Egypt operations.⁴⁶ They ensure more than communication as they effectively supplement the work of professional counselors. Their “core” is comprised of some 40 persons who do not figure on the Office staff chart but *de facto* constitute the largest Team. They are multilingual and have a good command of English and/or Arabic. Many are refugees (hold “Blue cards”) with years of experience.⁴⁷ Some had resigned from UNHCR as, except remuneration, the experience was unsatisfactory.⁴⁸

61. All are fully trained - a strictly enforced requirement – having earned a “Certificate” from an American University of Cairo three month course that was augmented by “in-house” training. They are professional and committed to their role and spend much of their time supporting the legal and psychosocial teams. They also secure several auxiliary functions, *e.g.* coach incoming interns, accompaniment, and support advocacy goals. Their services are secured via a “booking system” that allows staff to manage appointments, meeting rooms and enter requests for interpretation.

⁴⁴ The June staffing table indicates a slot of a legal advisor/stateless consultant; it may have been retained in the hope of identifying additional funding once the internship expired.

⁴⁵ See also Facebook AMERA-Egypt page on <http://www.facebook.com/group.php?gid=2230438795> .

⁴⁶ The change in the job title from interpreter to facilitator was in recognition of their significant contribution. This was appreciated by all whom I formally interviewed or met by chance.

⁴⁷ Most are from Burundi (Swahili), Eritrea (Tigrinyan), Ethiopia (Amharic/Oromo), Sudan (Arabic/Dinka/Fur) and Somalia. Other languages in periodic demand are French, Russian *etc.*

⁴⁸ Several facilitators confided that employment in UNHCR was not satisfactory and relationships with “real staff” were poor; “*They may pay reasonably well, but interpreters are not respected there*”.

62. Community facilitators articulated some unmet needs, including more dictionaries and establishing a mini library. Other expectations were also utterly reasonable, including being offered more security (e.g. a fixed basic salary), being issued a specific AMERA-Egypt ID (that would facilitate access in many settings, even to UNHCR) and access to stress-relief counseling. Some harbored concerns for security arrangements:

Table 7



63. One of the less persuasive expectations was to be immunized against contagious diseases. Some of the interviewees felt they deserved more recognition, others would like to have a greater say in staff meetings, especially on administrative issues. [The Office manager and the CD need to identify unmet needs, including perhaps introducing a system of cash advances, so that facilitators are not regularly out of pocket before they can be reimbursed.](#)

64. In terms of performance I was satisfied. The undated but evidently current and well conceived paper entitled simply “*Community Interpreters Training session’s notes*” is indicative of a functional system. On some 6 densely written pages, the text explains many salient points that deserve mention here:

- a) Community Interpreting (the concept and characteristics)
- b) A quick note on “cultural translation”:

“... keep an eye on the following: metaphorical and euphemistic language, indirectness, closed questions, personal questions. Being pregnant is equal to being married in many cultures. It’ll happen to you here in Egypt to be asked fi aulaad? (lit: “any children”?) by someone who simply wants to know if you’re married. Sexual matters are often dealt with very indirectly, and your client might not open up particularly if he doesn’t trust the interpreters. Word-by-word translation (so dear to lawyers, particularly in courtrooms) may not be applied by community interpreters, unless they are not completely sure of the actual meaning of the metaphorical language used by the client. In this respect, your task is not just that of investigating the possibility of presenting a good case. You also need to learn to think the same way your clients do through your interpreter. Thought process is intimately connected to verbal expression, needless to say, and your interpreter – although good and trained – is there to tell you that this person never spoke to a man about her personal problems before (for instance), and the kind of language she uses mirrors this”.

c) Before hiring an interpreter - for example - *“You should first ask your client about her/his mother tongue. Is this his first language? Is it a dialect? This can obviously be difficult, as at that stage you might not have access to an interpreter. If you are lucky, your client might speak either some words or fluently a major language spoken in the country where he comes from. For instance, Arabic if he is Sudanese, Somali if he’s from Somalia, Lingala if he’s from Congo, and you could have an interpreter on the phone talk to him. If he doesn’t, well, you should get a map and have him point where exactly he’s from.”*⁴⁹

65. The paper elaborates on how to hire an interpreter and the procedures and describes *“what the interpreter is supposed to do”*..., *“not supposed to do”* ... and *“what is never supposed to do”*. It also deals with ethical issues, defines neutrality and the imperative for the *“interpreter to separate private from public life”*. All should *“promote human rights”* (with reference to the Universal Declaration of Human Rights), respect confidentiality and understand the concepts of privacy, gossip and honesty.

66. Community facilitators sign a *“Code of Conduct”* and are held accountable for rules defined in the *“Manual”*. Remuneration is reasonable for local conditions and clear procedures exist how to process claims with the Office manager.⁵⁰ Transport costs are reported separately on a *“transportation sheet”*. I did not examine budgetary matters in detail although I heard rumors that payments were not always timely. [Funding for transport and other incidentals need to be retained at sufficient levels.](#)⁵¹

67. Clients routinely seek their advice even outside the work setting and facilitators contribute to counseling and act as *“cultural guides”*. They contribute to smooth communication and establishing relationships of trust. Efforts are therefore made to ensure clients can as much as possible be assisted by the same facilitator.

68. They are most aptly supervised by their Team Leader Mr. Akram Osman who reports to the second DCD. They work pursuant to a clear *“2010 Strategic Plan”* (dated January 2010), complete with timelines, expected challenges and indicators of success.⁵² Although paid at hourly rates, a number of them come so regularly that they could be considered as core staff. I was a little concerned when I heard that not all payments are being made regularly and if this is so – it is a matter to be corrected.

IV.7 “User satisfaction”

69. Irrespective of legal status, nationality, religion or age all asylum seekers and refugees are entitled to AMERA-Egypt services. Assessing client needs is usually fraught with difficulty and has been attempted in the past. I examined a draft *“user survey”* that was under consideration but it was not clear when it would be introduced. The pitfalls are many: not all who are served can always be satisfied if the initial expectation is unrealistic. Considering the existential material needs faced many clients are frustrated when they receive *“only more advice”* and not money.

⁴⁹ The instructions also refer to where to find maps and various wisdom on languages.

⁵⁰ 35 LE for interpretation, 24 LE per page of simple and 48 LE for complex text; Team Leader decides.

⁵¹ It is quite exhaustive and *inter alia* deals with impartiality and neutrality, confidentiality, conflict of interest and required competencies; see *“Community facilitators code of conduct”*, March 2010.

⁵² I also reviewed the 2009 version and found this angle of AMERA’s work very well managed.

70. Few formal avenues exist to gather feedback on service delivery from clients. One is to contact community leaders or to gather anecdotal information from interviews. One can also gather much information from staff as many refugees have been recruited as receptionists, community facilitators, community outreach officers or psychosocial officers *etc.*. Informally, staff are privy to much about the life and conditions faced by clients and they can be relied on as a “source” on client needs. When correct management procedures are followed, AMERA-Egypt services can be better focused from staff feedback and information gleaned from staff meetings *etc.*, but more formal methods should be considered also. **Introduce user surveys and periodic consultation meetings, when appropriate in conjunction with community leaders.**

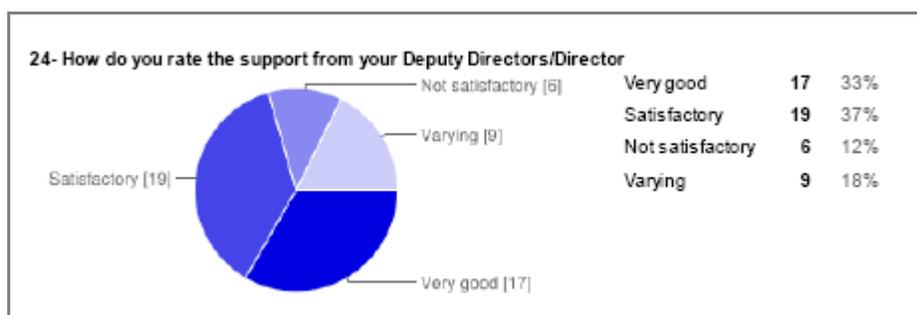
71. A second related recommendation is that **staff should systematically record outcomes, positive or negative, into RIPS which would allow for enhanced assessment of user needs, subsequent analysis and reporting on them.**

IV.8 Supervision and support

72. Supervision is on the whole one of the weaker areas, partially due to overload. Most staff seek and consider access to information and guidance important. Support received is still generally rated as very good. Some staff admitted that they rarely consulted guidelines and prefer to seek advice of colleagues. Others felt that guidelines are not accessible enough, difficult and time consuming to access from the computer. **Guidelines and manuals should be dated, uniformly saved on the network and when appropriate, hard copies should be made available to facilitate frequent consultation.**

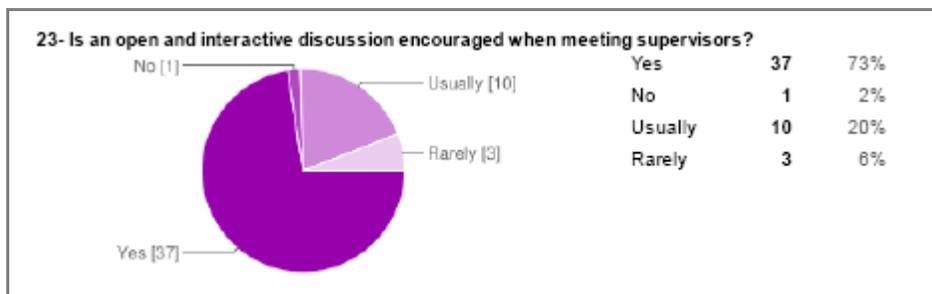
73. Staff generally display healthy levels of seeking guidance and expect to discuss complex cases on an individual basis informally as well as formally. Discussions at informal events often turn to work. Most believed that Team meetings should be mandatory, held on a weekly basis and should not predominately focus only on administration, logistics and networking.

Table 8



74. Comments from the questionnaire suggest that most staff were quite positive about their supervisors describing them as professional and supportive. There was some appreciation for interactive discussion which can alleviate “collateral damage” generated by work overload. It also allows staff to de-stress and consult on best practices. It also contributes to team bonding and reflection.

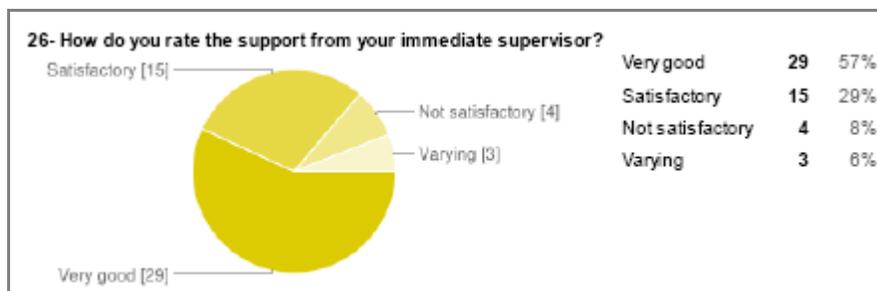
Table 9



75. Most staff welcomed opportunities to discuss how best to manage difficult cases and solve problems together. Many called for peer group supervision sessions to share ideas on difficult cases and problem solving. Management needs to correctly diagnose areas that may require change or alterations to existing protocols and procedures. **Peer group consultation should be encouraged and regularized.**

76. Ratings given to immediate supervisors were good. The answers to the question what could your supervisor do to make AMERA function better were more diverse: “... *more training for community facilitators*”, “*more feed back on one’s work*”, “*more appraisals*” and to “... *show interest in what is missing*”.

Table 10

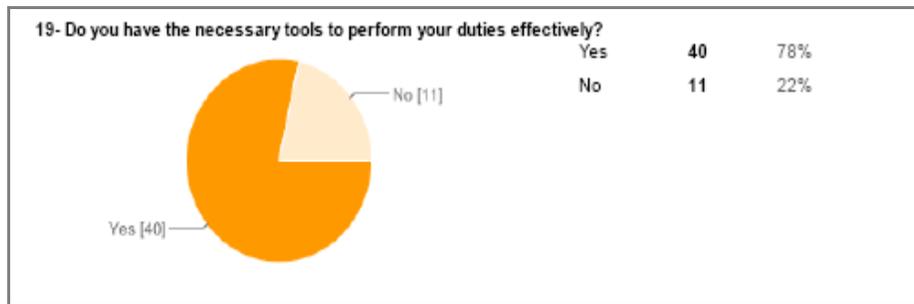


IV.9 Training

77. The provision of training is one the one hand, a must (for interns and new staff) and on the other, it constitutes a broader yet primary objective of the organization. The two week intensive training induction for newly recruited at six monthly intervals is of high standard although improvements can be made to some segments (*e.g.* on country of origin information).

78. Suggestions for topics for additional training should be actively solicited from staff who actually know best where gaps exist, but on the whole, most were very pleased with the training they continued to receive. Most staff (78%) felt that they have the right tools to perform their job, another good reflection on the training they receive:

Table 11



IV.10 Reflections on underlying arrangements

79. Funding is down and as the lion share of expenditures are staff costs, this spells trouble. The CD is dedicated to reintroducing medical insurance benefits, and even these must wait. Some staff move on “naturally” while others cannot afford to stay. The losses in institutional memory and collateral damage this entails can not be underestimated. I highlighted that AMERA’s strength lies in its staff and that the staff/intern ratio needs to be re-aligned. In such a situation even with the best of efforts promising projects may stall before they can be completed. A case in point were inroads into the area of statelessness. In the absence of sufficient reserves, and irrespective of actual need, the Stateless consultant was but one staff (also designated as part time advisor to the CD) who could not be retained without more realistic prospects.

80. Another matter awaiting urgent resolution is to decide how to settle the “registration saga”.⁵³ How AMERA-Egypt functions is linked to the question how should decision making ought to be regulated. The UK Board should unambiguously clarify whether and how it intends to devolve powers. For AMERA-Egypt to function autonomously and responsibly it would need clearer delegation rules to the CD who needs to empowered senior staff to take daily decisions. I believe that unless the the UK Board assumes more day to day stewardship it should probably concentrate on its fiduciary responsibilities and maintain its commitment to provide strategic guidance and support, possibly focusing on flagship projects. AMERA-Egypt definitely stands to benefit from links to UK charities while seeking also other fundraising opportunities.

81. AMERA-Egypt has a culture which is built on a collaborative effort and reliance on relatively junior (or new) staff to exercise their judgment without first referring to middle let alone senior management. This requires and inclusive management style that rewards initiative and fosters a delicate balance or co-ownership to keep staff motivated. At the same time it would be beneficial have a management team that would serve a standing advisory body to the CD on medium and longer term goals. Creating a smaller forum would in view of many staff be quite desirable, especially if one is close the current information sharing gaps. I agree that current all-staff meetings may be appreciated, but are unwieldy and too brief to allow for deeper reflection on pressing issues. **Institute regular meetings of a “senior management” team (including the team leaders) to complement the current practice of weekly all-staff meetings.**

⁵³ There appear to be several options, including registering as a law company. The current arrangement when AMERA-Egypt is “under registration” is untenable. Regularizing this anomaly should be a priority, and would help to expand fund raising opportunities (as a UK NGO it cannot access some donors), dispense with transferring money to/from AMERA-UK accounts and solve medical insurance issues.

IV.11 Office structures

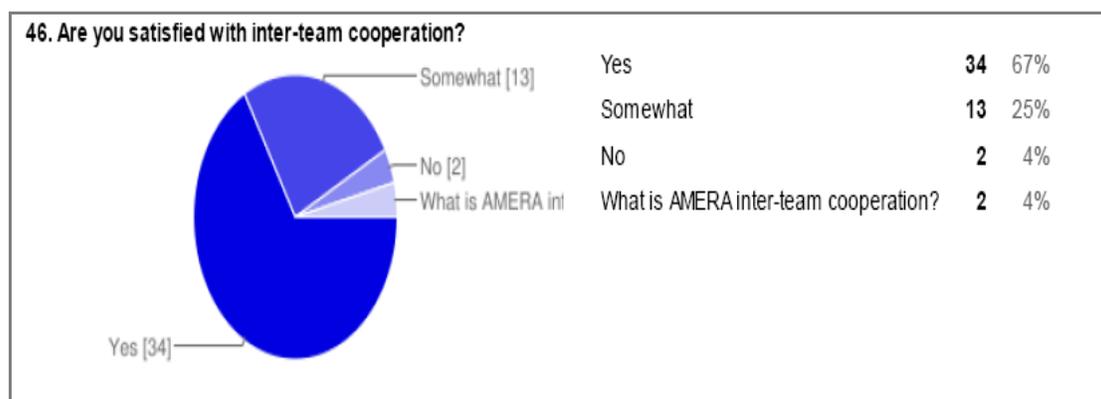
82. Appointed to AMERA-Egypt in June 2009, the present CD is a respected human rights activist with extensive experience *inter alia* from HRW.⁵⁴ His job description (undated) lists among his main duties “*providing strategic leadership*”, “*representing at the senior level in Egypt and internationally*”, “*effective overall management of staff*” and “*ensuring that resources are in place to carry out the strategy*”. This is a tall order at a time when his higher management levels are in a state of transition. He is appreciated for his vision and openness.

83. When concluding my second visit to Cairo I met the second Deputy Director who had just assumed her duties. Both DCDs now report to the Country Director (former Team Leader). Also the IT and Office/financial managers report to the CD. The latter supervises the two receptionists and office assistants. The IT manager was at the time supervising two interns, one of whom was a former and longtime receptionist.

84. The Protection Team Leader also wears the hat of a DCD and according to the job description, oversees and coordinates the work of two other Teams and the SGBV focal point.⁵⁵ He is also expected to provide support to the CD in matters of strategic planning and oversight, in externally representing AMERA-Egypt, keeping the Office Manager informed of budgetary needs and assist with fundraising and reporting, facilitate train and staff development, facilitate relationships with consultants relevant to the teams work *etc.*. No assessment of these tasks appears to have ever been conducted and if it was, it has not been documented.

85. DCDs, on paper at least, constitute what could be considered middle management, but their real roles are still crystalizing. Some Teams have for reasons of continuity suggested to create the position of Deputy Team Leaders, which would make sense. The question is whether budgets will permit. Teams that report to separate DCDs do not at present have a regular forum for coordination and the evaluator would agree with the prevailing opinion that its creation would be beneficial.

Table 12

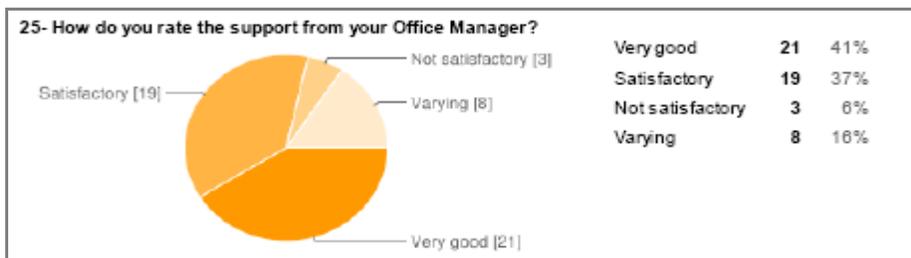


⁵⁴ As of February 2010 he also holds the prestigious position of Secretary General of the [Egyptian Organization for Human Rights](#) (founded in 1985). He is a modern manager reachable on Twitter.

⁵⁵ Although the JD was furnished on request, it appears to have been written-up in haste. It was un-dated, very general and cryptic; neither did it, for example, relate in any way to the second Deputy.

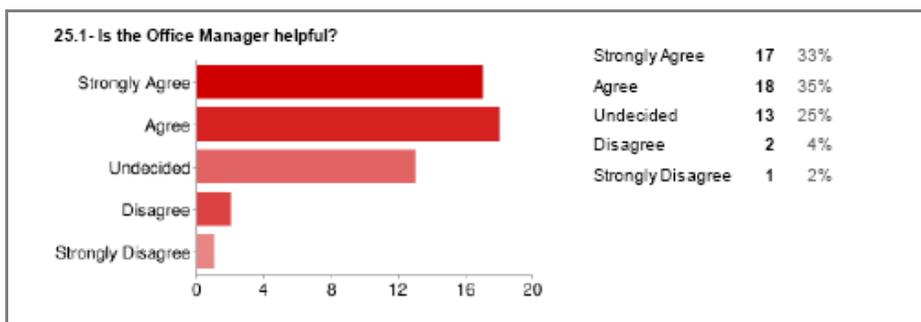
86. The Office manager generally received high marks across the board. His support role was rated as very good or satisfactory:

Table 13



87. He also did very well in ratings on being “helpful”.

Table 14



88. With a few rare exceptions, most thought he was doing a “great job”. The improvements suggested included requests for more software for human resources and finance matters and to improve reimbursement for incurred expenses. Some of the answers indicated that his role was not clearly understood (that he should fundraise more, or pay out due monies on time when actually the latter is a problem of cash flow caused by the unorthodox banking arrangements AMERA-Egypt has).⁵⁶

89. Few appear to realize, or give much credence to the fact that the Office Manager has for some time been filling-in for what used to be done by two other staff. I am not aware that his salary reflects this, but I believe not. Fortunately he is one of the longest serving and experienced staff who somehow manages. He is a veritable “walking institutional memory” who has stepped-in to cover gaps in critical times (for example just before an audit when the accountant resigns).⁵⁷

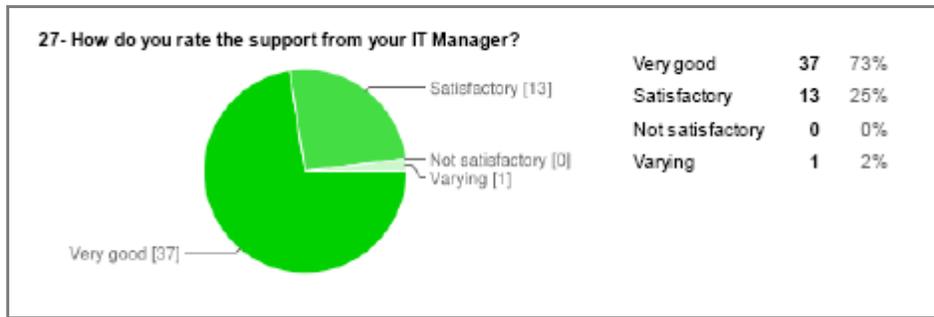
90. Taking heed of past evaluations, AMERA has successfully recruited an IT Manager whose contribution is proving crucial to the functioning of the entire organization. Keeping systems up and running and being available to assist users with small or major soft and hardware problems, is invaluable in today’s networked world. The IT manager has a clear JD that summarizes the responsibilities, lists profile requirements, personal competencies and specific responsibilities. It is both comprehensive and current with one minor deficiency - it is undated.

⁵⁶ I met with one of the co-signatories and spoke to the other per phone. AMERA-Egypt remains fortunate that both are prepared to maintain this unconventional and awkward arrangement (private bank account).

⁵⁷ He doubles up as a finance manager (not been replaced since resignation in October 2009) and as of March 2010 assumes responsibilities previously entrusted to a human resource manager (also resigned).

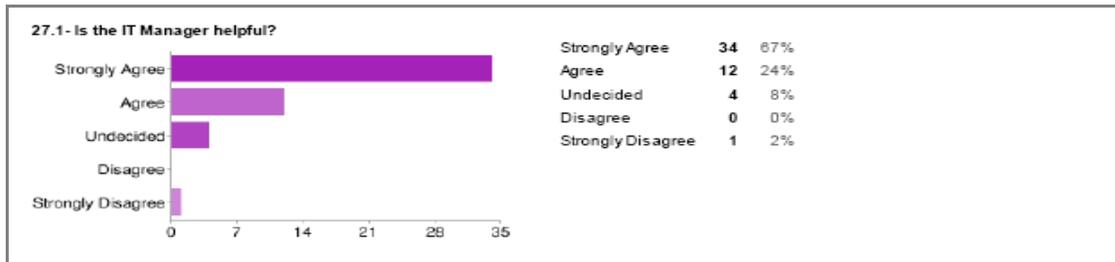
91. The IT manager works pursuant to a clear and realistic Work Plan for 2010 which is subdivided and prioritized into 5 main activities.⁵⁸ The main constraints predictably include the budget and equipment shortages and aging. It calls for a disaster recovery plan that would guarantee business continuity and data security. In practice the IT manager contributes much more than just to setting-up firewalls and keeping the network virus free. He has at his fingertips a hitherto underutilized wealth of data, including statistics on AMERA’s work. Failure on his part could spell any number of disasters, ranging from partial to total loss of institutional memory or the inability of staff to carry out daily routines (e.g. access to electronic client files).⁵⁹

Table 15



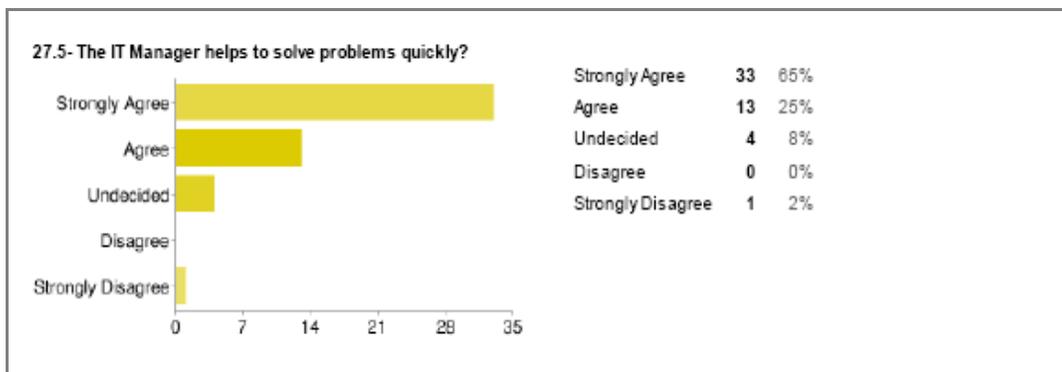
92. Few gave the IT Manager low marks and he is appreciated for being helpful:

Table 16



93. Most strongly agreed that he is easy to understand and that he helps to solve problems:

Table 17



⁵⁸ I also reviewed a 3 pager update of the 2009 plan dated 11 November 2009 that attested to an effort to pursue individual activities incrementally with a realistic medium to longer term planning horizon.

⁵⁹ The Website, for which the IT manager is responsible, leaves much to be desired but I felt that the fault actually lies elsewhere; management must set objectives and provide inputs on what content is to be uploaded or what technical solutions should be introduced. I found no evidence of such instructions.

94. The question “*What would you want the IT manager to do more?*” listed several unmet user needs: *more basic training and improving RIPS*. The IT manager is respected, considered knowledgeable and liked for his fast responses. No one complained about his social skills.

IV.12 Information Technology

95. Management invariably and increasingly relies on rapid access to information in order to reconcile facts and be in a position to protect. RIPS is an important building block of a functional system and can be a gold mine when one needs to compile reports. More than an archiving system, RIPS is an advanced management tool that many comparable organizations can envy (UNHCR’s Progress software is in many respects inferior). It theoretically allows instant tracking or viewing any number of active cases and can generate reports and statistics. For a database to be powerful tool data must first be entered, hence staff must be disciplined and managers demanding in this regard.

96. Unfortunately this is not always the case and the potential to generate statistics is partially squandered. Corrupt data and not always recording “actions” in a uniform matter generates skewed results.⁶⁰ Management remains deprived of accessible statistics that would allow it to identify potential problems and structural imbalances. Incomplete data makes comparisons impossible and undermines the entire system. **Management should instill more discipline into data recording and to lead by example.**

97. For AMERA-Egypt to work on the basis of accurate and reliable data and for cases to be resolved properly, critical actions can not go un-recorded or be wrongly described. **A fresh look should be made to streamline the number of actions, to fine tune available modules and formulate clear and simple definitions of mandatory and optional input in every case.**

98. Having examined the statistics of data input for 2009-2010 (so called “actions”), I found that while a majority of staff take this responsibility seriously, with hundreds of entries to their credit every month, others evidently prefer to skip this chore.⁶¹ This is unacceptable and detrimental to critical processes retaining their coherence. Staff cannot have the liberty to opt out of recording actions or argue that they keep separate records in, for example, Excel spreadsheets. Even if they do so due to the inability of RIPS to record all, such data cannot be seamlessly accessed, thus the organizational foundation is undermined.

