



IMMIGRATION DETENTION IN TANZANIA



A Prison Survey Report

About Us

Asylum Access – Refugee Solutions Tanzania (AATZ) is a non-profit, non-political and non-governmental organization legally registered in Tanzania to assist refugees in Tanzania to find durable solution. AATZ also assists refugees to realize their rights in the country of refuge pending a durable solution.

AATZ uses various tools including individualized legal assistance, community legal empowerment, policy advocacy, and strategic litigation to achieve its objectives. AATZ believes that by empowering refugees to assert their human rights, we can create effective, lasting solutions for refugees.

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TERMINOLOGY

Throughout this report, the following meanings are intended to attach to the terminology used. We note that some of these definitions may be contested.

- **Asylum Seeker.** An asylum seeker is a person seeking refugee status, but who has not been recognized as or declared to be a refugee by the Government of Tanzania or UNHCR. For the purpose of this report, the term “asylum seeker” also refers to detained persons who state that they are seeking asylum or whom AATZ adjudges to have left his or her country of origin for asylum-related reasons.
- **Refugee.** A refugee, with limited exceptions, is a person who, owing to a 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 nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.

In Africa, a refugee is also 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.

Refugee status is considered legally constitutive, meaning that refugees are refugees so long as they qualify, regardless of whether they are declared to be so by a country of asylum. However, for the purpose of this report, the term “refugee” refers to persons who have been recognized as such by the Government of Tanzania or UNHCR.

- **Migrant.** There is no universal definition of a migrant provided by an international convention. For the purposes of this report, a migrant is a person who is outside his or her country of nationality. This includes “forced migrants,” such as refugees, asylum seekers, some stateless persons, and some survivors of human trafficking or forced labor; it also includes “voluntary migrants” or “other migrants” such as economic migrants. In this Report, we use “detained migrant” to refer to all foreign nationals surveyed or counted in the prisons visited. We also use “migrant” to refer to a foreign national who is not part of a specific subset of migrants such as asylum-seekers or refugees.
- **Irregular Migrant.** The International Organization for Migration (IOM) has defined an irregular migrant as “someone who, owing to illegal entry or the expiry of his or her visa, lacks legal status in a transit or host country,” and further applies the term to “migrants who infringe a country’s admission rules and any other person not authorized to remain in the host country.”¹ While acknowledging that there is no universally accepted or clear definition, IOM then defines irregular migration as “movement that takes place outside the regulatory norms of the sending, transit and receiving countries.”²

¹ Definitions are taken from Article 3a of the UN Protocol against the Smuggling of Migrants by Land, Sea and Air, accessible at http://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/published_docs/serial_publications/Glossary_eng.pdf.

² IOM, *Glossary on Migration: International Migration Law* (2009), 15.

- **Human Trafficking.** Human trafficking refers to the unlawful practice of sending, recruiting, receiving, transporting or harboring persons by the use of force, abuse of power, fraud or deceit in order for such persons to be exploited.
- **Vulnerable Migrant.** For the purposes of this report, a vulnerable migrant is a detained migrant who may be susceptible to human trafficking, or is in otherwise vulnerable because of age, health, ethnic origin or any other characteristic or condition.

EXECUTIVE SUMMARY

- Out of 389 irregular migrants detained in Tanzanian prisons, Asylum Access identified that 18 were asylum seekers or refugees under the 1951 Convention Relating to the Status of Refugees, the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, or were otherwise persons of concern to the United Nations High Commissioner for Refugees (UNHCR).

In light of sampling challenges and variations in regional forced migrant flows, this data should not be used to indicate the total number of refugees and asylum seekers detained in the prisons visited, nor should the findings be used to indicate the rate at which refugees and asylum seekers are detained countrywide. Rather, that refugees and asylum seekers were found at all should indicate that forced migrants are vulnerable to unlawful detention—a reality that calls for preventative and corrective measures.

- In all cases, legal aid in the form of counseling and information was provided at the time of surveying. Additionally, AATZ referred 17 clients to UNHCR, 12 to IOM, and 10 to UNICEF for further action. Independently, AATZ has opened cases on behalf of 3 refugees.
- Although the vast majority of those surveyed did not have a colorable refugee claim, Asylum Access believes that there are other types of vulnerable migrants, including economic and environmental migrants, or trafficked persons. The following are findings related to migrant populations:
 - Most commonly, migrants left their countries seeking to pursue work or livelihood opportunities in South Africa. These migrants paid smugglers significant sums to be smuggled to South Africa before being apprehended and detained. In addition, some foreigners in detention may be considered non-migrants, and are in detention for criminal acts.
 - The majority of migrants interviewed have been smuggled by what appear to be transnational criminal groups that make use of agents within Tanzania. In some instances, asylum seekers travel in the same groups. After capture, the migrants are frequently rapidly charged and sentenced as a group. While most migrants are able to generally understand the legal process they undergo because they are accompanied by some migrants who speak English or Kiswahili, their understanding of the procedure is limited.
 - Our staff note an alarmingly high variance in the sentences meted out for those convicted of illegal entry, leading to some convicted prisoners serving much longer sentences for the same offence than others.
 - In most instances, migrants are asked to pay a fine and/or serve a sentence. Few migrants are in a position to pay the Tshs. 100,000 fine, and those who pay a fine are still kept in detention pending deportation. While bail is a right, persons charged for illegal entry are generally unable to access bail.

- AATZ staff has identified a small number of cases that show indicia of international human trafficking as well as a small number of cases indicating that an interviewed person is a vulnerable migrant in need of further assistance.
 - Language barriers may also prohibit migrants from securing alternatives to detention. Some migrants may not be aware that they can pay fines in order to be released.
 - Many of those interviewed stated that they would prefer to return to their home country if possible. The majority of those interviewed also stated there was no reason they could not live in their country of origin. However, a vast majority of these same respondents stated that they could not afford the expenses associated with returning home, nor did they have friends or family that could cover these expenses.
- Desk research, interviews with key informants, and prison visits indicate that Tanzanian law has fallen behind regional and international standards with respect to the detention of refugees and migrants.

The principal law governing migrants, the Immigration Act, 1995, makes few provisions for alternatives to detention such as bail or supervised release, and offers few deadlines for release from detention. In addition, resource constraints such as lack of interpreters and lack of legal and other support services serve to lengthen the amount of time spent by migrants in detention.

INTRODUCTION

Since its independence in 1961, Tanzania has played host to many of the region's refugees and asylum seekers, causing it at times to hold one of the largest forced migrant populations in the world. Although recent, relative political stability in the region has somewhat tapered refugee flows, other types of irregular migration, including human trafficking³, economic and environment migration, and smuggling, have increased substantially. These recent changes in flows may be responsible for an increased use of detention as a migration management tool in Tanzania.

The use of detention as a migration management tool raises many concerns regarding the protection of vulnerable migrants. In particular, asylum seekers and refugees have the right to seek asylum, and the right to non-refoulement – both of which are put at risk in prison settings absent enforceable national laws and policies that specifically promote their protection.

The use of detention as a migration management tool also contributes to the overcrowding of prisons. According to the Prisons Service's website, prison facilities now hold twice as many prisoners as they were designed to hold.⁴ As economic pressures and ad hoc regional conflict continue to drive migrants to and through Tanzania, the government faces pressures to address irregular migration through means that are less costly than detention. Assessing the extent to which forced migrants are being unlawfully detained may assist the government with addressing this issue.

Some institutions and organizations have recently conducted research to gauge the extent to which detention has been used as a response to irregular migration. The 2008 Ministerial Task Force on Irregular Migration Initiative⁵ has identified that irregular migrants are being regularly detained.⁶ National Organization for Legal Assistance (NOLA) also conducted a survey in northwestern prisons in Kigoma, Rukwa, Tabora, Kagera and Mwanza and found presence of refugees detained in prisons visited.⁷

Initially, AATZ intended to survey the prisons that were not covered by the NOLA's research, with the aim of finding out numbers and legal issues of refugees and asylum seekers detained therein. After consultations with the Prisons Department and learning the Department's immediate needs, AATZ decided to widen the purpose of the research. AATZ surveyed migrants in detention in selected regions namely, Arusha, Tanga, Pwani, Dar es Salaam, Morogoro, Mbeya, Mtwara, Lindi, and Ruvuma, to identify migrants' legal status, screen migrants who may be released from detention, and identify best practices to reducing unnecessary detention. This survey, therefore, complements previous researches by providing most current trends of irregular migration flows.

³ From January to March 2012 alone, the Government recorded at least 114 cases of human trafficking within Tanzania. Florence Mugarula, *Lets step up anti-human trafficking war – IGP*, THE CITIZEN, 15 May 2012, <http://www.thecitizen.co.tz/news/4-national-news/22377-lets-step-up-anti-human-trafficking-war-igp.html>.

⁴ Tanzania Prisons Service, Historical Background/About the Department, http://www.moha.go.tz/index.php?option=com_content&view=article&id=20&Itemid=11.

⁵ Ministerial Task Force on Irregular Migration, Report on the Situation of Irregular Migration in Tanzania 19-20 (2008).

⁶ Special Inquiry Committee of the Legal Aid Providers in Tanzanian Mainland, *Special Report of Human Rights Compliance in Tanzania Mainland* (2011).

⁷ AATZ learnt about this survey from conversation with officials from NOLA, UNHCR and Prison Department. Until the time this report was being prepared, AATZ had not yet secured the report of this survey.

METHODOLOGY

Research Objectives

This project aims to solicit the following information in target areas:

1. Migrants' transportation routes, purpose of travel, and intended destination
2. Whether migrants are registered refugees or asylum seekers and the reasons for their detention
3. Whether migrants are victims of human trafficking, children or otherwise vulnerable individuals
4. Whether migrants have valid onward visas to leave Tanzania and whether migrants have the means and willingness to repatriate themselves to their country of origin
5. Whether and to what extent access to judicial or other procedures may allow the Prisons Service to release migrants from detention, and what the barriers are to access such procedures

Data Collection Methods

This study utilized three methods to answer the research questions:

1. Desk survey of national, regional and international legal standards regarding migrant detention.
2. Interviews with representatives of key national and international agencies. These interviews aimed to complement understanding of legal standards with actual field practice, and to gauge views on alternatives to detention for migrants and refugees.
3. Surveys issued among migrant populations in 13 prisons in Tanzania. The survey was either conducted by AATZ staff who asked questions to detainees or given to detainees for them to fill in the survey questions on their own.

Survey Design

The survey was designed by Asylum Access staff and vetted by Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), the Immigration Services Department of the Ministry of Home Affairs, the Tanzania Police Force, Women's Legal Aid Centre, Legal and Human Rights Centre, and Tanzania Human Rights Defenders' Coalition. This thorough vetting process aimed to ensure the questions posed would aptly identify asylum seekers and refugees under the 1951 Convention Relating to the Status of Refugees, the 1969 OAU Convention, or who were otherwise persons of concern to the UNHCR. The Tanzanian Department of Prisons was also made aware of the survey content but did not suggest or request any changes. Survey questions assessed respondents' legal status, their refugee claim, the reason

for their detention, the conditions and terms of their detention and whether their cases warranted further legal attention. The questionnaire was initially drafted in English. Asylum Access also contracted with native speakers to translate the questionnaire into Amharic and Somali.

