

ICAR Briefing – July 2007

The Somali Refugee Community in the UK

Somalia's internal crisis has intensified over the past 12 months creating widespread population displacement. Significant events have included June 2006, when the Union of Islamic Courts (UIC) took control of the capital, Mogadishu; the recapturing of Mogadishu by Ethiopian-backed Somali forces opposing the UIC¹ in December 2006; the US bombardment of suspected Al Qaeda targets in the South of the country in January 2007²; and the deployment of African Union troops and clashes between insurgents and Ethiopian troops particularly in Mogadishu³. The fighting has added to the official IDP population which currently stands at 400,000 according to the Internal Displacement Monitoring Centre⁴

Given the current media attention, and in light of the country's long historical association with the United Kingdom, an ICAR briefing on Somalia and the Somali community within the UK is timely.

History

The Republic of Somalia was created in 1960 when both the British Protectorate of Somaliland and the UN-established, Italian Trusteeship Administration merged.⁵

Early independence was marred by territorial disputes with both Kenya and Ethiopia. Following the assassination of Ali Rashid Ali Shermarke in 1969, General Mohamed Siad Barre assumed power in a coup. He was deposed in 1991 by a group of clans long excluded from participation in government in favour of General Barre's own clan. A protracted civil war ensued, which continued unabated notwithstanding the

formation of an interim government in 2000 and again in 2004.⁶



Source: CIA World Factbook

The Somali people

Clans play a central role in Somali society and politics. The four main clans: Darod, Isaq, Hawiye and Dir are commonly referred to as 'Noble' clans whose members are believed to share a common Somali ancestry.⁷ The clan system in Somali society forms not only the basis of the traditional Somali political structure, but also provides both a system of rights and a social support structure. The Digil and Mirifle clans are described as occupying the middle ground between the 'Noble' clans and Somali minority groups.⁸ Members of 'lower' clans or minority groups are frequently the targets of persecution and relatively disadvantaged.⁹

¹ BBC (28 December 2006) *Islamists abandon Somali capital* <http://news.bbc.co.uk/1/hi/world/africa/6213499.stm>

² BBC (9 January 2007) *US targets Al Qaeda in Somalia* <http://news.bbc.co.uk/1/hi/world/africa/6245943.stm>

³ BBC (22 March 2007) *Battles resume in Somali Capital* <http://news.bbc.co.uk/1/hi/world/africa/6478677.stm>

⁴ [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/02EE5A59E76049F5802570A7004B80AB?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/02EE5A59E76049F5802570A7004B80AB?OpenDocument)

⁵ **Foreign and Commonwealth Office** - *Somalia Historical Background* <http://www.fco.gov.uk/servlet/Servlet?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountrProfile&aid=1019744993170>

⁶ **Home Office** (January 2007) *Country of Origin Information Report- Somalia* <http://www.homeoffice.gov.uk/rds/pdfs07/somalia-150107.doc>

⁷ **Danish Immigration Group** (September 2000) *Report on Minority Groups in Somalia* <http://www.unhcr.org/home/RSDCOI/3ae6a5fa0.pdf>

⁸ **Home Office** (January 2007) *Country of Origin Information Report- Somalia* <http://www.homeoffice.gov.uk/rds/pdfs07/somalia-150107.doc>

⁹ **US Dept of State** (March 2006) *Country Report on Human Rights Practices*



Somalis in the UK

The UK is host to one of the largest and longest established Somali communities in Europe.¹⁰ In the late 19th Century, Somalis from the British Protectorate of Somaliland were employed in the seafaring trade, generally undertaking arduous tasks, notably firing the boilers in ship engine rooms.¹¹

The passing of an Act in 1894 restricting the employment of Somalis to the seafaring industry¹² saw Somalis establishing communities in UK port cities, such as London, Liverpool, Bristol and Cardiff. The economic upturn of the 1950s brought about a change in settlement patterns, as Somalis settled in the Midlands and the North, taking advantage of employment opportunities in heavy industry.¹³

On independence in 1960, a number of Somalis long since settled in the UK returned to Somalia in support of the new Republic.¹⁴ However, increasing instability in the mid-1980s saw many return to the UK. At the same time large numbers of asylum seekers fled the mounting unrest and many sought asylum in the UK.¹⁵ Following the collapse of Barre's regime, Somalia remained without a central government until 2000, when clan elders appointed an interim administration.¹⁶

Despite this, little progress was made in stabilising the country, as reflected by the large number of Somalis who continued to flee in search of safety and better opportunities outside Somalia.