99. This is the case, for example, when recording persons visited in detention. If at any point they ever contact the reception, the responsible staff member confronted with such a person will not know that he/she is dealing with an AMERA client who has a particular history. **Staff must be led to record actions and extract data in form of**

⁶⁰ An “action” represents a specific activity (over 700 to choose from); each Team typically uses several dozen and a recent review led to a number of actions being “culled”. Their uniform application is a precondition for subsequent comparative analysis; some staff acknowledged that they do not always have the time to enter all relevant facts immediately and then sometimes forget to do so altogether.

⁶¹ The staff on the reception and RSD Team are amongst the most consistent RIPS users but even there lapses exist; compared all data input statistics from 2009 up to May 2010 and kept them on my files.

reports. To identify instances of non-compliance, senior management must also use the system and lead by example.

100. On the down side (quite literally in computer terms as AMERA's key software application is on average "down" 5-15 times per day, depending on its use), most staff are frustrated by the RIPS system crashing, losing precious time, unsaved data and waiting for it to be brought back on line. RIPS is unstable and needs upgrading.⁶²

101. The IT Manager proposes to divide the re-development of the application into seven modules (RSD, PS, Protection, Minors, Durable solutions and reporting for statistics) and in consultation with a developer, re-develop the RSD and reporting modules with a new technology that could run on old and new computers. RIPS also needs up-dating that would allow better reporting and by re-developing the rest of the modules. Migrating the data into a more stable system should solve the crashing issue.

102. I was led to understand that the only solution is to engage a consultant to continue rewriting the software to meet current demands. This intervention could be completed in a matter of eight months at a cost of around 10,000 USD. **RIPS is a priority one investment AMERA-Egypt can sorely afford to delay.**

⁶² The source code is not available as the application was developed using an old programming tool, which is no longer compatible with the newer versions of current operating systems.

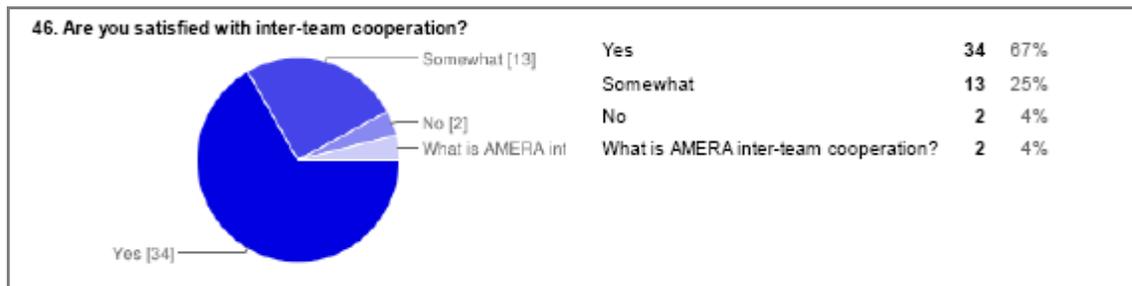
V. THE MULTI-DISCIPLINARY NATURE OF SERVICES

103. When reviewing past evaluation reports one sees that AMERA-Egypt heeded guidance from the Board and substantially re-designed staffing and program delivery structures. A closer inspection of current operating procedures and training routines reveals that a substantial effort continues to be invested into developing comprehensive and tailored responses to the legal and social problems refugees face. The concern for the welfare of the client has and continues to be prominent, as is the never ending effort to identify those who are most vulnerable.

104. It is quite noteworthy that AMERA-Egypt has not actually strayed from its original purpose (which remains just as valid a decade after its inception) and that in doing so it has managed to incrementally expand activities into new but thoroughly complimentary areas, notably to tend to acute psycho-social needs.

105. Services are provided thematically and rely on multi-disciplinary teams whose individual members may acquire specialized know-how but essentially can replace other colleagues on basic matters. AMERA-Egypt's success largely rests on executing a chain of events and properly calibrated and coordinated interventions. It therefore stands to reason why some have suggested that more interaction exists between the Teams:

Table 18

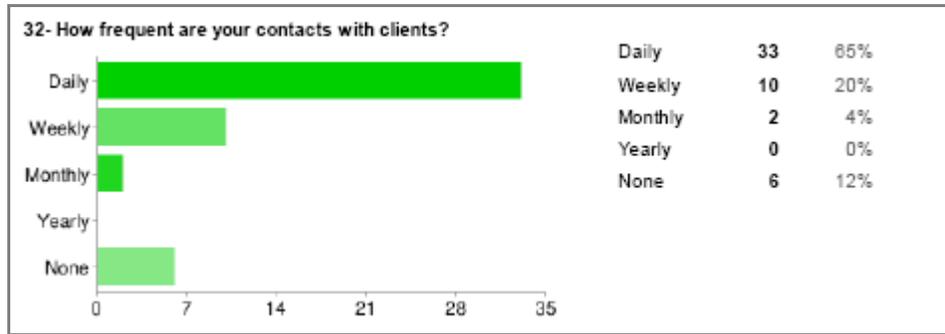


106. Inter-team cooperation is a complex matter and methods to prevent compartmentalization were suggested already in 2007 by Haines. Certainly as a minimum staff need to agree on team objectives and interpret them uniformly. [Closer working of Teams must be achieved and deserves a separate internal review that would define a clear collaboration process, principles and tools.](#)

V.1 The entry point – the reception work

107. The entire “service provision” process usually commences when one of the two multilingual reception staff have to patiently listen to a prospective “client” who may be severely distressed. Whether someone comes in person or calls, with or without an appointment, all need to be treated with respect and given a chance to be heard. This constitutes one of the cardinal distinguishing factors between AMERA and the UNHCR where staff are “protected” from clients by several levels of procedural and physical barriers and security arrangements. The following table shows that 65% of the staff see a client every day while another 20% at least weekly:

Table 19



108. It remains a fact that AMERA-Egypt can be proud, extremely proud, to have remained accessible and compassionate. The fact that it can operate without special security arrangements is quite amazing as not all who approach its office can indeed be helped by anything else than being heard in a compassionate and dignified way.

109. Both reception staff are refugees (blue card holders) and report to the Office manager who meets with them regularly before the weekly staff meeting. One has four years of experience with UNHCR and a command of 4 languages and the other with a similar background with 3 languages. Both were selected after a competitive procedure and evidently with due regard to their experience and motivation. Both were conversant with their job descriptions and underwent rigorous training in all aspects of the organization’s work. Both have great inter-personal skills. The one area in which they are not formally trained is security (they do have written security procedures that may need up-dating). I was disarmed by the following explanation “*I underwent security training in UNHCR, I do not have a buzzer here, nor do I need one; refugees need to be talked and listened to, brought a cup of water and perhaps comforted and accompanied to the waiting room. I do not actually need pages of guidelines*”.⁶³ [Security training for unexpected situations in and outside of the Office should be given to all staff](#) as a majority professed not to be adequately informed:

Table 20



110. The one improvement that was suggested is perhaps to strategically place a few “*Staff only*” signs as people tend to wander past the reception or out of the waiting room. Such uncontrolled walkabouts are definitely not desirable. On a typical day 40-

⁶³ Some staff perceived matters differently and had serious concerns. One referred to “... incidents of *SERIOUS* threat to and injury of several staff members”. Few people wanted to actually discuss the matter, probably believing the (recent) incident was exceptional and not representative of the situation.

50 people may come in person and an additional 60-70 phone-calls need to be picked up, noted or transferred to the relevant officer. Computer logs confirmed that both receptionists regularly record relevant “actions” into RIPS or consult before contacting and interrupting a colleague (who is likely to be busy interviewing anyway). **Given their key role, the workload and pressures, I would recommend that a third receptionist is hired at an early date.**

111. The daily routine requires a receptionist to deal with anyone who may approach irrespective of their frame of mind or state of aggression. Many clients are seriously stressed or desperate, not at all capable of explaining the nature of the problem without assistance. Staff must treat every client equitably and with a smile. When appropriate, assign him or her to a specialist, or alternatively, use their best judgment and provide advice, including on who might be better placed to help (*e.g.* in cases of acute material need or when AMERA-Egypt can evidently offer no help at all). When in doubt there is usually someone on hand to consult which means that few are turned away completely empty handed. It also means that the most deserving cases are screened and that the client can be referred to the competent legal, psychosocial or community officer. Receptionists are also trained to single out vulnerable individuals.⁶⁴

112. A “file is opened” in RIPS and individuals facing imminent harm or danger can be fast-tracked and prioritized.⁶⁵ I would like to place on record how patient and professional the receptionists invariably were. Considering the pressures they are exposed to on a daily basis, they are to be commended. The fact that the AMERA does not pay for burly security staff, that security is the result of kind words and the art of listening, is a small miracle in itself.

113. One gap is the absence of a “hotline” for emergency situations that arise after hours. I hesitate to provide more concrete advice other than **AMERA management should assess the resource implications and the potential advantages and impact of a hotline.** This should be consulted with NGOs, as such a plan may surpass the capacity of a single organization (it is multidisciplinary and requires a response capacity).⁶⁶

V.2 *Media and communications*

114. Resources to not permit to maintain a position to manage media relations and no one is really assigned to this task (there used to be a communications director). It is an area of “missed opportunities”. Efforts to publicize AMERA’s activities are piecemeal and uncoordinated, leaving much to be desired. They are reactive rather than systematic,

⁶⁴ Vulnerable clients are defined as: *Clients experiencing difficulty articulating their claims due to emotional or psychological trauma; Minors; Single parents with large families (over three minors or elderly dependents); persons with physical handicaps or serious medical conditions restricting their movements and their ability to obtain work; with serious security concerns in Egypt; linguistically or socially isolated groups; survivors of torture or victims of sexual and gender-based violence.*

⁶⁵ The “*Reception manual*” on some 60 pages addresses every conceivable aspect of a receptionist’s responsibility subdivided by the service that AMERA-Egypt secures; it includes a proper job description and a number of annexes that serve as hand outs to clients that need not have an appointment.

⁶⁶ One effort is worth mentioning: baptized **HEAR** (Helpline Egypt for Asylum seekers, migrants and Refugees), it hopes to assist with problems, concern or emergencies. The helpline is not yet operational and awaits funding. See <http://www.refugeeinfoegypt.org/tiki-index.php?page=Welcome+to+HEAR>

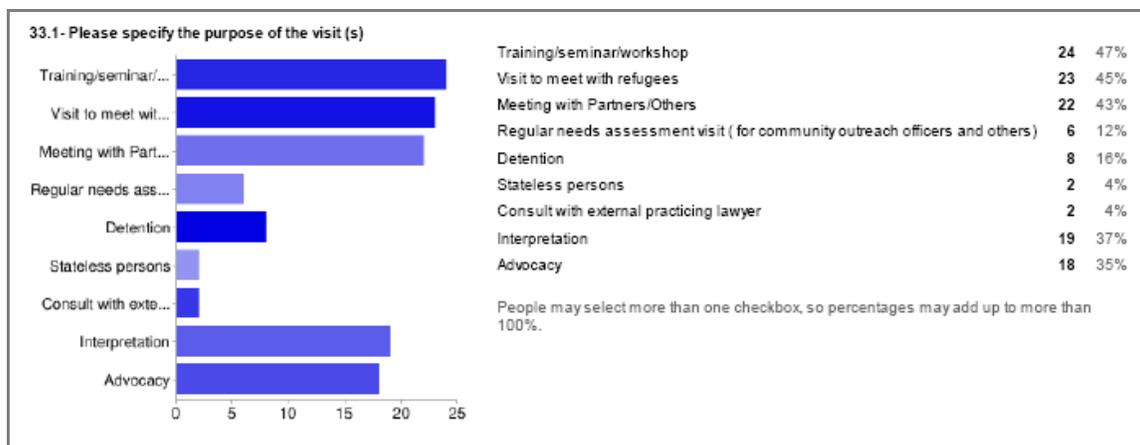
and there is no media plan or strategy.⁶⁷ I also noted a comment that AMERA-Egypt is not always adequately represented at key events (*e.g.* world refugee day celebration). [AMERA-Egypt needs to build and implement communications plan.](#)

115. My quick and admittedly rather superficial effort to trawl the WWW (search for the key words “AMERA Egypt” in English) yielded very few hits. I will reflect on its poor shape of the website elsewhere but I found that most “hits” referred to events long passed or to a job opening. There were few, if any, press releases or interviews *etc.* Not even all Annual Reports seem to have been uploaded. While there may be an argument for AMERA-Egypt to keep a low profile, and not irritate the authorities, I believe there are ample opportunities to shed light on the positive. [The CD should become more pro-active and if resources do not permit to hire more staff, strive to fill this important gap personally. A “media internship” of an Egyptian journalism graduate could be considered.](#)

V.3 Training and technical assistance

116. AMERA-Egypt staff need to be conversant with Egyptian law pertaining to the residence, education, health care and rights of foreigners and refugees in Egypt. Legal officers should be able to report on both the law and the state of its implementation. Persons of concern need to be reliably informed of their rights and how best to access local integration opportunities. This leads to a substantial involvement in training activities, internal and external. A number of curricula have been developed and new staff members are periodically trained. Nearly half of external visits were for training:

Table 21



117. Training and assistance is also made available to other NGOs and such capacity building has over the years indirectly contributed to hiring more Egyptian staff.

V.4 Cooperation with other NGOs

118. Amera-Egypt maintains cordial and close relations with a number of NGOs. I also, on occasion receives small grants for specific projects from the ICRC. Most are informal although some have been over the years institutionalized and result in formal

⁶⁷ I was presented one unsigned/undated note that summarized meetings with journalists for Aug–Dec 2009 (meetings with Time journalist, Radio France International, Australian Embassy, journalists *etc.*).

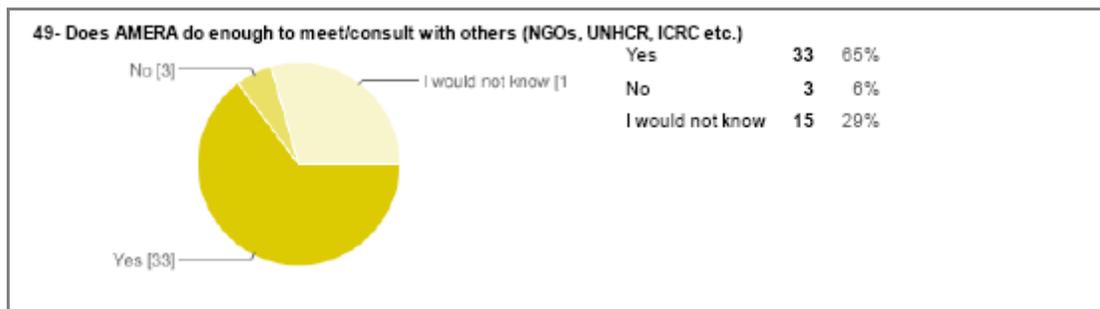
cooperation (AUC, St. Andrews *etc.*). I had several personal meetings and sent out a request to 13 organizations to fill in 9 questions of a [confidential questionnaire \(on line\)](#).⁶⁸ The response rate was not very good as only 6 were received (and 2 came from the same organization). All who responded appreciated the work of AMERA-Egypt highly and could point to areas where synergies exist (*e.g.* referrals). Three claimed to be “very familiar” with AMERA’s activities and the other half was “somewhat familiar”. All noted that coordination existed on an *ad hoc* basis. One common suggestion was that coordination needs to be systematized, perhaps through the establishment of an informal NGO group on refugee issues, especially on protection. Internally staff felt that building “strong partnerships” is well underway:

Table 22



and that enough is being done to meet and consult with others:

Table 23



119. On balance I conclude that relations were amicable and complementary with one exception: the [Egyptian Foundation for Refugee Rights](#) (EFRR- founded in 2008).⁶⁹

120. There have been unfortunate instances resulting in serious differences of opinion on how best to represent the interest of the same client (and on general issues). The differences of opinion between some staff in both organizations appeared to be entrenched and it was not helpful to probe exactly why. The situation is quite murky and I understood that previous attempts to reconcile failed and the matter was shelved. The EFRR Vice-chairman Dr. Martin David Jones claimed to continue to seek cooperation, and I was glad to note some progress (on the potential of a joint funding submission).

121. I found that EFRR can actually lay claim to an impressive track record. Their successes include the first court interventions reviewing detention that led to the release of 78 clients. The decisions that upheld detention in the remaining 12 were appealed cases whereupon 8 clients were released and the remaining 4 had the length of their

⁶⁸ With one person I only managed to speak briefly on the phone.

⁶⁹ See <http://www.efrr-eg.com/1en.html>.

detention reduced.⁷⁰ The EFRR also reports to have successfully pressed criminal charges in 51 of 55 cases in which a refugee complained of being a victim of crime (murder; rape; sexual harassment; various forms of assault; theft; violation of employment law; and, violation of housing law).⁷¹ What is interesting is that it also provides other support, for example, representing five community groups that seek to register as NGOs (one succeeded). The [EFRR website](#) is up to date and informative.

122. Should so many refugees have been assisted as is claimed, both organizations should cooperate more rather than less. This is especially the case when AMERA-Egypt has so little in-house litigation experience. Good legal representation in human rights matters and refugee rights in Egypt is at a premium and conflicts, whether over turf, or on personal grounds, when refugees are in the middle, must be avoided. My firm view is that both organizations can ill afford not to coordinate before representing/assisting a client whom they are likely to “share”. The situation is regrettable and should be ameliorated. [A renewed effort be made to reconcile differences and build on the synergies that exist; a protocol to outline the working relationship between EFRR and AMERA-EGYPT is desirable.](#)

V.5 Core services

123. AMERA services have certainly become more sophisticated and even branched out into areas that are no longer always purely legal in their nature. For these to mutually reinforce each other, AMERA faces greater demands on improved team coordination and ensuring that relevant client information remains up-to date (data is diligently recorded) and accessible to all (for more on RIPS see below).

124. In practice staff may become responsible and assume primary responsibility for different aspects of a client’s case. All nevertheless work together to ensure their efforts remain coordinated, efficient and effective. This includes a team of professionally certified interpreters who are often privy to hard to fathom procedures.

125. The main themes which AMERA staff strive to address have remained relatively constant over the past 5 year period and serve as convenient reference points:

1. Assisting clients for refugee status recognition
2. Safeguarding rights (registration and documentation; security and detention).
3. Protecting the rights of unaccompanied or separated refugee children.
4. Supporting survivors of sexual and gender-based violence.
5. Promoting protection through durable solutions (resettlement).
6. Increasing access to education and advocating access to health care.⁷²
7. Training and technical assistance (see above).

⁷⁰ EFRR also reports to have requested urgent resettlement in 12 cases (clients in detention); 5 resulted in resettlement in the remaining 7 a decision is pending. A brochure published in English/Arabic provides information on rights when arrested, while in detention, to victims of crime.

⁷¹ 47 of 51 cases resulted in a conviction (some went to appeal) with the maximum penalty of 7 years of imprisonment (for a conviction for manslaughter). In 2 of the 51 cases an appeal was lodged against a decision not to press charges. In the 2 cases the situation was resolved amicably charges were not pressed.

⁷² Given that healthcare is very much in the remit of the psychosocial team and not much can be said about the attendant legal aspects, this reports concentrated more on access to primary education.

VI. ASSISTING IN REFUGEE STATUS RECOGNITION

126. It is worth recalling that there continue to exist valid and numerous reasons why AMERA-Egypt's principle aim *to assist asylum seekers in being recognized as refugees by UNHCR* is no abstract matter. This area constituted the initial *raison d'être* for the organization's existence and over a decade later retains its relevance and rightfully remains at the very core of AMERA's activities. One of my conclusions is that the need for such assistance has not significantly diminished and that AMERA-Egypt today deserves to be commended not only for its past pioneering work, but also for the high standards it continues to set today. In this sense alone AMERA-Egypt continues to offer invaluable services to refugees that in the Egyptian context is unique.

127. AMERA-Egypt staff carry in them deep reverence for the founding ideals and successive "generations" consciously nurture and pass-on an air of respect and dedication to their clients. Staff meticulously apply the "*Nairobi Code*"⁷³ and are expected to follow the "Protection Manual".⁷⁴ Interns compete to gain an opportunity to work in Cairo and the RSD Team Leader is often considered the prize. Newcomers undergo rigorous training and receive on the job coaching and qualified supervision.

128. New legal staff, once trained, assume their responsibilities gradually and under supervision of the RSD Team Leader. I was impressed by the intensity, quality and structured nature of training and subsequent mentoring. Supervisors are attentive to detail and routinely coach by reviewing/clearing draft texts or when assisting junior staff in their own or other teams on RSD related matters (for example when dealing with minors). I rarely single out staff by name when assessing performance of teams, but I feel it important to pay tribute to Ms. Emily Hay, who evidently inherited a well oiled system and continued in the spirit and tracks of excellent predecessors. At the time of writing she was handing-over to her successor after some remarkable work.⁷⁵

129. The size of the RSD team legal staff (in fact only three salaried slots and 7 "advisors" at the time of the evaluation) does seem to be on the low side. **I would endorse the creation of a position of "Deputy Team Leader" and would argue for one more legal officer position to be added as a matter of priority.** While I found the Team to be productive and highly motivated, it is advisable to boost staffing to Leader, Deputy plus three paid posts and an appropriate number of "advisors" (6-8 if all spoke Arabic). This would provide for a less unrelenting pace that is not sustainable over the medium long term and make this core function more resilient to staff turn-over. Last but not least, it would allow to spend more time on analysis and advocacy, by providing "constructive criticism" of existing lapses in RSD (see below the reference to a submission to UNHCR on RSD anomalies and advocacy work in general).

⁷³ See "*The Nairobi code: model rules of ethics for legal advisors in refugee cases*", Promulgated at Southern Refugee Legal Aid Conference (SRLAC), Nairobi, Kenya, 1 February 2007; http://repository.forcedmigration.org/show_metadata.jsp?pid=fmo:12

⁷⁴ The common network drive hosts at least 14 key documents that set minimal standards and guide legal staff in their daily work. One typical example is the guideline "*First instance clients*", February 2009.

⁷⁵ The Team Leader position description was just recently advertised in the form of a Vacancy Notice.

130. Staff had clear and up-dated job descriptions, were meticulous and demonstrated a high degree of professionalism. Their daily work was organized and structured yet flexible enough to attend to urgent cases. They were creative, attentive to detail and sufficiently conversant with and bound by relevant guidelines, including those issued by UNHCR.⁷⁶ I reviewed the “2009 RSD strategic plan” as well as the 7 main objectives and concrete activities that are to be pursued in 2010.⁷⁷ All “activities” were not only well defined in terms of how progress is to be achieved and how all was to be recorded. It listed clear indicators of success and anticipated challenges. The 2010 work plan was reviewed after the first quarter and reviewed operational constraints encountered and how they are to be met.⁷⁸ I was most impressed and wished that more RSD teams elsewhere would be led and mentored to adhere to such high standards.

131. Past evaluations amply documented that achieving success at the first level of refugee status determination obviates expenditures that can double at the appeal stage, especially when statistically the prospects of success are lower.⁷⁹ As both real and perceived refugee legal aid needs tend to outstrip existing capacities, AMERA-Egypt has over the years developed a system that carefully screens client needs including the potential for success. In practice one effectively needs to determine who best deserves more intensive services through the provision of “full representation” (which may include assisting with a testimony, country of origin research or formulating legal arguments) or when it is sufficient to provide only “general legal advice”.⁸⁰

132. RSD staff is coached to produce legal submissions that are clear, concise, compelling, objective, logical and well reasoned (*i.e.* to be based in law and relying on credible country of origin information - COI). Staff also routinely resort to a “check list” that actually serves as a step by step reminder how to screen a client during the first interview and what relevant information is to be prepared in order to consult with the Team Leader.⁸¹

133. Staff are attentive to properly addressing credibility concerns so that the client presents a coherent and plausible claim that does not contradict generally known facts. Special and proper attention is given to supporting the client to submit documentary evidence and relevant COI. Staff understand their role when accompanying clients to RSD interviews and essentially make sure that the client remains in a good frame of mind and uses his/her opportunity to explain all relevant facts. Staff are therefore well positioned to develop considerable expertise to identify potential errors in the UNHCR decision making process and to propose corrective measures.⁸²

⁷⁶ See “*Client selection of legal advisors at AMERA*” (undated); also “*Guidelines for working with interpreters*” or “*The situation of Sudanese asylum seekers and refugees in Cairo*”, both dated February 2009. All staff were conversant with UNHCR’s basic documents including “*RSD Procedural standards*”, the “*RSD Handbook*” or current country specific and thematic guidelines.

⁷⁷ See Work Plan prepared by Natalie Young/Emily Hay, January 2010 (approved by Country Director).

⁷⁸ The 2010 RSD work plan was actively reviewed and adjusted in May 2010.

⁷⁹ Persons who genuinely require assistance with status determination procedures generally fall into three categories: i) claim for refugee status (“first instance cases”); ii) rejected by UNHCR at first instance wish to appeal (“appeal cases”) and iii) unsuccessful on appeal (or having failed to appeal), and wishing to pursue the claim and have refugee status nevertheless recognized (“closed file cases”).

⁸⁰ See paras. 3.10 -3.12 of “*First instance clients guidelines*”, February 2010.

⁸¹ See “*First instance screening interview guidelines*”, February 2009.

⁸² See “*AMERA Guidelines, Accompanying clients to RSD interviews at UNHCR*” which elaborate on actions prior, during and after the interview; the issues addressed go into considerable detail and are

VI.1 Group training – stretching available resources

134. AMERA-Egypt services need to be made available before the “optimal window” of opportunity to extend legal aid is missed. Constrained by finite (and often overstretched) resources, not every person who approaches AMERA-Egypt can always receive individual full attention of a qualified lawyer. At peak periods only the most complex cases or vulnerable individuals can receive legal services on a one-on-one basis. In order to avoid turning away clients who have no where else to go and to live up to AMERA’s philosophy that considers access to legal aid a right and not a luxury, one solution developed over the years is to offer clients for a “class” training.

135. This wise use of resources allows to adequately assist more individuals, especially when demand peaks. Classes can improve presentation skills and prepare clients for what expects them when undergoing UNHCR procedures (although for many have already been there before). In the past they were offered as needs arose in several languages (primarily Arabic, English, Amharic, French or Somali). Since late 2008 demand has ebbed away and individual/full representation was offered instead.⁸³

136. Another advantage of classes is that after being trained, some clients can be additionally assisted (*e.g.* to improve their statement of the circumstances on which their claim to refugee status is based). A legal adviser can better gauge whether:

- (a) client can represent him/herself with the UNHCR and assistance can be restricted to clarifying ambiguities in past statements/suggest on omitted information;
- (b) to represent the client more by appearing with him/her at the first instance hearing; the client can be informed if the case is recommended for full representation (decided at weekly staff meeting when a lawyer can be assigned).⁸⁴

137. Most recent classes have catered to Sudanese.⁸⁵ Records show that first instance class attendance numbers in 2009 were much lower than in 2010 (offered as of October 2009).⁸⁶ No reopening classes were held in Fur since 2008 and Darfuris were assisted individually – fully due to their increased vulnerability and the complexity of cases.⁸⁷ This approach was under review in 2010 due to a spike in volumes of Fur speakers:

evidently born-out of experience (from debriefing colleagues and/or the supervisor, saving pertinent details to RIPS to processing any expenses that may have been incurred with the Office Manager).

⁸³ Group advice was applied usually for first instance or re-openings as more cost effective.

⁸⁴ Unaccompanied minors would be assigned a lawyer and not be considered for the “class system”.

⁸⁵ For “closed file” Sudanese the numbers requesting assistance are overwhelming; Arabic speaking advisors are in short supply, especial to accompany to interviews which UNHCR conducts in Arabic.

⁸⁶ For example: 1st instance classes were re-started when UNHCR granted “bulk RSD requests”, *i.e.* to meet a sudden surge. This concerned Darfuris and usually involved about 30 clients. Darfuri clients were screened/added to a list for UNHCR which recognized many. Many claims are currently being rejected.

⁸⁷ I observed one class of 1.5 hours preparing Darfuri clients for RSD and found it to be informative and well executed (provided on the basis of an 8 page undated paper “Darfuri information Sessions”).