A short informed consent form was also prepared to accompany each questionnaire, and was also translated into Somali and Amharic.

Sampling

Because many migrants use Tanzania as a transit country between the Horn of Africa, the Great Lakes Region, and South Africa, Asylum Access targeted prisons along common transit routes in both rural and urban centers. Asylum Access first identified 30 Tanzanian prisons not previously explored by other organizations that fell along these routes. Asylum Access then conducted a desk survey at the Prison Services Departments Office to select prisons with the largest migrant populations on record.

Asylum Access intended to interview 100% of identified migrants in each of the 13 prisons. Due to unforeseen challenges (described in the limitations section below) as well differences between recorded and actual migrant populations, less than 100% of the original sample size were interviewed. Of the 479 surveys attempted, 389 were successfully completed and fit for analysis. See Figure 1 for a breakdown of surveys administered.

FIGURE 1: Sample Size

Region	Prisons	Migrants Identified	Surveys Completed and Analyzed
Dar es Salaam	Segarea; Ukonga; Keko	51	42
Pwani	Kigongoni	58	57
Tanga	Maweni	82	74
Arusha	Kisongo	75	66
Lindi	Lindi	5	5
Mtwara	Lilungu	46	22
Mbeya	Ruanda	111	85
Morogoro	Kihonda, Mahabusu	18	5
Ruvuma	Kitai, Mkwaya	33	33
Totals		479	389

Concerns & Limitations

Translation and Illiteracy

During administration of the survey, Asylum Access encountered challenges such as language barriers and illiteracy. As a result, not all migrants identified were successfully interviewed, thus limiting the pool of potential respondents at some sites.

Incomplete Responses

In some circumstances, detainees abandoned the survey part way through. If detainees requested for the survey to end prior to completion, Asylum Access respected their request.

In light of these sampling challenges, this data does not reflect the number of refugees and asylum seekers in detention in the prisons visited, nor should the findings be used to indicate the rate at which refugees and asylum seekers are detained countrywide. Rather, that refugees and asylum seekers were found at all should indicate that forced migrants are vulnerable to unlawful detention, a reality that may call for preventative and corrective measures.

Ethical Considerations

All interviews were conducted within the respective prison compound. In most cases, interviews were conducted verbally in open areas or office spaces. The survey was never administered within a prison cell.

All identified refugees and asylum seekers were immediately provided legal advice and consultation, and were either given referrals to other agencies or taken on as Asylum Access clients. Furthermore, all vulnerable migrants were referred to IOM and UNICEF.

AATZ also offered to contact family members or friends regarding their situation. Unfortunately in most cases, the contact numbers provided were no longer valid, or phones were unreachable.

FINDINGS AND ANALYSIS

Migrants' purpose of travel, transportation routes, and intended destination

1. Reasons for Leaving Home / Country of Origin

i. Economic Hardship & Business Opportunity

The vast majority of respondents (76.3%) reported economic hardship at home or searching for business opportunities in their destination country as their primary reason for leaving their country of origin. More specifically, many reported inability to care for their families as the main reason for seeking jobs elsewhere. In some cases, this was due to their perception that there were “no jobs at home” to support them; in other cases, respondents were previously employed but were unable to earn enough to support their households.

Subgroup: Students

Several of the interviewees were students. Some students believed that access to higher education in their home country would not be sufficient to secure a good job, so they were relocating to seek better employment opportunities before completing their studies. In several other cases, students were intending to work in the destination in order to earn the fees to finish their studies, either back in their home country or another country. There was a perception that it was worth the trip to the destination country, usually South Africa, because the wages they expected to earn there were much higher than what they expected to earn and save at home.

Subgroup: Businessmen

There were also a few detainees who were businessmen whose business often took them across borders, such as selling cloth or clothing. Examples included one man who came to sell clothing Dar es Salaam, and another man who was attempting to do a business survey by traveling around with samples of women’s clothing. In these cases, it seemed that the intention was never to stay in Dar es Salaam, but to come for business and then leave when their business was concluded.

Reasons for Leaving: Primary Reason		
Economic Hardship/Business Opportunity	297	76.3%
Family Reunification	1	0.3%
Other (please specify in 16c)	13	3.3%
Specific Persecution	5	1.3%
Violence/Conflict	10	2.6%
Unspecified/uncategorized	62	15.9%
No reason given	1	0.3%
Total	389	

Secondary Reasons for Leaving

As a secondary motive for leaving their home country, six people who chose “*Economic Hardship/Business Opportunity*” as a primary reason also cited “*Family Reunification*” as an additional reason. A seventh respondent who chose “*Economic Hardship/Business Opportunity*” as a motive specified “*Specific Persecution*” as an additional reason for leaving. One individual who chose “*Specific Persecution*” as a primary reason for leaving their home country specified that the respondent’s, “parents were of two different ethnic groups. Mother was a Tutsi (Banyamulenge) and father a Bembe. Both parents were killed in Bukavu. [The respondent] felt unsafe living [at home] because of the hostilities between the two ethnic groups.” The respondent felt that the Bembe did not want to see him/her to stay and that people thought his/her father was a “puppet”.

ii. Family Reunification

Only one respondent reported family reunification as their primary reason for leaving their country of origin. However, meeting or visiting family has often been a significant factor in the decision to leave their home country. The most common example of this was the desire to join family members, most often a brother, that would help the respondent establish themselves while searching for work opportunities. In one specific case, a respondent came to Tanzania to look after a sick uncle, and was then detained after the uncles passed away. In another case, the respondent was born in a refugee camp and was attempting to visit relatives living outside of Tanzania.

iii. Violence and Conflict

Respondents who cited violence or conflict generally as their reasons for leaving their home country included Rwandans who fled during the genocide in 1994, refugees from the ongoing violence in the Democratic Republic of the Congo (DRC), and individuals fleeing violence or threat of violence in Burundi. One respondent had been previously returned to Burundi with family members, only to have his father killed upon return, after which he fled the country again.

iv. Special Persecution

In addition to those citing general violence, many more respondents cited fear of special persecution as a reason for fleeing their home country, particularly with regards to political persecution or membership in a particular social group. One common reason was fear of conscription (or conscription of a targeted family member, such as the respondent’s husband) in the M23 rebel forces. Another commonly stated reason was fear of arbitrary arrest and imprisonment in Ethiopia, often tied to political persecution. At least three respondents reported being arrested and imprisoned in the past for supporting different political opposition parties. All three fled Ethiopia after being released, fearing further arrests. There were still others who fled from fear of arrest without having been arrested in the past. Individuals targeted were members of the ONIC, KENGAT/CINGIT opposition parties.

v. Other Unique Reasons

Lastly, there were a number of other responses not tied to any of the themes listed above. At least three individuals stated that they came to Tanzania for tourism. Several others, on their way to South Africa, stated their reason for traveling was simply because they liked South Africa or had heard good things from other people or from television and wanted to go there. One individual was attempting to reach Bangkok at the time of detention. Another individual was a resident of South Africa who flew into Tanzania when returning from a trip, intending to take a bus from Tanzania back to South Africa, and was detained on arrival at the airport in Dar es Salaam. One individual came to Tanzania to get married.

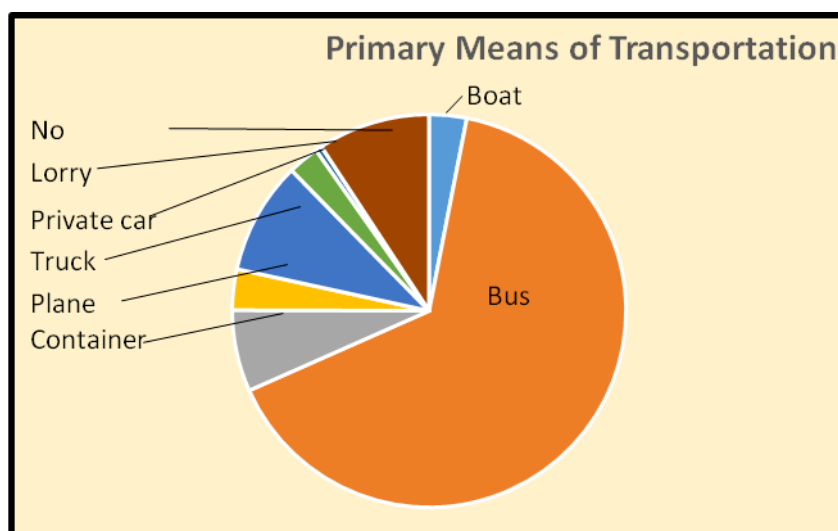
Another was a Nigerian living with his wife in Poland, who had come to Tanzania for tourism and business research. One man was an engineer who had been hired to repair the engine of a ship that turned out to be a pirate ship; he was forcibly apprehended by the pirates after repairing the engine, and was detained when the pirate ship sailed onto the ocean and was apprehended by authorities. One respondent stated he was a musician who stated he had valid documents for travel and residence in Tanzania, but was arrested for being a drug user.

2. Transportation, Transit Routes and Destinations

i. Transportation & Reasons for Choosing Destination

The majority of respondents, over 65%, had used buses as their primary mode of transportation, although almost half (47.81%) used more than one mode of transportation.

The reasons for choosing a particular destination were generally similar to the respondent’s reasons for leaving their home country, specifically: better economic climate in the destination country, seeking jobs and economic opportunity, and joining a friend or family member already living in the destination country. In some cases, respondents also sought to go to their intended destination for tourism, or to escape conflict and find a secure new home. In one case, a respondent intended to get married.



Primary Transportation		
Mode of Transportation	Number of responses	% of Total
Boat	12	3.1%
Bus	254	65.3%
Container	26	6.7%
Plane	13	3.3%
Truck	36	9.3%
Other (Please specify)		0.0%
- private car	10	2.6%
- lorry	2	0.5%
No Response	36	9.3%
TOTAL	389	

Secondary Transportation (Overview)	
Mode of Transportation	Number of responses
Bike or Motorbike	3
Boat	21
Bus	17
Car or Taxi	20
Container	21
Foot	3
Land cruiser	1
Lorry or Minibus	98
Train	2

Secondary Transport in Detail			
Primary transport	Secondary transport	Secondary Transport Totals	Primary Transport Totals
boat			6
	car	3	
	bus	3	
bus			147
	boat	21	
	train	2	
	container	19	
	minibus	9	
	car or taxi	13	
	lorry	77	
	bike/motorbike	3	
	foot	2	
	land cruiser	1	
container			11
	bus	8	
	lorry	2	
	car	1	
plane			6
	bus	6	
truck			16
	lorry/minibus	10	
	container	2	
	car	3	
	foot	1	
Total using secondary transport			186 (47.81%)

3. Intended Destination and Transit Routes

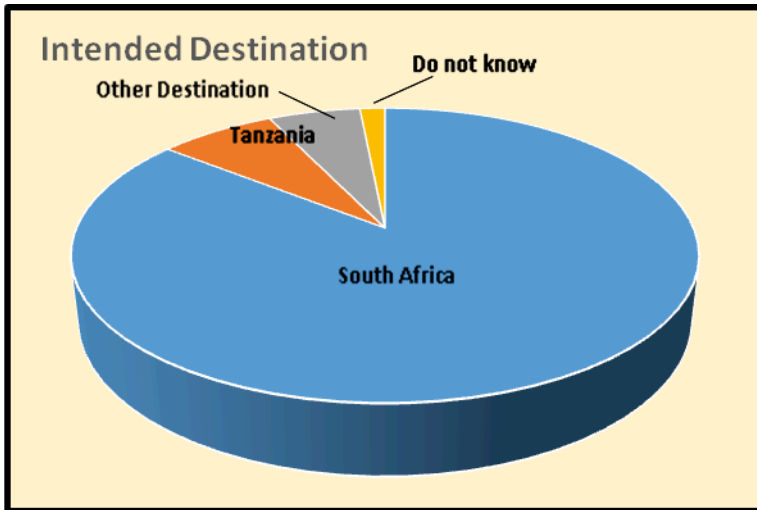
Over 80% of those interviewed also transited through another country prior to arriving in Tanzania. Although there was some variation in intended destination, the overwhelming majority (over 85%) intended to travel to South Africa. Only 7.2% of those interviewed intended for Tanzania to be their final destination. Of those with Tanzania as a final destination, 14 were trying to reach Dar es Salaam specifically. A few were trying to reach other countries in the region such as Malawi or Mozambique. A couple of individuals were attempting to reach destinations on other continents (Thailand, France).