<http://www.state.gov/g/drl/rls/hrrpt/2005/61592.htm>

¹⁰ **Holman, C. and Holman, H.** (2003) *First steps in a new country: baseline indicators for the Somali community in LB Hackney Sahil Housing Association*

¹¹ Ibid

¹² The Somali Community in the Port of London:

<http://www.portcities.org.uk/london/server/show/ConNarrative.109/chapterId/2320/The-Somali-Community-in-the-Port-of-London.html>

¹³ **Bloch, A. and Atfield, G.** (2002) *The Professional Capacity of Nationals from the Somali Regions in Britain*, Report to Refugee Action and IOM.

¹⁴ Holman, C and Holman, H (2003) *First steps in a new country: baseline indicators for the Somali community in LB Hackney Sahil Housing Association*

¹⁵ Ibid

¹⁶ **BBC** (6 March 2007) *Country Profile- Somalia*

http://news.bbc.co.uk/1/hi/world/africa/country_profiles/1072592.stm

Between 1985 and the end of 2006, Somalia consistently remained one of the top ten asylum applicant producing countries in the UK.¹⁷ In recent years an unknown number of Somali refugees have migrated to the UK as secondary migrants from other European countries and settled in towns with already established populations.¹⁸

Somali media resources

BBC Somali.com: BBC News Website in Somali language

<http://www.bbc.co.uk/somali/index.shtml>

Somali Eye Magazine: electronic and hard copy magazine for the Somali community in the UK

<http://www.somalivoice.org/>

IRIN Somalia: current news from the United Nations Office for the Coordination of Humanitarian Affairs

<http://www.irinnews.org/Africa-Country.aspx?Country=SO>

AllAfrica.com: largest electronic distributor of African news and information worldwide

<http://allafrica.com/somalia/>

The main issues arising within Somali asylum applications in the UK relate to questions of state protection and internal relocation in the country of origin. The prolonged absence of an effective state in the country has meant that 'protection' that would otherwise be provided by the state may only be secured through clan membership or patronage only. Somalis who are not members of one of the majority clans or related sub-clans may frequently be subjected to persecution and unable to access any adequate form of protection. The UK Home Office identifies the Bajuni, Benadiri and Bravanese minority groups as being part of the underclass in Somali society, and at particular risk in light of their total lack of affiliation with any Somali clans.¹⁹ There are also a number of

¹⁷ **Home Office**, Research Development Statistics

<http://www.homeoffice.gov.uk/rds/immigration1.html>

¹⁸ **Nielsen, K.** (March 2004) *Next stop Britain: The influence of transnational networks on the secondary movement of Danish Somalis*, Sussex Migration Working Paper no. 22

<http://www.sussex.ac.uk/migration/documents/mwp22.pdf>

¹⁹ **Home Office** (2006) Operational Guidance Notes - Somalia

<http://www.ind.homeoffice.gov.uk/documents/countryspecificasympolicyogns/somaliaogn?view=Binary>

other minority groups, known as 'occupational castes' with few or no clan affiliations that have historically faced societal discrimination, including exclusion from employment and the denial of ownership of property or livestock.²⁰

Historical perspectives

PortCities- London: The Somali Community in the Port of London

<http://www.portcities.org.uk/london/server/show/ConNarrative.109/chapterId/2309/The-Somali-Community-in-the-Port-of-London.html>

Somalis - their history and culture

COR Refugee Factsheet No.9

<http://www.cal.org/co/somali/stoc.html>

Statistics on the Somali community in the UK

Although there are no definite figures reflecting the current size of the overall Somali population in the UK, the 2001 Census recorded a population of 43,473.²¹ Somali community organisations however, have suggested that the number is more likely to be in the region of 90,000.²²

Asylum applications

In 2006 there were 1,845 asylum applications received from Somali nationals, a small increase from the 1,760 applications in 2005 but less than the 2,585 received in 2004. Overall the number of Somali nationals applying for asylum in the UK has fallen since 1999 when there were 7,495 applications.²³ Trends in asylum numbers have generally reflected the course of insecurity and conflict in Somalia.

²⁰ **Home Office** (2007) Country of Origin Information Service, Country Reports- Somalia

http://www.homeoffice.gov.uk/rds/country_reports.html#countries

²¹ This figure includes Somalis living in the UK who are not refugees, e.g. those arriving via family reunion.

²² **Hopkins, G.** (August 2006) 'Somali community organisations in London and Toronto' *Journal of Refugee Studies*, August 2006, Vol 19 No.3
<http://jrs.oxfordjournals.org/cgi/content/full/19/3/361>

²³ The 2006 figures reflect the cumulative figures for all four quarters in 2006. However, it should be noted that these figures may be revised by the Home Office at a later date. All figures have been aggregated to the nearest 5 and exclude dependants.