Figure 1

		First instance attendees	Re-opening attendees	Grand Total
2009		22	73	95
Jan-June 2010		81	46	127
Total		103	119	222

	Language	First Instance Classes	Reopening Classes	Grand Total
2009	Arabic	4	13	17
	Fur	0	0	0
Jan-Jun 2010	Arabic	14	6	20
	Fur	8	0	8
Total		26	19	45

138. Another response mechanism that may deserve continued attention in the future is to reach out directly to neighborhoods where persons of concern live. It stands to reason that not all may always be in a position to attend classes offered on AMERA premises (some may not be able to come for financial reasons alone), so security considerations and budgets permitting, there is one theoretically cost effective option to explore, *i.e.* conduct classes closer to the communities. Some 5 re-opening classes were recently staged outside AMERA premises.⁸⁸

139. The problem with this approach that one tends to be confronted with an unmanageable mix of people who turn-up (wrong nationality/language/file status). The other draw back is that one does not have access to the RIPS database (to double check people's records and whether they have been assisted and how previously). For Sudanese, however, simply due to the numbers that can potentially be assisted in certain suburbs and to "save" them the trouble of travel, this perspective is being actively considered. [AMERA should further explore perspectives of giving community based classes.](#)

VI.2 Purpose and rationale of legal advice

140. One may need at this point to elaborate on what may not always be so obvious. Without proper advice (especially when the only other alternative is to act on the basis of rumor or to solicit guidance from lay or unscrupulous "advisors"), many individuals with *bona fide* protection concerns have a much increased likelihood to completely fail in presenting their claims, and render any subsequent appeal very difficult to win.

141. The pressures confronting UNHCR often translate into little "quality" time to examine each and every claim in sufficient detail. Then there are cases of persons who claim they cannot for whatever reason pass the initial hurdle to even be heard (*e.g.* the UNHCR security arrangements). Often even the most rudimentary advice can in reality be just as important as is the opportunity to obtain the time of an experienced lawyer.

⁸⁸ One suburb populated densely by Sudanese had been recently visited and a reopening class was held at the All Saints Church in May (for Eritreans and Ethiopians).

142. Professional advice dispensed in layman's language with the assistance of a trained interpreter is invaluable, especially when it concerns a complex issue like of "what is actually meant by the two omni-important refugee definitions" and how to do so when a particular individual may suffer loss of memory, be illiterate or severely traumatized. Last but not least, clients need to understand what AMERA-Egypt is able to do by way of assistance and what AMERA can certainly not even attempt. Many clients would definitely stand to benefit if AMERA-Egypt should maintain sufficient stocks of handouts of the "AMERA Service" in appropriate language mutations for visitors.⁸⁹ It was also surprising that this most informative and useful guide to what AMERA can and cannot do is not available on the web. AMERA's website should allow to download brochures/handouts; existing versions should be up-loaded without delay.

VI.3 Appeals and re-openings

143. Similar processes to the one's described above are followed in appeal cases or in "re-openings". The draft 2009 Annual report noted that 23 people were helped on appeal (with 70% benefiting from full representation) and 20 were helped to reopen their cases (60% had full representation).⁹⁰ Special efforts were made to assist the Oromo (having noticed unusually high rejection rates on credibility grounds) and Darfuris who could not establish their ethnicity (especially cases closed before 2003).

144. AMERA staff remains appropriately circumspect when assessing whether client needs merit specialized help and whether particular involvement is likely to increase chances of success. In the cases of appeals the 30 day deadline imposed by UNHCR can be exceedingly short and place the legal officers under considerable pressure (it is short considering the language and resource barriers faced by asylum seekers in Egypt). UNHCR can be flexible and extend this deadline and it therefore may help to at least give informal notice that an extension may be sought, sketching out at least the main reason.

145. The next complicating factor on appeal is that UNHCR does not always disclose or formulate proper reasons for rejection. When they do they tend to be generic, revealing little of substance of the real reason for rejection. While this is a known "quirk" of UNHCR procedures worldwide, the upshot is that many clients are left to speculate as to the true reasons for rejection. This can be incredibly frustrating to a lawyer who is accustomed to be guided by evidence and procedural propriety. It invariably complicates any attempt to lodge an appeal, increasing labour intensity as counsel tries to cover "all bases". AMERA senior management is advised to keep raising with the UNHCR representative, and when appropriate, with the RSD unit in Headquarters the matter of providing reasons for rejections.

146. For "reopening cases", similar considerations apply as with appeals, only the thresholds are higher. While there is no time limit involved, there is no right *per se* to have a case reopened. The existing guidelines correctly list and explain the potential grounds that should be given due weight (procedural or errors of law, new information

⁸⁹ "AMERA Services", An Information Booklet designed for refugees/asylum seekers in Cairo with an overview of the variety of services provided (Arabic, Amharic Oromo, Somali & Tigrinya); January 2009.

⁹⁰ 46 were assisted at the first instance (70% with full representation).

etc.). Legal staff suitably consider a range of facts including whether AMERA was involved in earlier stages, the reasons for rejection (if known), credibility issues and problem issues that require discussion/clearance of the supervisor.

VI.4 Operating procedures and guidance

147. What is most pertinent for the current evaluation is that AMERA-Egypt RSD staff is well versed in law and procedures, they are properly trained and thus can be trusted to offer competent legal advice. Staff is guided by sufficiently detailed/written check-lists and receive adequate supervision from more experienced colleagues.

148. The existence of sound “operating procedures”, often nuanced and customized to specific situations, allow staff to follow a uniform set of rules and ultimately furnish clients with the best possible advice. It is correct that action is only undertaken after the client’s claim is screened. I also found the procedural and legal advice documentation and tools I reviewed to be sufficiently practical and as a rule up-to-date. They list best practices, tips and suggestions that comply with applicable ethical principles, *i.e.* not to coach clients into providing particular let alone misleading or fabricated answers.⁹¹

149. Detailed and proper guidance exists with regard to dealing with many scenarios, including past procedural irregularities and instances when applicable standards were not met.⁹² Given the number of requests to reopen files (in an attempt to rectify perceived or real injustice) a special hand-out is available to clients on how can one best approach UNHCR and what are the typical grounds that may elicit a positive response.⁹³ Also such materials should be made available to clients on the website.

150. AMERA-Egypt legal staff also has access to a wealth of training materials and applicable standards (including many authored by UNHCR) and solid background materials that seek to shed light on some of the more complex and sensitive issues that typically surface when trying to work in a non-adversarial spirit with UNHCR.

151. Presently sufficient attention is paid to correctly assess individual vulnerabilities, the complexity of the legal issues involved as well as the prospect of success. Clients whose cases meet thresholds are assigned to a legal officer for the preparation of full testimonies, chronologies, legal research, country information research, legal briefs and the like. In most first instance cases and on appeal, the client is accompanied by a legal adviser to the interview. The legal adviser makes opening and/or closing submissions and documents any procedural or substantive errors that may occur so that these can be brought up later on appeal or when drafting a petition for re-opening. It should be noted that reaching UNHCR is expensive: 50 LE for taxi and a journey of 1 ½ hours.

⁹¹ For example: “*Interviewing skills*” or “*Screening of Sudanese clients requesting RSD interviews*” or “*Particular groups of asylum seekers*” or “*Legal argument writing in AMERA*” or “*AMERA guidelines preparing clients for UNHCR RSD interviews*”; most are from February 2009 but some are undated.

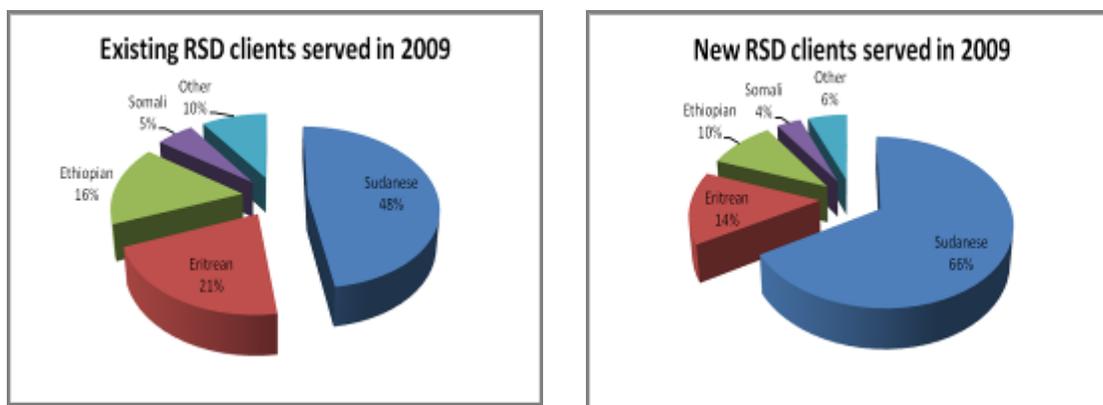
⁹² See “*Screening Interviews for Appeals and Closed Files*”, “*Raising Procedural Irregularities in UNHCR RSD appeals*” (undated) and “*Amera guidelines on appeals and closed files*”, February 2009.

⁹³ See “*File reopening requests*” (undated).

VI.5 RSD deliverables

152. As per earlier evaluation recommendations, adequate priority continues to be given to first instance cases. In statistical terms the RSD team in 2009 served a total of 968 clients (497 were new). In terms of countries of origin 54% were Sudanese, 19% Eritrean, 14% Ethiopian and 5% Somali. The majority of new clients were Sudanese (66%). On average, between 25 and 35 fully represented clients are handled every month, most of whom to lodge first instance claims.⁹⁴ In general, legal advisers spend between twenty-five and fifty-hours on each fully represented case. Appeal cases and closed files are estimated to consume on average some thirty hours. Although these are guesstimates at best, it is fair to observe that UNHCR staff usually devote less time to a case, partially due to pressures and norms, partially because they benefit for AMERA-Egypt's work.

Figure 2

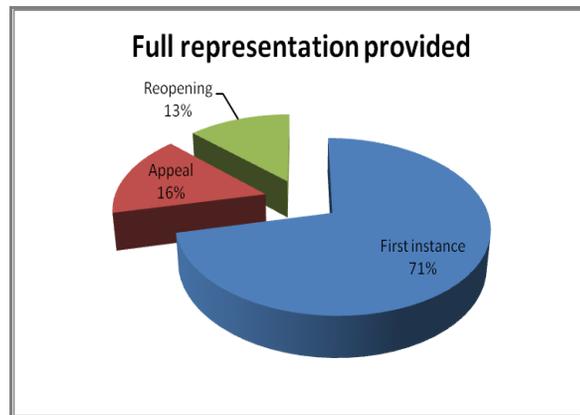


153. Relatively few (around 10%) individuals seeking asylum in Egypt originate from outside the immediate region (*e.g.* Kazakhstan or Uzbekistan). Although their number may be small assisting individuals “from less know parts of the world” pose special and additional challenges. These include making provision for interpretation and/or translation of documents and conducting more country of origin research.

154. Most clients received general legal assistance (797) which included lodging of some 326 inquiries with UNHCR. Full representation was provided to 210 cases. Both figures attest to a heavy workload for the RSD Team and of course generate a spill over effect when other Teams need to be involved. One problem encountered in this regard in accompanying Arabic speaking clients to UNHCR interviews. As most legal advisers speak English, preparations for interview had to be exceptionally thorough. In line with the priority given to first instance representation, the RSD team fully represented 150 clients for their interviews. In the same period the RSD team wrote 33 appeal and 27 reopening submissions. 23 clients were accompanied to appeal interviews and another 6 for “re-openings”.

⁹⁴ On must recall that only several years ago 75% of the fully represented cases were appeals and the rest accounted for first instance and closed file cases. Individual legal advisers are expected to complete approximately six fully represented cases.

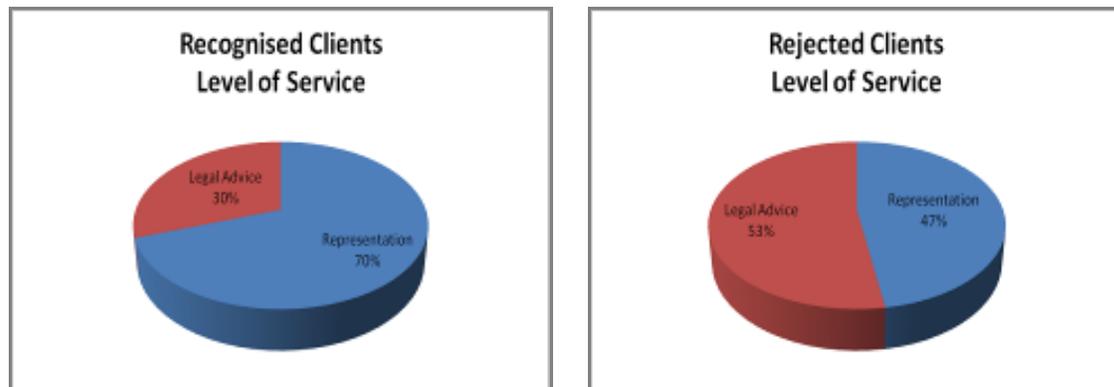
Figure 3



155. In terms of results it is not easy to accurately track every achievement.⁹⁵ The RSD team recorded a positive result for 89 clients and a negative result for 59 clients in 2009. Available data nevertheless confirms that clients who receive legal advice or full representation are substantially more likely to be recognized.

156. Of the 89 clients who were recognized, 62 (70%) were fully represented. This figure indicates that client selection does result in dealing with cases that have merit.

Figure 4



157. Of the 59 rejected clients, 28 (53%) had been fully represented. This indicates that although AMERA-Egypt may be screening with diligence in order to select the most deserving cases and extend the most appropriate level of service, full representation invariably includes a high percentage of complex cases that are difficult to prevail in.

158. I would not be exhaustive if I were not to acknowledge how difficult, if not impossible, it is to furnish an empirical comparison with previous years. At least there has been progress when comparing with 2006 when Haines observed that “*AMERA-Egypt does not have a system for accurate recording of statistics*” (page 10, para. 26). Indeed, there has been tangible progress on this front and while data can today be extrapolated easier than in the past, it remains a challenge. One of the reasons has to do

⁹⁵ Results on reopening are not always published by UNHCR Cairo; results for Sudanese who underwent RSD were only published only in part; the time lapse between the submission of an appeal or re-opening request to UNHCR is sometimes counted in years which frustrates attempts to compile annual statistics; clients do not always stay in contact and some only approach UNHCR for their result.

partially with the relatively recent introduction of the RIPS (for more see below). Another objective reason includes a lack of feed back from UNHCR or clients. Less understandable are incomplete datasets and the failure of management to impress on staff the requirement to accurately reflect and record all actions.

159. I conclude that AMERA-Egypt's legal capacities in the RSD area have been consolidated and allowed for growth not only in quantitative but also qualitative terms, as have the outputs.⁹⁶

VI.6 Quality issues and impact of AMERA-Egypt RSD work

160. Testimonies focus on relevant facts, establishing well the nature of the refugee claim at the most critical of junctures. Adequate attention is given to the stage that essentially prepares the clients for interviews and lessens the probability of being rejected on one of the most common grounds – lack of credibility. Depending on the complexity of the claim, testimonies can typically be up to 20 pages long, yet they are well drafted and concise. I found that AMERA staff seeks to inject into testimonies a sufficient level of emotive detail that often makes the reading more compelling. Testimonies are well structured, contain basic bio-data, current address/contact telephone, the paragraphs are numbered for ease of reference, follow a timeline, highlight relevant events, are suitably footnoted and referenced.⁹⁷

161. In more complex cases the testimony becomes “just another attachment” of a typical legal submission destined for scrutiny by the UNHCR RSD unit. A submission would typically attempt to summarize on a few pages the essence of the claim, arguing the attendant legal points and furnishes supportive evidence, all with a view of convincingly documenting the existence of a well founded fear of persecution.

162. No one size fits all and few “templates” have ever produced satisfactory results. If only for this reason it is not appropriate to enter into detail of what may actually constitute “style” or is a result of circumstances (*e.g.* there may be tacit agreement with UNHCR that a submission should not enter into some particular detail). At the same time one needs to recognize that only exceptional cases merit embarking on a full blown legal submission, especially when in the first instance a basic testimony is sufficiently cogent and complete. Few who have tried would dispute that work on legal submissions is invariably demanding and very time consuming as well as problematic. Difficulties arise, especially when clients abandon their cases or fail to provide feed back when there is a successful outcome.⁹⁸

⁹⁶ By way of extrapolation from the last 2008 Annual report some 255 RSD cases were “completed”. 69 asylum seekers were assisted to obtain 1st instance UNHCR recognition (58% success rate), 6 were granted status on appeal (18% success rate) and 10 cases were reopened (53% success rate). Another 31 asylum seekers who were initially rejected obtained leave to a fresh interview.

⁹⁷ I randomly examined documentation including drafts submitted to the Team Leader (*e.g.* first instance submissions, testimonies, closing statements, translations of COI, complimentary interviews and chronological summaries focusing on Eritreans, Ethiopians and Sudanese; case nos. 662/2004, 3684/2004, 1070/2005, 4080/2007, 4390/2007, 1356/2008, 233/2008, 306/2008, 1633/2008, 1986/2008, 423/2009, 535/2009, 1018/2009, 1936/2009, 1339/2009, 261/2010, 340/2010, 555-07C04390 and 4 “SGBV” cases).

⁹⁸ Adjudication of refugee status is considered the most complex and demanding protection activity; it easily leads to high staff burn-out rates and entails a (perpetual) search for optimization.

163. Compelling legal arguments are more often than not hard to articulate, especially when an individual making the claim comes from a less well known caseload. Conversely, when there are hundreds per month, stereotyping tends to set in, leading to inappropriate levels or over-reliance on pre-conceived decision patterns. Matters are not simplified when feed-back from UNHCR is cryptic, sporadic or when there is none at all (UNHCR often pleads prioritization of limited resources to preclude it from articulating reasons for rejection).

164. While it would be inappropriate to try to reopen a particular case through the “back door”, it is important to analyze outcomes and isolate patterns in order to seek an understanding why some argumentation seems to invariably make little or no difference in the eyes of the UNHCR decision maker.⁹⁹

VI.7 The length of submissions

165. At this stage I can admit to drawing on text of a previous evaluation that has not lost on relevance. As the description remains valid and is so eloquently described by my predecessors (Haines and Kagan) I can largely subscribe to what has been said in that past:

“Until these elementary fundamental rules of fairness are fully observed by the UNHCR, statements and legal submissions filed by AMERA-Egypt in support of appeal and closed file cases can be long, occasionally repetitive and dense. Because every conceivable point is covered it is easy for the reader to lose sight of the strengths or merits of the case itself. ...

... Decision-makers at the Cairo office of the UNHCR are not always lawyers and some have received only basic instruction in refugee law. In addition, English is not always their first language. The detailed and comprehensive legal submissions filed by AMERA-Egypt are more usually encountered in appellate advocacy before common law courts and can prove simply too advanced ... The reaction of the audience is sometimes to wonder why (yet again) such long and apparently pointless submissions have been prepared. Such is an entirely distorted perception, but a dangerous one nonetheless. It attributes “fault” to AMERA-Egypt rather than to the fact that this method of advocacy has been forced on legally aided asylum seekers by UNHCR’s own failure to observe fundamental rules of fairness.

... the “A to Z” approach can bury the best points of the claim and possibly suggest areas in which the claim is weak, increasing the possibility of rejection. On the other hand, were the submissions to be more focused on the real issues there is a risk that the legal adviser might incorrectly second guess the UNHCR decision-maker as to what those issues are and therefore fail to address an issue of central importance. ...the dilemma. If the submissions are short and to the point, the “point” might be missed. If the submissions cover every conceivable issue which could potentially arise in refugee law, the “point” might be lost.”

166. The above illustrates the potential for misunderstanding. At this stage I believe it really does boil down to a question of judgment and what the situation at the UNHCR is at any given point of time. It has also been observed, and I concur, that a good faith decision-maker will never reject a person for having a long testimony. Preparing a very

⁹⁹ This is a fact, not a finding of critical nature, and is much easier said than done. More remains to be done by AMERA-Egypt in communicating with UNHCR on attendant issues.

detailed testimony is thus one of the best ways for client to be prepared for an RSD interview. Recording detail is the best possible way to ensure a positive credibility assessment. **The recommendation is therefore that while legal submissions are to be kept shorter rather than longer, the purpose is to persuade; submissions must be clear, concise and compelling, and if necessary, longer.**

VI.8 Content and style of submissions

167. RSD remains a largely subjective procedure, often devoid of presentable evidence. Obtaining proof is the exception rather than the rule as it often simply does not exist. One also needs to constantly remain aware of the fact that while typically first instance claims are non-adversarial: the decision maker may be following internal guidelines or be influenced by erroneous perceptions. One is therefore often better served to stake more on establishing a compelling and credible argument rather than venturing into complex let alone convoluted legal argumentation. **Legal submissions should not omit the obvious and sufficiently describe the actual cause of the persecution including some of the pertinent but less obvious causal links.**

168. The legal arguments I encountered were lucid and solid. Aiming to be exhaustive, or over-sophisticated, leaving no stone unturned does not always pave the way to success. On the other hand, I am yet to meet anyone who really knows the true size of the playing field so to say. Adjudicating whether someone is a refugee or not has always been more an art than a science and this evaluator at least was sufficiently impressed by the approach AMERA-Egypt staff pursue. In the sample cases reviewed one can, on occasion, discern a tendency to push the limits of the law but invariably the arguments are cogent and legitimate. This angle and will remain a moving target and endless subject of debate, but one chief consideration is the time and setting in which a claim is being pursued. Advice that text should be less verbose is not the point. One oft underestimated but elementary factor is the quality of the actual decision maker. Another is the policy UNHCR happens to pursue at any given time. **Maintain close contact with UNHCR, keeping an insight into their perspectives and understanding their limitations.**

VI.9 Country of origin information

169. The other typical problem for RSD work anywhere is how and where to find supportive evidence. Experienced adjudicators will often lament how even the best of COI research may fail to yield the desired result. One common reason for poor results is when management neglects to provide for continuous learning. Another prosaic Achilles heel is the erroneous presumption that all are sufficiently computer literate and versed with research skills (most legal firms employ specialists for this purpose). Graduates are often presumed to arrive with adequate to excellent computer skills while in fact many, even the best of legal minds, unless specifically trained, can often manage little more than a full text search in Google. Not using advanced techniques that narrow down the subject matter sufficiently incrementally increases hits into thousands and radically impedes the probability that a client's case can be properly underpinned by reliable,

current and thus sufficiently potent information. [Search skills need to be sharpened and practitioners need to remain familiar with main information sources.](#)¹⁰⁰

VI.10 Relations with UNHCR

170. Passing judgment on the quality of UNHCR refugee status determination in Cairo would go beyond the scope of the present report but suffice to say that it remains a thorny and delicate topic.¹⁰¹ Although one need not particularly be-labour this point, or expect UNHCR to readily admit to errors or lapses in the application of its own standards, it is obvious that their staff is just as fallible as is anyone else. Mistakes happen, the trick is how to prevent them from inflicting irreparable harm and anguish. One needs to commend AMERA-Egypt for establishing what I observed to be excellent working relations and a clear understanding of common purpose between the senior management of both entities. Much can and is being solved “off-line”. From my own exchanges I could infer that many of the improvements introduced over the last years in UNHCR Cairo are at least in part attributable to the “bottom up pressure” generated by professional legal aid furnished by AMERA. That UNHCR does appreciate AMERA Egypt is also clear from the page it dedicates to its work in its “[NGO Directory](#)”.¹⁰²

171. This may not make the headlines, but it does demonstrate the invaluable nature and impact of the many services provided by AMERA-Egypt (albeit exceedingly hard to empirically prove). I can assert this not only after a critical review of the number submissions to UHHCR, but having heard so much from UNHCR staff in Cairo and Geneva. The proper provision of legal aid, be it in the form of counseling, assisting with testimonies or when embarking on full blown legal memoranda that professionally engage international refugee and human rights law underpinned by solid country of origin evidence does more than just enhance an individual’s chances of being correctly recognized. There is another less obvious string of collateral and invaluable benefits, including giving substance to the overall objective, *i.e.* to sensitize and nurture a human rights based approach of all involved.

172. At the time of the evaluation UNHCR was confidentially made aware of a number of issues and anomalies that transpired from a number of individual cases followed by AMERA-Egypt RSD legal officers. A paper entitled “*RSD issues of Concern: Cairo*” succinctly documents on 6 pages a range of inexplicable concerns that could not be clarified at the working level but evidently appear to call for corrective action on the part of UNHCR. The paper makes a number of very concrete and cogently argued recommendations that are documented by references to “live” cases, including their reference number.¹⁰³ This form of advocacy constitutes an excellent example of

¹⁰⁰ Taking advantage of the ongoing training for incoming interns/advisors I gave a short power point presentation on search techniques and sources and shared it with the staff for future reference.

¹⁰¹ UNHCR has a different starting point and while basic rules should be the same there exist reasons for differences. *E.g.*, an interviewer will typically take three clients a day and allocate two hours to each. It is another matter altogether that decision makers are perceived to be too “judgmental”, insensitive and generally poorly trained when compared to AMERA staff. They do, however, wield real influence.

¹⁰² The text recalls: “*In 2000, there were no lawyers in Egypt trained in providing legal aid for refugees. This led Legal Aid to rely on volunteer foreign lawyers and paralegals. However, in 2002, Legal Aid began employing Egyptian lawyers...*”; see <http://www.unhcr.org/48fdeb67b.html> .

¹⁰³ The main recommendations revolved around practices that appeared to misapply of UNHCR guidelines on non-Arab Darfuris and the rights of asylum seekers of Arab nationality who appear to be subjected to specific procedural standards that deny them the right to appeal.

work with potentially far reaching ramifications for refugee rights and protection. Such an effort could not be attempted without a very high level of expertise coupled with access to what is essentially privileged information.¹⁰⁴ **Management should ensure that adequate resources are allocated to analytical work, i.e. that the RSD Team reserves time for reflection.**

VI.11 Perspectives with UNHCR

173. As the entire UNHCR senior management in Cairo was recently changed, I maintain my advise (shared when I was in Cairo) that the time could not be more opportune to actively seek to further improve contacts both at the management and working levels. My own discussions with the newly appointed UNHCR Representative were most encouraging and he was genuinely open to closer cooperation. He is keen to hear the perceptions of others and initial experience suggests that he is capable of instilling change. AMERA seeks from UNHCR the opportunity not only to maintain the already good level of email and telephone contact, but to offer quality time to reflect face to face. One such consultation with the then Deputy Representative was in the summer of 2009 and it proved beneficial to all.¹⁰⁵ Such settings allow for an exchange of views informally while examining key issues *in abstracto*, i.e. without creating the impression that AMERA legal officers are trying to reopen cases (or wounds).

174. AMERA-Egypt staff are well advised to remain patient even when it can be excruciatingly frustrating not to see enough decisions taken as expected. Legal aid should not attack the decision-maker. In the first instance the purpose is to help the decision-maker by helping the applicant. A perception of trying to find mistakes by the decision maker leads to antagonizing and may hurt the client. The aim is to be always persuasive and informative, acting on the assumption that the decision maker wants in good faith to correct mistakes if there are any. As has been observed in a previous evaluation: *“don’t try to change the RSD system or to prove its inadequacies. Leave that to policy-based advocacy. The goal is to help clients get through the system as it exists. Assume the decision-makers have the same objectives as AMERA: to make sure bona fide refugees get protection.”*

175. At the policy level, to induce change where deemed appropriate (increase the client’s chances of success), AMERA-Egypt staff need to **continue to “encourage” UNHCR to be transparent, especially when it comes to allow taping of interviews, to provide reasons for negative decisions or at least indications which evidence may have led to a claim being rejected.**

176. In the past UNHCR staff urged AMERA to work on more policy related issues and public discussions of refugee rights and emphasized AMERA’s importance: *“It’s not just individual representation, it’s about issues. There are not so many NGOs or legal aid providers – here there’s just one.”* This remains valid today, **AMERA-Egypt is more than a watchdog.** Also other comments continue to be echoed: *“Lawyers should*

¹⁰⁴ UNHCR already started to respond and gave assurances of corrective action to follow.

¹⁰⁵ Other meetings since: on the urban policy in March 2010 (this included about 8 Amera team leaders and management and some 6 more senior UNHCR staff); the previous RSD Team Leader and the current incumbent and the DCD met with the UNHCR RSD Team leader in April and the 2 RSD teams met together at the beginning of June; at the end of June the new UNHCR Deputy Representative came to AMERA for a first meeting (followed-up with a 2nd meeting in July).

play a full role. ... it's part of assisting us to disseminating the rule of law. ... With legal counsel,[asylum seekers] are able to respond to questions better, and are better prepared.” UNHCR staff appreciates that AMERA does take on with priority cases of vulnerable asylum seekers, gender claims, and children, among others. UNHCR staff also perceived AMERA legal aid as an antidote to the disreputable “claims writers” in the refugee community.