The most common points of entry for those detained were through Tanzania’s northeast borders, from starting points in Kenya (i.e. Nairobi, Mombasa, Taveta, etc.). Individuals from Nairobi would either enter Tanzania through the Kilimanjaro strip (Namanga, Arusha, Moshi), or travel from Nairobi to Taveta on the Kenyan side of Kilimanjaro. From Taveta, travelers would cross the border either towards Moshi, or head further south towards Tanga. From Mombasa, it seemed most common to individuals to use the seaways to cross into the Tanga region (Tanga, Korogwe).

Along the southern border, those crossing from Mozambique would in some cases cross into the Ruvuma region. However, the more common path was to cross the Ruvuma River into Mtwara, such as at the Kilambo border crossing, and from there head towards the border town of Masasi, or (more likely) towards the towns of Mtwara or Lindi along Tanzania’s southeastern coast.

Along the northwestern border of Tanzania, the most common paths were for individuals to head from Uganda to Bukoba on the eastern side of Lake Victoria, from Rwanda to Ngara, or from Burundi to either Ngara or Kigoma. Many of those headed to Kigoma or Mbeya were fleeing the Democratic Republic of the Congo (DRC). Individuals from Bukavu/South Kivu would head either down through the DRC and across water to Kigoma, or else would cross through Burundi towards Kigoma. In at least one case however, an individual traveled south through the DRC into Zambia, and from there crossed into the Mbeya region of Tanzania.

Transit Through Another Country?		
Yes	318	81.7%
No	33	8.5%
Don't Know	16	4.1%
No response (w/qualitative response to analyze)	12	3.1%
No response at all	10	2.6%
Total	389	



Intended Destination		
Country	Number of responses	% of Total
South Africa	333	85.6%
Tanzania	28	7.2%
Other Destination	22	5.7%
Do not know	6	1.5%
TOTAL	389	

Destinations in Detail	
Bangkok	1
France	1
Malawi	8
Mozambique	8
Somalia	1
South Africa	332
Sudan	1
Tanzania	27
Uganda	1
Zambia	1
Kenya and Tanzania	1
South Africa or Tanzania	1
Never intended to	1
No response	5
TOTAL	389

TRANSIT ROUTES & POINTS OF ENTRY



i. Types of Documents & Possession

Of those who did carry valid travel documents or ID, the majority carried passports. Seven individuals carried ID cards, two individuals carried election cards, two individuals carried Ujirani Mwema/Laissez passer documents (valid 20 days), two carried a travel pass (15 day and 6 months), one carried a 30 day visa (still valid at time of interview), one carried a Tanzanian voting card, and one carried a refugee travel document. Additional ID documents included credit cards, drivers licenses, and in one case, a title deed that had been lost.

In most cases, these documents had either been lost, were being held by the immigration office, or had been taken by police or prison officials. In some cases, the documents had been taken by the broker or agent paid for passage. Only two respondents still had their travel documents with them (one passport, and one 6 month travel pass).

Valid Travel Document?		
Yes	49	12.6%
No	320	82.3%
No Response	20	5.1%

Valid ID?		
Yes	36	9.3%
No	302	77.6%
No Response	51	13.1%

ii. Payment for Passage

Over 94% of those interviewed reported that they had paid someone, almost always a broker, for passage to their intended destination. The large majority of those who paid spent between 1000 and 3000 USD, although some paid considerably more, three of whom paid over 5000 USD. Sums were most often paid in Ethiopian birr (ETB), Tanzanian shillings (TZS) or Burundian francs (BIF). Amounts reportedly paid in shillings or francs were always in amounts under 1000 USD. Almost 30% of respondents reported borrowing money to pay this fee, 69% of whom reported that there was a repayment agreement in place.

Amount Paid		
Amount Range	No. of Respondents	% of total
25-500	12	3.28%
501-1000 USD	6	1.64%
1001-1500 USD	21	5.74%
1501-2000 USD	108	29.51%
2001-2500 USD	135	36.89%
2501-3000 USD	30	8.20%
3001-3500 USD	14	3.83%

3501-4000 USD	3	0.82%
Over 5000 USD	3	0.82%
Do not know amount	34	9.29%
TOTAL	366	

iii. Financial Considerations

To pay for their trip, individuals most often borrowed money from family, friends, or on a few cases from a rich acquaintance. The understanding in most cases was that they would pay the money back when they obtained a job at their intended destination. Sometimes, individuals saved up the money over several years. In other cases, family land or livestock was sold to raise money for the trip. This was often the case if an individual obtained the money from their father or mother.

Borrowed Money for the Trip?		
Yes	115	29.6%
No	241	62.0%
No Response	33	8.5%
Total	389	

For those who Borrowed Money, was there a Repayment Agreement?		
Yes	68	59.1%
No	17	14.8%
No Response	30	26.1%
Total	115	

"I sold the house and farmland and I used all the money to pay for my transport to South Africa."

"I sold my father's cows and horses."

"I saved for 4 years."

"I agreed with my brother that I could pay the money after securing a job in South Africa."

"I borrowed from a man lending money in Ethiopia."

The Presence of Refugees or Asylum Seekers and the Reasons for their Detention

1. How many forced migrants were detained, and who were they?

The Asylum Access survey found that of the 389 respondents, 18 were asylum seekers or refugees under the 1951 Convention Relating to the Status of Refugees or the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.

Ten of these individuals are Congolese, 4 are Burundian, and 4 are Ethiopian. The majority of the respondents were between the ages of 18 and 35, and 17 of them were male. Two were identified as minors at the time of the survey and immediately referred to UNICEF. Below is basic demographic information of these 18 forced migrants.⁸

Nationality	
Democratic Republic of the Congo	10
Burundi	4
Ethiopia	4

Age ⁹	
17 and below	2
18-35	14
36-55	0
56 and above	1

The experiences of each of the 18 forced migrants meet the definition of persecution under international and/or regional law. The Congolese nationals indicated that they were fleeing recent violence in North Kivu. Ethiopian nationals indicated that they feared persecution due to political beliefs. Finally, two Burundian detainees had once been recognized refugees in Tanzania, had returned to Burundi, but had come back to Tanzania after witnessing their father being killed in circumstances that may amount to persecution under the 1951 Convention. One Burundian detainee is a registered refugee who fled generalized violence in Burundi.

⁸ Where a specific value for a detained person is unknown, the person is omitted from that table. This explains why the total number of individuals in the Table showing their age is 17 and not 18

⁹ When interviewing Ethiopian nationals, AATZ took into account differences between the Ethiopian calendar and the Tanzanian calendar in order to produce accurate age statistics.

Basis of Refugee Claim	
1951 Convention	7
1969 Convention	9
Both conventions	2
Total	18

2. In which regions and prisons were the asylum seekers and refugees found?

Asylum seekers and refugees were most likely to be found in prisons in major cities and along the Mozambique border – however the difference was not significant. The highest numbers of forced migrants were found in Lilungu Prison in Mtwara, a southeastern city near the Mozambique border, where Asylum Access found 8 forced migrants. Although this number is higher than the rest, several of the 8 were traveling together, and may have been from a single family. Therefore, this outlier should not indicate that Mtwara has a higher rate of forced migrant detention than other regions.

Region	Prison/s	Surveys Completed and Analyzed	Refugees and Asylum Seekers
Dar es Salaam	Segarea; Ukonga; Keko	42	4
Pwani	Kigongoni	57	0
Tanga	Maweni	74	1
Arusha	Kisongo	66	4
Lindi	Lindi	5	0
Mtwara	Lilungu	22	8
Mbeya	Ruanda	85	1
Morogoro	Kihonda, Mahabusu	5	0
Ruvuma	Kita, Mkwaya	33	0
Total		389	18

3. Do these figures represent the number of forced migrant detention in Tanzania?

Because of sampling challenges, and the constantly changing state of migrant flows, these findings should not be used to represent the number of refugees and asylum seekers who have been, or will be detained in Tanzania.

However, these findings can be used to demonstrate that refugees and asylum seekers are susceptible to unlawful detention in eastern and central Tanzania, and in urban and rural areas alike. When coupled with information from the 2008 Ministry of Home Affairs’ Ministerial Task Force study, and the NOLA study (which focused on other regions), these findings suggest that forced migrant detention is a problem countrywide - a reality that calls for further investigation, and increased attention paid to preventative and corrective measures.

The findings may suggest that there are fewer forced migrants detained in eastern and central Tanzania than in the western region. Indeed, the Ministry of Home Affairs’ Ministerial Task Force in 2008 reported that 530 out of 1,100 persons profiled claimed to have left their country because of generalized violence or persecution – roughly 47.7% of detained migrants.

This difference in findings may simply be a reflection of proximity to refugee camps. NOLA surveyed the regions of Kigoma, Kagera, and Rukwa in northwestern Tanzania. These regions are physically closer to refugee camps and are likely to hold refugees and asylum seekers in detention who have been charged with criminal offenses.

Secondly, the Ministerial Task Force surveyed a far larger number of Somalis – a population that may be more likely to flee their country due to generalized violence and persecution. Asylum Access encountered very few detained Somalis.

Finally, Asylum Access issued the survey primarily verbally rather than provide a checkbox. The difference in survey techniques may make the findings difficult to compare with accuracy.

4. On what grounds did authorities detain the forced migrants?

Sixteen of the 18 forced migrants were charged with illegal entry. One of those 16 had a second charge of unauthorized work. The remaining 2 were charged with criminal offenses.