Initial decisions

In 2006 there were 1,735 initial decisions made by the Home Office on Somali asylum applications. As a result, 660 applicants were recognised as refugees and granted asylum and a further 160 were granted Discretionary Leave. 915 applicants were refused asylum; of these 695 were refused after consideration of the case, a further 165 were refused on the grounds that they had passed through a third safe country and 50 were refused on non compliance grounds.²⁴

Unaccompanied Somali children

There were 255 asylum applications from unaccompanied Somali children in 2006²⁵ (excluding dependants and where there is no age dispute) from a total of 2855 applications by unaccompanied children.²⁶ This figure is slightly above the 225 applications in 2005, from a total of 2720 applications by unaccompanied children.²⁷ Applications from unaccompanied Somali children ranked fifth in the last quarter of 2006. There were more applications for asylum from unaccompanied minors from Afghanistan, China, Eritrea and Iran.²⁸

Somali nationals in detention

On the 30th of December 2006 there were a total of 45 Somalis in detention at one of the UK's ten Immigration Removal Centres or four Short Term Holding Facilities.²⁹ Of the 45 detained Somalis, 30 were asylum seekers detained under Immigration Act powers who were recorded as having sought asylum at some stage.³⁰ This is an increase from the 25 Somalis in detention on the

²⁴ **Home Office** (February 2007) *Asylum Statistics: 4th Quarter 2006 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

²⁵ An unaccompanied asylum seeking child (UASC) is defined as an applicant who at the time of application is, or (if there is no proof) is determined to be under 18 and is applying for asylum on his own right and has no relative or guardian in the UK.

²⁶ These statistics reflect the cumulative figures for all four quarters in 2006. However, it should be noted that these figures may be revised by the Home Office at a later date.

²⁷ **Home Office** (February 2007) *Asylum Statistics: 4th Quarter 2006 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

²⁸ **Home Office** (February 2007) *Asylum Statistics: 4th Quarter 2006 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

²⁹ This figure does not include all persons detained in Prison Service Establishments. As a result, figures are not directly comparable with those prior to 'Quarter 2' 2006.

³⁰ **Home Office** (February 2007) *Asylum Statistics: 4th Quarter 2006 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

31st of December 2005, of whom 15 were asylum seekers.³¹

Useful Statistical Resources

Home Office Research and Development Statistics

Immigration and Asylum statistics:

<http://www.homeoffice.gov.uk/rds/immigration.html>

Statistics on local populations

<http://www.neighbourhood.statistics.gov.uk>

Removals, voluntary departures and assisted returns

The number of Somali asylum seekers who left the UK through enforced removals, voluntary departures and assisted returns programmes has fluctuated over the past three years.³² In 2006³³ there were 210 removals of Somalis from the UK³⁴, from a total of 3595 removals to Africa and 18,235 to all countries. This is an increase from 110 in 2005³⁵ and 150 in 2004.³⁶

Somalis acquiring British Citizenship

The most recent figures indicate that in 2005, 8,305 Somali nationals were granted British citizenship in the UK (a decrease from 11,185 in 2004). This constituted 5% of all persons granted citizenship in 2005 (out of a total of 161,755). More Somali nationals became British citizens than the nationals of any other African country, placing Somalia behind only India, Pakistan and Serbia Montenegro.³⁷

³¹ Heath, T., Jeffries, R. and Pearce, S. (August 2006) *Asylum Statistics United Kingdom 2005*

<http://www.homeoffice.gov.uk/rds/pdfs06/hosb1406.pdf>

³² This includes persons departing voluntarily following enforcement action initiated against persons leaving under Assisted Voluntary Return programs run by the International Organisation for Migration and those who it had established had left the UK without informing immigration authorities.

³³ Home Office (February 2007) *Asylum Statistics: 4th Quarter 2006 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs07/asylumq406.pdf>

³⁴ The 2006 figures reflect the cumulative figures for all four quarters in 2006. However, it should be noted that these figures may be revised by the Home Office at a later date.

³⁵ Home Office (2006) *Asylum Statistics: 4th Quarter 2005 United Kingdom*

<http://www.homeoffice.gov.uk/rds/pdfs06/asylumq405.pdf>

³⁶ Home Office (2005) *Asylum Statistics: 4th Quarter 2004 United Kingdom*.

<http://www.homeoffice.gov.uk/rds/pdfs05/asylumq404.pdf>

³⁷ Home Office (2006) *Persons Granted British Citizenship United Kingdom 2005*

<http://www.homeoffice.gov.uk/rds/pdfs06/hosb0906.pdf>

Of the 8,305 Somalis granted citizenship in 2005, 4,585 became naturalised as citizens by virtue of residence in the UK. 1,150 of the grants were to children who were registered as citizens when one of his/her parents had become a British citizen or settled in the UK. A further 2,160 children were entitled to discretionary registration as British citizens.³⁸

Census data on the Somali population in London

The 2001 census recorded 43,515 Somalis in the UK, with 78% (33,831) living in London. Other cities and regions with notable Somali populations include 1,306 Somalis in Sheffield, 872 in Leicester, 819 in Birmingham, 788 in Cardiff and 678 in Liverpool.³⁹ The exact figures in different cities are disputed, with several reports estimating the population to be much larger than shown in the census figures.⁴⁰

Of the 33,831 Somalis living in London 14,921 (44.1%) were male, 18,910 (55.9%) were female and 47% were between 16-44 years of age. There were 6,697 (29%) economically active adults compared with a 67.6% average in London. 24% of economically active Somalis were in full-time employment compared with a 63.1% average for London. 70.4% of Somali adults were economically inactive compared with an average for London of 32.4%. There was an above average number of adults (over 16 years of age) who were students (29.4%) in comparison with the London average (9.5%)⁴¹.