177. One final comment: it is not uncommon for UNHCR staff to expect an NGO not to criticize them. Scrutinizing UNHCR is indeed not always the same as picking on a Government, especially when circumstances dictate that UNHCR assumes a surrogate role. AMERA-Egypt needs to devote some of its advocacy energy also to where it actually should be directed most: to the performance of the Egyptian authorities.

VII. PROTECTION, (REGISTRATION, DETENTION ETC.)

178. The strategic work plan I received for review was for 2009 and consisted of nine separate and discernible activities. Some were clearly aspirational with little indication how to achieve them.¹⁰⁶ Many activities involve a high degree of advocacy work and imply coordination with external partners (with individual lawyers, human rights NGOs, authorities or UNHCR). In order to represent clients to obtain their release, Bar certified lawyers are required. Capacities of current legal advisors are self-described as “limited” in terms of their skills and experience which would argue for strengthening relations with other NGOs. Another obstacle are constraints posed by the judicial system.¹⁰⁷

179. When attempting to understand the workings of the Protection Team one notices how many different services are involved. Overall I found the strategy to be hazy and not all interpreted it uniformly. Priorities tend to be set as matters develop and supervision is uneven. Some areas (like SGBV) did not really seem to fit into the structure. I gained the impression that management could be much tighter and creative.

180. The “Protection team” in its wider sense has a Team Leader (also a DCD) several legal Officers and advisors (interns). The 2009 plan designates the last three activities as “new”:

- a) *Assist with security cases (advice, assistance in seeking police/prosecutor protection, communication and liaising with UNHCR Cairo);*
- b) *Assist with family unity cases (client counseling, document gathering, accompany, communication and individualized advocacy with UNHCR);*
- c) *Assist and visit detained refugees (engage in advocacy with authorities and UNHCR to promote their release; assist and represent them in courts);*
- d) *Expand external training with Egyptian lawyers in Arabic (transfer of knowledge and raising awareness among Egyptian lawyers so they can represent refugees; develop training guide and identify target groups for training; find space, prepare materials);*
- e) *Information sessions for refugee community on their rights under Egyptian legislation (raise awareness in refugee communities on rights/obligations under the law and the 1951 Convention; special reference to people smuggling);*
- f) *Assist with UNHCR registration (help asylum seekers to register with UNHCR, especially those having problems with presenting the required documents);*
- g) *Assist refugees to access Egyptian government institutions (help refugees and asylum seekers to access Egyptian government institutions and identify the access obstacles faced; accompany them to health offices, Immigration, MFA and Other governmental bodies and facilitate their access to services).*
- h) *Pursue dialogue with UNHCR Geneva (promote rights-based policies within the UNHCR, for detained refugees and asylum seekers in Cairo; coordinate with other NGOs for the purposes of lobbying the UNHCR and share*

¹⁰⁶ No plan was made available for 2010 as the one for 2009 was still supposed to be valid.

¹⁰⁷ The plan argues for the need to recruit a bar certified lawyer as the Team is over-reliant on volunteers.

information, document systemic problems in UNHCR practices, prepare policy statements, reports/written materials to support advocacy efforts with UNHCR.

- i) *Expand service network with other NGOs in Egypt (establish better contacts with Egyptian NGOs working on human rights / security issues; create a list of all the NGO's that are of interest, a list of the primary services AMERA may we require, and a time-table to visit the NGO's).*

181. On closer inspection the Plan has numerous gaps, *e.g.* statelessness is not mentioned and timelines or measurable outcomes are undefined.¹⁰⁸ Responsibility is often assigned to the “Protection team”. Under the heading “Resource needed” one simply reads: “legal advisor”. Essentially true but without specifying how much time, what sort of skills, specifying the deliverables *etc.*, not terribly enlightening or in the end helpful. Some of the activities anticipated require additional funds without specifying how much would be needed (for rent, brochures or travel *etc.*). I was not given any progress reports on achievements.

182. One reason why there may be some confusion in this area is that it is proving difficult to conceptualize the work under a rather ambiguous banner. What does “protection” actually mean in practice, how can one measure the outputs when SGBV or related work has more than just the legal angle. Understandably for various people “protection” means various things and one can advocate and meet a lot without having much to show for it in the end. Perhaps the name could be changed to Legal Support Team. **I would advise the Protection Team to re-think objectives in the light of what can be realistically attempted in the medium long term.**

183. “Protection staff” have nevertheless proven how they can be instrumental in helping persons of concern in issues as wide-ranging as is providing advice on how to replace lost or damaged UNHCR issued documents, to how to achieve family unity, obtain residency permits in cases of legal or illegal entry, marriage or divorce. I will concentrate on those areas I believe to be most important:

VII.1 Registration

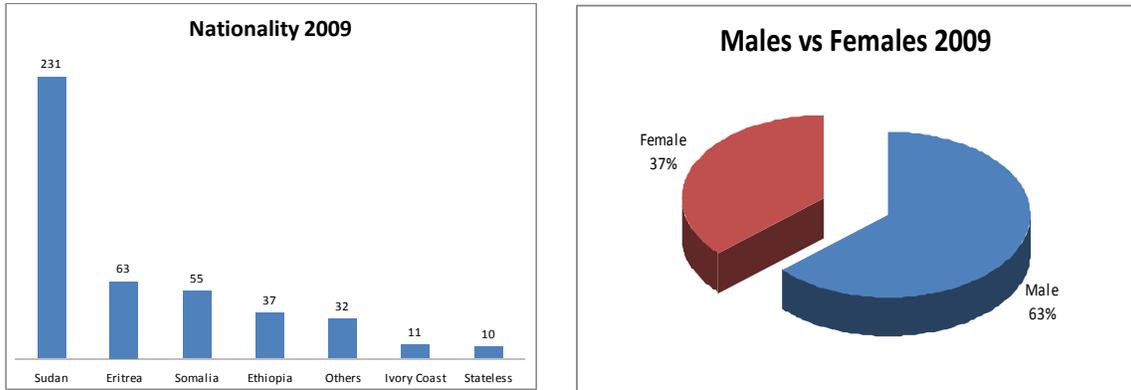
184. At the registration stage legal advice is important, especially in the case of minors and documenting data that have a bearing of family unity. It may involve the provision of qualified information about the attendant process. Legal assistance is on occasion necessary for clients who face difficulties when registering or deserve to be accompanied to the registration interview (*e.g.* vulnerable clients).

185. AMERA-Egypt staff regularly provide legal and practical assistance to facilitate registration with UNHCR (*i.e.* how to obtain of yellow and blue cards). On occasion this may include intervening when these cards are lost, cancelled by UNHCR or seized or when accompanying vulnerable persons to the relevant authorities. Protection Team staff also assist in obtaining residence permits, securing identity documentation, adding how to add spouses or children to files, how to file police reports. Clients with security problems may be accompanied to file police reports or assisted in their formulation.

¹⁰⁸ See “*Protection in the Egyptian Legal Context*” (undated)

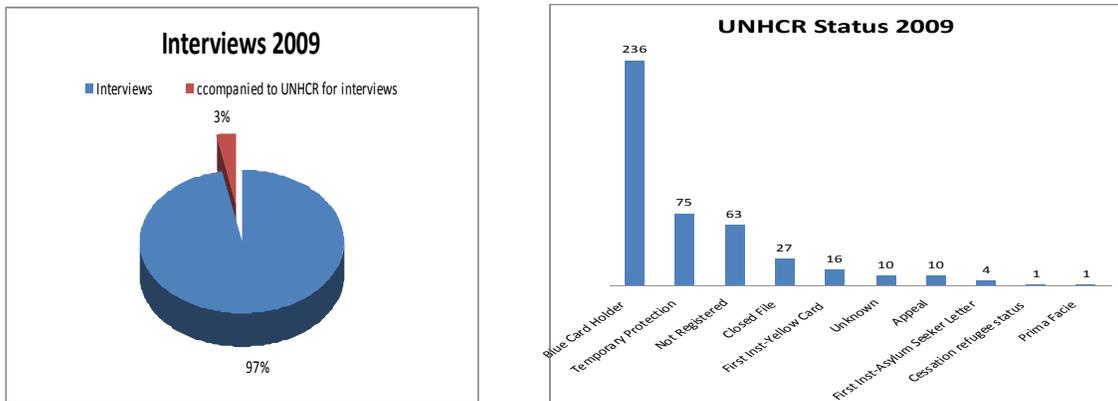
186. In 2009 the Protection Team assisted 436 asylum seekers, refugees and stateless persons with their security needs, registration with the UNHCR, issuance of residency permits and in family reunification cases. Most were from Sudan and 63% were male:

Figure 5



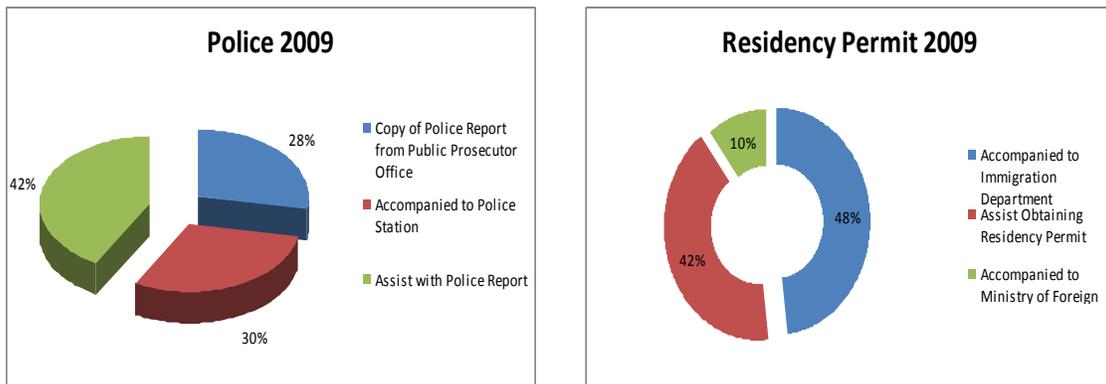
187. The Protection team conducted 214 interviews with clients and accompanied 7 client to a UNHCR interview:

Figure 6



188. 43 clients were assisted to settle a range of issues at police stations and 144 were assisted to obtain residency permits:

Figure 7



VII.2 Detention

189. The Protection team has one dedicated officer who works on detention issues. She is fluent in Arabic and has over the years accumulated unique experience that is hard to describe. Her personality and skills certainly account for the lion share of success achieved in this ultra-sensitive area.¹⁰⁹ While some aspects of this work hardly allows to involve interns (*e.g.* lack of experience to partake in visits and other operational reasons), as will be clear from the below stated, this activity is seriously under-resourced and would deserve to be strengthened. Interns could conceivably assist well on the documentation side and when following-up. This work is unique, and as mentioned above, achieves what other reputable organizations like the ICRC, UNHCR and NGOs of the caliber of HRW or AI at present cannot even dream of.

190. The decision to pursue detention work was dictated by necessity, although it started almost by accident and in response to letters containing a variety of pleas for help. The nature of the work is very demanding, both physically and mentally. Success or failure often rests on the personality, communication skills and the ability to advocate. Very few persons manage to visit security installations by requesting access through regular channels and it takes much patience, determination and I dare say, shrewdness, to pry open a prison door. It also relies on networks and the ability, again as local conditions permit, to be able to promise and deliver, for example humanitarian aid or some plausible solution (perhaps a detainee will be able to repatriate if he is allowed to obtain a travel document). In fact for some prisoners the only solution is exceedingly expensive ... an airline ticket home. In some circumstances this would be a legitimate expenditure. **Consider including into fundraising proposals budget lines that could help alleviate most negative impacts of detention.**

191. This line of work requires utmost discretion and sound judgment, as well as strong nerves and a cool demeanor. It is not altogether unconceivable that while one may gain entry, leaving a closed establishment might be another matter altogether. Field trips must as a rule be not only carefully executed but first and foremost well planned and coordinated. Security considerations dictate that telephone contact be maintained to keep someone in the AMERA Egypt office always aware of all movements and visits. Not all can for understandable reasons be always reported on and results may therefore be somewhat difficult to quantify. The main concern, however, lies elsewhere. This is a rather unique undertaking that requires specific predispositions of the responsible officer. From a management perspective this is a “weak link” as maintaining continuity poses a serious risk factor. **Provision needs to be made to hand over acquired skills and to arrange for a back-up colleague. Plans need to be formulated for 2011 and beyond to assure continuity.**

192. Many “rules” are not really “rules”, they are nowhere to be found in writing. As the responsible AMERA Officer quipped: “... *the rules? Yes there are many, they are in my head*”. This sounds wrong but is in many respects correct. Procedures do tend to be “perfected” on the spur of the moment, especially successful one’s, depending on whom one meets in a position of power and how successfully one manages to soften up

¹⁰⁹ Joined in 2007 as a volunteer, holds a degree in humanitarian development, and is employed since 2009, having started with the RSD Team. As far as I could determine, no formal training was ever received or offered to deal with the present work. Some have started to be refer to her as “St. Caterina”.

standing regulations. Yet, reporting, recording data into RIPS as well as drawing up and updating protocols, lists of contacts and “rules” in the wide sense of the word need to be established and not be left to chance, even if they pose a heavy administrative burden.¹¹⁰

193. While it is certainly not to spend so much time on the road, surmounting one checkpoint after another, the administrative side of work is not less demanding and can prove hard to accomplish. This is all the more the case when a “good” visit tends to generate much more follow-up than one person can humanly be expected to handle. I sensed a degree of exhaustion, possibly induced by a semi-permanent emergency mode that may flow the absence of a well conceived and medium to long term strategy.¹¹¹ In my judgment, detention work requires more serious attention by supervisors if other forms of recognition are in short supply. In view of such considerations, more resources to be allocated, including a regular budget line to cover for petty expenditures to procure medicines, humanitarian assistance or even mementos for prison officials.¹¹²

194. Direct as well as anecdotal evidence gathered from several independent sources confirmed to this evaluator that the work being carried out is more than remarkable.¹¹³ Some of the achievements remain inexplicable while others demand adjusting approaches and augmenting skills (for example the situation of stateless persons or Palestinians calls for different solutions). The scope and amount of work that could be done if there were more resources is anyone’s guess, especially in Egypt. Even the most democratic of societies restrict access to a minimum and information remains tightly controlled. Field trips to Alexandria, Southern Egypt or the Sinai are crucial and constitute a considerable proportion of the work (usually one or two prison visits are conducted per week).

195. The detention work allows to:

- Requests fast-tracking results/interviews in urgent security or medical cases;
- visit to prisons/follow-up with families (*e.g.* when primary applicant is in detention);
- coordinate and cooperate with the UNHCR to prevent a deportation;
- full legal representation/assistance for those in detention or face security problems;
- inform UNHCR of detained refugees and their location for it to try to gain access;
- attempt to gain access to detained refugees/improve situation of the detained;
- lobby for the improvement of detention conditions/coordinate with churches/NGOs;
- inform detainees of their rights;
- refer cases to NGOs (medical, food and educational assistance);
- assist in release of illegally detained refugees;
- liaise with criminal lawyers, seek redress for human rights violations;
- document/monitor legal/human rights violations.

196. The above list indicates what a tall order this area constitutes. As alluded to above, the detention of refugees, stateless persons and asylum seekers remains a major

¹¹⁰ All the data are recorded and saved in a sheet excel as RIPS modules remain inadequate (with names and information on detainees conditions gathered during the visits). Contacts are securely backed up.

¹¹¹ The semi – permanent emergency mode is mostly attributable to the nature of the work and the political context which has a system characterized by a “lack of system”.

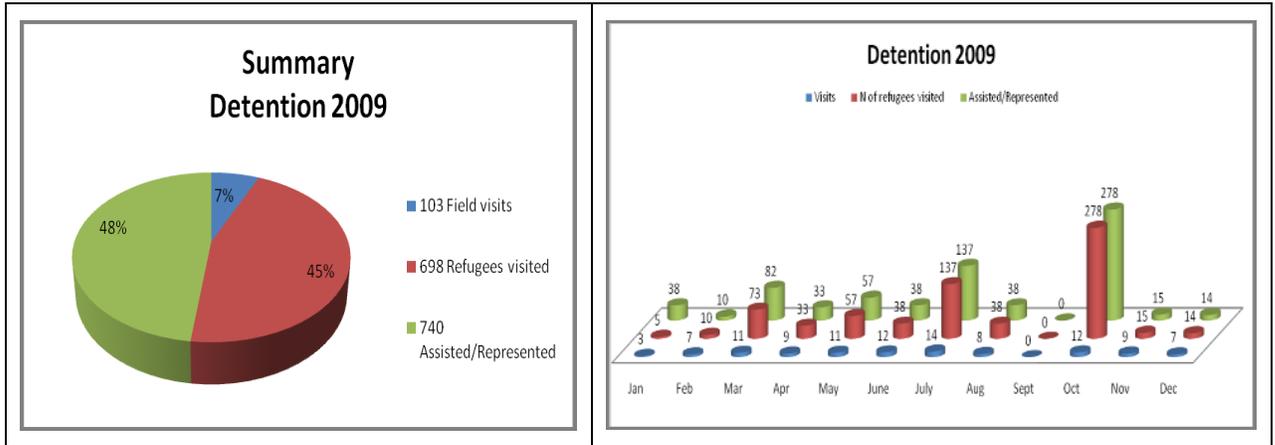
¹¹² Some follow up can be taken over by other Teams but even representing in Court carries a fee.

¹¹³ The amount of work with detainees is enormous as is the amount of advocacy work in this regard.

concern, yet the potential to educate the general public and relevant officials remains minimal. The problem has only grown with the number of those who seek to reach the Sinai border with Israel. This has elicited a fierce response, evidently in the hope to discourage such attempts. Deadly force is authorized since 2007 and many have been killed and injured. Hundreds are intercepted and arrested, including women and children.¹¹⁴ Such persons are invariably denied the possibility to apply for asylum, often incarcerated and held incommunicado for extended periods of time.

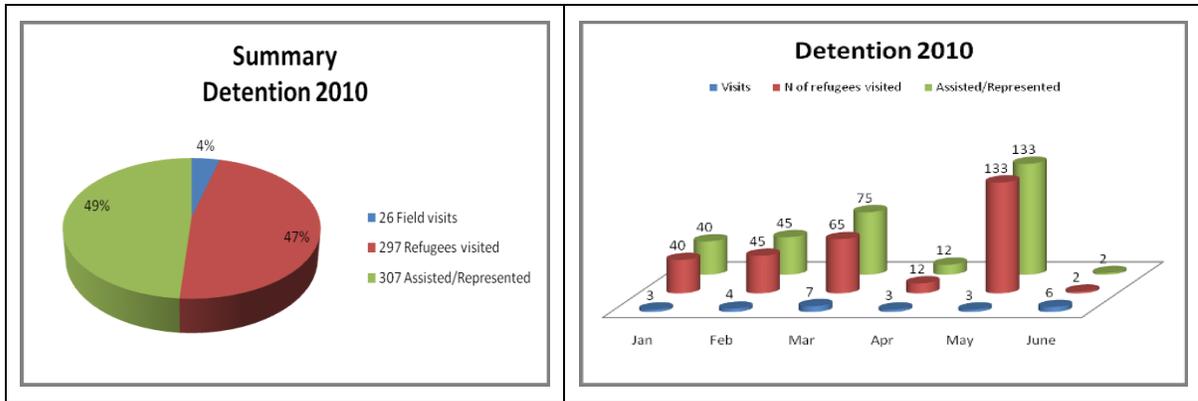
197. Hundreds of asylum seekers subjected to prosecution before military tribunals and few can hope to get any legal or material aid.¹¹⁵ If convicted, the penalty carries a sentence of 12 months imprisonment and a 2000 EP fine. Many of the arrested are never sentenced but remain under arrest/in detention until they can be returned to their country of origin. The imperative, humanitarian and legal, to try to intervene - it is justified.

Figure 8



198. The “detention” related statistics from January – June 2010 are also impressive:

Figure 9



199. AMERA-Egypt is to my knowledge the only organization that achieves such levels and frequency of access to many locations that “hold” asylum seekers, albeit

¹¹⁴ At the time of writing my BBC ticker ran the latest news from Egypt: “Six African migrants killed near Egypt-Israel border”, see <http://www.bbc.co.uk/news/world-middle-east-10975851>.

¹¹⁵ Such numbers are inherently difficult to gauge; the authorities do not always report relevant facts.

through unofficial methods or “under the radar”. Attempts should be made to fundraise more specifically for detention related work.

200. The statistics are really impressive. According to data furnished to me, in 2009 the Protection Team advocated on behalf of 894 asylum seekers and refugees in detention. Some 700 were visited in 19 separate locations, 3 of which are in Cairo (prisons or police stations). Additional information was collected regarding 200 other detainees (for other forms of follow-up).¹¹⁶ This area of protection should receive more funds and that one additional staff be assigned to this brief. Specific fundraising should be pursued and alliances be sought, for example, with the International Detention Coalition.

VII.3 Protecting the rights of unaccompanied (and separated refugee) minors

201. The Unaccompanied Minors (UM) Team was definitely in a state of transition with the Leader post about to be vacated (the incumbent “*wished to stay as long as she could*” but finances were tight and received no salary).¹¹⁷ The Office chart listed one or two part time interns.¹¹⁸ The job description was proper, more than detailed, but too demanding. The “*Minors Practice Manual*” contains on 50 pages of relevant information.¹¹⁹ It lists 14 separate activities and was obviously a good effort to address a complex area. It struck me overly ambitious to be effectively handled by two staff, especially when few dedicated funds existed for this area.

202. On the other hand, should resources be available (no specific fundraising was being contemplated at the time), it provides much solid guidance how to proceed in various situations, how to record actions, how to interview and to prepare a child for an interview, accompaniment, how best to work with interpreters and interview checklists. The work of the UM Team needs thorough review with more emphasis to be placed on the social rather than legal aspect. Additional activities should be developed once funding is secured.

203. The Minors Team supported 86 children and youth under the age of 18 (youngest was 14) who are in Egypt without parents or legal/customary guardians (in reality it kept in contact with individuals until they turned 19). Minors are helped to understand the social processes, assisted with permits and helped to develop skills to cope with the adversities that await them. The Team also worked to reunite minors with their families by cooperating with the ICRC, the UNHCR and with receiving countries. It concentrated on promoting their autonomy and independence but had no funds at its

¹¹⁶ A standard questionnaire is usually completed after a visit (one cannot always take notes or even bring paper and pen to detention); the objective is to the extent possible capture: basic bio-data (including aliases), nationality, ethnic group, languages, religion and relevant facts like date and point of arrival, arrest, reason, conditions, mistreatment, attempt to depart, prosecution (military/general/date/location), court sentence (date/location/type - criminal/administrative/military) and place of detention, status, conditions, UNHCR registration/country/file number, identifying a possible refugee during fist interview (reason for leaving, past persecution, actors of persecution, credibility, future fears of persecution *etc.*).

¹¹⁷ On my return to Geneva I learned that that the Team Leader position was to be replaced by focal points in the legal and psychosocial teams. Both were to be interns and their job was to track cases and seek assistance from other caseworkers if the workload was to prove to be too demanding.

¹¹⁸ I found it interesting the five years ago it was described as consisting of the Team Leader, seven legal advisers, two social workers and one researcher.

¹¹⁹ Other guidelines followed were UNHCR Best Interest Determination guidelines (2006).

disposal. One need identified was handouts for minors that would be written comprehensibly. Monthly consultations exist with UNHCR, Caritas and other NGOs.

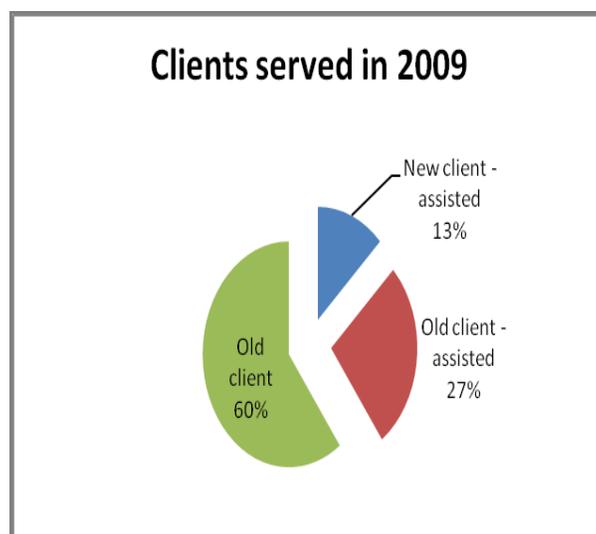
204. I was quite impressed by the efforts that went into coordinating a useful seven-week summer school where Arabic and English as well as other skills were taught to youth (essentially survival skills). This project is largely funded by the ICRC and targeted 100 minors in 5 centers all over Cairo and Giza.¹²⁰

Figure 10

Country	Old clients registered before 2009	New Ums served in 2009	Total of Ums served in 2009
Somali	83	18	101
Eritrean	30	15	45
Sudanese	17	20	37
Ethiopia	12	4	16
Congo DRC	5	0	5
Iraq	4	0	4
Ivory Coast	3	0	3
Burundi	2	0	2
Afghanistan	1	0	1
Algeria	1	0	1
China	1	0	1
Mauritania	0	1	1
Nigeria	0	1	1
Total	159	59	218

205. In quantitative terms it facilitated a number of services:

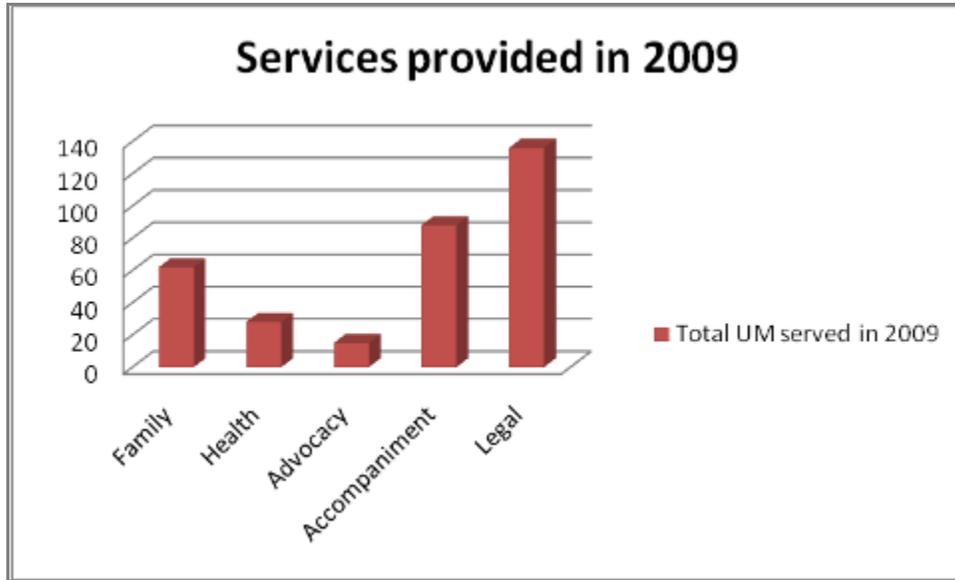
Figure 11



120 The project proposal "My Life in Cairo", An Intensive Life Skills and Language Summer School Course for Unaccompanied Minors, February 2010; submitted jointly by AMERA, St. Andrew's and Duke University that was funded by the ICRC (23,000 LE).