Grounds for Detention¹⁰	
Illegal Entry	16
Unauthorized Work	1
Criminal Offense	2

This is a significant finding. International and national law limit the use of detention for illegal entry as it pertains to asylum seekers and refugees. Article 31 of the 1951 Convention, for example, provides that refugees should not be arbitrarily detained or penalized for illegal entry—even without proper

¹⁰ One detained person was convicted for both illegal entry and working without a permit.

documentation—in light of their unique situation as forced migrants.¹¹ As the Working Group on Arbitrary Detention, a Human Rights Council working group, has stated, “criminalizing illegal entry into a country exceeds the legitimate interest of States to control and regulate illegal immigration...” This is especially true as it pertains to asylum seekers and refugees.¹²

However, under the 1951 Convention, asylum seekers are also required to voluntarily present themselves to the authorities of their host country within a reasonable timeframe. Only one of the 18 forced migrants identified by Asylum Access had attempted to apply for asylum prior to their detention. The rest were either unaware of this requirement, or were afraid to present themselves.

Whether it is legal to detain asylum seekers because they have deliberately or inadvertently avoided the authorities should be assessed on an individual basis. Simply because an asylum seeker does not present themselves does not automatically indicate detention was a necessary or reasonable response. In all cases, the asylum seekers charged with illegal entry were detained without regard for their individual experience and therefore their detention is considered arbitrary as outlined in the 2012 UNHCR Guidelines which reflect the current state of international law.¹³

Although details of the criminal charges were not gathered through the surveys (and therefore adherence to due process not assessed), it is not unlawful to detain a refugee or asylum seeker for criminal charges. However, it is important that deportation does not become a response for criminal charges, unless those crimes are deemed as most “serious,” under international law.¹⁴

5. Aside from arbitrary detention, what other violations did asylum seekers experience?

i. Right to seek asylum

Researchers observed widely that screening procedures were not used to determine whether migrants had asylum or other claims for protection. In addition, at least one detained person reported that he asked to open an asylum claim, but was never referred to the Refugees Services Department of the Ministry of Home Affairs (MHA) or UNHCR for processing. It was unclear the extent to which arresting authorities were aware of the necessity of screening migrants, referring them to UNHCR or the Refugees Services Department; however, the use of these systems was not observed. In the one case mentioned above, a magistrate convicted and sentenced the detainee person for illegal entry who said he intended to seek asylum.

The right to seek asylum first appears in the 1948 Universal Declaration of Human Rights Article 14,¹⁵ which paved the way for the 1951 Refugee Convention. The UNHCR Guidelines on Detention identify key areas that should be taken into account in any situation of possible detention of refugees and asylum seekers.¹⁶ The first of the principles states “the right to seek asylum must be respected” and

¹¹ Grant Mitchell, International Detention Coalition. See Fahamu Refugee Programme website <http://www.refugeelegalaidinformation.org/detention-refugees-0>

¹² See, Report of the Working Group on Arbitrary Detention, 10 January 2008, UN Doc. A/HRC/7/4, paragraph 53

¹³ See UNHCR Detention Guidelines, 2012 <http://www.refworld.org/pdfid/503489533b8.pdf>

¹⁴ Handbook and Guidelines Procedures and Criteria For Determining Refugee Status (See Pg 35) <http://www.refworld.org/docid/4f33c8d92.html>

¹⁵ UDHR Article 14.

¹⁶ UNCHR Detention Guidelines at 11. <http://www.unhcr.org/505b10ee9.html>

further reminds of the 1951 Convention Article 31(1) prohibiting penalization for illegal entry with some qualifications.¹⁷

ii. Protection from non-refoulement

Furthermore, at least one of the detainees was awaiting deportation although he stated that he wanted to apply for asylum in Tanzania. Non-refoulement is a fundamental principle of customary international law enshrined in Article 33 of 1951 Convention and 1967 Protocol, which protects a refugee from expulsion or return to a place where they may face persecution.

By not screening migrants who are detained for illegal entry for a possible asylum claim, authorities risk refouling a refugee, and also contribute to the overcrowding of prisons with wrongfully detained forced migrants.

iii. Right to due process and representation

None of the 18 had been given access to counsel. It was also widely observed that migrants without fluency in Kiswahili or English were not given access to an interpreter. Many of those surveyed reported difficulty in understanding the charges against them due to language barriers.

Furthermore, sentences and fines for similar convictions varied starkly across the surveyed population. Some migrants received the maximum period, while others are only sentenced for two weeks, or were immediately given a deportation order without ever being issued a prison sentence. Researchers noted an alarmingly high variance in sentences meted out by magistrates to persons convicted of illegal entry. Under the Immigration Act, the sentence for illegal entry is a fine of Tshs. 100,000 or imprisonment for a maximum of three years, however does not explicitly acknowledge the special needs of forced migrants.

6. Protection gaps and recommendations for addressing those gaps

i. Inadequate protection under national law

Although the Tanzanian Refugee Act of 1998 contains provisions protecting forced migrants, including *that asylum seekers should not be detained* for illegal entry (Section 9(3)), and that immigration officers are supposed to refer asylum seekers' applications to the Director of Refugees Services Department (Section 3), it alone does not govern the legality of actions taken by authorities. The Immigration Act of 1995 provides the most detailed guidance on the penalization of irregular migrants, including the size of fines and duration of imprisonment based on illegal entry. However, the Immigration Act does not reference to the particular needs of asylum seekers and refugees, therefore creating a lack of specificity in respect to the penalization of forced migrants.

Recommendations:

- The Immigration Act should explicitly make vulnerable migrants – including refugees, asylum seekers – an exception to the definition of prohibited immigrants.
- The immigration Act should specify the different treatments to be afforded to asylum seekers and refugees, particularly with respect to detention policies.

¹⁷ Id. page 12.

- The Immigration Act should enumerate the right to seek asylum.

ii. Underdevelopment of national policy

Despite the existence of legislation that supports asylum seekers and refugees, gaps in the development, implementation, and enforcement of national policy means there is no standard of quality response and lack of clarity on process and responsibility. Best practices in screening, sentencing, and monitoring have yet to be written into national policy.

Recommendations:

- Create a national policy that specifically
 - Calls upon existing guidance on alternatives to detention¹⁸ as it pertains to asylum seekers and refugees
 - Explains the process of identifying asylum seekers and refugees during arrest and in detention
 - Ensures each asylum seeker and refugee is accessed on the basis of his or her particular individual circumstances in order to prevent arbitrary detention in contravention of international law
 - Ensures respect of due process including access to phones and access to evidence
 - Recognizes the need for providing an explanation of rights and process in a language and manner that each migrant understands
 - Provides specific guidance on the treatment of vulnerable asylum seekers and refugees especially children, and also including unaccompanied elderly persons, torture or trauma victims, and persons with a mental or physical disability
- Put the policy into practices by designating a national official responsible for the training and implementation of the policy

iii. Inadequate capacity of authorities and collaboration across sectors

Simply having the international law and policies in place does not alone ensure that refugees and asylum seekers will be adequately protected in detention settings. The implementation of the recommendations above to reform laws and policies will require capacity building of authorities to implement. Moreover, building capacity with national authorities will be best achieved through collaboration with a range of stakeholders including immigration officers, prosecutors, magistrates, UNHCR, other UN agencies, and members of civil society.

During the survey, one detainee intended to apply for asylum and this information was communicated to the immigration office that was responsible for his arrest and deportation. The immigration officer in charge of that particular office refused to stay the deportation proceedings in respect of this migrant to allow him to present his case to the Refugees Department. Under the Refugees Act, Immigration Officers are recognized as authorized officers¹⁹ and are charged with the duty of receiving application for asylum in Tanzania²⁰ and forward the same to the Director of the Refugees Services Department.

Recommendations:

¹⁸ See International Detention Coalition and UNHCR guidelines on detention

¹⁹ Section 3 of the Refugees Act, 1998.

²⁰ S.9(5)(b) and (c) of the Refugees Act.

- Improve partnerships and communication between and among all relevant government, civil society, and multilateral parties in order to promote collaboration and cost burden sharing.
- Because the detention of children and other vulnerable migrants should be absolutely avoided, increase coordination between UNHCR, government officials, and legal aid providers to adequately respond to their particular vulnerabilities.
- Train arresting and detaining authorities on their legal obligations regarding the treatment of refugees and asylum seekers including:
 - Adequate screening practices
 - Process of referral to the Director of Refugees Services Department or UNHCR as is relevant
 - The importance of professional interpreters
 - The right to legal aid
 - Basic due process
 - Specific obligations to protect vulnerable migrants, especially children and also including unaccompanied elderly persons, torture or trauma victims, and persons with a mental or physical disability
- To foster greater understanding of refugee protection standards and policies, refugee law and practice should be included in the curriculum of higher learning institutions.

iv. Inadequate opportunities to access legal aid

None of those interviewed had access to legal aid. As a result, they were unaware of their rights, and unaware of a way to assert their rights. Legal aid operates as a rights enforcement mechanism that serves to protect individuals. Without legal aid, detention centers lack accountability to national and international laws and policies.

Asylum Access intended to provide legal aid to the 18 identified individuals with asylum claim. However, upon return to the prisons for that purpose, the majority of these refugees and asylum seekers had been released on presidential pardon. Only 2 out of the 18 targeted migrants were still in prison.

Recommendations:

- Civil society should extend their legal aid services to detained migrants.
- Legal aid providers should be allowed access to the names and whereabouts of migrants in a timely fashion, so as to prevent the refoulement of asylum seekers and refugees. To this end, the creation of a national database system is highly recommended.
- At the first point of contact with children or other vulnerable migrants, legal aid providers should be notified and involved immediately.

Access to Valid Visas to Leave Tanzania and/or the Means and Willingness to Repatriate to Country of Origin

Many of those interviewed reported that they would prefer to return to their home country if possible. The majority of those interviewed also stated there was no reason they could not live in their country of origin. However, a vast majority of these same respondents stated that they could not afford the expenses associated with returning home, nor did they have friends or family that could cover these expenses. Of those individuals who said they could not cover the expenses for returning home themselves (or did not know if they could), only 18 said that they had friends or family who could afford to cover these expenses. Additionally, 92% of respondents stated that they had no valid travel authorization for a third country. Many of those interviewed requested assistance from AATZ in contacting their consulates or embassies. However, only three individuals reported receiving assistance or contact with another entity for services.

Of those who gave reasons other than cost for why they could not return to their country of origin (only nine respondents), the most common answers were political strife or conflict – in the Congo or Ethiopia – and a poor economy in the country of origin, particularly related to a lack of jobs. In one instance, the respondent had lived in Tanzania since childhood and neither spoke the language nor was familiar with relatives in the country of origin. Another respondent expressed a desire to return to his country of origin, but thought that the rest of his family might have obtained asylum while he was in prison; if this was true, he decided he would seek to stay in Tanzania to remain with family.

