

The Ethics of Refugee Repatriation

Mollie Gerver examines how refugees can be assisted in making an informed choice in returning to a country from which they have fled.

This post is part of our series [African Perspectives on Migration](#) looking at the theme of regular migration.

Around the world, refugees are often denied rights under the 1951 Convention for the Protection of Refugees. They cannot access work visas or social services, and some are forced into detention or enclosed camps, unable to leave. Finding their lives too difficult to stay, they seek help repatriating to the countries from which they fled. Various organisations, eager to help, pay for their flights home, arranging their travel documentation, and providing stipends to assist in their initial months after return. In 2012 alone, the United Nations High Commissioner for Refugees (UNHCR) has helped hundreds of thousands of refugees **repatriate** to Cote d'Ivoire, Iraq, Afghanistan, Sudan, and dozens of other countries of origin. NGOs have similarly provided assistance, often helping refugees return from detention. It is not clear if humanitarian agencies should help with such repatriation. Though the refugees may wish to return, their choice is **involuntary** if they are only returning due to coercive government policies.

South Sudanese in Israel

This ethical issue became relevant in Israel when, on the morning of January 31, 2011, approximately 1,200 South Sudanese nationals received **a letter** from the Israeli Ministry of Interior. "This is an important message from the government," it read. "Now that South Sudan has become an independent country, it is time for you to return to your homeland." Immigration police began knocking on the doors of all South Sudanese families, informing them that they would be detained if they stayed in the country.





A young boy, a year after repatriating from Israel (Aweil, South Sudan, April 2012)
Photo Credit: Mollie Gerver

Hoping to avoid detention, many South Sudanese nationals turned to NGOs for help repatriating, and a month later packed their bags, boarded a flight, and landed in Juba, traveling onwards to Wau, Aweil, Bor, and other secondary towns. By 2012 nearly all had repatriated, either via NGOs or a government program.

Most had never lived in what is now South Sudan, their parents having fled before they were born during the Second Sudanese Civil War. Growing up in Khartoum and Cairo in the 1990s, they failed to gain refugee status, and faced xenophobic attacks in school, on the street, and at work. In 2005, these conditions prompted eleven Darfur refugees to **pay smugglers** to take them across the desert and up to the border fence with Israel, where they crossed through a small opening, and were eventually given three-month visas by the Israeli government, but no access to a Refugee Status Determination (**RSD**) procedure. Others soon followed, including 1,200 South Sudanese nationals, and **by 2010** there were roughly 36,500 other asylum seekers in the country. When the government began denying work visas in 2009, a small number of South Sudanese nationals asked NGOs for help repatriating, and the number of returns increased dramatically when the government threatened to detain any who stayed.

The Ethical Question

It is not clear if NGOs in Israel should have helped refugees repatriate to South Sudan. On the one hand, refugees' consent was not entirely voluntary, as they were only returning because they lacked access to work visas, social services, and freedom from detention. On the other hand, NGOs felt that repatriation would be preferable to no help at all, as refugees would **have** the choice of escaping difficult conditions in Israel. ^



A house in a neighbourhood of recent returnees (Wau, South Sudan, April 2012) Credit: Mollie Gerver

Throughout the past three decades, such scenarios have been common in regions where refugees struggle to access rights. Between 1982 and 1984 the government of Djibouti both **denied refugees work visas**, and also reduced their rations, compelling many to return to Ethiopia with the help of the UN. It was not clear if the UN should have assisted with this return, given that refugees felt compelled to leave, and that return was not yet safe. In 1991, the government of Turkey refused to grant entrance to Iraq refugees, and the refugees found themselves **stranded** in a mountainous region between the two countries, without basic necessities. They asked NGOs for help returning to Iraq, before it was safe to do so, and it was not clear if the NGOs should have helped them. In the 2000s, Burundian refugees faced a choice between **living in camps in Tanzania** or returning to Burundi without access to basic necessities, leading many to **repatriate** with the help of UNHCR. More recently, the Ugandan government has revoked land from South Sudanese refugees, and refugees in both Uganda and Kenya are often **confined to camps**, limiting their freedom, leading many to seek help repatriating. It remains unclear if humanitarian agencies should provide such help.