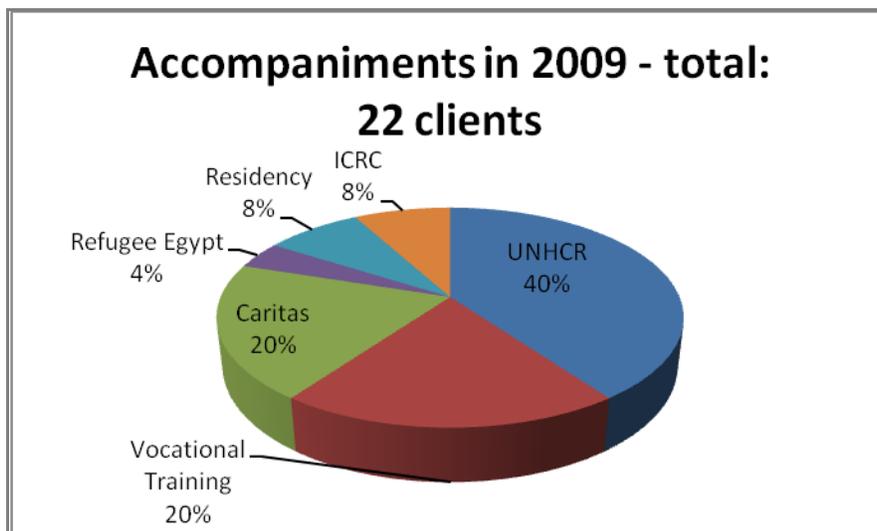
206. In 2009 the UM Team was responsible for a total of 218 unaccompanied minors. 87 of these clients required constant assistance including access to education, re-establishing contact with family members in their country of origin (in Egypt or in a Western country), accessing health and mental health services, advocacy and, most importantly, legal aid. The Team also reached out to 59 “new” minors (never assisted by AMERA).

Figure 12



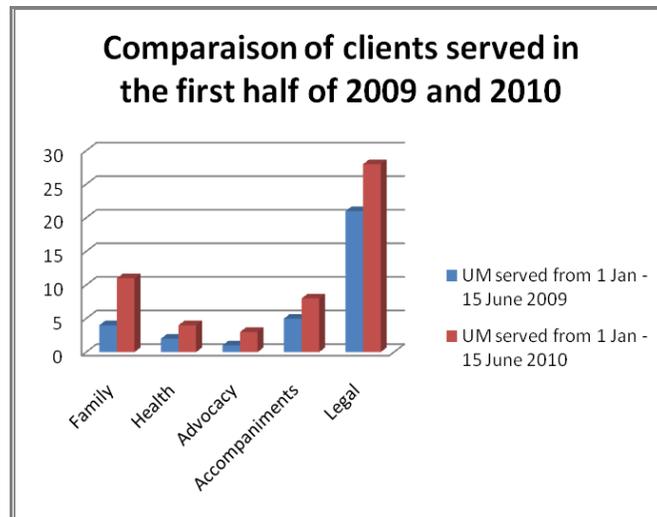
207. While most clients received legal and psychosocial assistance, an important aspect of the work was to assist in the process of settling-in and adapting to Cairo. This ongoing work was documented to me by the frequency of meetings with the client, phone calls to other organizations, such as the ICRC for family tracing, phone calls abroad to family members, and frequent accompaniments to critical services. In 2009 some 22 clients were accompanied to UNHCR (40% of all accompaniments) and Caritas and Refugee Egypt (24% of all accompaniments) as well as other places in Cairo. Most of these 22 clients were accompanied more than once.

Figure 13



208. As of June 2010, 17 new minors had registered at AMERA and were receiving services, compared to 16 new cases for the same period in 2009. The UM Team also noted an increase in number of clients provided with the main services (family, health, advocacy, accompaniments and legal assistance) in 2010.

Figure 14



209. One also needs to recognize that assistance to minors is provided by the RSD unit that prepares full legal arguments at first instance and minors are always represented on appeal - even if the case is weak. Full assistance is also provided for at registration (*i.e.* filling out forms, preparing a testimony), services not made available routinely to adults.¹²¹

VII.4 Supporting survivors of sexual and gender-based violence

210. There is an acute shortage of appropriate services and many SGBV survivors suffer severe mental and physical distress. Refugees and asylum seekers of all ages can face violence based on their sex or gender in Cairo and women in particular face increased risk of sexual and gender based violence (SGBV) in their countries of origin, during flight and during their residence in the country of refuge, both before and after determination of refugee status.

211. AMERA-Egypt has for years worked hard to offer holistic support to SGBV survivors. This includes the ambition to assist survivors by taking testimonies, helping file police reports, offering individual counseling, liaising with the UNHCR and its implementing partners, advocating for financial and medical assistance and locating emergency housing. Some are referred or accompanied to confidential testing for AIDS, sexually transmitted diseases and pregnancy.

212. In 2009, AMERA served 41 female SGBV clients in 2009 (see charts below). One of the many challenges faced is the elementary legal constraint to file a police report against a perpetrator(s) if the client does not have legal residency in Egypt (un-

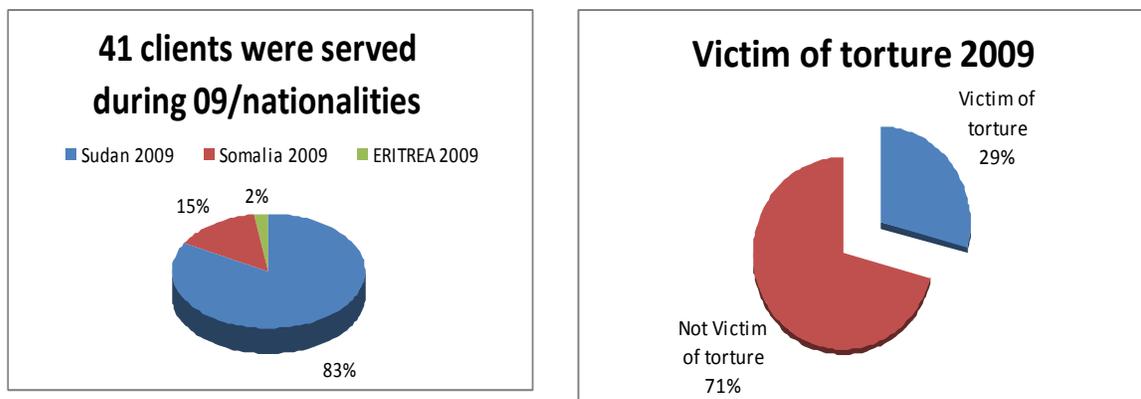
¹²¹ Past reports observed that because of the particular countries of origin of asylum seekers in Cairo, many if not almost all unaccompanied or separated minors have strong refugee claims.

registered with UNHCR, closed file or expired residency). The other is that police remain unwilling to file police reports for SGBV victims and the list goes on.

213. I reviewed four sample cases that had been handled by the RSD unit since 2009, one of which had elements of trafficking, the others involved claims of rape, forced marriage *etc.*. All were at the time of writing unresolved but were adequately argued and supported by evidence.¹²²

214. The 200% increase in cases compared to 2008 was attributed to community information sessions on SGBV and the distribution of an information pamphlet about available services (including names, phone numbers of AMERA, All Saints, Caritas, El Nadim Center). The pamphlet (undated) was translated into several languages from English (Arabic, Mahatiri, Tigrinya and Amharic). The funding squeeze did not allow proper layout and printing (A4 printer generated B&W print-outs had to suffice) and the text was not made available on the website. It advised essentially women what to do and whom to contact in case of sexual assault (not to bathe, not to change clothes, and seek medical attention *etc.*). The problem is, however, that when you advise someone to go to a safe place, in the absence of any safe houses, or to call when no emergency hotline for after hours exists, much tends to remain rather hypothetical.

Figure 15



215. There was considerable coordination with other NGO service providers but invariably staff felt frustrated how little could be achieved. One acute case was given priority for direct referral resettlement to USA but on the whole clients continued to face difficulties with police refusing to file reports even when the rapist is known. No abortion services are possible and even access to emergency medical care is a challenge.

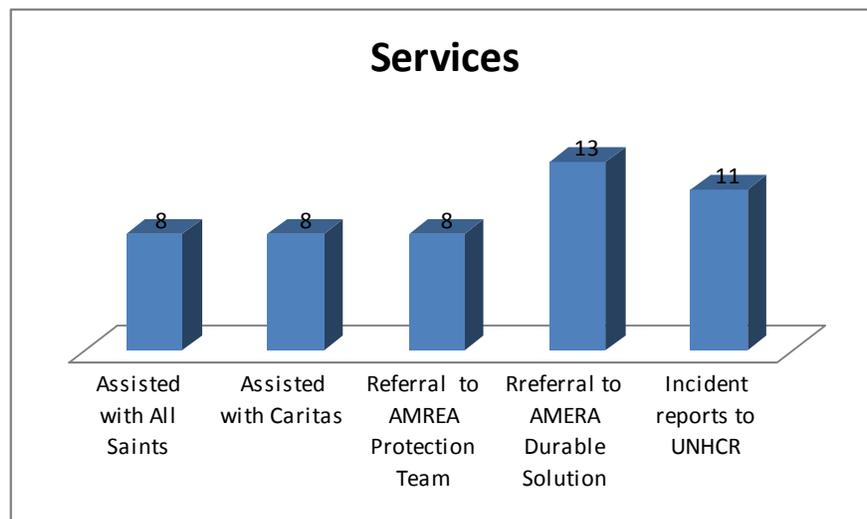
216. The SGBV focal point (not long before designated as a “Team Leader”) held a degree in human rights and was assisted by one Legal Advisor with a degree in international relations (an intern - who started in February 2010). Both were preoccupied with serious and legitimate questions of how best to follow-up on cases, work better with UNHCR and a lack of resources (including funds). Job descriptions left much to be desired and did not clearly define the work with the RSD team. Although the work plan was drafted and dated January 2010 and listed several activities (provision of legal assistance, to maintain an internship slot for 6 month periods, community outreach

¹²² Case nos. 6186 (appeal pending), 5228 (rejected at first instance - Southern Sudanese), 6047 (invited to approach UNHCR in July) and 4014 (trafficking - appeal pending).

to provide awareness sessions for refugee communities and a SGBV approach reform *etc.*) it was neither inspiring nor convincing.¹²³ It did place in the remit of the SGBV team bi-monthly coordination with UNHCR.¹²⁴

217. There appeared to be a lack of guidance from the DCD and while staff worked hard, I gained the impression that they felt overwhelmed. Their planning document was thin (possibly still work in progress) although it did list expected challenges and sub-tasks. The plan struck me both as intrinsically sound but in view of available resources unrealistically broad (everything from designing awareness sessions to conducting a community needs assessment and distributing pamphlets). This led to them becoming rather short on substance and thus built on sand (driven by lofty ideals without accounting properly for the Egyptian environment is hardly conducive to achieving much). The reality was unsatisfactory as intake interviews did not really contain anything useful for the RSD stage and there were no real and functional prospects when confronted by emergency cases. Another weak point relates to the inadequate interview space and the absence of much needed privacy for victims to be comfortable enough to speak up.

Figure 16



218. In terms of guidelines they were also in the making. Few clear and unified response protocols were defined. Another problem was that SGBV staff had more a legal background than experience with SGBV issues. Data recording in RIPS was below par and even though the actual intake was 2-3 persons a month, staff seemed inundated. The three monthly progress reports I reviewed (February to April 2010) indicated that 11, 20 and 21 clients had been assisted respectively (most were “blue card holders”). The same reported that an SGBV meeting with the UNHCR focal point had essentially stalled. I also noted that four community workshops had been scheduled for May and that the CD was notified of an appalling emergency case which appeared to lack effective follow-up.

¹²³ A similar plan existed for 2009; it originated from a text dating back to 2007-08.

¹²⁴ I reviewed the minutes of an inter-agency meeting held on 2 February 2010 attended by UNHCR and four NGOs including Caritas and AMERA-Egypt. The record shows an unfocused debate replete with initiatives, evidently a forum still looking for itself. A note from a second bilateral meeting is undated.

219. In sum, poor management and support from the supervisor was matched by poor results and this whole area evidently awaits serious rethinking. An internal evaluation was about to be launched and the results that reached me in July indicate a host of changes being considered, making my present assessment rather redundant.

220. The resulting paper, co-signed by the two DCDs, does make eminent sense. It plots a new course, includes basics like a revision of intake criteria, a requirement to take notes electronically (not by hand), make an inventory of and checklist of documents on RIPS, identify documents that need to be record (*e.g.* a UNHCR medical card) and establishing closer cooperation with the psychosocial team. I would generally agree with the thrust of findings and trust that this area will henceforth be given the attention it rightly deserves. **SGBV activities should be redesigned and moved to the responsibility of the psychosocial team, supervised closely by the new DCD.**

221. I do believe that the key objective should remain: to assist SGBV survivors to cope, to lodge police reports and communicate discovered cases to the UNHCR, coordinate with other NGOs in response to urgent cases, particularly domestic violence or sexual coercion. The “*SGBV protocol*” (undated) generally makes sense and provides a foundation to build on. It evidently lists some shocking realities: *e.g.* that very few shelters for women exist and that none have ever accepted a refugee woman!! One private NGO runs a shelter and wanted to charge refugees 400 LE per month. The other catch is that it is about 1 hour outside Cairo.

VII.5 Promoting protection through durable solutions

222. UNHCR’s strategy for durable solutions (DS) in Egypt means either voluntary repatriation or resettlement - local integration, as has been explained above, is not really in the cards. For AMERA-Egypt there is good reason to engage in resettlement where much remains to be done to help refugees understand and to more effectively benefit from this increasingly rare solution and on occasion on how to repatriate (usually Sudan or Iraq). There is a distinct need to dispense reliable information to refugees and asylum seekers about DS and AMERA has over the years built up a unique experience in this area. Perhaps just as importantly it enjoys the trust of clients and is in a position to convey even the most unpopular news.

223. Interest in resettlement is such that most staff (and interns) are expected to provide accurate and up-to-date information on a range of related subjects and a number of information sheets have been produced for this purpose (that should be available on the website).¹²⁵ The staff can resort to a number of useful guidelines, often describing what needs to be done step by step. These include “*Internal and external referrals to durable solutions*”, how to “*Assess vulnerability in the context of resettlement*” (both undated) and an explanation how to use the joint “*UNHCR – AMERA spreadsheet*”.

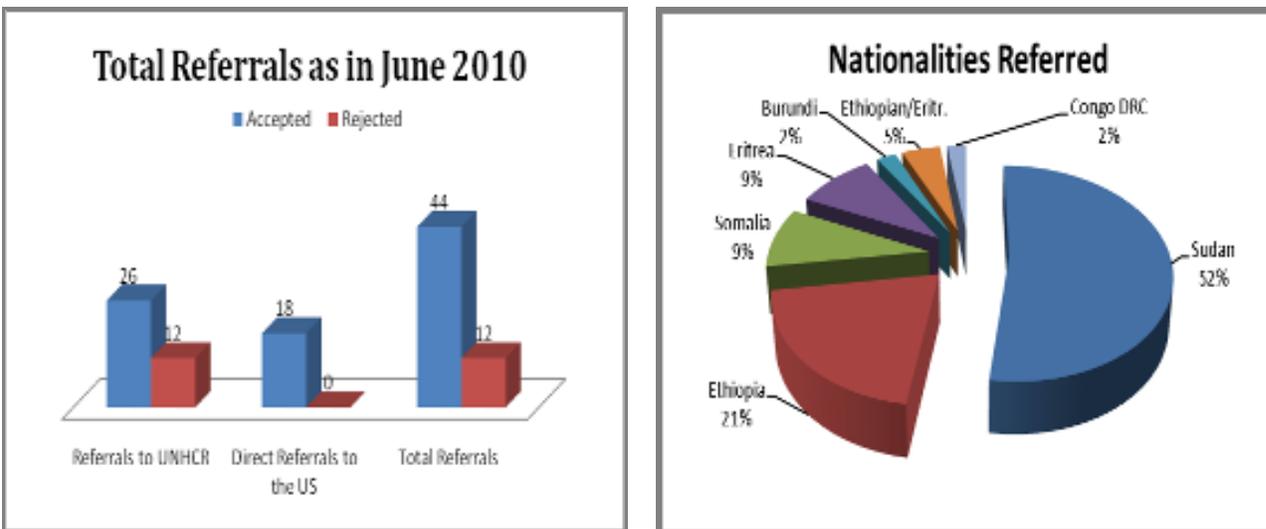
¹²⁵ The following are available to walk-n clients and can be easily printed from a network folder: “*What is resettlement?*” (Includes information on who is eligible and why); “*What to expect from your IOM interview*”; “*What to expect from your DHS interview*”; “*How to get to Australia*” (through private sponsorship); “*How to get to Canada*” (through private sponsorship); “*How to write a request for review*” (appeal of US negative decision); “*What to do if you have been rejected by the Canadian embassy*”; “*What to expect in the US after resettlement*”; “*Information on Voluntary Repatriation to Sudan*” and “*Information on Voluntary Repatriation to Iraq*”.

224. The resettlement staff were only two and the service started with one (the Team Leader was just on his way out). Both are Egyptian, are former interns and were well versed in the established procedures. As with other Teams, there is also a responsibility to train other staff and incoming interns. Legal assistance for sponsorship was abandoned due to lack of funds and staff focused on:

- a) assisting in tracking resettlement cases with UNHCR;
- b) making resettlement inquiries with UNHCR (for internal or external referrals who fail to understand their process at UNHCR);
- c) referring cases for resettlement to UNHCR (those who are recognized and meet criteria, notably, survivors of violence and torture, women at risk; the elderly and in cases of family reunification once regular immigration channels are exhausted); cases of UMs to BID meetings.
- d) referring cases directly to the US Refugee Program (refugees according the US application of the definition - evidence of past persecution or cumulative discrimination, or well-founded future fear, but not necessarily both; UNHCR cannot resettle as file is closed or they cannot be resettled for political reasons; its urgent and cannot wait a final decision by UNHCR (unavailability of treatment), converts who cannot practice their religion freely, adherents of illegal/persecuted faiths like Jehovah's Witness, the Baha'I, political activists, homosexual, are in danger in Egypt etc. etc.);¹²⁶
- e) assisting with appeals of negative decisions from Resettlement Countries;

225. The DS Team maintains a close and amicable relationship with the UNHCR Resettlement Unit as well as other partners like IOM and Embassy immigration officials (e.g. US Embassy in Jordan). AMERA-Egypt is the only NGO in the sub-region, that has a direct relationship with the US Refugee Admission Programme (US RAP). Cases are referred to the US RAP for clearance and forwarding to the IOM (Cairo) for processing (“Oversees processing entity”). If I was well informed, more referrals would be appreciated (see the high success rates below): a possibility to seek earmarked funds.

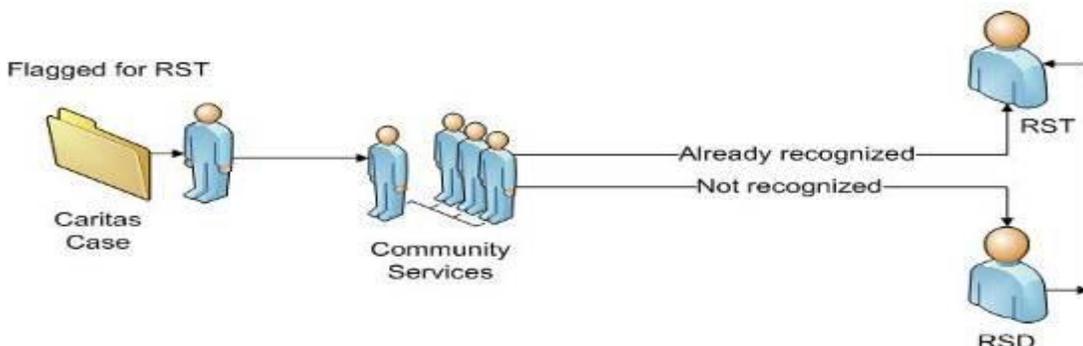
Figure 17



¹²⁶ Relevant guidelines were “work in progress”. The US does not provide much support to refugees on arrival and it is important to refer those who are likely to become self-reliant. As of January 2010, AMERA learned that the US is not prepared for the arrival of medical cases in need of urgent treatment.

226. Referrals for resettlement are made if the individual a recognized refugee and when resettlement is the best durable solution. If the UNHCR indicates interest AMERA prepares a referral pursuant to a detailed protocol for protection/medical cases:

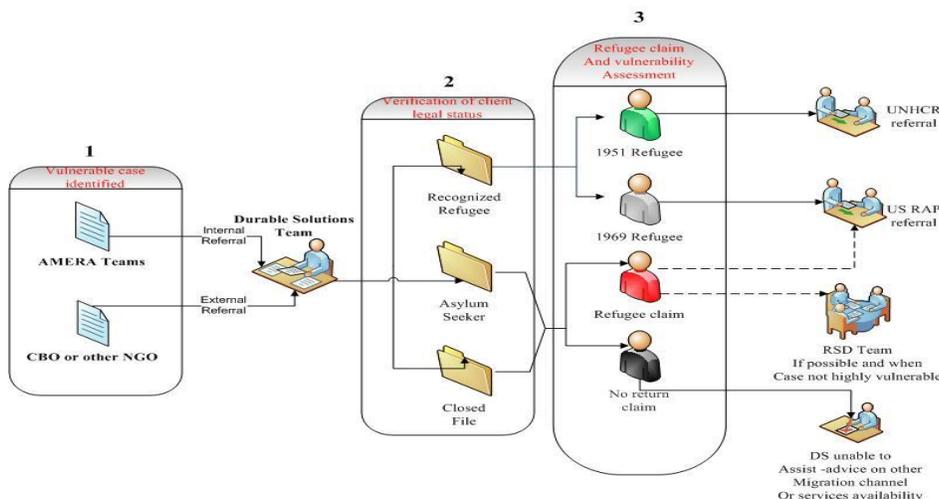
Figure 18



227. This is a situation when AMERA-Egypt cannot refer because it lacks the medical expertise. Its added value in its ability to inquire and follow up on behalf of clients who have been informed by Caritas, UNHCR’s implementing partner, that their file would be flagged for resettlement, even when their legal status makes them ineligible. They have their hopes raised and wait for long periods without knowing whether or not they are indeed being considered for resettlement.

228. Unaccompanied minors require a BID form while survivors of violence and torture, women at risk, the elderly and family reunification cases can be referred directly if regular family reunification channels through are exhausted or appear to be complex.

Figure 19

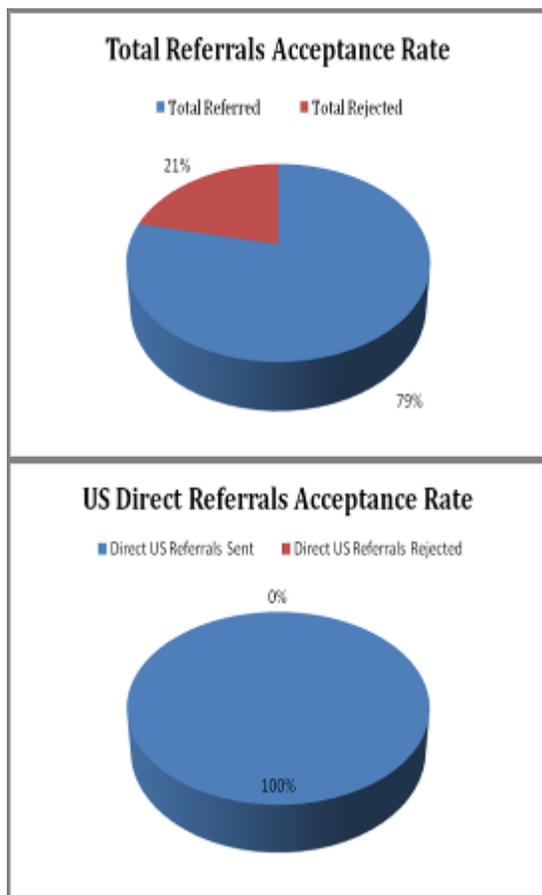


229. Given the fact that this service effectively was about to slim down to two staff (Team leader leaving plus one Legal Officer and one part time Advisor-intern), it has achieved remarkable results as statistics of referrals for the first half of 2010 show:

Figure 20

2010 Country	Referrals to UNHCR	Referrals rejected by UNHCR	Direct US Referrals	Direct US Referrals Rejected	TOTAL Referred	TOTAL Rejected
Sudan	12	5	11	0	23	3
Ethiopia	7	2	2	0	9	1
Somalia	3	4	1	0	4	4
Eritrea	3	0	1	0	4	0
Burundi	1	1	0	0	1	1
Ethiopian/Eritrean	0	0	2	0	2	0
Congo DRC	0	0	1	0	1	0
ALL	26	12	18	0	44	12

Figure 21



Seven out of the twelve rejections were rejected for ineligibility for resettlement due to recognition under the 1969 African Union Convention. Please note that AMERA previously had a convention enquiry system set up with UNHCR Cairo, which had to be suspended due to strained resources on the UNHCR end. Thus, starting March 2010 AMERA wound up referring more cases to UNHCR whose convention status could not be ascertained.

All direct referrals submitted in 2010 have been accepted into the US Refugee Admissions Program, the first step towards acceptance for resettlement, but not all have been adjudicated by the US Citizenship and Immigration Services yet. Five cases have been adjudicated already, of which four were accepted and the fifth, an applicant in detention, is pending.

230. Referral results 2009 were also very good and only 12 submissions failed. This attests to high quality research, drafting and a viable selection process. Even if the percentage of unsuccessful cases was higher and need not indicate failure as even the best prepared resettlement submissions may gain favor of a resettlement country.