Preferred Solution		
Preferred Solutions		% of Total Respondents
Return to home country	95	24.4%
Focused on being freed	8	2.1%
Contacting their embassy	4	1.0%
Contacting/reuniting with family	2	0.5%
See no solution	4	1.0%
Returning to refugee camp	2	0.5%
Seeking asylum/staying in TZ	9	2.3%
Continuing their journey	3	0.8%
To be heard/acknowledged	2	0.5%
Focused on legal process (i.e. appeal, seeking legal aid, proceeding with case, fair trial, speedy decision, right to bail, etc.)	13	3.3%

Is there a reason you cannot live in your country?		
No	342	87.9%
Yes	20	5.1%
Don't know	4	1.0%
No response	23	5.9%
Total	389	

Can you afford the cost of returning home?		
No	347	89.2%
Yes	22	5.7%
Don't know	1	0.3%
No response	19	4.9%
Total	389	

Do you have a valid visa for a third country?		
No	358	92.0%
Yes	7	1.8%
Don't know	2	0.5%
No response	22	5.7%
Total	389	

Would you like us to contact your Consulate or Embassy?		
No	83	21.3%
Yes	280	72.0%
Don't know	6	1.5%
No response	20	5.1%
Total	389	

Do you have friends or family that can cover the expenses to return home?		
No	332	85.3%
Yes	36	9.3%
No response	21	5.4%
Total	389	

Have you received legal aid from another entity?		
No	367	94.3%
Yes	3	0.8%
No response	19	4.9%
Total	389	

Victims of human trafficking, children or otherwise vulnerable individuals

Out of all surveyed migrants, there was no clear case of human trafficking. Some of the detainees stated that they were going to South Africa because they were promised better jobs. This may be an indicator of human trafficking but there was not enough information to establish that. On the other hand, 14 detainees were below the age of 18 years at the time of the survey. Ten out of these were referred to UNICEF for their action and two who also had refugee claims were referred to UNHCR along with other 18 persons of concern to UNHCR. Out of the 14 minors, 12 requested assistance to be returned back to their home countries. All these were referred to IOM for the requested assistance as per IOM's mandate.

The Impact of Access to Judicial Procedures

1. Sentencing & Appeal

At the time of interview, only 61.44% of respondents reported receiving a sentence, while 28.53% of those interviews were still awaiting a verdict. Of those who had been sentenced, the great majority had been given sentences of 1-3 years. In many cases, detainees were given the option of paying a fine in lieu of a sentence, which often ranged from 30,000 to 50,000 Tanzanian shillings (e.g. 18.50 USD to 30.86 USD). Most common fines were 50,000 TZS, with 100,000 TZS as the second most common fine amount (61.73 USD). One respondent reported having been offered a fine of 150,000 TZS (92.59 USD).

Over two thirds of respondents (67.87%) reported not filing an appeal, although the reason for this may have been because many respondents were not familiar with options to appeal. Over 70% of those interviewed stated that they were not aware of their right to appeal. While many were not aware of appeal procedures or were not sure if they qualified for appeal, a large number reported that they were actually barred from appealing by law, in many cases because they pled guilty in court.

From the findings, it appears that magistrates prefer passing long sentences, which as a result, forces migrants to stay in detention for a long time. The fines offered as alternative to imprisonment tend to be higher than what migrants can manage to pay. This leaves migrants with only one option: to serve sentence in prison. The findings also show that even smaller fines or shorter sentences are used, migrants nearly always stay longer pending deportation as they cannot cover their own transport back to their countries of origin.

Have you been sentenced?		
No	111	28.53%
Yes	239	61.44%
Don't Know	1	0.26%
No response	38	9.77%
Total	389	

Fines (in TZS)	
Fine Amount	Number of Responses
30,000	1
40,000	4
50,000	48
80,000	3
100,000	34
150,000	1

Length of Sentence (with Fine Options)			
2 weeks			13
	Option of 50,000 TSH or 30 USD fine	6	
3 weeks			1
2 months			8

	Option of 40,000 TSH fine	2	
	Option of 50,000 TSH fine	1	
3 months			2
	Option of 30,000 TZS fine	1	
4 months			2
	Option of 40,000 TZS fine	2	
6 months			72
	Option of 50,000 TZ fine	28	
	Option of 80,000 TZS fine	3	
	Option of 100,000 TZS fine	2	
	Option of 150,000, TZS fine	1	
8 months			1
1 year			67
	Option of 50,000 TZS fine	12	
	Option of 100,000 TZS fine	21	
2 years			18
	Option of 50,000 TZS fine	1	
	Option of 100,000 TZS fine	6	
3 years			19
	Option of 100,000 TZS fine	5	
7 years			1
22.5 years			1
30 years			2
60 years			1
Case pending			3
Awaiting deportation			48
Do not know/ unclear			3

Another barrier to accessing procedures that may result in release from detention is the lack of interpreters from the time of arrest to the time of sentencing. This fact diminishes migrants' ability to present their cases well and denies them the right to be heard leading to reduced chances of succeeding in their charges. 71.72% of respondents stated that they were not informed of their right to appeal. This might have been due to failure to understand the language used in court or to incorrect interpretations from fellow detainees. Thirty-six detainees informed that they did not appeal because they did not understand the proceedings due to the language barrier.

2. Conditional Release pending deportation

When asked what they will do if released from prison, the majority of the detainees responded that they will attempt to return to their home countries. Others responded that they will remain in Tanzania to wait for the determination of their legal proceedings. Only 28 responded that they will attempt to reach their intended countries of destination, and only one responded that he will seek asylum in another country. These findings suggest that there is good chance that if these people are given conditional release pending their deportation, rather than waiting for deportation while in detention, they may not breach the conditions. To confirm this, AATZ researchers found two migrants who were released from detention and were allowed to raise money for their transportation to their countries of origin. They were required to report to the immigration office after a certain period of time. They did this and they were available any time they were called by the immigration office.

Were you informed of your Right to Appeal?		
No	264	67.87%
Yes	6	1.54%
Don't know	2	0.51%
No response	117	30.08%
Total	389	

Did you file an appeal?		
No	279	71.72%
Yes	21	5.40%
Don't know	7	1.80%
No response	82	21.08%
Total	389	

If released from detention, what would you do?			
Attempt to return to my country of origin			146
Attempt to travel to my intended destination			28
Remain in Tanzania pending resolution			19
Other (please specify)			118
	Awaiting detention	1	
	Serving sentence	16	
	Awaiting deportation (sentence served)	21	
	Stay in Tanzania	3	
	Seek asylum elsewhere	1	
	Return to home country	1	
No response			78

Reasons for not filing an Appeal	
Did not understand procedure/due to language barrier	36
Not aware of right to appeal/unsure if they qualify	10
Pled guilty/barred from appeal	48
Case still pending	27
Do not wish to file	15
Did not feel there was any point to filing an appeal	4

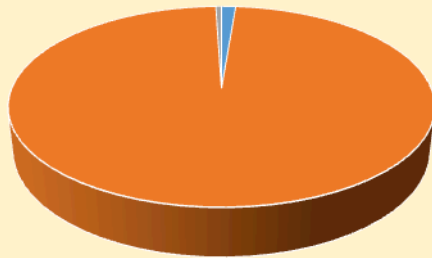
Demographics and Details of Detention

1. Participant Demographics

i. Gender, Age, Marital Status, Religion, & Present Location

The vast majority of survey respondents, over 98% of the 389 successful interviews, were male. Around 60% of interviewees fell between the ages of 16 and 25 years old, with an additional 31.9% falling between the ages of 36 and 45 years old. Only seven individuals were over the age of 45 at the time of the interview, and one interviewee was a minor of unspecified age. Almost three quarters of the interviewees were single and over 84% identified as Christian. Interviews at four of the thirteen prisons – Ruanda, Maweni, Arusha, and Kigongoni – accounted for about 73% of total interviews collected.

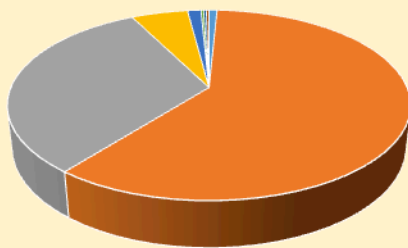
Participant Demographics: Gender



■ Female Count ■ Male Count ■ Did not identify

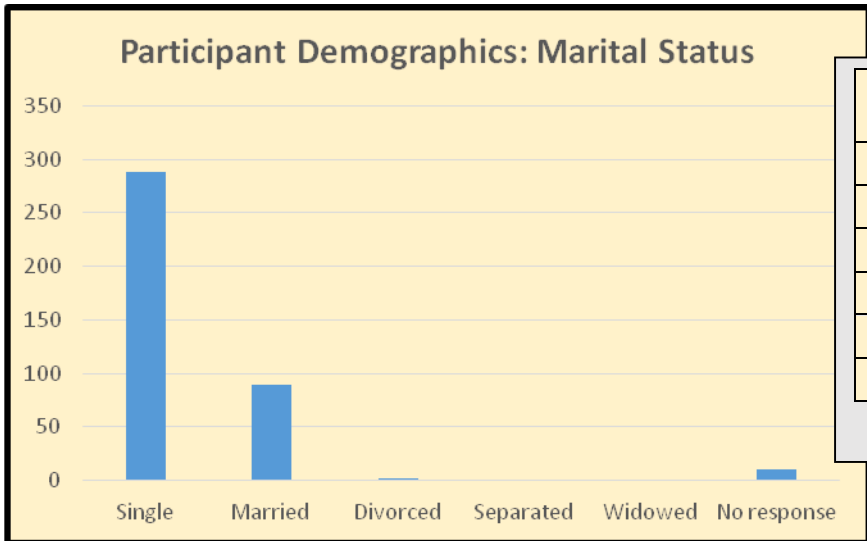
Gender	Number of responses	% of Total
Female count	5	1.3%
Male count	382	98.2%
Did not identify	2	0.5%
Total	389	

Participant Demographics: Age

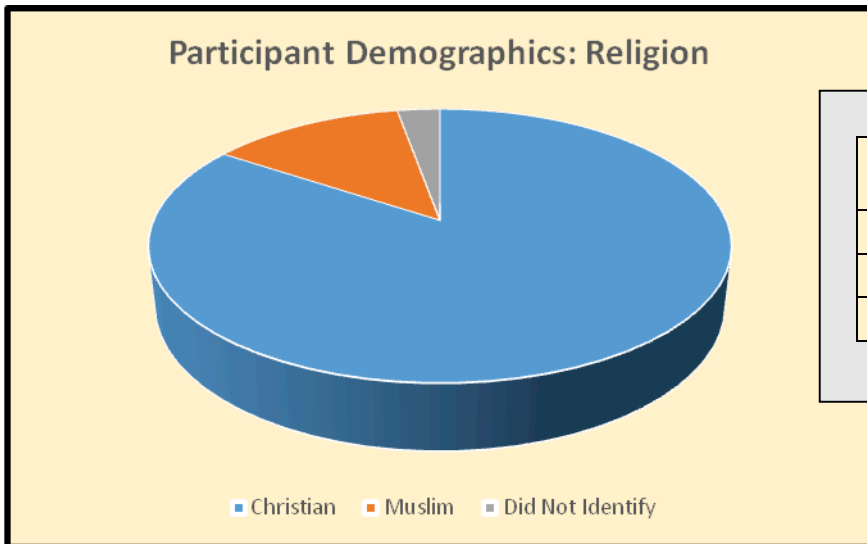


■ No Age recorded ■ 16-25 ■ 26-35
 ■ 36-45 ■ 46-55 ■ 55-65
 ■ 66+ ■ minor?