³⁸ Home Office (2006) *Persons Granted British Citizenship in the United Kingdom 2005*

<http://www.homeoffice.gov.uk/rds/pdfs06/hosb0906.pdf>

³⁹ The 2001 census provides statistics for the Somali population in the UK by England and Wales, areas, countries, cities and London Boroughs:

<http://neighbourhood.statistics.gov.uk>

⁴⁰ In 1995 Margret McCarthy ('Elders in Exile' Northern Refugee Centre: 15) estimated the Somali population in Sheffield to be over 2,000 and in 2003 Ian Cole and David Robinson ('Somali housing experiences in England', Centre for Regional Economic and Social Research) estimated the Sheffield Somali population to be between 1,400-10,000. Peter Stokes (2000) estimated the number of Somalis living in Liverpool to be between 3,000 and 5,000.

⁴¹ Greater London Authority (2005) *London Country of Birth Profiles: An analysis of Census data*, Data Management and Analysis Group briefing 2005/2,

Legal and Policy Developments

Conditions of entry and transit

Somalis have been required to obtain a visa to enter the UK since January 1 1973. Somali nationals seeking to enter the UK for the purposes of asylum have embarked on clandestine forms of entry, often placing themselves in the hands of people smugglers and traffickers to secure entry.⁴² Somali nationals are also required to obtain a 'direct airside transit visa' (DATV) in order to carry out an airside transfer through a UK airport. There are currently 48 countries requiring a DATV to transit through the UK.⁴³ DATV was introduced by the UK Home Office in October 2003 as a means of reducing the number of asylum claims being made on transit arrival in the UK. The Home Office states that the numbers of on-arrival claims have fallen by 58% since the introduction of DATV.⁴⁴

In January 1991 the British Embassy in Mogadishu was closed after Siad Barre's administration was overthrown. Somali nationals may only make applications for UK tourist/visitor visas at posts designated to provide a full entry clearance service. All other types of entry-clearance applications must be made at the British Embassies in Nairobi, Kenya or Addis Ababa, Ethiopia. Responsibility for those applying from Somaliland is provided by the British Embassy in Addis Ababa and responsibility for coverage of the rest of Somalia is provided by the British High Commission in Nairobi.

Somali refugee community in the UK

Atubo, M. and Batterbury, S. (2001) LSE Working Papers No.01-11: *Coping with environmental change - the experience of Somali refugee women in a west London housing estate*
<http://www.lse.ac.uk/collections/DESTIN/pdf/WP11.pdf>

⁴² **Morrison, J. and Crosland, B.** (2001) *The Trafficking and Smuggling of Refugees: the End Game in European Asylum Policy?* UNHCR Working Paper 39
<http://www.unhcr.org/research/RESEARCH/3af66c9b4.pdf>

⁴³ **Home Office** (2006) *The UK's DATV Regime - Revised* February 2007
<http://www.ind.homeoffice.gov.uk/6353/14809/directairsidetransiyi/safebl.pdf>

⁴⁴ **Home Office**, *Asylum Fact sheet*
<http://www.ind.homeoffice.gov.uk/applying/asylum/asylumfactsheet>

Somali refugee community in the UK

Bloch, A and Atfield, G. (2002) *The Professional Capacity of nationals from the Somali region in Britain*
<http://fmo.qeh.ox.ac.uk/Repository/getPdf.asp?Path=OxfordI/1604/05/02&PageNo=1>

The Guardian (23/01/2006): *Somalis in Cardiff*
<http://www.guardian.co.uk/britain/article/0,,1692747,00.html>

Hopkins, G. (2006) *Somali Community Organizations in London and Toronto: collaboration and effectiveness*
<http://jrs.oxfordjournals.org/cgi/reprint/19/3/361.pdf>

Olden, A. (1999) *Somali refugees in London: oral culture in a western environment*
<http://www.librijournal.org/pdf/1999-4pp212-224.pdf>

Involuntary Returns


In light of the ongoing insecurity in the country, the Home Office policy of returning failed asylum seekers to Somalia remains a contentious one and conflicts with current advice from the United Nations High Commissioner for Refugees (UNHCR). UNHCR's position on the involuntary return of failed asylum seekers set out in 2004 and revalidated in November 2005 underlines that there is no safe internal flight alternative in Somalia, and advises against all returns of failed asylum seekers to regions other than their region of origin.⁴⁵ In relation to these, it advises against forced return if the region of origin is Southern Somalia, and against 'indiscriminate' involuntary return to the autonomous regions of Somaliland and Puntland,⁴⁶ in the far North of Somalia.⁴⁷