Figure 22

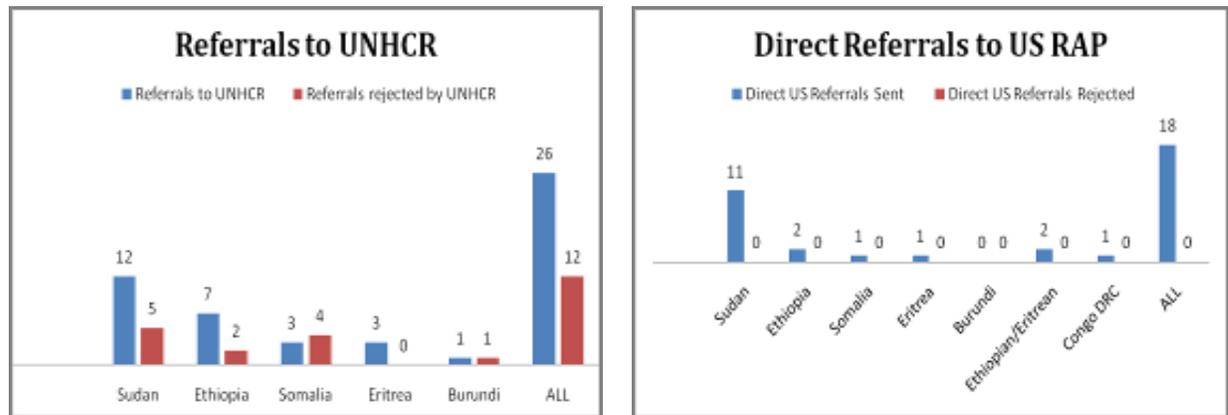
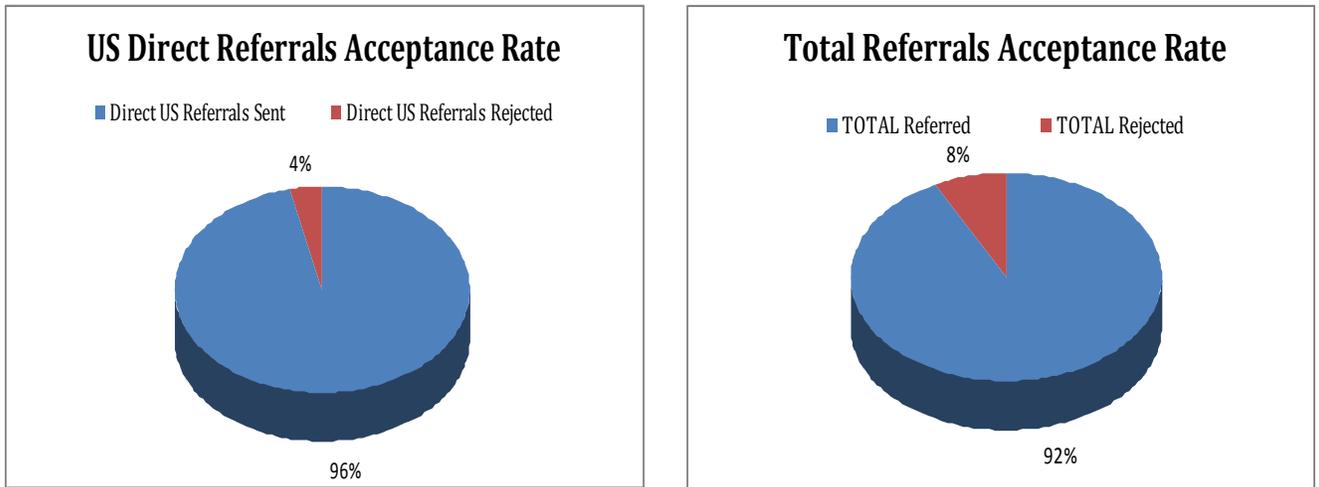


Figure 23

2009 Country	Referrals to UNHCR	Referrals rejected by UNHCR	Direct US Referrals	Direct US Referrals Rejected	TOTAL Referred	TOTAL Rejected
Sudan	30	3	16	0	46	3
Ethiopia	21	1	4	0	25	1
Somalia	15	4	1	0	16	4
Eritrea	8	0	1	0	9	0
Zimbabwe	5	0	0	0	5	0
Chad	1	0	0	0	1	0
Congo (DRC)	1	0	0	0	1	0
Djibouti	1	0	1	1	2	1
Iraq	1	0	0	0	1	0
Libya	0	0	2	0	2	0
Uzbekistan	0	0	1	0	1	0
Russia	1	0	0	0	1	0
ALL	84	8	26	1	110	9

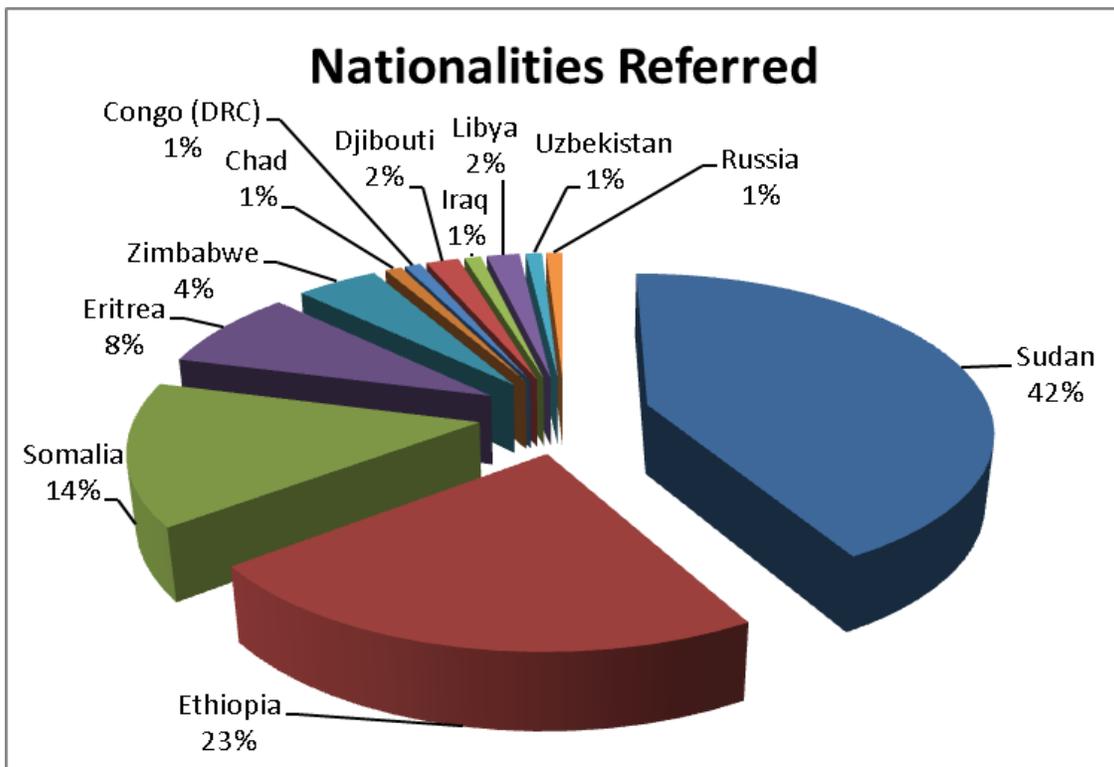
231. In 2009 AMERA made 26 direct referrals to USRAP, of which 25 were accepted: an acceptance rate of 96% (see figure 24). This includes two referrals that were rejected and subsequently overturned after AMERA submitted a request for review. In addition, AMERA referred 84 cases to the UNHCR (76 accepted for resettlement consideration).

Figure 24



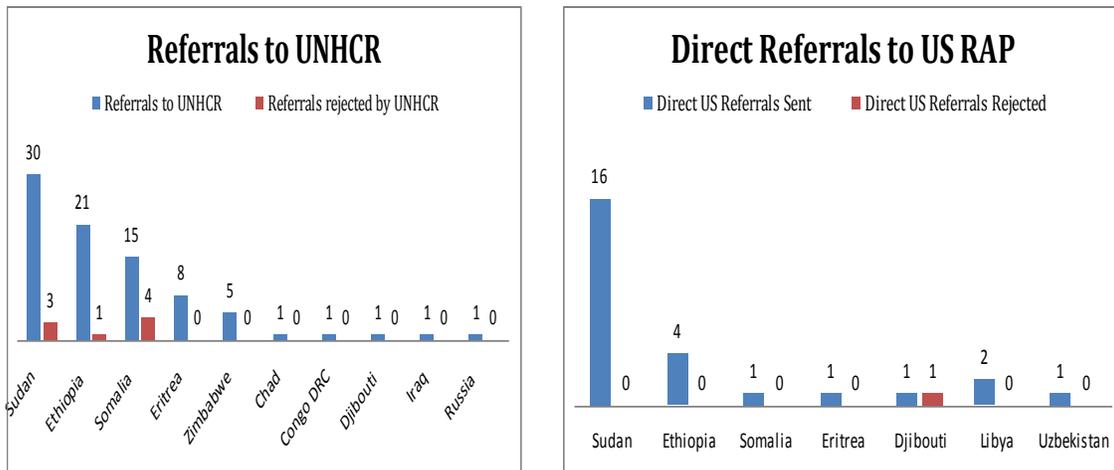
232. Also the spread of nationalities was impressive in 2009:

Figure 25



233. Referrals to UNHCR and the US attest to excellent work which stems from an idea floated last year at a regional seminar with US resettlement officials. To this day, and much to the credit of AMERA, direct referrals by an NGO remain unique in the MENA region. This service, while demanding in terms of quality and labor intensity, is another example of AMERA’s viability.

Figure 26



234. As flagged above, one perspective that deserves to be followed up is to explore whether the current demand for more referrals to the USRAP cannot be converted into a source of income. AMERA evidently has the skills to refer, enjoys access to refugees to select the most deserving, has the powers of attorney and knows which cases have failed through UNHCR submissions. It can therefore judge what may be acceptable to the US. The missing element is sufficient capacity for such labor intensive work. **The CD should explore the option to offer to process more direct referrals.**

VII.7 Increasing access to education

235. As mentioned above, most refugee children are denied access to free state education. Children of asylum seekers and those with closed files are even worse off, relying on private or charity schools that do not even issue recognized certificates.¹²⁷ The opportunities outside the state system are provided either by religious institutions or by the refugee communities themselves. Both are limited not only by the number of places available but because they are not accredited under Egyptian law and there is no system for the recognition of the education gained informally. These disadvantages severely handicap the children involved and their subsequent opportunities in life.

236. The aim of AMERA-Egypt is to assist refugee children to access primary education by helping them to register in public, private (if they can afford it) and refugee schools through providing information, advocating for them on case by case basis where possible and accompanying them when necessary.¹²⁸

237. This right flows not only from Article 22(1) of the 1951 Refugee Convention but also from Article 13 of the International Covenant on Economic, Social and Cultural

¹²⁷ Except in the Governorate of Alexandria where the Governor decided that refugee children should be accepted in public schools; it is true that schools there are less populated than in Cairo.

¹²⁸ See “Position Paper on the Right of Refugees to Education” (2004) or “Refugee Children in Egypt and the Right to Education, Examining the Gap between Theory and Practice”, (2007) 11 MJHR 9, by Tarek Badawy, refugee lawyer and member of the Egyptian Bar Association, former Programmes Director and Senior Legal Officer of AMERA-Egypt who extensively documented the right of refugees to education and succinctly mapped the obstacles that impede refugees from exercising the right to education; see also “Refugee education in Egypt” (2008), www.thehagueprocess.org/Upload/PDF/CAIRO-EGYPT-PAPER.pdf.

Rights, 1966 and from Articles 2, 22 and 28 of the CRC (1989). Egypt as a State party to these Conventions is obliged to provide free and compulsory education to all children in their jurisdiction (and not only to those who are citizens). As to its earlier reservation to Article 22(1), it has been observed that when the 1951 Refugee Convention was published in the Official Gazette, there was no mention of any of the reservations. This has been interpreted as meaning that the 1951 Convention became part of the domestic law of Egypt without any reservations. Consequently, one could argue that Egypt is obliged, in accordance with its own national law, to provide refugees with primary education.¹²⁹ This is perhaps one area that lends itself to litigation (see below).

VII.8 Advocating access to healthcare

238. Access to medical care is one of the most serious problems faced by anyone in Egypt. Staff work closely with local NGOs which provide health care services to refugees and asylum seekers with a view to identifying available services and to advocate for client access to these services (including making referrals, inquiries and accompaniments). AMERA-Egypt has been successful in obtaining health care services for refugees and asylum seekers when they do not meet the criteria for services set out by UNHCR and NGOs. This entails a pool of Egyptian doctors who are willing to provide free consultations; discounts on medical interventions such as tests needed and can perform emergency health care services at no charge or at a significantly reduced rate. In 2009 40 clients received such assistance and by July 2010 the corresponding figure is 60 (almost half of whom are not eligible under UNHCR criteria).

239. The psychosocial team provides for a number of services, including in-house psychiatric assistance as well as external referrals, individual and group counseling, crisis and suicide intervention services, psycho-education groups for refugees, ongoing therapeutic support and advocacy on behalf of clients with the social welfare and medical service systems. Provision is also made for training community service providers, support and education groups for refugees. These activities were fully examined and described in the recently released “Langley report” and are currently under thorough review. They are not further investigated here save to mention that inter Team cooperation exists at many levels, for example when obtaining a psychiatric assessment for RSD purposes.

¹²⁹ Legal opinion of Dr. T. Badawy (former AMERA staff) see *supra*.

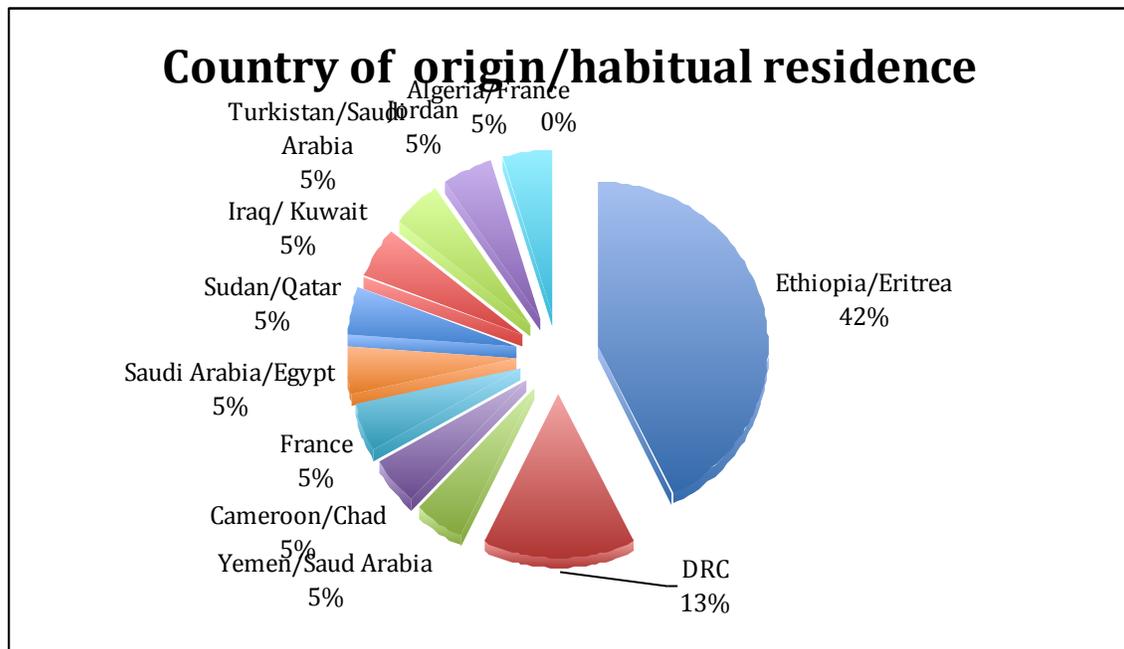
IX. MISCELLANEOUS

IX.1 Statelessness

240. The problems faced by stateless persons, who from a legal perspective may not be always be persecuted in the sense of a refugee, are still entitled to international protection, and are not a new phenomenon. In Egypt, however, they have escaped the attention of most, including of UNHCR. Egypt is not party to either of the two stateless conventions¹³⁰ and only other general human rights obligations apply (*e.g.* under the Covenant on Civil and Political Rights or the CRC). Stateless issues have come into the purview of AMERA-Egypt legal services only relatively recently and to a degree by chance (or as a result of its outreach to detention and communities). The true number of stateless remains unclear, and recent evidence suggests that their real situation and numbers are vastly under-reported. Officially, only 64 persons are regularly monitored by UNHCR, while AMERA-Egypt detention, psychosocial, RSD and Durable solutions work have stumbled across more. For those who are detained, the absence of any consular protection of any country exposes them to a very uncertain fate and they often languish in detention or are released only if they pay a fine. For those who are not in detention, and who lack documentation, as the majority do, they are at risk of arbitrary arrest and indefinite detention for their illegal stay in Egypt.

241. In 2009, 21 stateless clients were served (16 old and 5 were new):

Figure 27



226. Of the cases handled 13 were in the purview of the RSD team, 6 were in receipt of psychosocial services, 7 were served by the Resettlement team and 8 by the

¹³⁰ UN Conventions Relating to the Status of Stateless Persons (1954) and On the Reduction of Statelessness (1961).

Protection team. Four were not registered with UNHCR, two benefited from temporary Protection, four held a Blue Card, eleven had their files closed (Male: 14; Female: 7 and 7 victims of torture). Some 72 meetings were recorded, including intake interviews and 17 with those who are detained. Staff produced 6 written testimonies and accompanied 12 persons (1 to appeal interview at UNHCR, 3 to first instance interviews, 1 to airport, 4 to Mogamma and 3 to hospital). **AMERA-Egypt should maintain at least a focal point address the complex needs of stateless persons who do not always fall into the mandate of other teams and consider to seek earmarked funds for a paid position.**

IX.2 Advocacy with UNHCR and beyond

242. The main problem in advocacy work with UNHCR is that systematically documenting policy concerns takes time. It does nevertheless constitute a good investment and is also a delicate issue. I concur with those who opine that it is essential for an organization like AMERA.

243. It is best performed in Egypt but on occasion it needs to be taken to UNHCR's Headquarters, usually in the context of so called pre-EXCOM consultations which have been attended for a number of years. This is a most useful forum for public advocacy and allows meeting senior staff in Geneva (responsible Bureau and RSD unit) who generally respond to criticism constructively.¹³¹

244. Contacts with UNHCR Cairo are regular and manifold, often very informal. Staff also meet personally and discuss a range of matters, including RSD-related issues. It is commendable how communication channels have remained open and they reflect the mutual interests at stake. Instances when UNHCR becomes very defensive have been noted but in the recent years are increasingly rare.¹³²

245. AMERA should continue to pursue policy-based advocacy with UNHCR, especially on RSD procedural issues at all levels. Other areas that may lend themselves are detention and statelessness, and even litigation. There is also sufficient room for AMERA-UK board members to contribute to such efforts if they are well coordinated and timed. AMERA should always rely on concrete and un-inflated information. Recurring problems in any area that raise systemic concerns should be presented in a constructive manner to lessen the chances of being interpreted as hostile. If UNHCR-Cairo resolves a problem successfully, AMERA should consider drawing attention to a "best practice" through various means. **If UNHCR-Cairo takes no action or the dialogue is in a dead end, the report should be shared with UNHCR headquarters.**

246. Much work can potentially be assumed when sharing information with third parties, *e.g.* in supplying reliable data to shadow reports that are being prepared for various United Nations Treaty bodies. The problem here is again in inadequate capacities and while definitely important and worthwhile, I do not believe that AMERA-Egypt can at this juncture pretend to do much in this regard. Once it regroups and its own reports

¹³¹ Some observed that it was welcome as leverage for staff to promote reform internally.

¹³² In the past UNHCR-Cairo officials reportedly ordered their subordinates not to communicate with AMERA-Egypt, suspended communication entirely for brief periods, and reportedly threatened to push the Egyptian Government to take action against AMERA. These problems were especially evident in late 2005 and early 2006 in the wake of the Mustafa Mahmoud protests and a report by the American University in Cairo that was critical of the local UNHCR office's handling of the incident.

to donors are delivered on time, contributing to such analytical work will be advisable.¹³³

247. One interesting effort underway is work on a list of about 20-25 detainees – all unregistered asylum seekers and recognized refugees – to submit them for resettlement. This involves coordination of the detention officer with the RSD and resettlement Teams and local partners. Consideration is also being given to contact the UN working group on arbitrary detention or relevant UN Special Rapporteurs. At present there is no such contact although at least 20 cases could/should be brought to light and challenged on grounds of arbitrary and prolonged detention, especially as they concern asylum seekers detained since 2007/2008 who are not even registered with the UNHCR.¹³⁴

More external advocacy, including through the United Nations specialized mechanisms should be pursued once resources are consolidated.

IX.3 Protecting rights before the courts

248. I believe that it is timely for AMERA-Egypt to engage more in litigation, *i.e.* protecting refugee rights before the courts. I have weighed the counter-arguments, including that this may attract unwanted attention, but was not convinced. In any event, measures can be taken to litigate through third persons. AMERA-Egypt need not always figure in a court dossier directly and subsequent press releases need not be always attributed directly to AMERA-Egypt. My views were largely echoed by the CD who also felt that this risk factor can be appropriately mitigated. Some observers in addition felt that the authorities do not mind assistance to refugees that much, that they indeed understand that an important social service is being provided at no cost to the State. Interventions by EFRR have benefited refugees and asylum seekers and suggest that a high rate of success is in reach. This would have a significant impact on the quality of life of clients - especially in cases of arrest and detention.

249. The first major case to have been adjudicated recently concerned two recognized refugees threatened with deportation is an example to be replicated. Both refugees were married with children and were of the Zaghawa tribe in Darfur. Both went to the Sinai to try to find out whether one of their relatives had been arrested/injured/killed trying to cross the border and on 4 August 2009 were themselves apprehended and accused of attempting to cross the Egyptian – Israeli border. They remained detained for about 9 months without charge (never brought before a court) and they were pressured to repatriate to the Sudan (they were encouraged to buy a return ticket and told that UNHCR would not gain access to them). In April 2010, the Sudanese Embassy in Cairo, in agreement with the Immigration authorities, issued travel documents for both and they were transferred to Khalifa - a deportation center in Cairo.

250. Assistance provided during the detention period included regular visits and reporting on their location to the UNHCR. When deportation was imminent and visits were not permitted at least clothes and food were delivered. This allowed to confirm the whereabouts and to maintain some contact. When the clients were moved to Aswan,

¹³³ See for example “*Comments on Egypt’s Report to the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families*”, 16 April 2007, that relies on AMERA-Egypt first hand knowledge; www2.ohchr.org/english/bodies/cmw/docs/tarek_badawy.doc

¹³⁴ Cases should be ready (all data related to arrest/detention and claim) at the beginning of November

they were visited again and the case was referred to a lawyer to challenge the deportation order before the administrative court.

251. The administrative court initially issued a ruling halting the deportation order and both were returned back to Cairo where UNHCR re-gained access and interviewed both (both were accepted for resettlement by Sweden). The spouses received the travel documents (for all) while they are currently still detained in El Qanater prison. On 5 July the Cairo administrative court annulled the deportation orders relying in the dictum on the 1951 Convention (Arts. 31, 32 and 33) and on Art. 13 of the Covenant on Civil and Political Rights and ordered the release of the plaintiffs. This is probably a “first” in Egyptian legal history. Another major achievement is that the court applied a very progressive interpretation of the 1971 Constitution by extending personal freedoms guarantees to everyone in Egypt, not just to nationals. As this is a rather remarkable happening and a first for AMERA-Egypt I reproduce the full court judgement in an unofficial translation in Annex 7. A comprehensive analysis of the ruling is expected soon.

252. There are many areas worth testing and I already alluded to the situation with regard to primary education (to invoke the provisions of the CRC)¹³⁵ and of course protection against deportation. Administrative obstacles faced by refugees are often insurmountable as if designed to discriminate, *e.g.* vaccination requires a birth certificate and a birth certificate needs a marriage contract which cannot be obtained in the absence of a valid passport. Instead of accompanying every problematic case to the authorities, more structural solutions need to be sought through the judiciary. The Egyptian protection system needs shaking up and it remains to be seen whether UNHCR will start to advocate again on matters it appears to have given up on years ago.

253. Other areas that may lend themselves to litigation include being denied a birth certificate (for children born out of wedlock), to exercise the right to marry or to be issued a replacement marriage/birth certificate that can not be obtained from the country of origin (by invoking Article 25 of the 1951 Convention – the right to administrative assistance). The Egyptian authorities could also be challenged to issue Convention Travel Documents by invoking the reasoning that since they asked UNHCR to adjudicate on refugee status, as a signatory, Egypt will at least assume one concrete responsibility and meets its obligation under Article 28 of the 1951 Refugee Convention. [AMERA-Egypt should develop a litigation plan and skeleton legal argumentation to be invoked before suitable individuals prepared to take their cases to court are identified; given the highly sensitive nature of information that is needed when litigating, lawyers who pursue cases should at least be directly contracted by AMERA-Egypt or optimally be on the staff.](#)

¹³⁵ One needs to reinvigorate the legal argument that since Egypt ratified the CRC without reservation, all children, including refugees, have the same rights, not only those who are nationals of Egypt.

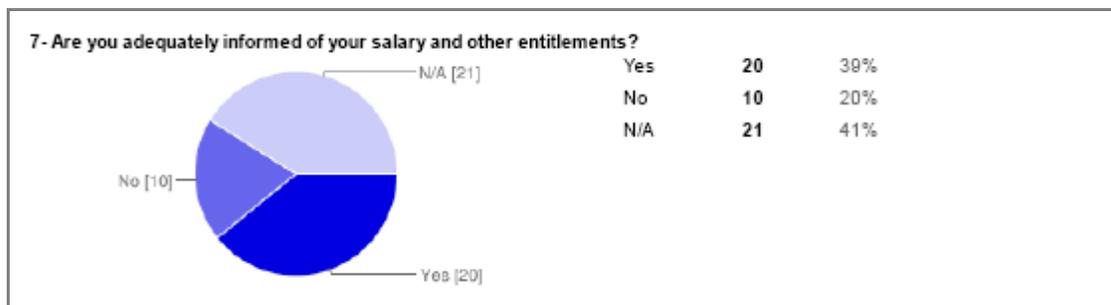
X. AREAS FOR MANAGEMENT IMPROVEMENT

254. One need not be a management guru to conclude how exceptionally important it is for AMERA-Egypt to consolidate its staffing issues, management structures or IT applications. Even the most mundane tasks need to be regularly performed and inconsistencies must be checked and evaluated. Legal and other skills have to be addressed through a proper appraisal system and recruitment should take into consideration relevant qualifications, including computer literacy levels. **The Country Director, in consultation with the Board, should seek to fully review the entire situation with a view of stabilizing it and plotting “affordable” corrective measures over a foreseeable period of time.**

X.1 Contractual status and job descriptions

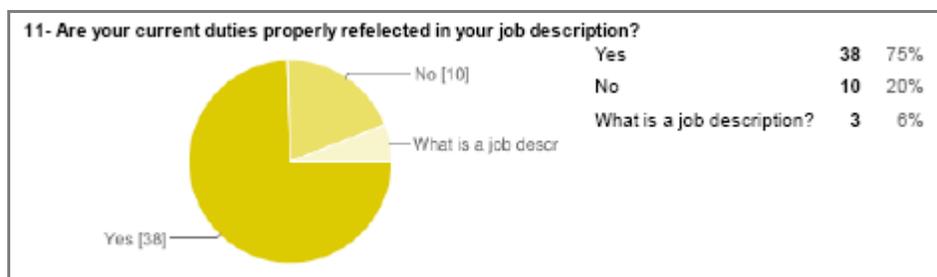
255. Staffing arrangements and relations were somewhat unclear. Not only have recent upheavals caused extended periods of *interim* leadership arrangements, they have also led to a spate of resignations of key staff amidst financial uncertainty. Some problems can be attributed to lax procedures and sloppy management that could not longer be patched over by “sufficient funding”. It can only be hoped that the present CD will place AMERA on an even keel well before financial perspectives become critical. Tighter procedures and happier staff should help to reign-in high staff turnover rates.

Table 24



256. Not all staff could refer the evaluator to a current job description that would accurately reflect their responsibilities. There is also much room for improvement with regard to clearly defining roles and responsibilities and agreeing with the supervisor on objectives. **Job descriptions should not remain in draft and be regularly up-dated.**

Table 25

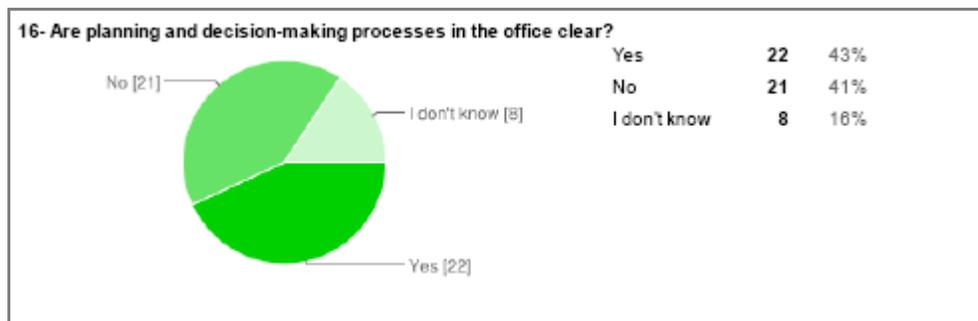


257. A high percentage of staff, including managers, found nothing wrong with such a state of affairs. The management culture evidently avoids some routines, including in having proper job-descriptions. Few recognized it as an indicator of functional and shared responsibility with the supervisor. I believe that such *lacunae* undermine effective and cordial relations and make it infinitely more difficult to remain disciplined.

X.2 Staff management consultation

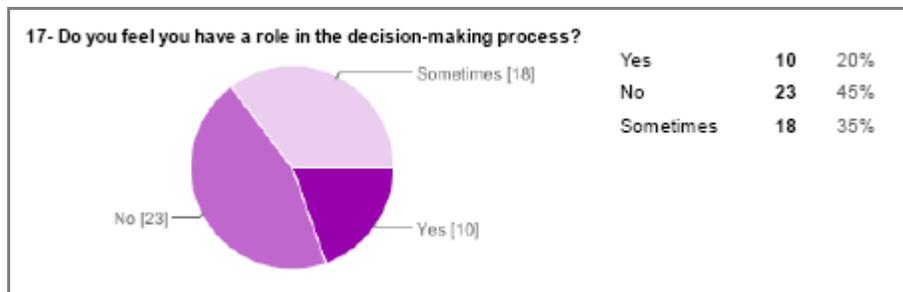
258. One area that deserves improvement is staff-management discourse. Interviewees were not sufficiently informed of the challenges and privy or clear about policy discussions. Some felt insufficiently “plugged in” to the decision making process:

Table 26



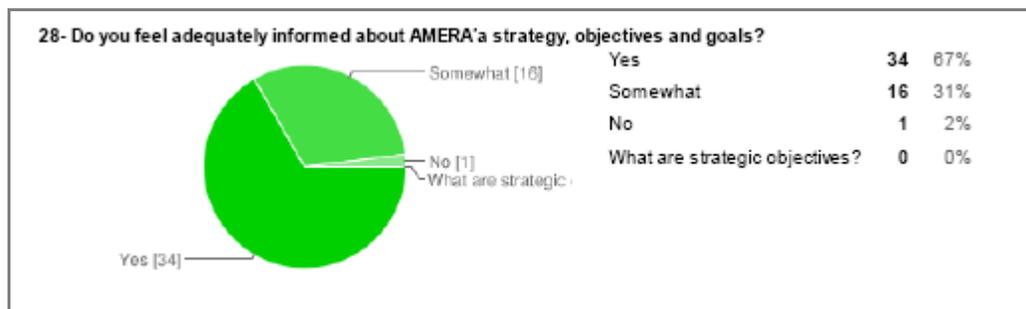
259. Many staff also felt that they are not always sufficiently consulted when it came to take major decisions (including the more senior staff):

Table 27



260. Some improvement can also be achieved in the area of informing all on AMERA-Egypt strategies:

Table 28

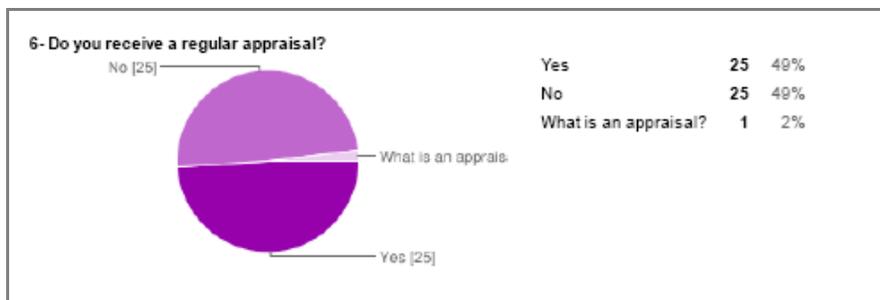


261. There was a feeling that the overall strategy was unclear. Interestingly the problems identified often referred to serious issues, including security. On the whole

comments were punchy: “... lack of contact with the management and lack of clarity on their role, an unfair hiring system, which is often secretive and involves favouritism, rather than a proper search for the right person to fill the position in question” or “what the policy is regarding leave days and working hours” etc..