Age Range	Number of Responses	% of Total
No age recorded	3	0.8%
16-25	233	59.9%
26-35	124	31.9%
36-45	21	5.4%
46-55	5	1.3%
55-65	1	0.3%
66+	1	0.3%
Minor?	1	0.3%
Total	389	



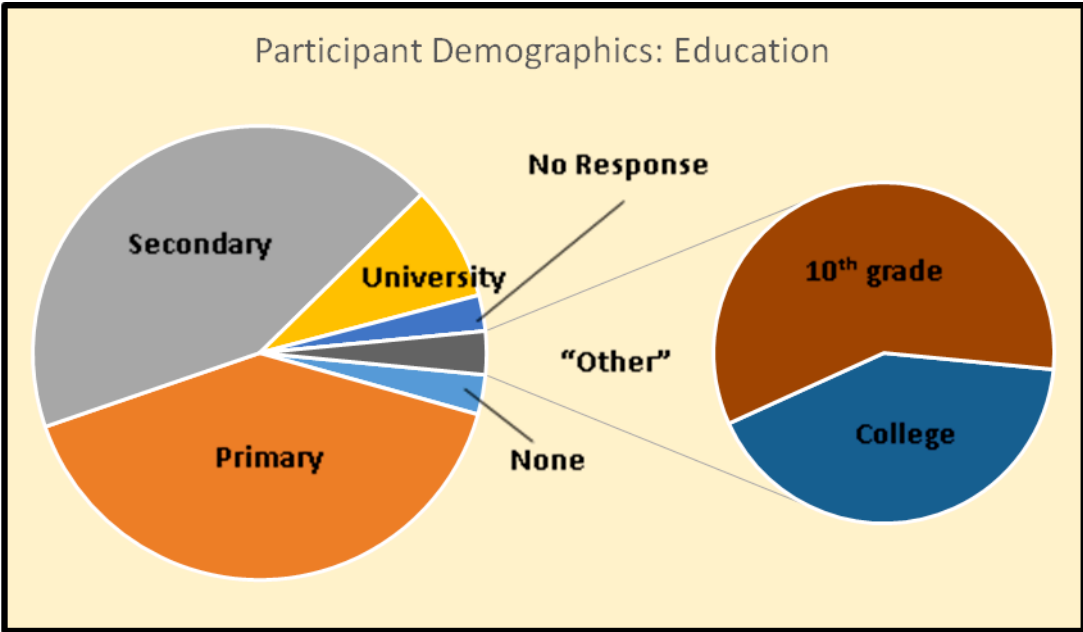
Marital Status	Number of Responses	% of Total
Single	288	74.0%
Married	89	22.9%
Divorced	2	0.5%
Separated	0	0.0%
Widowed	0	0.0%
No response	10	2.6%
Total	389	



Religion	Number of Responses	% of Total
Christian	328	84.3%
Muslim	50	12.9%
Did not identify	11	2.8%
Total	389	

ii. Education & Occupation

Around 84% of respondents reported completing either primary or secondary school, 8.2% completed further education. However, over one third of those interviewed also identified as students or individuals who were looking to complete a higher education program. The other most common occupational categories for respondents were in agriculture and fishing (19.3%), and business (20.1%). Over three quarters of respondents (77.6%) reported experiencing difficulties communicating with authorities. Qualitative responses for the question of occupation included: Accountant, Architect, Butcher, Carpenter, Engineer, Family/Personal business, Hospital lab, Unemployed, Just out of school, Manual Labor, Masonry, Mechanic, Merchant, Motorbike driver, Multi-media & Media Production, Musician, Nurse, Pharmacist, Photographer, Shopkeeper, Trader, Transportation/Driver, Waiter, and Welding Technician.



Education		Number of Responses	% of Total
None		11	2.8%
Other (please specify)	College	5	1.3%
	10th grade	7	1.8%
Primary		157	40.4%
Secondary		167	42.9%
University		32	8.2%
No response		10	2.6%
Total		389	

Occupation	Number of Responses	% of Total
Agriculture/Fishing/Peasant	75	19.3%
Businessman/Woman	78	20.1%
Government Employee	3	0.8%
Labor/Technician	13	3.3%
Other	44	11.3%
Student	150	38.6%
Tailor/Hair Dresser	4	1.0%
Teacher	7	1.8%
Transportation	7	1.8%
No response	8	2.1%
Total	389	

iii. Tribal Affiliation, Language and Communication

There were a total of 33 unique tribal affiliations among respondents. Most tribes were represented by only one or two members in our survey sample. Over half of respondents identified with the Hadiya tribe.

Overall, there were a total of 34 languages spoken by all interviewees, including several languages not common to the region such as Arabic, Dutch, Polish, and Bengali. However, only 26 of the total languages spoken were mother languages, as listed below. Over 73% of those interviewed spoke Amharic, 38% of who were native speakers. The next most common languages were Hadiya and Kambata. Relatively low percentages of detainees spoke either English or Kiswahili/Swahili. Consequently, over three quarters of those interviewed reported having trouble communicating with authorities.

Most Common Tribal Affiliations		
Hadiya	217	55.8%
Kambata	61	15.7%
Oromo	19	4.9%
Wolaytta	9	2.3%
Bembe	7	1.8%
Alaba	6	1.5%

Difficulty Communicating with Authorities		
Yes	302	77.6%
No	79	20.3%
Don't Know	1	0.3%
No response	7	1.8%
Total	389	

Most Commonly Spoken Languages		
Amharic	285	73.26%
Hadiya	182	46.79%
Kambata	46	11.83%
English	43	11.05%
Kiswahili	38	9.77%
Oromo	18	4.63%
French	15	3.86%

iv. Place of Birth & Nationality

Place of Birth (Grouped)		
Region	Number of Responses	% of Total
Horn of Africa	331	85.1%
East Africa/ Great Lakes	30	7.7%
Southern Africa	8	2.1%
West Africa	9	2.3%
Other	8	2.1%

Country of Nationality (Grouped)		
Region	Number of Responses	% of Total
Horn of Africa	325	83.5%
East Africa/ Great Lakes	30	7.7%
Southern Africa	9	2.3%
West Africa	9	2.3%
Other	9	2.3%

Place of Birth		
Region	Number of Responses	% of Total
Bangladesh	7	1.8%
Burundi	11	2.8%
DRC	10	2.6%
Ethiopia	323	83.0%
Guinea Bissau	1	0.3%
Guinée	1	0.3%
Indonesia	1	0.3%
Ivory coast	2	0.5%
Kenya	4	1.0%
Madagascar	1	0.3%
Malawi	5	1.3%
Mozambique	1	0.3%
Nigeria	5	1.3%
Rwanda	1	0.3%
Somalia	8	2.1%

South Africa	1	0.3%
Tanzania	3	0.8%
Uganda	1	0.3%
Zambia	1	0.3%
No Response	2	0.5%
Total	389	

Country of Nationality		
Region	Number of Responses	% of Total
Bangladesh	7	1.80%
Burundi	13	3.34%
DRC	11	2.83%
England	1	0.26%
Ethiopia	318	81.75%
Guinea	1	0.26%
Guinée	1	0.26%
Indonesia	1	0.26%
Ivory Coast	2	0.51%
Kenya	4	1.03%
Madagascar	1	0.26%
Malawi	6	1.54%
Mozambique	1	0.26%
Nigeria	5	1.29%
Rwanda	1	0.26%
Somalia	7	1.80%
Uganda	1	0.26%
Zambia	1	0.26%
Did not say	4	1.03%
No response	3	0.77%
Total	389	

2. Detention and Access to Due Process

i. Arrest

Most individuals (over 65%) reported being apprehended by police, while over one quarter (28.53%) reported being apprehended by immigration officials. Of the “Other” responses, one was reported by a game scout, three were reported by members of the military, one was reported by an airport officer in Tanzania, one turned himself in to police, and one was detained after making a police report about stolen property. Additionally, one of the detainees who responded “Don’t know” also indicated being turned in by a member of the military, while two of those who responded being turned in by police also indicated interaction with immigration authorities.

Most detainees often went to police stations first (~80%). The most common process during detention was being taken into police custody, then having a hearing in court before being transferred to prison. In some cases, individuals were transferred among multiple police stations over a few days (typically one to four days) before a court hearing. However, sometimes they were held in custody for much longer, with the longest time periods ranging from 17 to 29 days. In several cases, individuals were taken from police custody to immigration or vice versa prior to a court hearing. On rare occasions, individuals were taken to prison first and later placed in police custody.

“I was beaten in the police station so I had no choice but to accept the charges of robbery. In court, justice was not done, there was no witness apart from the two policemen.”

In several cases, detainees were initially taken to an immigration office. Most often these individuals were taken from immigration into police custody before a court appearance; in some cases they were taken directly to court. In one case, the detainee was held in a house managed by immigration authorities along with other detainees, before being transferred to police custody. In another case, a couple was taken to immigration, where they were told to pay a fine. They paid the fine and were released only to be taken into police custody a short time later.

In rare cases (~3%), individuals seemed to have been taken directly to court. In one instance, an individual was taken to a hospital to receive care before being taken into police custody. At least three respondents were apprehended in another country and deported into Tanzania.

ii. Places of Apprehension

Responses on where participants were initially apprehend and detained, for the most part, fell into nine general regions: Arusha, Dar es Salaam, Kagera, Kigoma, Mbeya, Mtwara, Pwani, Ruvuma, and Tanga. These regions are all regions along the Tanzanian border, indicating that respondents did not move into the interior after entering Tanzania before being apprehended. Only one response (of those apprehended in Tanzania) fell outside of coastal or border regions; one respondent reported being apprehended in Iringa, more towards the interior of the country. The greatest number of individuals were apprehended in the Arusha, Mbeya, Pwani, and Tanga regions.

There were also five individuals interviewed who were apprehended in other countries and deported to Tanzania (three in Malawi, one in Mozambique, and one in Kenya).

Qualitative Response on Apprehension

Most individuals reported being abandoned by their brokers and left to wander when they were detained, or else were detained while in transit (example: police searched the bus they were traveling on and the individual failed to provide the necessary travel documents). Several such individuals reported the police using a specialized greeting designed for only Tanzanians to be able to recognize or respond to. In several cases, individuals had stopped while in transit to rest for a moment, or because of a problem with their container such as insufficient oxygen or the death of some passengers inside (after which those inside started to yell loudly and pound on the walls). Travelers often stayed in a pre-determined house, or in the forest to rest and look for food. Three respondents reported travelling on a boat that sank, after which they swam for four hours before reaching shore.

One family, while in Newala, attempted to report the wife's lost passport which had been left in Dar es Salaam. They were required to pay a relatively large bribe (800,000 TZS) to pay for passage to Mozambique. After paying this fine, the respondent reported that they were beaten (only their children were not beaten), and then driven to a police station where they were detained. Three other individuals each reported being robbed and later detained after attempting to seek help from authorities.

In a few cases, individuals deported into Tanzania were not Tanzania nationals, and hid from police after arriving in Tanzania before being detained. In five cases, individuals reported crossing into Mozambique with a valid passport, where the police took the passport and returned them to the Tanzanian border. Tanzanian border authorities turned them over to police who detained them.

Several individuals were initially arrested on criminal charges, most often theft (***discussed more in the Convictions section***). Two individuals did not indicate where in Tanzania they had been arrested, only what they were doing at the time – one was caught for illegal possession of turtles, and one had been kidnapped by pirates and was apprehended on the ocean while trying to escape.