The UK Home Office position is that there is no policy precluding the return of failed Somali asylum seekers to any region of Somalia. They do not accept current UNHCR advice in relation to Somalia on the grounds that it relates only to

⁴⁵ **UNHCR** (2005) *Advisory on the return of nationals to Somalia*
<http://www.unhcr.org/publ/RSDLEGAL/437082c04.pdf>

⁴⁶ For more information on Somaliland and Puntland refer to:
<http://www.fco.gov.uk/servlet/Servlet?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1019744993170>

⁴⁷ **UNHCR** (2004) *Position on the return of rejected asylum seekers to Somalia*
<http://www.unhcr.org/cgi-bin/textis/vtx/home/opendoc.pdf?tbl=RSDLEGAL&id=4020dc864>



the general situation in the country, and not to an individual's particular circumstances.⁴⁸

In relation to the autonomous regions of Somaliland and Puntland, although the UK Home Office consider these regions as 'generally' safe to return failed asylum seekers, they nonetheless acknowledge that both Somaliland and Puntland's regional authorities will not permit entry to minority groups with no connection to clans within their region.⁴⁹

In relation to the returning of individuals from minority clans, recent European case law has successfully challenged assertions of their safety in the autonomous regions (see below for further details).

Changes to refugee status

Since August 2005, Refugee Status is granted for a period of 5 years and may be revoked at any time during this period. Refugees must then apply for an extension, which, provided certain criteria are met, will lead to Indefinite Leave to Remain. These criteria are that during the 5 years:

- the conditions in the country of origin have not improved significantly;
- the applicant has not been involved in actions which are against the Refugee Convention principles; and
- that s/he passes an English language and UK society test.⁵⁰

In light of the high number of Somalis granted Refugee Status, the changes will have a considerable impact on the Somali Refugee community in the UK. There may be important repercussions on issues of integration and access to employment and services.⁵¹ These changes may lead to some interesting legal challenges from 2010, when the first of the extension applications are submitted.

⁴⁸ Home Office (2006) Operational Guidance Notes - Somalia

<http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/somaliaogn?view=Binary>

⁴⁹ Ibid

⁵⁰ Home Office (October 2006) *Asylum Policy Instructions- Refugee Leave*

<http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/refugeeleave.pdf?view=Binary>

⁵¹ Refugee Council (January 2006) *Briefing on Immigration, Asylum and Nationality Bill*

<http://www.refugeecouncil.org.uk/policy/briefings/2006/ian2006.htm>

Funding for legal assistance

Proposed changes to the manner in which Asylum and Immigration cases are funded will be of concern to Somali asylum applicants unable to cover the costs of their legal representation. The proposed changes entail a 'fixed fee' for cases, irrespective of their complexity.⁵² The fees will not include interpreter or travel charges. There are concerns that the changes will impact on the availability and quality of legal representation.⁵³ These changes are not due to be implemented until October 2007.⁵⁴

Further changes are also proposed for the funding of asylum applications that progress to the appeal stage. In order to fulfil the requirements of their Legal Services Commission contracts, legal representatives will have to reach a target of 40% success rate in the asylum appeals they take on. The Refugee Council estimates that this will require legal service providers doubling their current success rate of 19%.⁵⁵

Family reunion

Asylum applicants who have been recognised as refugees are able to apply to the Home Office to be joined in the UK by their immediate family.

At the time of writing, the Home Office is reviewing its family reunion policy. Once completed, this will be available from the Border and Immigration Agency's (BIA) Asylum Policy Instructions. These can be found on the BIA website.⁵⁶

Recent noteworthy Somali case law

The case of **NM and Others (Somalia) CG [2005] UKIAT 00076**⁵⁷ addressed issues of

⁵² ILPA (January 2006) *Briefing on future of Legal Aid*

<http://www.ilpa.org.uk/>

⁵³ Refugee Council (October 2006) *Policy Response - Legal Aid: a sustainable future*

<http://www.refugeecouncil.org.uk/policy/responses/2006/legalaid.htm>

⁵⁴ ILPA (January 2006) *Briefing on future of Legal Aid*

<http://www.ilpa.org.uk/>

⁵⁵ Refugee Council and Refugee Action (March 2006)


Joint Response to the General Civil Contract relating to Immigration and Asylum work

<http://www.refugeecouncil.org.uk/OneStopCMS/Core/CrawlerResourceServer.aspx?resource=96250B46-5348-49A7-949C-E7BB511855F1&mode=link&guid=07f4c3abb84a410ca11caf22e3312844>

