



**Malawi – Researched and compiled by the Refugee Documentation Centre of Ireland on 24 November 2016**

**Any information on return of failed asylum seekers to Malawi and if they are interrogated, arrested, or persecuted by the authorities on return.**

Very little information on failed asylum seekers returned to Malawi was found among sources available to the Research and Information Unit.

A 2009 UK Home Office operational guidance note, in a section headed “Returns (paragraph 5.2), states:

“Malawian nationals may return voluntarily to any region of Malawi at any time by way of the Voluntary Assisted Return and Reintegration Programme implemented on behalf of the UK Border Agency by the International Organization for Migration (IOM) and co-funded by the European Refugee Fund. IOM will provide advice and help with obtaining travel documents and booking flights, as well as organising reintegration assistance in Malawi. The programme was established in 1999, and is open to those awaiting an asylum decision or the outcome of an appeal, as well as failed asylum seekers.” (UK Home Office Border Agency (11 June 2009) *Operational Guidance Note – Malawi*, p.7)

An article from Malawian newspaper Nyasa Times on protection options available to returned asylum seekers states:

“The number of asylum claims by Malawians seeking protection in the UK is increasing with many defaming the country. On 04-December, a Malawian woman seeking asylum in the UK had her third appeal-hearing since escaping there ten years ago. Bradford resident Fishane Nkhata has had her case highlighted in a local newspaper, the Telegraph and Argus. She claims that she fled from Malawi in 2002 because she was being forced into a marriage against her will, and being threatened with death if she refused to cooperate. She does not mention having sought any help from the authorities, such as the Police, Ministry of Gender, or the Courts. Instead, she says that she had no choice but to leave behind her two sons, and escape to the UK with the help of a friend. No mention is made in the article that forced marriage is contrary to section 22.4 of the Constitution, and that it takes precedence over cultural practices such as kuhara chokoro.” (Nyasa Times (4 December 2012) *Number of asylum claims by Malawians in UK rising*)

A report from the now defunct UK-based SW Radio Africa states:

“Rose Phekani, one of the five Zimbabwean women who went on hunger strike on Monday at Yarl's Wood Immigration Removal Centre in Bedford, was deported to Malawi on Wednesday evening. She is now in danger of facing a lengthy jail term in a Lilongwe prison for fraudulently acquiring a Malawian passport. Newsreel learnt on Thursday that authorities in Malawi

have vowed to crackdown on all Zimbabweans who get deported to their country for using their passports. Its reported authorities there are still furious that all Malawians are now being requested to apply for UK visas, because of the large number of Zimbabweans who were travelling on fake Malawi passports.” (SW Radio Africa (13 September 2007) *Hunger striker deported to Malawi*)

See also article from UK newspaper the Leicester Mercury which states:

“Mr Ndelemani is being deported to Malawi, via Zimbabwe, because he arrived on a Malawian passport – an option for Zimbabweans when the country was called Rhodesia. But he renounced his Malawian nationality and reverted to being Zimbabwean in 2007 after Mugabe made it illegal to hold dual citizenship. Supporters, who have so far collected more than 1,000 signatures, claim his application for asylum was rejected because the UK Border Agency believes he is still a Malawian national. Mr Ndelemani is due to land in Zimbabwe before being transferred to Malawi. He said that if he made it to Malawi, he would be returned to Zimbabwe by border officials for not having a Malawian passport.” (Leicester Mercury (9 April 2010) *Asylum seeker from Zimbabwe in desperate plea to stay in Leicester*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

#### **References:**

Leicester Mercury (9 April 2010) *Asylum seeker from Zimbabwe in desperate plea to stay in Leicester*

<http://www.leicestermercury.co.uk/send-home-death-sentence/story-12034606-detail/story.html>

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**Sources Consulted:**

All Africa

Electronic Immigration Network

European Country of Origin Information Network

Google

Immigration and Refugee Board of Canada

Lexis Nexis

Refugee Documentation Centre Query Database

UK Home Office

UNHCR Refworld