Lastly, four respondents explicitly stated discomfort in discussing the circumstances of his arrest.

ALL REGIONS		
Town or Administrative Area	Number of Responses	% of Total
Arusha	68	17.5%
Dar es Salaam	24	6.2%
Kagera	2	0.5%
Kigoma	1	0.3%
Mbeya	81	20.8%
Mtwara	22	5.7%
Pwani	58	14.9%
Ruvuma	32	8.2%
Tanga	70	18.0%

Other (in TZ)	21	5.4%
Outside TZ	5	1.3%
No response	5	1.3%
Total	389	

ARUSHA		
Town or Administrative Area	Number of Responses	% of Total
Arusha	8	2.1%
Kisongo	7	1.8%
Longido	23	5.9%
Moshi	2	0.5%
Namanga	28	7.2%
Total	68	

MTWARA		
Town or Administrative Area	Number of Responses	% of Total
Kilambo border crossing	2	0.5%
Lindi	2	0.5%
Masasi	7	1.8%
Mtwara	9	2.3%
Newala	2	0.5%
Total	22	

MBEYA		
Town or Administrative Area	Number of Responses	% of Total
Ileje District	8	2.1%
Kyela	8	2.1%
Mbeya	63	16.2%
Tunduma	1	0.3%
Uyole	1	0.3%
Total	81	

PWANI		
Town or Administrative Area	Number of Responses	% of Total
Bagamoyo	6	1.5%
Chalinze	49	12.6%
Kibaha	1	0.3%
Mapinga	2	0.5%
Total	58	

Outside TZ (i.e. deported to Tanzania)

Town or Administrative Area	Number of Responses	% of Total
Malawi	3	0.8%
Mozambique	1	0.3%
Kenya (Nairobi)	1	0.3%
Total	5	

RUVUMA

Town or Administrative Area	Number of Responses	% of Total
Lusewa	15	3.9%
Ruvuma (general)	1	0.3%
Songea	16	4.1%
Total	32	

Other Regions

Region	Number of Responses	% of Total
<u>DAR ES SALAAM</u>	24	6.2%
<u>KAGERA</u>	2	0.5%
<u>KIGOMA (Kalilani)</u>	1	0.3%

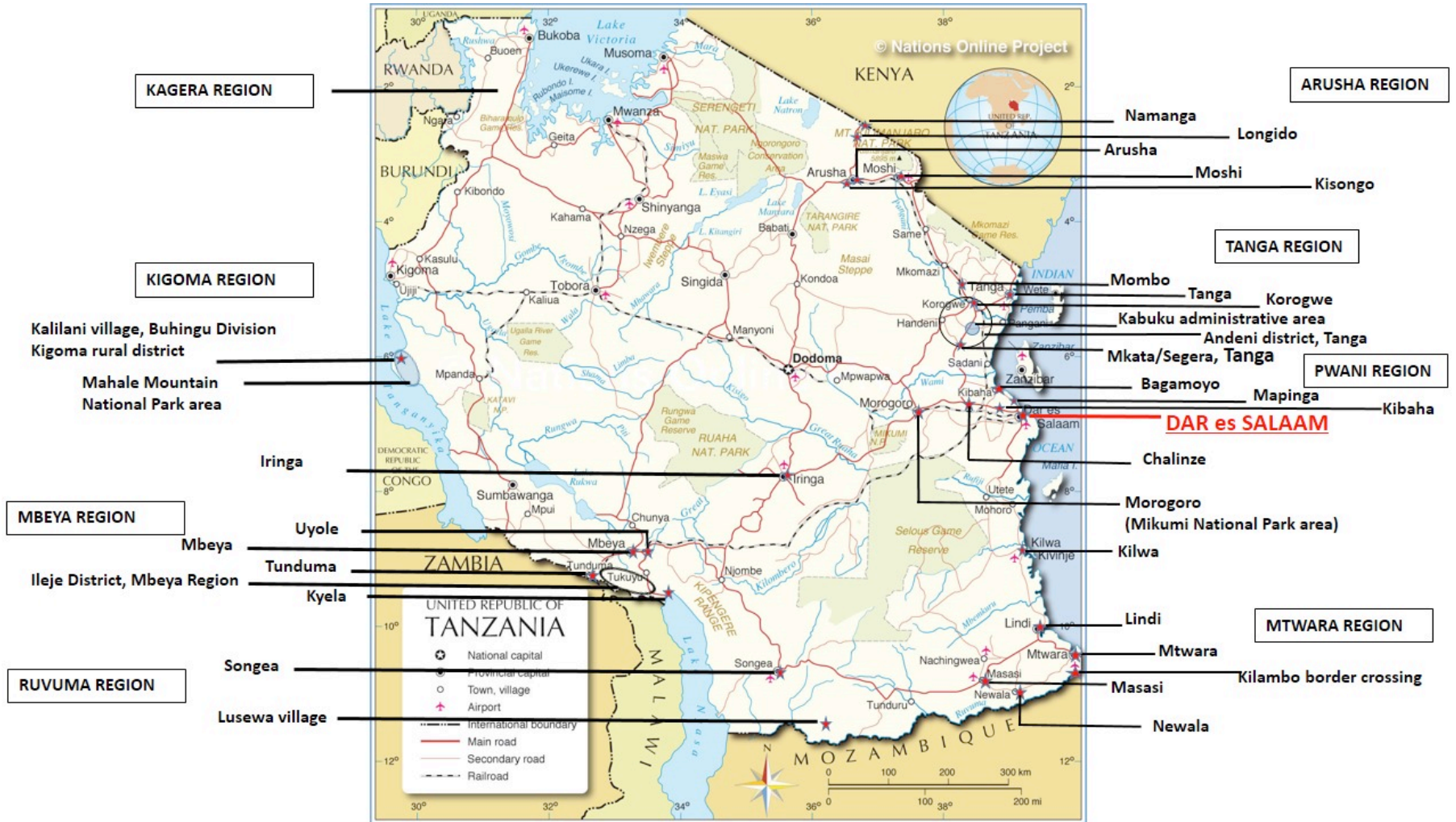
TANGA

Town or Administrative Area	Number of Responses	% of Total
Andeni district	1	0.3%
Kabuku admin. area	12	3.1%
Korogwe	4	1.0%
Mkata	8	2.1%
Mombo	1	0.3%
Segera	1	0.3%
Tanga	43	11.1%
Total	70	

Other Towns (in TZ)

Town or Administrative Area	Number of Responses	% of Total
Iringa	1	0.3%
Kilwa	3	0.8%
Morogoro	11	2.8%
Unclear	4	1.0%
Unspecified	2	0.5%
Total	21	

POINTS OF APPREHENSION



Apprehended by whom?		
Citizen	1	0.26%
Immigration	111	28.53%
Police	256	65.81%
Don't know	4	1.03%
Other	7	1.80%
No response	10	2.57%
Total	389	

Where were you taken after arrest?		
Court	13	3.3%
Police station/custody	310	79.7%
Immigration office/custody	31	8.0%
Prison	18	4.6%
Hospital	1	0.3%
Deported to TZ from another country	3	0.8%
Do not remember	2	0.5%
No response	11	2.8%
Total	389	

Less Common Detention Paths	
Transferred between police stations	14
Police to immigration	14
Immigration to police	11
Prison first, then police custody	2

Days Spent in Police Custody Prior to Court Date or Transfer		
1-4 days	minimum	75
5-8 days	minimum	17
10 days or more	minimum	10

In almost two thirds of the cases, individuals had only been in Tanzania for less than one week before being apprehended. Of those who reported being in Tanzania for over one month prior to arrest or detention, 22.11% were apprehended within six months, while less than 8% managed to remain for over one year. Tanzania is often a point of transit for many migrants, and in many cases is not a final destination, which may account for why so many of those detained had been newly arrived in Tanzania at the time of their detention. Additionally, 18% of respondents reported having non-legal and/or medical concerns at the time of detention.

A very high number of those interviewed also reported the lack of an option to post bail (85.86%) or having the means to post bail (75.32%). Furthermore, once detained, the vast majority were quickly transferred to a prison setting, most often within a week, if not within hours. All but a handful of individuals interviewed had no prior history of arrest or detention. However, while most respondents reported having been arrested specifically for violation of immigration laws, almost 8% were detained on non-immigration related charges, most often for drug related offenses or theft.

How long in Tanzania prior to arrest?

Less than one week	258	66.32%
Less than a month	1	0.26%
One to six months	86	22.11%
Six months to one year	3	0.77%
More than a year	29	7.46%
No response	12	3.08%
Total	389	

Prior arrest or detention?

No	374	96.14%
Yes	8	2.06%
No response	7	1.80%
Total	389	

Opportunity to make bail?

No	334	85.86%
Yes	27	6.94%
Don't know	6	1.54%
No response	22	5.66%
Total	389	

Capable and willing to make bail?

No	293	75.32%
Yes	33	8.48%
Don't know	29	7.46%
No response	34	8.74%
Total	389	

Length of Wait for Transfer to Prison (if not taken there directly)

In Hours		In Days (divided by weeks)		In Months	
0 (same day transfer)	40	1-7 days	259	15 months	1
5 hours	1	8-14 days	30	6 months	1
12 hours	1	15-21 days	9	4 months	1
		22-31 days	1	3 months	1
				Just over 1 month	1
Total	42		299		5

Reason for arrest known? ²¹	
No	20
Yes	366
No response	3
Total	389

Reasons for Arrest				
Immigration Violation			348	89.46%
	did not possess proper travel documents	7		
Non-Immigration Violation (specify)			31	7.97%
	drug abuse	1		
	drug trafficking	5		
	possession of drugs	5		
	possession of a weapon	2 ²²		
	murder	1		
	piracy	1		
	rape	2		
	robbery/ armed robbery	3		
	theft	9		
	general criminal charges	2		
No response			10	2.57%
Total			389	

²¹ Of the 20 respondents who responded “No” when asked if they knew the reason for their arrest, 13 still stated “Immigration Violation” as a reason.

²² One of the “Possession of a weapon” responses was from an individual detained for the violation, one other was detained for immigration violation, but also possessed weapon.

Medical or Non-Legal Concerns		
Yes	71	18.25%
No	295	75.84%
No response	23	5.91%
Total	389	

"[We were] arrested at 5.00pm and in the mid night we were taken to Dar es Salaam, central police for 17 days without been taken to court, then returned to Lindi. The next day we were taken to court. We were five [individuals]."

Court Appearance and Conviction

Although about 8% of those interviewed reported being detained on non-immigration related charges, at the time of interview only six of these non-immigration charges had resulted in a conviction: four for violent crime (armed robbery or rape) and two for theft offenses. Nine individuals who reported receiving a conviction did not specify what they had been convicted for. All of the "Pending" responses were from individuals who stated they had not been convicted. Eight of the "Illegal entry" responses as a reason for conviction were from individuals who stated they had not been convicted. Most respondents (over 80%) reported being given no written documentation regarding their case, although most did report appearing in front of a magistrate judge.