⁵⁶ Home Office *Asylum Policy Instructions: Family Reunion*

<http://www.ind.homeoffice.gov.uk/documents/asylumpolicyinstructions/apis/familyreunion.pdf?view=Binary>

⁵⁷ <http://www.bailii.org/uk/cases/UKIAT/2005/00076.html>



clan protection on return. The Asylum and Immigration Tribunal found in favour of the appellant, a lone Ashraf (a minority clan) woman. The determination notes that where a claimant is from Southern Somalia and of a minority clan with no majority clan patronage, then they may be at risk of breaches of their rights under the European Convention on Human Rights (ECHR) within Southern Somalia upon return. The Tribunal also noted however, that should the claimant be from a majority clan, then there would likely be an area of Southern Somalia where the clan could provide enough protection for neither the Refugee Convention nor the ECHR to apply.

The case of **MA (Galgale- Sab clan) CG [2006] UKAIT 00073**⁵⁸ found that the appellant, a member of the low caste Galgale clan, would have less expectation of protection than other low caste clans. This is because it was found that there are no designated areas in which the Galgale may live.

In the recent case of **Salah Sheekh Vs the Netherlands (Application no. 1948/04) [11/01/2007]**⁵⁹ it was found that the appellant, who was of a minority clan and originated from Southern Somalia, would not be safe, even if returned to Somaliland or Puntland. These areas are considered 'relatively safe' for enforced returns within European (including UK) caselaw. Of particular note is the following section of Para. 139:

The Court has been provided with and has obtained a considerable amount of information relating to the situation in both Somaliland and Puntland, from which it undoubtedly appears that those territories are generally more stable and peaceful than south and central Somalia. Nevertheless, there is a marked difference between the position of, on the one hand, individuals who originate from those areas and have clan and/or family links there and, on the other hand, individuals who hail from elsewhere in Somalia and do not have such links in Somaliland or Puntland. On the basis of the available information, the Court is prepared to accept that the expulsion to Somaliland or Puntland of a failed asylum seeker belonging to the

⁵⁸http://www.ait.gov.uk/Public/Upload/j1934/00073_ukait_2006_ma_somalia_cg.doc

⁵⁹<http://jurrit.jur.kun.nl/cmrr/docs/SALAH.SHEEKH.THE.NETHERLANDS.pdf>

first group would not generally expose the person concerned to a real risk of being subjected to treatment in violation of Article 3. As far as the second group is concerned, however, the Court is not persuaded that the relevance of clan protection in the "relatively safe" areas has diminished to the extent as suggested by the Government.

At the time of writing, the impact of this determination has yet to be tested in the UK courts.

International initiatives

In addition to ever-evolving UK and European Jurisprudence in response to the Somali crisis, wider efforts are being made to tackle the root causes of forced displacement and refugee movements in the region. Currently, the security situation in Somalia (and the Horn of Africa in general) is of major concern for the European Union. In October 2006, the European Commission agreed a 'partnership for peace, security and development in the Horn of Africa'. Comprehensive conflict prevention as a means of tackling the root cause of regional instability is the partnership's main area of focus. On the 20th October 2006, Louis Michel, the EU Commissioner for Development, made a point of highlighting the international ramifications of continued insecurity in the region, which he noted as being "the source of many of Europe's asylum seekers."⁶⁰

Currently the 'partnership for peace, security and development in the Horn of Africa' is a political framework only. It is hoped that it will lead to a number of regional initiatives and dialogue.⁶¹ It may be some time however, before its impact can be measured by a change in the numbers of Somalis seeking protection in the UK, Europe and beyond.

⁶⁰ **ECRE** (27 October 2006) *Commissioner Michel Proposes to Assist the Horn of Africa With the Management of Migratory Flows and Refugees* http://www.ecre.org/resources/ecran_weekly_update_27_10_2006

⁶¹ **EU** (20 October 2006) *European Commission proposes an EU strategy for peace, security and development in the Horn of Africa* <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/06/1441&format=HTML&aged=0&language=EN&guiLanguage=en>.



Key Issues⁶²

Health

According to research conducted for the London Borough of Camden, post-traumatic stress disorder (PTSD), depression and anxiety disorders are the most common mental health problems presented by members of the Somali community seeking healthcare.⁶³ Research by the Centre for Psychiatry found that 14% of a sample of 143 Somali refugees recruited from GP registers and community sites were suffering from PTSD.⁶⁴ It has been noted that Somali refugees have a relatively high level of need for healthcare but a low level of service use.⁶⁵ Explanatory factors for barriers to access include distrust of the healthcare system, language difficulties, housing problems or anxieties over immigration status. Those that suffer from mental health disorders might not publicly acknowledge their problems because of fear of being stigmatised by the community and a common perception that mental health problems are incurable.⁶⁶