262. AMERA-Egypt’s size argues for a staff development plan and regular assessments. The current situation does not contribute to solving the “staff retention” dilemma and staff evaluation is poor. Senior management was awakening to the absence of staff appraisals, possibly as a result of the Langley report. Yet 50% of interviewees never received a regular appraisal:

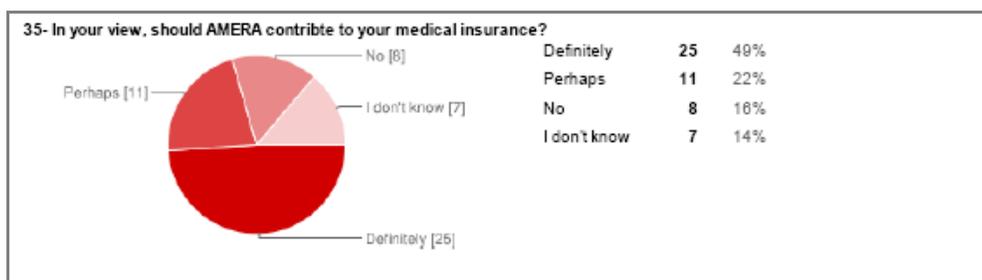
Table 29



A comprehensive staff appraisal system should be introduced at and early date.

263. Most staff are concerned that as the organization is unregistered and that this indirectly means they may remain medically un-insured (and with no other contributions made to social security and pension funds).

Table 30



X.3 RIPS database and IT systems

264. I mentioned the functional electronic booking system and desirability to improve the filing/tracking systems, especially in regard of the legal aid cases. All has definitely much improved when compared to past evaluations.¹³⁶ In fact, the RIPS system, despite its shortcomings described elsewhere in some detail is in many respects a more advanced system than what is available in some UNHCR offices.

265. Hard copy files have been dispensed with altogether. This is a quantum leap forward – truly amazing achievement. The down side is that the system is only as good as is the discipline of one and all to record properly all relevant data immediately

¹³⁶ Some modules, for example for psycho-social and community work need upgrading.

(“actions”).¹³⁷ First, the system demands unified input of more than elementary data such as dates of birth and countries of origin if it is subsequently to allow sorting and generating statistical reports. It also presupposes to keep meticulous record of procedural and factual developments. It is unacceptable that while some staff (for example receptionists diligently enter every action taken and phone call received, others claim that they do not have time or forgot). The Office cannot function effectively with records that are corrupted by lapses or human error, let alone inexcusable inaction. Practically every staff member needs to know where a case stands at any point of time, the last action taken *etc.*.

266. The result is that staff no longer keep files on their desks and risk loosing (unless the virtual world of the network fails). When secured by back-ups, as is the case now, anyone can at any point of time open a client record and deal with a telephone query or unscheduled visitor from an informed position. Data protection and confidentiality appeared to be properly secured and I noted plans for a secure back-up server in the UK.

267. A second concern relates to the frequency with which the RIPS system tends to crash. Although the IT manager has instituted an automated system to reboot the server, the down times can accumulate and generate much aggravation and frustration. Although I lack the specific technical expertise to indulge in detailed and specific recommendations, I have sufficient knowledge to venture to say that the [RIPS software is in urgent need of rewriting to meet the purposes that it should and it deserves the investment.](#)

268. Still on the first concern, staff need to be more diligent if the databases are to remain functional. Data must be entered consistently. To prevent data entry that is erroneous, limited or incomplete is not easy. For one it is not something not always immediately apparent to the naked eye, especially to the staff who are likely to miss their own typos (and computers search for precise strings of characters). For all electronic records there needs to be a quality control mechanism, someone who checks data integrity. [The IT manager should monitor data integrity, analyze and regularly report deficiencies and trends to the Country Director who should reinstate a recently discontinued practice that would allow all to compare individual data input records.](#)

269. In short, the existing system remains underutilized and does not perform to full potential. AMERA thus misses many opportunities not only to improve service delivery but also the capacity to generate rapid and effective reports to donors and to track outputs in real terms.

X.4 Website

270. Another problem for management is illustrated by the underutilization of the website. AMERA’s must be viewed as a 3 in 1 site, thus a bit difficult to maintain. The Egypt pages are unfortunately often outdated offering the user little in terms of innovation. It is difficult to explain that no one bothers to up-date a page that the UK part refers to an Executive Director who resigned a half a year ago (see www.amera-

¹³⁷ Protection staff have 71 actions to choose from; 9 actions of 71 are no longer in use and await deletion; RSD have more actions than with 108 actions to chose from making entries into RIPS more demanding.

uk.org/staff_director.html) or that no one sees fit to introduce a search function. Another missed opportunity is the absence of a page that would encourage voluntary donations or something innovative like offering to deliver humanitarian aid for those in detention.

271. Some pages list documents that are not hyperlinked and not even the *Nairobi Code* is easy to find or all Annual Reports are available. From a client and partner NGO perspective it might also be useful if the numerous AMERA brochures/handouts that are destined to the wider public and especially the clients are easy to find and download. No one seemed to know what change was to be undertaken and when.¹³⁸ **The Country Director should ensure that web-pages are always current to function as a primary visiting card for the organization. AMERA-Egypt should improve usability and features, including more hyperlinks, more relevant documents, a search function and a “donate” page/button.**

X.5 Office management issues

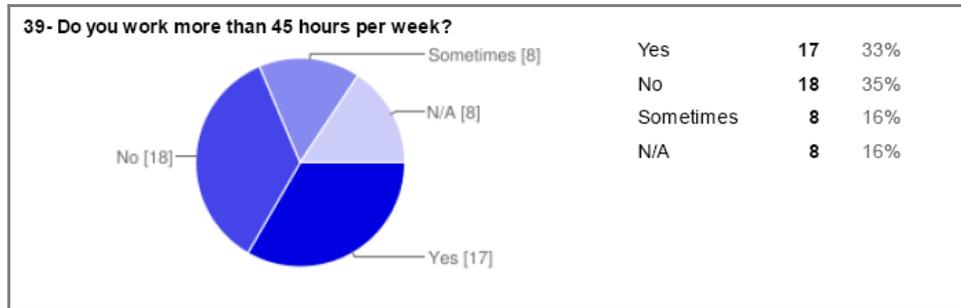
272. As available resources were slashed in an unplanned fashion problems became more prominent. One can sense the impact of a protracted period of painful downsizing (still ongoing) just at a time when expansion would be desirable. Current budgetary constraints place a greater strain on prioritization and reducing expenditures. This is extremely difficult without cutting into staff costs and keeping a healthy balance between the numbers of senior and lower level staff.

273. On the positive side, notwithstanding the global economic crisis, there is a fundraising potential in some areas donors might even seek specialized services (*e.g.* for resettlement or statelessness). Until more funds are secured, one will need to rely on the understanding of staff who already often work more for less (or nothing) and try to be thrifty. All suffer working with antiquated equipment and in an environment when even minor expenditures pose a problem. I overheard that interpreters are not paid as agreed and that funds are short to pay for transport to visit UNHCR. This would certainly need to be corrected if true.

274. Staff work with concentration and there is relatively little “down time”. Although the office population thins around 5:30 p.m., several staff are usually present past 6 p.m. until they are prompted to leave by lock-down procedures. It is no secret, or surprise, how many staff regularly work well beyond regular hours and on weekends.

¹³⁸ See for example the AMERA-UK page “*Suggested reading*” which is neither updated nor user friendly and hyperlinked to the relevant and listed documents (www.amera-uk.org/suggested.html). The same applies to the Annual report page that does not seem to have been up-dated since 2005! (see www.amera-uk.org/annual_financial.html).

Table 31

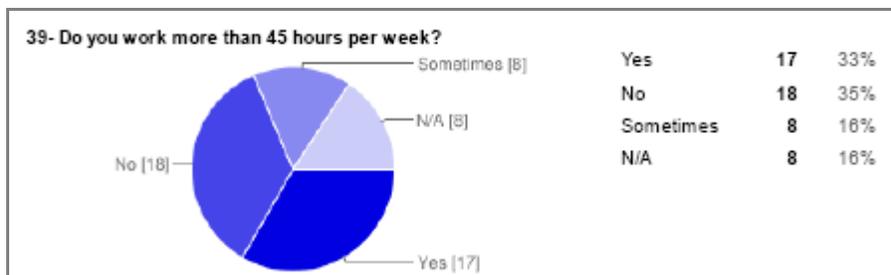


Senior managers should remain attentive to signs of staff burn-out, especially of their Team Leaders.

275. AMERA-Egypt is a professional, fully-functioning law office and core office hours (9am to 5pm) have a purpose. Senior managers should lead by example and be present more, rather than less. It is certainly not enough to appear intermittently, arrive late and leave early or to fail to announce when they take leave without designating who is to take charge. It is equally not enough that when in the Office, to profess to have an open door policy and dispense with instituting formal opportunities to consult with middle management in a collective fashion.

276. Keeping to office hours has been subject to past recommendations and the present evaluator realized, to some surprise, that there is more than one perception of the issue still today. While an absolute majority of staff work much more than the required 35 per week (considering that 33% admitted to work more than 45 hours regularly and another 16% sometimes) and diligently record their arrival and departure times, some senior staff displayed a lax if not totally indifferent attitude to keeping attendance records. **The Country Director should lead by example and rectify indifferent or selective attitudes to signing-in.**¹³⁹

Table 32



277. In the days spent in the AMERA office I could not fail to observe that it is not only exceedingly difficult to find an empty desk, but nearly impossible to have any degree of privacy to conduct what should be confidential interviews. One fate is evidently shared by all, the CD included, office space has passed the congested stage. Although in principle otherwise well located, adequate and accessible, the attached floor plan (Annex 2) can hardly convey the difficult working conditions that exist. Much to their credit, no one really complains, but there is the rather serious impact on privacy especially as one cannot avoid the reality that the bulk of work entails interviews with

¹³⁹ A past evaluation led to the introduction of flex time, by which staff adjust their hours based on their actual work needs, rather than on a rigid schedule. It appears to have worked well.

refugees. While such self-sacrifice is commendable, the working environment needs to serve the clients properly. When several interviews are carried out in the confines of four walls at any one given time, this is an unacceptable situation. Such an environment suppresses openness and compromises confidentiality.

278. With space at such a premium, even the best of efforts (portable wooden separation screens) can hardly provide for privacy the clients expect and deserve. If more office space in the same building cannot be secured, the only other realistic option short of moving altogether (which would probably prove to be a financially impossible proposition), is to “create space” by having some staff work on a six day cycle. More community outreach (working in refugee neighborhoods) could also help. [The Country Director should consider freeing-up office space by promulgating arrangements that will spread out office usage and prioritize client needs.](#)



AMERA Egypt - office wooden partitions to provide more privacy ©
Photo: Oldrich Andrysek

279. A distinct problem appears to be that senior management pays insufficient attention to detail. I just described the website, that it is effectively antiquated and rudderless, but in the grand scale of things it failed to attract management attention.

280. Technically, Office Manuals are documents of fundamental import that should not only guide staff but also constitute a point of reference. The AMERA-Egypt Office Manual reflects a period of protracted transitional management.¹⁴⁰ The Office Manual is also mute on a number of issues and emerging areas of activity like statelessness,

¹⁴⁰ No one could really explain who was responsible for its finalization and when this was to happen (some of its passages remained in “track change mode” since 1998).

advocacy and involvement in litigation. Staff can hardly benefit from guidelines if they are not kept current or they are not guided to consult or briefed on them:

Table 33

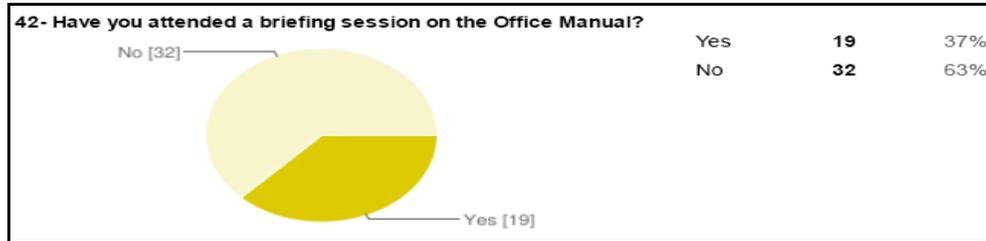
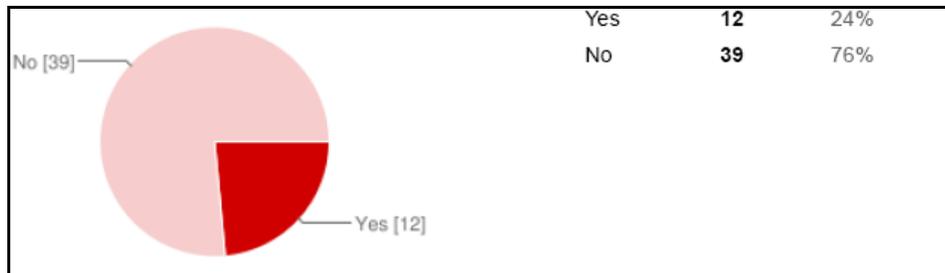


Table 34

41- Have you signed the office manual?



281. Interviewees confirmed that the Office Manual in parts deserves more than an update. As AMERA has over the years grown into a respectable entity that regularly executes highly complex actions akin to those performed by a respectable and medium sized law firm, it was therefore troubling to find that actions that hinge on correct and predictable procedures, remain open to definition and that no one felt responsible.

282. It should remain a matter high on that list of CD's priorities to firm-up day to day management and related accountability issues. Their list is actually quite long and includes the allocation of responsibilities for fundraising, formulating a medium and long term strategy on media relations or office security arrangements and attendant procedures. As a matter of sound management the Office Manual and responsibilities should be expeditiously reviewed by the CD, the DCDs and Team leaders.

283. Drifting office manuals or websites are more than bad signs. Some are likely to conclude that a manual is neither here or there (and thus perhaps also the guidance it contains). Such is an erroneous perception that has the potential to undermine AMERA's standing. Others assumed the position that as it was not their responsibility it was not a matter to be concerned about. Explanations of the sort that one could, after all, seek relevant guidance on how to perform daily tasks by other means, including by using one's best judgment, were to be honest, preoccupying. The same applied to describing the "Office Manual" as too long or "bulky".

284. Yet, perhaps that was a part of the problem: while most could when asked find the electronic manual on the network, few actually had the reflex to consult. No one had a hard copy as it was considered too big to print. When shielded by assurances of anonymity, some staff, from the junior to senior levels, harbored apprehensions and identified shortcomings in procedures that should be governed by a manual. Some staff saw such indifference with trepidation and expressed dissatisfaction "*with less than*

transparent and predictable practices”. The CD needs to evaluate staff performance in a more systematic manner. He needs to institute strategic planning processes and properly define expected outputs against available resources, set delivery/implementation dates and criteria for their monitoring.

285. A high percentage of staff expect management structures and key procedures to be more predictable (*e.g.* accountability, the measuring of one’s performance, recruitment) and/or that they seriously deserve to be clarified and/or refined. The demand for more decisive but at the same time inclusive leadership was tangible and can be well understood in the light of several years of less than perfect leadership and recent budgetary problems that have not always been properly explained or understood. Practically all agreed to want the Country Director to assume a more hands-on approach, to be more present and provide more guidance and support.

X.6 Dilemmas of roles, responsibilities and accountabilities

286. One intransigent and long unresolved issue appears to be some lack of clarity about the respective roles of the AMERA-UK board and the AMERA-Egypt CD. I will not attempt to trace the roots of the problems, nor offer off the cuff solutions although I did discuss the various perceptions rather candidly with all involved, directly or not. One should not underestimate the emotions and reverence still paid to the founding ideals and its main protagonists. Names like Harrell-Bond and Kagan resonate with staff old and new. This should not stand in the way of fresh approaches but care must be taken not to throw the baby out with the water. All should take a step back and resist the temptation to harbor suspicions. Detached as I am, I sincerely believe that having heard many an interpretation, there is no bad faith and all continue to share the same broad goal: for AMERA to succeed.

287. As the only documentation available to the evaluator was correspondence and reports that pre-date the term of Office of the present Country Director, I find it practically impossible to form any definite opinion in this regard. It was, however, quite obvious that communication stands to be improved and that on many issues not all always see eye to eye. To give but one example, although everyone is in varying degrees concerned by what is generally perceived to be a dire financial situation (complete with cash flow problems, redundancies and delayed payments), no one could provide me with a plausible or semi-satisfactory explanation where matters actually stand with regard to outstanding financial reports to donors, why installments of approved grants were not requested, and who and when will actually produce the 2009 annual report.

288. The Board and the CD evidently need to continue to work towards resolving issues often emanating from past *modus operandi* and convoluted management structures. All face an elusive problem that has existed over a number of years where responsibilities and accountability remain burred. Perhaps this is not so abnormal and therefore cannot be considered as a fatal flaw. I do believe, however, that the lines of communication and responsibility must be clarified. While the Board should in principle be less inclined to micro manage, the CD needs to build-up structures and to report on the true state of affairs to inspire confidence by proposing solutions.

289. The reality is that no one can afford to waste the potential that has been created by successive generations of staff and volunteers. The lack of clarity about leadership has not helped and can only be even more unhelpful as UNHCR's perceptions of AMERA have greatly improved. Leadership is needed now, clear and decisive, and inspiring. AMERA will hardly function by executive decree, nor will it develop its potential if things are left to take their own course.

290. The UK Board, the responsible entity for most expenditures, must be kept informed of progress achieved in a transparent manner and with adequate indication of cost-benefit impacts.

X.7 Fundraising

291. I need to reflect on how AMERA could be expanding its services (*e.g.* resettlement and statelessness) or moving into new areas exactly at a point of time when its capacity to raise funds is minimal. I was struck by the apparent ping pong on who on who is actually responsible for fundraising and where these efforts stand. The CD appraised me of an imminent Ford Foundation grant and I heard about possibilities from Embassies *etc.*. Other fund raising attempts are contingent on pending reports or finalization of texts in the UK. No one really, however, had a grip on this issue, I noticed no consolidated plan or strategy on how to proceed.

292. The other weakness is the inadequate capacity to draft proper reports and that much of the data that can be generated from databases is not effectively exploited. Sometimes it's a matter of time, sometimes a lack of imagination. Sometimes the opportunities that present themselves at the working level are not picked up on by senior management. AMERA must tap the creativity of staff who know the issues, often intimately, but may lack the experience to transform the not so obvious into a cogent funding proposal.

293. One initiative that deserves special commendation is the recent application for a grant to "*Charity Technology Exchange*" that resulted in obtaining a server and software worth USD 16,000 and USD 1,600 respectively for the costs of £ 370 (from *SUN Technologies*). The plan is to house the new server securely in the UK so the safety of AMERA-Egypt's refugee records can be assured. I understand that it was made in a short space of time and consisted of a text of about 200 words. This example deserves to be replicated also in other non-technical areas.¹⁴¹

294. Other key problems (in addition to clarifying who is in charge) that need to be overcome is to produce reports to donors on time and to request fresh funds. I understand that this are is a bit of an Achilles heel that plagues more organizations than one. I will admit that at times that I had to wait too long for basic information I should have thought was available at the drop of a hat. This is a situation to be corrected. [Staff](#)

¹⁴¹ The IT manager has also secured additional free software in the form of grants based upon individual proposals: a) free domain server hosting from Google including 200 email accounts (the amera-uk.org domain with 7GB limit per email account and instant messaging); b) "*LogMeIn*" Rescue Yearly subscription (market value: USD 1,188.00) used by AMERA for remote support and helpdesk; c) 60 licenses of "*Belarc*" for PC auditing and IT inventory; d) "Support suite", a ticketing system and live support-owned license for free from Kayako (market value: USD 499,95).

must be guided and instructed to meet reporting requirements succinctly, in a timely manner synthesizing the main issues.

Management must clarify roles and responsibilities with the Board and start to systematically follow a fundraising calendar, meet deadlines and draft new funding proposals for areas where AMERA-Egypt can best provide services.

XI. CONCLUDING OBSERVATIONS

295. I have endeavored to be as brief as possible and looking at the number of pages I chalked-up, I wonder whether I should have been more circumspect and skipped what may appear to be trivial. Yet my real fear is that I may have missed certain important issues, and if I did, that at least I touched on their essence somehow. My terms of reference actually required me to provide more than a snapshot and when thinking about what I observed I certainly gained the conviction that limited as its services may on occasion be, AMERA provides an invaluable response to a desperate plight of refugees and asylum seekers in Cairo as well as detainees incarcerated in prisons or police stations in far-off Sinai.

296. The focus of AMERA-Egypt remains, quite correctly, on assisting asylum seekers with their refugee claims, the precondition for most other rights to be at least in reach. It has managed to assist in the difficult environment of detention and has not failed to notice the plight of the stateless. Its staff spend quality time, often as much as humanly possible, to be creative in articulating the correct arguments, to meet deadlines and be inventive. AMERA-Egypt has demonstrated how it can contribute to safeguarding the rights of refugees in a number of ways, including by advocacy and litigation, and has not lost sight of or the trust of its clients. It is certainly not just one more NGO that sees its purpose in fundraising only to produce press releases or an annual report.

297. Several last thoughts spring to mind:

First, one must admire the dedication of the staff. There is an underlying atmosphere of unified purpose and commitment to represent asylum seekers and refugees to the best of everyone's ability. The blending of a permanent staff with temporary foreign volunteers is a winning combination. It releases creative energies, one of AMERA-Egypt's most valuable assets. Describing AMERA poses a bit of a problem, many issues one has to literally feel first-hand. I dare say that more Board members could consider coming to Egypt, perhaps to also visit the sights, but certainly to see and feel AMERA themselves (as one knowledgeable person observed: "... a London based Board is too far from reality and the local advisory board is long defunct").

Second, as long as the needs of asylum seekers and refugees in Egypt are almost without end, and as long as its funding base is un-secure, AMERA-Egypt must focus efforts on core activities, assisting its clients to acquire refugee status and as many attendant rights as possible. Indeed, the current range of protection activities of AMERA-Egypt is remarkable, especially when one considers the available resources. Neglecting the primary role and over extending into too many fields, all of which cry out for action, may not be feasible and could prove to be counter-productive.

Third, AMERA-Egypt should explore the various avenues that present themselves in the area of legal representation of refugee rights before the courts. This should in my opinion be possible without a major increment in resources. To say it rather bluntly, attending seminars is no doubt important, but can be adequately taken care of by

others. Achieving concrete change for refugees has been AMERA's strength as is its legal expertise and capacity to network. This should be born out more in practice.

Fourth, Egyptian staff are indispensable to institutional knowledge and continuity. Fluency in Arabic and an intimate knowledge of the legal system and environment are key to effective advocacy. The full-time employment of more Egyptian lawyers is a healthy sign and AMERA-Egypt needs to develop a strategy to retain the most able lawyers for longer than appears to be the current norm. How realistic this is remains to be seen as upward mobility aspirations are not limited to Westerners. One could observe, and records appear to confirm, that young Egyptians may enter their professions endowed with less options but they rarely lag behind in terms of ambition. In reality, competent individuals are lured away by better paid jobs, often also in the human rights-humanitarian area with international organizations or UNHCR where perspectives are invariably attractive.

Fifth, the contribution of foreign volunteers should not be underestimated. In addition to the reality that they reduce costs considerably, they inject AMERA-Egypt with regular bursts of energy and ambition not so typical for salaried staff. Foreigners, especially those with prior practical applied experience are clearly to be preferred to fresh undergraduates who come to learn and build up CVs. Fortunately, as AMERA-Egypt has developed effective training modules and can rely on professionals who coach and mentor, even newcomers can rapidly meet high expectations.

298. In my preliminary report to the UK Board I observed that *“AMERA-Egypt staff, paid and unpaid, remain unperturbed by the recent string of upheavals and uncertainty stemming from the financial shortfalls and failures of management. On balance I found that AMERA Egypt is a viable organization that is managing admirably despite financial insecurity and in an unfavorable environment. The enthusiasm to advance refugee rights ...to overcome obstacles faced are obvious. While results are necessarily generated locally, one should not underestimate the obvious need for sturdy and complementary support from the UK Board. The synergies so created have considerable potential”*. I can comfortably stand by my initial words.

299. Finally, management should be flexible but predictable, balanced by an effort to instill continuity and to reward initiative. One cannot underestimate the value of assessing performance, measuring outcomes or to work against clear benchmarks. Informality and excellence can go hand in hand.

Oldrich Andrysek LL.M.

