

Barriers to accessing documentation within the context of education in displacement in Uganda.

Case study: Displacement Affected populations in Uganda.

A presentation of the Norwegian Refugee Council.

Outline

- Background
- Barriers
 - Policy and Legislative barriers
 - Institutional barriers
 - Pragmatic barriers
- Implications for accessing employment
- Conclusion.

BACKGROUND

Why should we consider this issue?

The Refugees Act, Section.29,

- Emphasizes the fair and just treatment of refugees, without discrimination;
- Right to Education, other than elementary education for which refugees must receive the same treatment as nationals, and, regarding access to studies, the recognition of foreign certificates, diplomas and degrees and the remission of fees and charges;
- Right to practice the profession of the refugee who holds qualifications recognised by the competent authorities in Uganda and who wishes to practise that profession; and
- Right to have access to employment opportunities and engage in gainful employment.

BARRIERS

Legislative & Policy Barriers

- Lack of clarity on the interpretation and processing of refugee documentation in respect requirements in the country of asylum
- The law does not protect refugees from discrimination in connection with hiring, retention, and termination despite stating that refugees and national have equal rights in Uganda.

Refugees from contexts such as Burundi & DR Congo that are French speaking or South Sudan and Eritrea where the curriculum and syllabus is not aligned to Uganda's education system face challenges accessing jobs or others opportunities.

Legislative & Policy Barriers Cont'd...

Professional Bodies ringfence their professions to exclude the displacement-affected populations.

- **Section 17** of the **Medical and dental Practitioners ACT 1998** ties Medical Practice Eligibility / Registration to a degree of a bachelors of medicine, Bachelors of surgery granted by a university established in Uganda by Law; a medical or dental Qualification recognised by the council.
- **Section 8** of the **Advocates Act Cap 267** strictly excludes non-Ugandans from enrolling as advocates.
- **Section 22** of **Engineers Registration Act, Cap 271** reiterates that any professional engineer coming to work in Uganda shall become a member of the institution within two months of his or her arrival in Uganda and shall register within four months of his or her arrival in Uganda.

Institutional Barriers

- **Monopoly of services** (MAK Institute of Learning for Translation)
- **Education financing for refugees is not equal** to that of Ugandans. (Ugandans benefit from the Quota system, Government loans, and Government scholarships) Unlike refugees (Higher Education services).
- **Differences in Fees** (Ugandans vs Non-Ugandans)
- Institutional **inertia** (Suspension of translations of documents from DRC)
- **Paucity** of actors supporting (NRC, WI)
- **Bureaucratic tendencies** in the government MDAs
- **Duplication of roles** and Cross-cutting mandates e.g. Ministry Departments and other key stakeholders - Agencies
- **Hoarding Information** – barriers are not discussed transparently

Pragmatic Barriers

- Limited access to information
- Loss and destruction of documents during flight
 - Damaged
 - Left in country of origin
 - Lost
 - Non completion (Transfer of credits)
- Characterisation of the aspirations of displaced people as unrealistic and inappropriate demotivates them from seeking documentation for education, and if they do, they venture into unpopular and less market-oriented studies.

Pragmatic Barriers Cont'd...

- **Stigma linked to status;** bullying in schools is often directed at children perceived as different or disadvantaged, linked to ethnicity, race, religion, disability, body image, or name. The multiple crises on displaced school-going children makes them targets for bullies.
- **Falsification and alteration of documents and identity** as a mechanism to minimise stigma.
- **Multiple identities** that further complicate legal identity and legal stay and refugee status hence.

IMPLICATIONS

What does this mean for refugees...

Refugees and asylum seekers with unique documents, frequently experience unfair employment actions, such as:

- Termination from employment when Employment Authorization Documents are not processed or when they expire.
- Rejection of valid documents resulting in stress and psychosocial issues.
- Employers demanding to see a authorization documents prior to availing opportunities hence demotivating refugees and asylum seekers with a genuine case
- Delay in hiring for weeks or months while waiting for authorisation.
- Untimely repatriation which leads to school dropouts mid-course.

MITIGATION STRATEGIES

What have we done to address this issue?

- Policy influence and advocacy on formal charges of employment-related discrimination.
- Offer training to workers and advocates on protections against employment discrimination based on displacement status.
- Operate a toll-free hotline that can often help save refugee' jobs and educate employers about non-discriminatory practices.
- Hire and retain refugees as NRC paralegals
- Provide for language and interpretation services
- Hold webinars on refugee rights to education and employment within the context of legal identity and certification
- Information and awareness campaigns on rights and remedies

For additional information and resources on
this subject, please contact

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