Recently arrived refugees may be affected by high levels of trauma as a result of their pre-migration experiences. A 2005 Amnesty report notes increasing incidents of torture in Somaliland⁶⁷ and a number of clients at a Somali mental health project in East London had been the victims of torture.⁶⁸

A number of mental and physical health issues are linked by some commentators to the use of

khat⁶⁹ (a green leafed shrub, chewed for its stimulant effects), which is used widely in the Horn of Africa and Yemen and by ex-patriate communities in the UK. Mental and physical health issues resulting from excessive and prolonged khat use are thought to include depression, anxiety disorders, sleep disturbance and dental problems.⁷⁰

One research report argues that there is a strong perception amongst Somalis, particularly men, that GP's know little about the effects of *khat* and might therefore misdiagnose health problems and that *khat* users are unlikely to access treatment services.⁷¹

Employment

According to a study conducted on the professional capacity of Somali nationals in the UK,⁷² those in work are more likely to have better proficiency in English, have been resident in the UK for a longer period of time and were more secure in their immigration status. Having received education in the UK also increased the likelihood of employment. A higher proportion of men are employed than women, for whom looking after the home and the family were primary responsibilities. Studies have found that women are more willing to work in low-skilled menial work in the care and service sector. Barriers to employment for Somali refugees include the non-recognition of pre-migration qualifications, employer discrimination, insufficient contacts in the UK and a lack of transferable skills.⁷³

The majority of Somalis employed before coming to the UK are not employed in the same or similar occupations in the UK. Work in retail or private security, are also common occupations. It is not uncommon to find highly skilled Somalis in menial work.⁷⁴

⁶² It is recognised that many of the key issues raised in this section are not solely limited to the Somali community and are relevant to other refugee communities and other minority ethnic groups.

⁶³ **Alemu, E and Palmer, D.** (March 2006) *Imperfect prescription: the mental health perceptions, experiences and challenges faced by the Somali Community in the London Borough of Camden and service responses to them.*

www.uel.ac.uk/ssmcs/research/fmsc/papers/palmeralemu.pdf

⁶⁴ **Bhui, K; Craig, T; Mohamud, S; Warfa, N; Stansfeld, S; Thornicroft, G; Curtis, S and McCrone, P** (March, 2006) *Mental disorders amongst Somali refugees: Developing culturally appropriate measures and assessing socio-cultural risk factors.* Social Psychiatry and Psychiatric Epidemiology, 2006 Vol 41, Pt 5

⁶⁵ Ibid

⁶⁶ **Gabriel, J and Ritchie, H.** (February 2002) *'Daryeelka Maanka': An evaluation of a Somali mental health project in East London.*

⁶⁷ **Amnesty International** (2005) *Somalia Report 2005* <http://web.amnesty.org/report2005/som-summary-eng>

⁶⁸ **Gabriel, J and Ritchie, H.** (February 2002) *'Daryeelka Maanka': An evaluation of a Somali mental health project in East London.*

⁶⁹ 'Khat' has a number of spellings including 'qat' and 'quat'.

⁷⁰ **Havell, C.** (May 2004) *Khat use in Somali, Ethiopian and Yemeni communities in England: issues and solutions*, Turning Point: Turning lives around

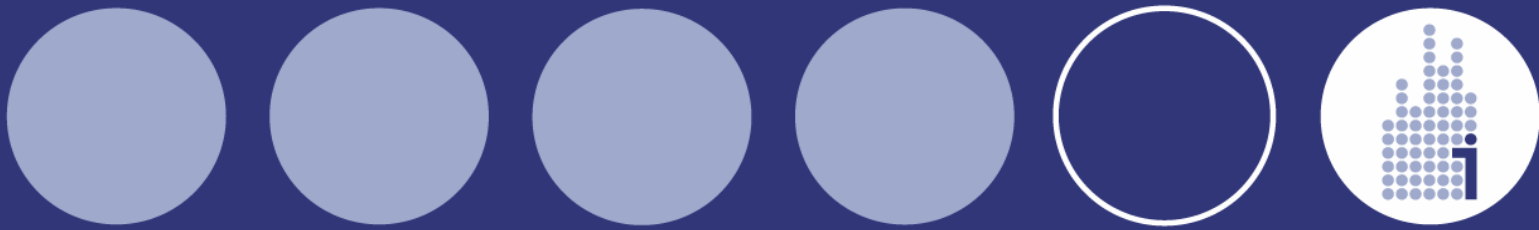
www.drugs.gov.uk/publication-search/diversity/khat-use-report?view=Binary

⁷¹ Ibid

⁷² **Bloch, A and Atfield, G.** (2002) *The professional capacity of nationals, from the Somali regions in Britain.* A report to Refugee Action and International Organisation of Migration

⁷³ Ibid

⁷⁴ **Olden, A.** (1999) *Somali Refugees in London: Oral culture in a western format and environment* www.librijournal.org/pdf/1999-4pp212-224.pdf



There is concern that many young Somalis leave college without the English language skills to compete in the job market and this is compounded by an expectation that they will not find work.⁷⁵ Young Somalis often do not have the necessary practical experience to enhance their chances of employment.