The Outcome of Repatriation

To consider how humanitarian agencies ought to act in such cases, it helps to first consider whether a given choice to repatriate is safe. To determine the safety of repatriation from Israel to South Sudan, I spent a total of six months in East Africa, interviewing returnees, to find out whether they were secure after their return. I first spent two months in South Sudan in 2012, and an additional two months between 2013 and 2014, during and after the outbreak of the South Sudanese Civil War. During this period, ethnic-targeted killings became increasingly widespread, with Dinka militias targeting Nuer civilians in Juba, where I was based. I also spent two months in Uganda and Ethiopia, as many **migrated to these countries** after the outbreak of war. While there, I interviewed a total of 126 subjects by 2014, learning about the conditions of 134 returnees.

Of the thirty-two returnees I interviewed who were of the Nuer ethnic group, and who remained in South Sudan, all had fled to Internally Displaced Persons (IDP) camps. Twenty-four of these displaced individuals had no income or family support before or after fleeing to IDP camps. Thirty-seven individuals, mostly from the Dinka tribe, also remained in South Sudan, and were not displaced, but nineteen had no income, and also lacked food security. Twenty-five subjects had fled South Sudan during the civil war, and only two of these individuals had an income, the remaining without basic medical care or food security. In total, I learned of one subject killed in crossfire during the war, and four killed because of their ethnicity, including two children shot at gunpoint, aged three and five. There were most likely more I never heard about, **due to survivorship bias in my sample.** ^

Based on my interviews, I also learned that many had returned to a country they knew little about prior to returning. When they landed in Juba, and took a bus to their villages, they were surprised to find no reliable clinics, free schools, or job opportunities, and were surprised that ethnic-based violence and crime was so widespread. I asked subjects why they had decided to return, given how little they had known about South Sudan. Most responded that it was precisely because they did not know the risks that they returned.

One woman, named Tareza, used a comparative judgement:

I was in prison for six months in Israel. I didn't like it. If I don't know what it's like in South Sudan, but I know I hated prison in Israel, I would prefer to go to South Sudan. It might have been worse, but it might have been better. (Interview with Tareza, Juba, 25 December, 2013)

Though Teresa does not regret her decisions, others did, feeling a life in detention in Israel would have been preferable to life in South Sudan.

These findings were similar to those raised by other researchers interviewing refugees over the past decade. Refugees returning from [Iran to Afghanistan](#) faced similar displacement and violence after return, as have refugees returning from [Iran to Iran](#), [Norway to Iraq](#), and from [North Kivu to Fizu and Uvira](#) in the Democratic Republic of Congo. In these and other cases, many refugees knew little about the countries to which they were returning, and later faced a lack of services and security. The problem was not only that return was often involuntary, but that it was uninformed.

Ethical Repatriation

Given these findings, a number of policy changes should be instituted to ensure a more ethical repatriation policy for NGOs and UNHCR.

First, agencies should invest their resources in lobbying for the end of coercive policies, and helping refugees in the host country have access to basic necessities. Budgets should be directed towards helping them obtain legal aid to leave detention and obtain work visas, or towards campaigning for the end of policies which deny asylum seekers their rights, pressuring the government to interview all who wish to apply for refugee status, and to provide work visas to those who qualify for protection. NGOs and the UN should only help with involuntary return if such campaign efforts fail, and the government insists on continuing its coercive policies.

Second, when the UN and NGOs do help with return, they should explain to refugees the precise risks of repatriating, including the mortality rates, lack of schooling, and extent of displacement in the country of origin. Refugees should understand that they often do not need to return, strictly speaking: staying in detention is an option, and often a preferable one, if the risks of return are considerable.

Third, when refugees do return, NGOs and the UN should then interview them to learn about their conditions. This data should then be communicated to refugees who have yet to return, so that the information is as recent as possible.

While these policies will not ensure a voluntary return, they can ensure a more informed return, helping refugees become aware of the risks, when faced with the difficult choice of staying in a country without rights, and returning to the country from which they fled.

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