

Refugee paralegals

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Refugees in Kenya face multiple barriers to accessing their rights. The work of paralegals who are themselves refugees and who support and facilitate refugees' access to justice offers a vital service that many NGOs, whose scope and budgets are limited, insufficiently provide.

Refugees in Kenya face multiple challenges. In addition to the long process of recognition or rejection of refugee status, these challenges include lack of access to documentation and services – including refugee registration processes, business and work permits, student pass, bank accounts, social security numbers, travel documentation and mobile communication. Refugees also experience difficulties relating to police harassment, a general lack of knowledge of refugee issues, negative and discriminatory attitudes from local populations and barriers to foreign qualifications recognition.

In order to address this, some refugees in Nairobi have been trained by the non-governmental organisation (NGO) Kituo Cha Sheria, supported by the UN Refugee Agency (UNHCR) and the UN Migration Agency (IOM), as paralegals to support fellow refugees. A paralegal is someone who has either a basic legal training or more extensive practical legal experience, who provides legal assistance to facilitate access to rights and justice. Their work is generally supervised by a lawyer, law office or any legal institution.

Refugee paralegals sensitise refugee groups and public authorities on refugee rights through forums, workshops, training and conferences and also contribute to the capacity building programme of authorities to appropriately handle refugee cases, including how they conduct, stop, arrest and detain forced migrants and on how refugee documents should be issued and verified. They also contribute to awareness-raising activities for government representatives to improve their knowledge of refugee issues.

Refugee paralegals also work to empower the refugee community by providing guidance on their rights and obligations, including how to react when stopped, arrested or detained and how to approach

authorities on matters of documentation. They provide refugees and asylum seekers with information regarding their asylum application and their refugee status, offering advice on their cases, making referrals and following up on cases. They advocate for the release of arrested refugees, asylum seekers and other forced migrants at police stations, prisons and places of detention, and accompany refugees on visits to organisations and institutions to seek assistance on various social issues (for example, to police stations in order to report crimes).

As a lawyer, I have a legal background and therefore have an obligation to help my community, so I became a refugee paralegal. Refugee paralegals are able to undertake work that large international NGOs have difficulty with or do not undertake due to their budget limitations and the scope of their work. For example, I am able to intervene in refugee cases (especially arrest and harassment cases) at any time of the day or night, including on weekends and holidays; large organisations only intervene during their hours and days of work. We also advise, refer and follow up on cases, giving feedback to refugees, which means they do not have to pay the costs of transportation to these NGOs, whose offices are all far from where refugees live. Importantly, refugee paralegals are based where refugees live. We deal with refugees on a daily basis as the majority of us are also refugees and live as part of the refugee community. In the community where I live and work we have established a forum where refugees can share their own ideas on legal and livelihoods issues.

In the course of my work as a refugee paralegal I have assisted many refugees. One Congolese refugee, who was conducting business without a business permit, was arrested for being in Nairobi unlawfully.

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He had previously been refused a business permit by the local authorities because they felt he lacked adequate identification. I advocated for his release by proving that his registration papers (from both the government and UNHCR) were issued to him in Nairobi, thereby giving him the right to live there. Following his release I also assisted him to obtain a business permit so that he could continue to do business lawfully in Nairobi.

I also helped a Somali refugee who was living in Dadaab refugee camp by advocating on her behalf with the Refugee Affairs Secretariat (RAS) in Nairobi when she was dealing with logistically complex demands for paperwork during the process of preparing to join her mother, who had been resettled in the United States. My intervention on her behalf, which included accompanying her to the RAS office, helped to avoid a delay in the process.

There are still important steps that need to be taken to make life legally secure for

refugees in Nairobi. Refugee paralegals are currently lobbying the Government of Kenya to apply all the provisions of the Refugee Act 2006 to ensure refugees receive full protection in Kenya. We must also advocate for the government to facilitate local integration, opening doors to make refugees feel welcomed and safe, since many cannot return to their countries and their chances of resettlement are low. One way of doing this would be by establishing a permanent awareness-raising programme for police and other public administration officers in order to build their capacity to handle refugee cases. Both refugees and government authorities must know refugees' rights and have the power and knowledge to advocate for them. Refugee paralegals in Nairobi are working to make sure this happens.

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