Useful Resources

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Cole, I. and Robinson, D. (2003) *Somali Housing Experiences in England*
<http://www.shu.ac.uk/cresr/downloads/publications/10-SOMALI%20Housing.pdf>

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Housing

Somali communities tend to be clustered in those inner city neighbourhoods with high than average levels of deprivation, crime, unemployment and minimal services and amenities. Many Somali households live in extremely overcrowded conditions, which is detrimental to physical, mental and emotional well-being. Housing conditions are generally poor, with damp and condensation problems, insufficient heating and inadequate security measures.⁷⁶

The same research report notes that many of the respondents reported incidents of harassment and racial discrimination.⁷⁷ Despite this, discrimination and harassment often goes unreported due to the language barrier and Local Authorities not providing adequate translation and interpretation provisions. There is little awareness of available support and assistance provided and a perception that reports will go

unheeded or lead to further discrimination or harassment.

The benefits of living among other Somalis in a particular neighbourhood include an increased sense of security, advice and support from friend or family networks and access to local services and shops run by Somalis for the Somali community.

Somalis face a number of constraints in attempting to access social housing. These include insufficient knowledge and awareness of housing provision and poor understanding of the routes into obtaining social housing, particularly when approaching landlords. Due to a lack of available social housing in cities such as Liverpool and Sheffield, some Somalis are restricted from accessing housing where there is an already established Somali community. The type of accommodation available is limited, with large families allocated homes with insufficient room or a lack of sheltered accommodation for elderly relatives, for example.⁷⁸

Homelessness has been noted as an issue within the Somali community; the most common homeless groups are those who are 'statutory homeless' and the 'homeless and living with family or friends'. In many cases Somali households are not categorised as homeless because they do not approach the local authority to help and are unaware of the statutory obligations of local authorities to the homeless.⁷⁹

Community relations

Division and cohesion within the Somali community, along clan-based lines are significant in constructing identity. However they are complex and should not be overstated or generalised.⁸⁰ Clan groups share a common ancestry through male descent, with lineage often going back generations. Griffiths' study of Somali refugees in London highlights the factors which affect the role of clanship in individual lives such as gender, age and class along with experience of war and education.⁸¹

In the UK, clan members may feel obliged to assist a newly arrived refugee from their clan and

⁷⁵ **Stokes, P.** (2000) *The Somali Community in Liverpool*

⁷⁶ **Cole, I and Robinson, D.** (2003) *Somali Housing Experiences in England*
www.shu.ac.uk/cresr/downloads/publications/10-SOMALI%20Housing.pdf

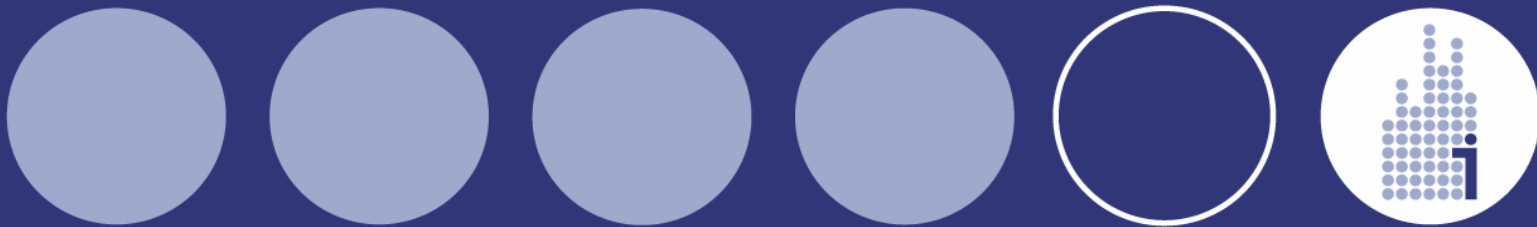
⁷⁷ Ibid

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ **Stokes, P.** (2000) *The Somali Community in Liverpool*

⁸¹ **Griffiths, D.** (2002). *Somali and Kurdish refugees in London*



can act as a pre-existing support network. However, older generations with experience of inter-clan hostilities and factionalism may be more reluctant to co-operate with members of certain other clans. Despite this, it is more commonly the clan elders who take a peacemaking role in disputes. Often successful settlement in the UK will weaken links with Somalia, an emphasis on clan affiliations and encourage identities based on local connections in the UK.⁸²

There have been recent reports in the media about young Somalis being involved in gangs and violent crime. Some of these incidents have been high profile and may influence the way Somali communities are perceived in the UK.⁸³

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⁸² Ibid

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