Given written documentation regarding your case?				
No			316	81.23%
Yes			58	14.91%
	charge sheet	41		
	charge sheet & "other documents"	10		
No response			15	3.86%
Total			389	

Appeared in court or in front of a magistrate?	
No	34
Yes	342
No response	13
Total	389

Convicted?		
No	97	24.94%
Yes	263	67.61%
Don't know	1	0.26%
No response	28	7.20%
Total	389	

Reason for conviction?			
Violent Crime			4
		Armed robbery	1
		Rape	3
Theft			2
		Car theft	1
		Theft (non-automobile)	1
Illegal entry into Tanzania/illegal presence w/o documents (including working w/o work permit)			260
Pending investigation			8
They were told they were deportees waiting for deportation			1
Unclear			1
Total			276

Note: Although 263 respondents stated that they had been convicted, 276 respondents gave a reason for conviction. This discrepancy can be explained by a number of observations. First, of the 263 who stated that “yes,” they had been convicted, 10 did not give a reason for conviction. Additionally, of those who respond that “no,” they had not been convicted, 20 went on to give a reason for conviction. It is unclear if the intention of these individuals was to say that they had been convicted for the reason given, or that they had not yet been convicted but expected to be convicted for the reason given. Lastly, three individuals who did not respond to the question of whether or not they had been convicted did go on to give a reason for conviction. It is again unclear whether the reason given by these individuals was an actual basis for conviction, or what they expected to be convicted of in the future.

RECOMMENDATIONS

The following is recommended with a view of reducing unnecessary migrant detention:

1. Existing laws, including the Immigration Act and Regulations and the Refugees Act, should provide more provisions for alternatives to detention for migrants, and provide for detention of migrants only as a last resort.
2. Separate facilities should be established for migrants to avoid detaining them in prisons along with criminals.
3. The Immigration Act should explicitly make vulnerable migrants – including refugees, asylum seekers, minors and victims of human trafficking – an exception to the definition of prohibited immigrants. These groups should not be detained or prosecuted for illegal entry or unlawful presence in Tanzania.
4. Individuals who claim asylum in Tanzania should immediately be brought to the attention of the Refugee Services Department in the Ministry of Home Affairs, and should have their claims adjudicated in prompt and fair procedures. The Refugee Act, 1998 provides for the adjudication of asylum claims by the National Eligibility Committee (NEC), and the NEC currently meets periodically to adjudicate claims. Every effort should be made to permit asylum seekers to enjoy freedom of movement until their claims have been adjudicated.
5. The Government and UNHCR should facilitate the NEC meetings in a regular manner to consider asylum applications submitted in regions with no formal refugee programs like Mtwara, especially where reception centers may be established. Those recognized as refugees should be afforded protection in the country.
6. A joint Working Group involving the Government and its partners, including UNHCR, IOM and relevant members of civil society should be formed to address the plight of individuals arriving in mixed migration flows currently in prisons – as it was also proposed by the 2007 Ministerial Task force on Mixed Migration.
7. Magistrates, immigration officers, prosecutors, prison officers, police and other officials who come in contact with migrants from arrest to detention (stakeholders) should receive regular trainings on screening for refugees, asylum seekers and other vulnerable migrants.
8. Fines, sentences and terms of imprisonment should be reduced and standardized. In our findings some of the migrants were serving the maximum sentence (i.e. three years) and some six months despite committing similar offences in similar circumstances.
9. A more efficient communication mechanism should be established between immigration officers and other government departments working with vulnerable groups to ensure proper referrals of those needing protection.

10. In line with the UNHCR 10-Point Plan of Action on Refugee Protection and Mixed Migration, UNHCR should work with the Government and other stakeholders, including IOM and the detainees' respective Embassies in Tanzania to put in place mechanisms and facilities for swift return arrangements, on humanitarian grounds, of those not in need of international protection.
11. A comprehensive strategy for dealing with the phenomenon of irregular migration into Tanzania should be developed and built around prevention and response in line with the recommendations of the 2010 Regional Conference on Mixed Migration that was held in Dar es Salaam. The strategy could consider areas of information strategy, strengthening border management and control capacity and establishment of reception centers/holding facilities and ensuring that those in need of international protection within the group are identified, profiled and referred to the appropriate authorities on asylum.
12. Increased coordination is needed between government, legal aid providers and other entities that can provide humanitarian assistance to vulnerable migrants.
13. Cooperation between countries of origin, transit countries and countries of destination in addressing the issue of irregular migration and response thereto. The survey identified Ethiopians to be the majority of irregular migrants, South Africa as the most preferred country of destination and work as the major reason for leaving country of origin. South Africa could make an arrangement with the Ethiopian Government for information dissemination on realities of life in South Africa and also agree on ways to facilitate legal labor migration between the two countries.
14. The survey determined that a majority of the detained migrants were assisted by smugglers. Relevant governments should take measures to reduce exploitation and abuse of migrants at the hands of smugglers and traffickers.
15. The Government and other relevant stakeholders should implement the recommendations of this report and those of the Ministerial Task Force on Irregular Migration provided in the Report on the Situation of Irregular Migration in Tanzania.
16. Majority of the survey respondents were willing to return to their countries of origin but informed that they cannot afford transport cost. The Government and other key players should consider and make legally accepted arrangements for these migrants to legally work in Tanzania to raise funds for their travel back to their home countries.

ANNEX: SURVEY TEXT

Informed Consent

Asylum Access Tanzania is a non-governmental organization whose goal is to assist the Tanzanian government address issues relating to refugees. We are conducting interviews with migrants in detention in support of this mission.

Our Purpose: The purpose of this interview with you is to help us find ways, in the future, for other people like you to not be placed in detention when government authorities arrest them. We are collecting information about migrants in detention, especially who they are and why they are detained. We will ask you questions about who you are, the reason you travelled, and what happened to you in Tanzania. Your answers will be compiled with those of other people that we interview into a report that will be shared with the government as well as other non-governmental and international organizations. In addition, we may be able to provide legal aid to some of those individuals who participate in our survey.

Confidentiality: You may find that you do not want to answer any of these questions. If so, you do not need to answer them. We will keep your name and your individual record confidential, including from the government, but some of the information you give may be used for the report.

Voluntariness: Participation in this survey is voluntary and you can choose not to participate.

Disclaimer: Although our main purpose in conducting this survey is to gather information and to help the Tanzanian government update its policies, we may be able to provide legal aid to some of the people who participate in our survey. If we find that we can assist you, we will inform you so that you may decide whether you would like that assistance. However, please note that we do not have the capacity to help transport you to your destination or to your country of origin.

If you have any questions before or during the interview, please let us know.

Statement of Consent: I have read the above information or it has been read to me, and have received answers to any questions I asked. I consent to take part in the study.

Your Signature: _____ Date: _____

Your Name (printed): _____

Interviewer Signature: _____ Date: _____

Interviewer Name (printed): _____

Questionnaire

Prison of _____ Town _____ Region _____

Date _____

A. **Biographical Data**

1. FamilyName/Surname: _____
Given/First Name: _____ Middle Name: _____
Other Name(s) Used: _____
2. Sex: Male Female
3. Date of Birth: Day _____ Month _____ Year _____ If unknown, age _____
4. Place of Birth: (Town/Locality/Country) _____
5. Nationality/Citizenship: _____
6. Religion: Christian: Muslim: Hindu: Other (specify): _____
7. Ethnic or Tribal Group: _____
8. Languages spoken: _____
(Mother language) (Others)
9. Have you had any difficulty communicating with authorities because of language barriers? Yes No
10. Marital Status: Single Married Separated Divorced Widowed

B. **Education & Employment History**

11. Highest Education Attained: Primary School Secondary School University Other

12. What was your profession or means of support in your country?

C. **Contact Information**

13. Do you have contact information of anyone in Tanzania or elsewhere who can be of help in your situation? Yes No
Would you like us to inform them of your current situation? YES NO
If yes, who: Name and Relationship -----

Where: _____

Town/village: _____ Region: _____ Country: _____

Telephone # _____ Email Address _____

Do they know you are detained? Have you been able to contact them?

14. Please list any family/relative who came with you to Tanzania:

Family Name/First name	Date of Birth or age	Country of Birth	Relationship	Where they currently are

D. Flight History to Tanzania

15. Date you left your Country: _____

16. Why did you decide to leave your country?

17. Some of our clients have experienced torture in their home countries. Has anything like that ever happened to you?

18. Please indicate the route of your trip, including the means used for transport:

19. Where was your intended final destination?

20. Why did you choose that destination? What plans or opportunities did you anticipate?

21. Did you pay any amount to travel to your destination: Yes NO

How much? _____

To whom? _____

22. Did you have to borrow funds to pay for the trip? Yes No If yes, can you describe the repayment agreement? (i.e. agreement to exchange services for the travel or forgiveness of the debt)?

23. Date you Arrived in Tanzania: _____ Don't Know

24. Do you have with you any valid Travel Document or Identification papers (e.g. Passport, birth certificate, travel visa, identity card, driver's license)? YES NO

If you do, enter the details in this table,

Type of Document	Document No.	Dates of Issue & Expiration	Where is the document now?

25. Have you been in contact with any Tanzanian authority or UN agency in Tanzania?

Yes No If yes, who?

E. Current Legal Situation

26. When were you caught/arrested in Tanzania ? Date_____

27. Where were you apprehended in Tanzania? Town _____

28. What happened? (How were you found to be undocumented?)

29. By whom? Police Immigration Citizen Don't Know Other_____

30. After you were apprehended, were you given an opportunity to pay bail? Yes No Don't know

31. Are you capable and willing to pay bail? Yes No Don't know

32. What happened after the arrest? Where were you taken immediately after the arrest?

33. If you weren't taken directly to prison, how long did they wait to transfer you to prison?

34. Have you been arrested or detained before this?

35. How long were you in TZ before being detained? Less than 1 week less than 6 months 6 months to a year more than a year

36. If released from detention **pending the resolution of your case**, what would you do?

Remain in Tanzania until the resolution of my case Attempt to travel to my original destination

Attempt to return to the country of my nationality Other _____

37. Do you know the reason why you were arrested ? Yes No

38. If so, why? And when were you informed?

39. Were you given any written documentation regarding your case from the courts or any other agency? Yes No If so, what?

40. Have you ever appeared in court or before a magistrate? Yes No

41. When was this?

42. Have you been convicted? Yes No Reason: _____

43. Have you been sentenced? Yes No What is the sentence? _____
44. Were you given any information regarding being returned to your country from the authorities?
45. Were you informed of your right to appeal? Yes No
46. Have you filed an appeal? Yes No
47. If not, why not? If you filed an appeal, what is its status?
48. Do you have any medical or other non legal concerns that you think we should know?

F. Detention Alternatives

49. What is your preferred solution to your situation?
50. Is there any reason which would eventually prevent you from leaving in your country, if you were to return?
Yes No Don't know
If the answer is yes, please provide details
51. Can you bear the costs (financial and otherwise) of returning to our home country?
YES NO
52. Do you have family or friends who are willing to cover your fare? Yes No
53. If you want to go to a third country, do you have a valid visa? Yes No
54. Would you like us to contact your consulate or embassy on your behalf? Yes No
55. Have you received any assistance from any legal aid or other organization? Were you given the opportunity to do so? If so, which organization? How did you get in touch with the organization? What was the outcome or assistance provided? Are they still assisting you?
56. Is there anything else you think we should know?

