

## SUMMARY OF APC'S REPORT TO KENYAN EMBASSY IN BERLIN

4<sup>th</sup> NOVEMBER 2008



From left, APC Vice President, Secretary General, Ms. Cecilia Röhl, His Excellency, Kenyan Ambassador the Consular/Immigration attaché, APC President, first from Right

### Executive Summary

The African People Convention with her headquarters in Kassel held a meeting with the Kenyan Embassy in Berlin on the 4<sup>th</sup> of November 2008 to discuss the ongoing issue regarding consular hearing conducted by the African Embassies in Germany. The delegates were warmly welcomed by His Excellency the Ambassador - H. Mutuma Kathurima and the consular and immigration attaché - Mr. Victor Udubah. In the meeting, the Ambassador and Consular welcome all questions ranging from the consular hearing and the problem of visa issuance to some African countries.

During the conversation with the Ambassador, APC informed the embassy of the realities of life in Germany as well as the problems encountered with the German authorities for people intending to get married or apply for visa at the foreign office (Ausländerbehörde). They also presented the manner at which some of the embassies

conducted the hearing and considered it inappropriate and requested the embassies to use a different means in the activities. The Ambassador welcomed APC's idea and encourage the organization to focus on dialogues in which the organization has started. The Ambassador also encouraged APC to continue to serve the interest of Africans with a focus and good objectives.

The delegates were Mr. Edebiri Nosa Osayi (President), Mr. Stephen E. Awung (Vice President), Mr. O. M. Akinyemi (Secretary General) and Ms. Cecilia Röhl (Member). The Delegates made it clear that the purpose of their visit was not to get directly involved in the consular hearing conducted by the African embassies, but to inform them of the manner at which it is being conducted and remind them of the consequences of the hearing.

The delegates commended the embassy on their efforts in responding to the interest of their citizens during the time of difficulties and also thanked the Ambassador for responding to APC's letter. They acknowledged the embassy staff for making things easier for their citizen to obtain a passport, replacement of lost passport, extension of passport, child passport and endorsement for the Kenyans with affordable prices.

His Excellency the Ambassador H. Mutuma Kathurima pointed out that the issue of consular hearing was discussed in the East Africa Ambassadorial meeting that was held some months ago. This was confirmed by the Acting Head of Affairs of Uganda during our telephone conversation with him on the consular hearing. His Excellency however, instructed the consular - Mr. Victor Udubah to provide the delegates detailed information on the issue.

The consular explained that the German Authorities do write to inform them of some suspected Kenyans who they intend to deport and that they need to be identified for the issuance of Emergency Travelling Certificate (ETC). The consular also pointed out that based on the number of persons, the embassy has to schedule an appointment with them and request them to come with certain number of persons that the embassy can accommodate. The length of appointment as mentioned by the consular is two months in advance. The Consular also claimed that the embassy does not accept speech analysis presented to the embassy by the German authorities and that the embassy issuance of ETC is based on the visible documents that may be provided by the German Authorities and the embassy's investigation of the individual person (s) concerned.

In further discussion, the consular pointed out that he does visit prisons to see the state of Kenyans there. He explained that the life in which some of them are living is unpalatable. He concluded that some of them do want to return home and that in such situation, some investigations are conducted in order to be sure that the people are Kenyans. The point Africa People Convention (APC) wanted to know was if the embassy mobile their hearings. But the embassy made it clear that they don't move from place to place to conduct their interviews.

The issue of the consular hearing as pointed out to the Ambassador was that, when the consular mobile identification hearing continuous, there will be a nationwide demonstration. His Excellency (H. Mutuma Kathurima) appealed that negotiation is the instrument of diplomacy. Delegates enquired from the Ambassador whether there is a forum for African Ambassadors meeting, the answer was yes, His Excellency the Ambassador explained that African Ambassadors have a club that is called the African Ambassadorial Corp which is currently chairman by the Angola Ambassador. He explained that they usually meet once every two months to discuss African affairs. His Excellency APC not to demonstration as raised by one of the delegates and it will be necessary to present the case to the Angola Ambassador for his opinion. Delegates were delighted with His Excellency's advice but they further inform him of the hearing consequences in the life of the affected Africans.

Another issue discussed was the difficulties some African countries find in getting Kenya visa. The consular agreed that there are restrictions of Kenya Visa to some African countries. The Ambassador pointed out that visitors are encouraged to visit Kenya and that certain requirements are considered before issuing the visas. The consular pointed out that the restrictions mainly apply to Cameroonians, Nigerians and some other countries in the continent. His point of argument was that these countries are issued visas but it may involve some bureaucratic procedure which may require the person picking up the visa in his or her home country or the embassy get an approval from Nairobi before issuing the visa. The delegates explained that from the information gathered from sources, the Nigerians are grouped with Pakistan and Afghanistan, they inform the embassy that it is painful for Nigerians to be classified to the countries recognized to affiliate to terrorist group. They advised the Ambassador to look into the issue and try to make visa issuance flexible for

Nigerians and other African countries involved. The Ambassador explained that the people that can resolve the problem are the countries' representative in Nairobi.



The President of APC presented a write up of issues on Refugees and Asylum Seekers

At the end of the meeting, the president of APC presented an article compiled by a group of African organizations in Germany whose role is to protect and advocate the interest of all Africans. It is expected that the embassy keeps the write up in their archive to remind other embassy staff of the right of refugees and asylum seekers based on the United Nations High Commission for Refugees.

#### **APC's view of the case of consular hearing**

As one of the leading African registered organizations in Germany, it is advised that African representatives do things as it is meant to be. Any organization or a country has a constitution governing the people. It is expected that the representatives given the responsibilities to represent the people do it well without personal interest.

In all the negotiations in which APC has been involved in, there must be compromises and concessions among the people involved. But in each case, the concession or compromise is to put an end to the hearing in an unconstitutional manner. Failure for African representatives to work according to the continent's constitution will leave no choice

but to inform the embassies that the African citizens can be protected through the collective goals of the individual's efforts, unions, activists, organizations and a forum in which they meet to discuss their problems and progresses. APC's message to the embassies is that the organization members and other advocates are not sleeping, they are always awake to monitor the activities of those discharging their duties in a corrupt manner which different organizations like the Voice Refugee Forum and Caravan Group have also identify.

The embassies involved are warned to put an end to it, if they continue with the corrupt manner, APC and other organization have no choice but to use a network to reach other organizations in the various African countries to tackle the problems either through demonstration or petitioning the embassies involved. To avoid this, we are reiterating our demands that the hearing should be stopped. If the hearing is to continue, the embassies should lunched a thorough investigation on the individual person(s) before our valuable document (s) is released for the deportation of the person or persons concerned.