Evaluator commissioned by AMERA-UK
Geneva, 26 August 2010

Annexes 1 – 7

ANNEX 1

SUMMARY OF RECOMMENDATIONS

The Principal Recommendations

1. [Remuneration scales should be revised together with all job descriptions and that these be re-drafted pursuant to a standard format with a view of a yet to be defined appraisal system. \(c.f. page 14\)](#)
2. [The UK Board ought to carefully review the staffing situation and take the problems out from under the carpet where they may conveniently remain. \(c.f. page 14\)](#)
3. [The current balance of regular staff and “advisors” should be changed either by a reduction of the number of internships on offer \(with a concomitant reduction of outputs\) or by extending the internship periods to a minimal of 13 months \(to allow for some overlap\). \(c.f. page 17\)](#)
4. [Consideration should be given to provide a monthly stipend after a three or six month period for those who prove their worth and AMERA seriously wishes to retain. \(c.f. page 18\)](#)
5. [Stipends should become predictable and the norm for the best interns rather than exceptions made possible by the occasional availability of funds. \(c.f. page 18\)](#)
6. [The Office manager and the CD need to identify unmet needs, including perhaps introducing a system of cash advances, so that facilitators are not regularly out of pocket before they can be reimbursed. \(c.f. page 18\)](#)
7. [Funding for transport and other incidentals need to be retained at sufficient levels. Community Facilitators \(c.f. page 19\)](#)
8. [Introduce user surveys and periodic consultation meetings, when appropriate in conjunction with community leaders. \(c.f. page 20\)](#)
9. [Staff should systematically record outcomes, positive or negative, into RIPS which would allow for enhanced assessment of user needs, subsequent analysis and reporting on them. \(c.f. page 20\)](#)
10. [Guidelines and manuals should be dated, uniformly saved on the network and when appropriate, hard copies should be made available to facilitate frequent consultation. \(c.f. page 20\)](#)
11. [Peer group consultation should be encouraged and regularized. \(c.f. page 21\)](#)
12. [Institute regular meetings of a “senior management” team \(including the team leaders\) to complement the current practice of weekly all-staff meetings. \(c.f. page 22\)](#)
13. [Management should instill more discipline into data recording and to lead by example. \(c.f. page 26\)](#)
14. [A fresh look should be made to streamline the number of actions, to fine tune available modules](#)

<u>and formulate clear and simple definitions of mandatory and optional input in every case. (c.f. page 26)</u>
15. <u>Staff must be led to record actions and extract data in form of reports. To identify instances of non-compliance, senior management must also use the system and lead by example. (c.f. page 26)</u>
16. <u>Closer working of Teams must be achieved and deserves a separate internal review that would define a clear collaboration process, principles and tools. (c.f. page 28)</u>
17. <u>Security training for unexpected situations in and outside of the Office should be given to all staff. (c.f. page 29)</u>
18. <u>Given their key role, the workload and pressures, I would recommend that a third receptionist is hired at an early date. (c.f. page 30)</u>
19. <u>AMERA management should assess the resource implications and the potential advantages and impact of a hotline. (c.f. page 30)</u>
20. <u>AMERA-Egypt needs to build and implement communications plan. (c.f. page 31)</u>
21. <u>The CD should become more pro-active and if resources do not permit to hire more staff, strive to fill this important gap personally. (c.f. page 31)</u>
22. <u>A “media internship” of an Egyptian journalism graduate could be considered. (c.f. page 31)</u>
23. <u>A renewed effort be made to reconcile differences and build on the synergies that exist; a protocol to outline the working relationship between EFRR and AMERA-EGYPT is desirable. (c.f. page 33)</u>
24. <u>I would endorse the creation of a position of “Deputy Team Leader” and would argue for one more legal officer position to be added as a matter of priority. (c.f. page 34)</u>
25. <u>AMERA should further explore perspectives of giving community based classes. (c.f. page 37)</u>
26. <u>AMERA-Egypt should maintain sufficient stocks of handouts of the “AMERA Service” in appropriate language mutations for visitors. (c.f. page 38)</u>
27. <u>AMERA’s website should allow to download brochures/handouts; existing versions should be uploaded without delay. (c.f. page 38)</u>
28. <u>AMERA senior management is advised to keep raising with the UNHCR representative, and when appropriate, with the RSD unit in Headquarters the matter of providing reasons for rejections. (c.f. page 38)</u>
29. <u>The recommendation is therefore that while legal submissions are to be kept shorter rather than longer, the purpose is to persuade; submissions must be clear, concise and compelling, and if necessary, longer. (c.f. page 44)</u>
30. <u>Legal submissions should not omit the obvious and sufficiently describe the actual cause of the persecution including some of the pertinent but less obvious causal links. (c.f. page 44)</u>
31. <u>Maintain close contact with UNHCR, keeping an insight into their perspectives and understanding their limitations. (c.f. page 44)</u>

32.	<u>Search skills need to be sharpened and practitioners need to remain familiar with main information sources. (c.f. page 45)</u>
33.	<u>Management should ensure that adequate resources are allocated to analytical work, i.e. that the RSD Team reserves time for reflection. (c.f. page 46)</u>
34.	<u>Continue to “encourage” UNHCR to be transparent, especially when it comes to allow taping of interviews, to provide reasons for negative decisions or at least indications which evidence may have led to a claim being rejected. (c.f. page 46)</u>
35.	<u>AMERA-Egypt needs to devote some of its advocacy energy also to where it actually should be directed most: to the performance of the Egyptian authorities. (c.f. page 47)</u>
36.	<u>The Protection Team to restructure and to re-think objectives in the light of what can be realistically attempted in the medium long term. (c.f. page 49)</u>
37.	<u>Consider including into fundraising proposals budget lines that could help alleviate most negative impacts of detention. (c.f. page 51)</u>
38.	<u>Provision needs to be made to hand over acquired skills and to arrange for a back-up colleague. Plans need to be formulated for 2011 and beyond to assure continuity. (c.f. page 51)</u>
39.	<u>More resources to be allocated, including a regular budget line to cover for petty expenditures to procure medicines, humanitarian assistance or even mementos for prison officials. (c.f. page 52)</u>
40.	<u>Attempts should be made to fundraise more specifically for detention related work. (c.f. page 53)</u>
41.	<u>Detention deserves more funds and one additional staff should be assigned to this brief. Specific fundraising should be pursued and alliances be sought, for example, with the International Detention Coalition. (c.f. page 54)</u>
42.	<u>The work of the UM Team needs thorough review with more emphasis to be placed on the social rather than legal aspect. Additional activities should be developed once funding is secured. (c.f. page 54)</u>
43.	<u>SGBV activities should be redesigned and moved to the responsibility of the psychosocial team, supervised closely by the new DCD. (c.f. page 60)</u>
44.	<u>The CD should explore the option to offer to process more direct referrals. (c.f. page 66)</u>
45.	<u>AMERA-Egypt should maintain at least a focal point to address the complex needs of stateless persons who do not always fall into the mandate of other teams; consider to seek earmarked funds for a paid position. (c.f. page 69)</u>
46.	<u>If UNHCR-Cairo takes no action or the dialogue is in a dead end, the report should be shared with UNHCR headquarters. (c.f. page 69)</u>
47.	<u>More external advocacy, including through the United Nations specialized mechanisms should be pursued once resources are consolidated. (c.f. page 70)</u>
48.	<u>AMERA-Egypt should develop a litigation plan and skeleton legal argumentation to be invoked before suitable individuals prepared to take their cases to court are identified; given the highly sensitive nature of information that is needed when litigating, lawyers who pursue cases should at least be directly</u>

<u>contracted by AMERA-Egypt or optimally be on the staff. (c.f. page 71)</u>
49. <u>The Country Director, in consultation with the Board, should seek to fully review the entire situation with a view of stabilizing it and plotting “affordable” corrective measures over a foreseeable period of time. (c.f. page 72)</u>
50. <u>Job descriptions should not remain in draft and be regularly up-dated. (c.f. page 72)</u>
51. <u>A comprehensive staff appraisal system should be introduced at an early date. (c.f. page 74)</u>
52. <u>RIPS software is in urgent need of re-writing to meet the purposes that it should and it deserves the investment. (c.f. page 75)</u>
53. <u>The IT manager should monitor data integrity, analyze and regularly report deficiencies and trends to the Country Director who should reinstate a recently discontinued practice that would allow all to compare individual data input records. (c.f. page 75)</u>
54. <u>The CD should ensure that web-pages are always current so that they can function as a primary visiting card for the organization. AMERA-Egypt should improve usability and features, including more hyperlinks, more relevant documents, a search function and a “donate” page/button. (c.f. page 76)</u>
55. <u>Senior managers should remain attentive to signs of staff burn-out, especially of their Team Leaders. (c.f. page 77)</u>
56. <u>The Country Director should lead by example and rectify indifferent or selective attitudes to signing-in. (c.f. page 77)</u>
57. <u>The Country Director should consider freeing-up office space by promulgating arrangements that will spread out office usage and prioritize client needs. (c.f. page 78)</u>
58. <u>As a matter of sound management the Office Manual and responsibilities should be expeditiously reviewed by the CD, the DCDs and Team leaders. (c.f. page 79)</u>
59. <u>The CD needs to evaluate staff performance in a systematic manner. He needs to institute strategic planning processes and properly define expected outputs against available resources, set delivery/implementation dates and criteria for their monitoring. (c.f. page 79)</u>
60. <u>Country Director should assume a more hands-on approach, to be more present and provide more guidance and support. (c.f. page 80)</u>
61. <u>Lines of communication and responsibility must be clarified. While the Board should in principle be less inclined to micro manage, the Country Director needs to build-up structures and to report on the state of affairs to inspire confidence and propose solutions. (c.f. page 80)</u>
62. <u>Staff must be guided and instructed to meet reporting requirements succinctly, in a timely manner synthesizing main issues. (c.f. page 81)</u>
63. <u>Management must clarify roles and responsibilities with the Board and start to systematically follow a fundraising calendar, meet deadlines and draft new funding proposals for areas where AMERA-Egypt can best provide services. (c.f. page 81)</u>

**ANNEX 3 1st MEETING SCHEDULE
FOR THE EVALUATION OF AMERA EGYPT**

12 – 17 May 2010
Conducted by Oldrich Andrysek

Note: Slots marked in **YELLOW** were either cancelled or postponed

TIME	NAME	Team/Title
WEDNESDAY 12 May 2010		
3:55	Arrival Cairo international airport	
8:30	Breakfast and meeting with Tarek Mahrous	Deputy Country Director
10:30	Meeting with Emily Hay	RSD team leader
11:30	Meeting with Zakaria Mobariz	IT manager
12:30	Lunch	
13:30	Closed file screening interview (Helen)	Legal Adviso RSD
14:30	1 st instance preparation for interview class	
15:30	Meeting with Din and Zebiba	Receptionist
All above cancelled due to late arrival (missed connection in Frankfurt)		
7:12	Arrival Cairo international airport	
17:20	Arrival in AMERA Office	
17:30	Planning, Tarek Mahrous	Deputy Country Director
18:03	Emily Hay	RSD Team leader
19:00	Introduction to database/stats Zakaria Mobariz	IT Manager
19:03	Accommodation in Hotel	
20:03	Dinner with Tarek Marhous	Deputy Country Director
THURSDAY 13 May 2010		
9:00	Myriam Couillard	Legal Advisor RSD
10:00	All Staff Meeting (regular)	
11:00	RSD team meeting (regular)	
12:30	Meeting with Karim Ennarah (TL) and Katie Plathonoff (RST)	Durable Solutions
14:00	Lunch (with colleagues)	
15:30	Mahmoud Ali	Office Manager
17:30	Akram Abdo	Community Facilitator TL
19:30	Observe presentation on statelessness AUC	
FRIDAY 14 May 2010		
10:00	Meeting with Chantal Hudson	Minors Team Leader
12:00	Meeting with Mahmoud Hazzaa	Legal Adviso RSD
14:00	Meeting with UNHCR (Mohamed Dayri and Katharina Lumpp)	UNHCR
17:00	Meeting with Kelly Mc Bride	RSD – Stateless researcher

SATURDAY 15 May 2010		
10:00	Meeting with Caterina Spissu	Detention
12:00	Meeting with Mohamed Farahat	Protection
14:00	Meeting with Sohair Riad	RSD intern
15:00	Meeting with Sara and Tanja	SGBV
16:45	Meeting with Joseph Schecla (at AMERA)	
Sunday 16 May 2010		
9:00	Meeting Kathleen Ryou	Legal Officer RSD
10:30	Meeting with Nizar	Interpreter
23:30	Meeting with Awet	Interpreter
12:30	Lunch	
14:00	Meeting with Rania El-Gindy	RSD Team Leader at the UNHCR
14:30	UNHCR requested that meeting with Protection Officer be brought forward	
14:30	Meeting with Ali Sheikh	Psychosocial – acting team leader
16:00	Meeting with Gasser + Dinner	
Monday 17 May		
9:00	Meeting with Emily Hay	RSD Team Leader
22:00	Meeting with Tarek Mahrous	Deputy Country Director
11:00	Meeting with Gasser	Country Director
12:00	Meeting with Zakaria	IT Manager
13:30	Departure to the Airport	
15:12	Flight to Zurich/Geneva	

ANNEX 4

2nd MEETING SCHEDULE FOR AMERA EGYPT EVALUATION

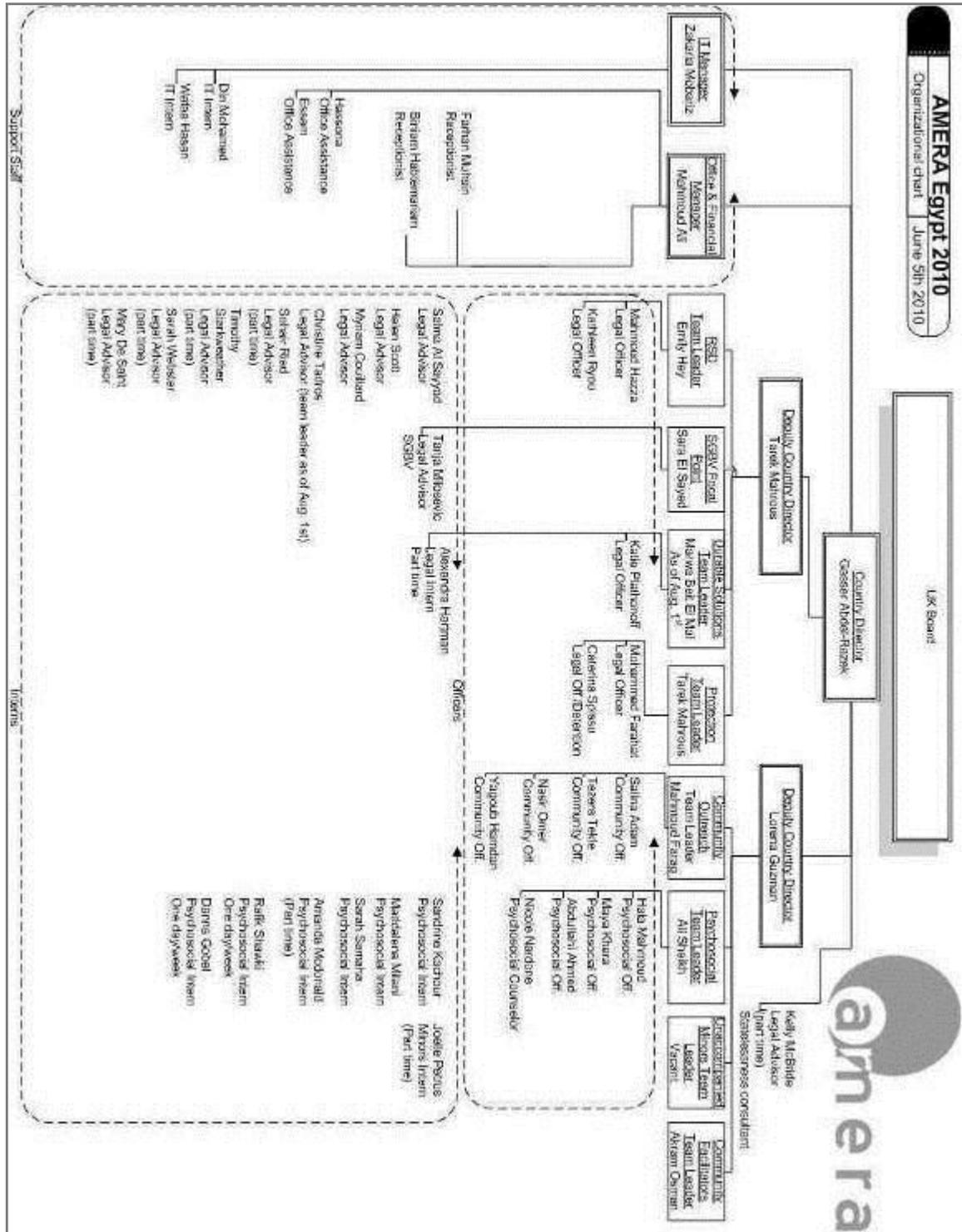
Second Stage, 1 - 8 July 2010

Conducted by Oldrich Andrysek

TIME	NAME	Team/Title
Thursday 1 July 2010		
12.00-13.00	Gasser Abdel-Razek	Country Director
13.00 -13.30	Break	
13.30-14.30	Mahmoud Ali	Office Manager
15.00-16.00	Din Mohamed	(IT Intern-Receptionist)
17.00-18.00	Zakaria Mobariz	IT Manager
Sunday July 4		
9.00-10.00	Attend opening of training session	New interns training
10.30-12.00	Heba Morayef	HRW
12.00-13.00	Hossam Bahgat	Eg. Initiative for Per. Rights
13.00- 14.30	Mohamed Bayoumi	EFRR
15.00-16.00	Biniamin Habte Mariam	Receptionist
16.30- 16.45	Fiona Cameron	St. Andrews (Children's prog.)
18.30-20.30	Informal meeting with new interns	
Monday July 5		
9:00-10:00	Farhan Muhsin	Receptionist
10:00 - 11.30	Mahmoud Farag	Community Outreach TL
11:30 - 12.30	Yagoub Hamdan	Community Services
12:30 -14.30	RSD Team presentation (interns)	Emily Hay presenting
14:30-16.00	Ali Sheikh	Psychosocial Team Leader
16.00-17.00	Abdullahi Ahmed	Psychosocial Officer
17.00-18.00	Maddelane Milani	Psychosocial Intern
18.30-20.30	Dinner with ex-Amera staff	
Tuesday July 6		
9:00-10.30	Observe Detention presentation	New interns training
10:30 - 11.30	Observe Protection presentation	New interns training
11.30-13.00	Salina Adam	Community Outreach Officer
13:00 -14.30	lunch with Caterina Spissu	
14:30-16.00	Emily Hay	RSD Team Leader
16.00-17.00	Nicole Nardone	PS Team Counselor
17.00-18.00	BLOCKED FOR TRAVEL	
18.00-20.00	Mohamed Dayri	UNHCR Regional

		Representitive
Wednesday July 7		
9:00-10:30	Observe Interns training	
10:30 - 12.00	Nasir Salih	Community Outreach Officer
12.00-13.00	Tezera Tamrat	Community Outreach Officer
13:00 -14.30	lunch with Fiona Cameron	St. Andrews
14:30-16.00	Observe RSD first instance class	RSD
16.00-18.00	Community Leaders	
18.30-20.30	Working dinner (with	
Thursday July 8		
9.00-10:00	Christine Tadros	
10:00 - 11.00	Staff meeting AMERA	
11.00-12.00	Observe RSD IV – Kathleen	RSD
12.00-13.00	Maya Khera	Psychosocial off.
13:00 -14.30	lunch break with Stephanie Biedermann	Refugee resettlement
14:30-16.00	Zakaria Mobariz	Information Technology
16.00-17.00	COI training	(new interns)
17.00-17.30	COI Refworld	(new interns)
17:30	meeting with Tarek Marhous	Legal
18.30-20.30	Lorena Guzman	DCD

**ANNEX 5 ORGANIZATIONAL CHART
AMERA-Egypt (5 June 2010)**



ANNEX 6

MAP OF EGYPT

(Indicating location of main police stations and detention facilities)



ANNEX 7 JUDGEMENT HALTING DEPORTATION***Case supported by AMERA-Egypt
(unofficial translation by AMERA)***

The plaintiff filed her plea – registered in this court 10 April 2010 – in which she requested the urgent halting of the decision to deport her husband, X to Sudan; as well as related requests including: his release and permission to allow him to resume his asylum to Egypt; the execution of the draft ruling without notification; and the cancellation of the challenged decree and its related consequences.

The plaintiff, in the explanation of her plea, has stated that she and her husband X are Sudanese nationals residing in Egypt since 2005 as refugees, in accordance with their refugee residence permits. She further stated that she and her husband have four children, and that her husband was arrested and taken to al-Qanater prison. She was notified of his transfer to al-Khalifa deportation prison on 7 April 2010 and from there to Aswan for his deportation to Sudan. The plaintiff described the challenged decree as a violation of international refugee protection conventions. She stated that it was invalid because her husband's residence permit remained in effect until 28 June 2010 and had not expired at the time of his arrest. She stated that he had not committed any wrongs, and that his deportation could result in the loss of his life or freedom. The plaintiff further stated, that all elements required to halt the implementation of the ruling are present in this case. In the plea's closing remarks, the plaintiff requested that a ruling be granted in line with her requests.

In consideration of this urgent case, a session was held on 15 April 2010, where the plaintiff filed two documents. The court reviewed the case – as evident in the session transcript and at the session of May 4th 2010 the State's counsel introduced his documents and defense memorandum and in his closing, requested that the dismissal of the two aspects of the plea. At the session of June 1st 2010, the plaintiff filed a docket of exhibits and the defense memorandum in which she reiterated her demands. The court adjourned the case to July 5th 2010 at which time a ruling would be awarded. The court permitted memoranda to be introduced within the intervening two weeks. By the due date, no memoranda had been introduced.

Because of a change in the court's composition the court decided to allow both parties to represent their pleas in today's session. The court issue its ruling at the end of the session, and it was issued and its draft was saved including the rationale of the ruling.

The Court

Having considered the documents, listened to the pleading, and after debate:

Whereas the plaintiff is requesting an urgent cancellation of the decree of deportation for her husband X to Sudan – along with the consequences that would follow such deportation – as well as the execution of the ruling as per its draft and without notifications, and the cancellation of the challenged decree and its related consequences,

Since the lawsuit has met the procedural requirements, it is therefore accepted in terms of its subject; and since the request is a the halt of the challenged administrative decree; the elements of seriousness and urgency; such decree should be prima facie illegal with a likelihood of being cancelled, and if executing the decree would lead to irreversible consequences.

As for the seriousness element, article 41 in the constitution stipulates that “Individual freedom is a natural right and safeguarded and inviolable. Save for the case of *flagrans delictum*, no person may be arrested, inspected, detained or his freedom restricted or prevented from free movement except under an order necessitated by investigations and preservation of the security of the society. Such order shall be given by the competent judge or the public prosecution in accordance with the provisions of the law”, while article (151) of the constitution stipulates that “The president of republic shall conclude treaties and communicate them to the People's Assembly, accompanied with a suitable clarification. They shall have the force of law upon being concluded, ratified and published according to established procedure”.

Article number 1 of the presidential decree number 89 of 1960 on the access, residence and exit of aliens in the Egyptian territory, amended by the law number 88 of 2005 stipulates that “*Anyone who is not an Egyptian national is considered a aliens under the provisions of this law*”, while article 16 of the same Act mentions that “*Every alien resident at the Arab Republic of Egypt shall acquire a residence visa permit, and shall leave Egypt as soon as this permit is expired*”.

Article number 25 of the same Act stipulates that “*the Minister of Interior may issue a decree to expel aliens*”. The second Article 31 of the same Act says that “*Director of the Passport and Foreign Emigration Administration may order the deportation of aliens who do not acquire a special residence status under the following conditions*”:

1. Illegally entering the country, or entering it without acquiring a residence permit after the expiry of the duration of residence stipulated in his entry visa.
2. Violation of the purpose for which he came to the country.
3. Not leaving the country within 15 days as of notifying him of rejecting the renewal of his residence permit or granting it.

In this concern, the mentioned director of administration may order the alien to remain in custody or place him under house arrest and give him a renewable time limit to leave the country until the deportation proceedings are completed”.

Article 31 of the United Nations Convention Relating to the Status of Refugees signed in Geneva on July 28th, 1956, agreed by Egypt as per the Presidential decree number 331 of 1980 on June 28th, 1981, stipulates that: *“The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened”,* while article 32 of the mentioned convention stipulates that *“1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order. 2. The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.*

Article 33 of the same international convention points out that *“1. No contracting state shall expel or return 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. 2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country”.*

Article 13 of the United Nations Covenant on Civil and Political Rights, adopted by the General Assembly on December 16th, 1966, and agreed by the presidential decree number 536 of 1981 stipulates the following: *“An alien lawfully in the territory of a State Party to the present Covenant may expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority or a person or persons especially designated by the competent authority”.*

Whereas this marks that the constitution has guaranteed personal liberties of each individual and regarded it as a natural right, and prohibited arresting or searching of such individual unless in arrested in *flagrante delicto* remanding him in custody or limiting his liberty in any manner or hindering his movement, unless ordered by the competent judge or public prosecution in accordance with the law. The lawmaker has regulated the entry, residence and exit of aliens into the Arabic Republic of Egypt, and considered anyone who is not an Egyptian national as an alien who has to acquire a residence permit and to leave Egypt as soon as it is expired. Also, the lawmaker gave the authority to the Minister of Interior to expel the aliens, as well as to the director of the Passports, Immigration and Citizenship Authority to order the expulsion of non-special residence status aliens if illegally entered the country, didn't acquire a residence permit after the expiry of the duration stipulated at the entry visa or violated the purpose for which he acquired the visa, or if he refused to leave the country

within 15 days from being notified of rejecting his request to acquire or renew the residence permit. The constitution has stipulated in article 151 the status of the international conventions signed and ratified by Egypt, and disseminated at different sources of legislation and given the force of law. The UN Covenant on Civil and Political Rights (Article 13) has made it due to provide protection for aliens upon expelling them from the states in which they stay; prohibiting the expulsion of legally-residing aliens unless upon a decree and in line with the law, and after allowing the alien to submit the reasons against his expulsion, unless there were security reasons that justify this expulsion. The Covenant requires that the expulsion case should be reviewed by the competent authorities; be it the judiciary or any agency decided by the State, and to be represented for the purpose before that agency. In addition, the Covenant gave special attention to the refugees who were pushed to seek refuge at another state by the circumstances in their respective countries. The UN Convention Relating to the Status of Refugees signed in Geneva on July 28th, 1951 also required that no penalties, on account of their illegal entry or presence, shall be imposed on refugees who are coming directly from a territory where their life or freedom was threatened, and also required the signatory states not to expel any refugee who enjoys a legal status in its territory unless on ground of national security or public order. In case of reasons that justify expulsion, the convention required that the decree is made in line with the legal procedure of the country, allowing the refugee to introduce his proof of innocence and allowing him also to the right to review the decree before a state authority, enabling him to assign someone to plead for him. The convention also prohibited the expulsion or returning of 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, unless regarded as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.

Based on a primary assessment of the documents and the “Temporary asylum-seeker registration card” issued by the United Nations High Commissioner for Refugees (UNHCR) in Cairo, attached to the portfolio introduced by the plaintiff as per the session on April 15th, 2010, it appears that Mr. X, a Sudanese national with passport number Bxxxxxxx has arrived in Egypt on March 26th, 2004 and was registered at UNHCR on April 4th, 2010 (file number 1328/2004), and his most recent UNHCR-issued ID dates back to May 11th, 2009. It appears also from the registration ID of the wife that she is a Sudanese national who arrived in Egypt on March 26th, 2004, and was registered with file number 1328/2004, and acquired her ID from UNHCR on December 17th, 2009, including accompanying four children of hers. She also has acquired a temporary residence permit from the Passport, Immigration and Citizenship Authority on January 21st, 2010 that expires on June 28th, 2010, which included her children Mohamed, Maher and Malaz. Whereas the Administration has stated in the information memo attached to the letter of the Director of the General Directorate of Legal Affairs at the Ministry of Interior dated on April 19th, 2010, that within September 2009, Isaac Fadl Ahmed Dafullah has been detected without an ID as he was suspected, this taking place at Sheikh Zewaid city at North Sinai, based on intelligence that he was intending to infiltrate the

border to Israel. He said that he arrived in Egypt about five years ago to flee the civil war in Darfur territory and worked as a street hawker, and that the Regional Mission of UNHCR sent a plea to the Ministry of Foreign Affairs in order not to deport the mentioned person based on the fact that he is registered at UNHCR as a refugee, and that the deportation was halted and he was held in custody at al-Qanater prison, allowing representatives of UNHCR to meet with him in order to complete his documents for resettlement at another country, and that the mentioned person used his asylum in Egypt as a way to infiltrate to Israel.

Apparently and based on the documents available, Mr. X “husband of the plaintiff” is a refugee in Egypt as per the details mentioned, and that the allegations of the administration about his intention to infiltrate to Israel are baseless and lacks proof, and cannot stand as an appropriate justification for the challenged decree of deportation. Whereas it does not appear – based on the documents presented – that the mentioned refugee has jeopardized the security of Egypt or has been a threat to its security, or convicted with a due sentence as a result of committing a crime that represents a threat to the Egyptian society; therefore the decree of deportation outside Egypt is – according to the present documents – lacks an appropriate rationale, and will be probably cancelled upon issuance of the ruling for the case; which fulfils the seriousness element required to decide on halting the execution of the decree.

With regards to the element of urgency, it can be found given that the execution of the challenged decree of deporting the mentioned refugee may result in jeopardizing his liberty and life, as well as disrupting the unity of his family and separating him from his wife and children.

Whereas the plea for halting the execution of the challenged decree meets the two elements, the court rules to halt the execution of the challenged decree of deportation of X outside the Arab Republic of Egypt along with related consequences, notably releasing him from custody and resuming his asylum in Egypt. (EMPAHASIS ADDED)

Whereas the plaintiff asked that the ruling would be executed in draft and without notification, given meeting the conditions stipulated in article 286 of the Procedural Law allowing the court to carry out the ruling as per its draft and without notification, and whereas whoever loses the case affords the costs in accordance with article 148 of the law of pleadings,

For aforementioned reasons:

The Court rules to accept the claim in form, and to halt the execution of the challenged decree and related consequences as detailed in the reasons, and orders the administration to pay the fees, and to execute the ruling as per the draft and without notification, and to refer the claim to the State Commissioners Authority to prepare a legal opinion in the request of cancellation.