

STATUTORY INSTRUMENTS

2010 No. 9.

THE REFUGEES REGULATIONS, 2010.

ARRANGEMENT OF REGULATIONS

Regulation

PART I—PRELIMINARY

1. Title
2. Interpretation

PART II—APPLICATION FOR REFUGEE STATUS

1. Application for refugee status
2. Application for refugee status by a family
3. Identification of person seeking refugee status
4. Application by an unaccompanied minor
5. Application by HIV – positive persons
6. Application by stateless persons
7. Recognition of refugees in the East African Community
8. Reapplication for refugee status after cessation of refugee status
9. Interpreter for person seeking refugee status
10. Reception of person seeking refugee status
11. Refugee applicant to be issued with temporary pass
12. Persons with refugee status of another country
13. Expeditious handling of abusive or unfounded application
14. Person seeking refugee status to be informed of procedure for applying for refugee status
15. Burden of proof
16. Participation in refugee status proceedings by organizations engaged in refugee protection or assistance

Regulation

PART III—APPLICANTS WITH FIREARMS

1. Applicants to surrender firearms
2. Screening of persons seeking refugee status
3. Refusal to surrender firearm
4. Separating civilians from disarmed combatants
5. Renunciation of military activities

PART IV—ELIGIBILITY COMMITTEE

1. Notice of decision of Eligibility Committee

PART V—APPEALS BOARD

1. Tenure of office of members of the Appeals Board
2. Vacation of office by a member of Appeals Board

3. Filling of vacancies in Appeals Board
4. Secretary to the Appeals Board
5. Functions of the Secretary

PART VI—APPEALS

1. Appeals to the Appeals Board
2. Right to representation
3. Appearance by a person appealing
4. Right to fair hearing
5. Meetings of the Appeals Board
6. Procedure at hearing
7. Power of Appeals Board to require attendance
8. Power of Appeals Board
9. Grounds for dismissing appeal
10. Appeal to court

PART VII—REGISTRATION, IDENTIFICATION AND TRAVEL DOCUMENTS FOR REFUGEES

1. Registration of refugees
2. Independent registration at eighteen years
3. Issuance of identification documents
4. Identity card
5. Loss of identity card
6. Register of refugees
7. Inspection of register
8. Change of residence
9. Travel documents for refugees
10. Limitation on travel by refugees
11. Confidentiality of information relating to refugee status

PART VIII—RECEPTION FOR REFUGEES

1. Designation of refugee reception officers
2. Duties of refugee reception officers
3. Refugee reception officers to receive applicants without proper documentation
4. Welfare or probation officer to have access to a child in foster care
5. Family reunion

PART IX—HOLDING CENTRES

1. Establishment of holding centers
2. Commissioner to designate officers in charge of holding centers

PART X—DEPORTATION

1. Period of grace for staying in Uganda after rejection of application
2. Deportation or expulsion after expiry of the grace period

PART XI—INTEGRATION OF REFUGEES

1. Integration of refugees in host communities
2. Integration of refugee matters in development plans
3. Affirmative action in favor of women, children and persons with disabilities
4. Involvement of voluntary organizations in the assistance of refugees
5. Access to employment
6. Access to land use
7. Adoption of refugee children
8. Refugees attaining citizenship

PART XII—EXTRADITION

1. Extradition of refugees

PART XIII—OFFENCES AND PENALTIES

2. Offences and penalties

PART XIV—TRANSITIONAL PROVISIONS.

3. Transitional provisions

SCHEDULES

FIRST SCHEDULE—CURRENCY POINT

SECOND SCHEDULE—MEETINGS OF THE APPEALS BOARD THIRD SCHEDULE—

FORMS

THE REFUGEES REGULATIONS, 2010.

(Under section 48 of the Refugees Act, 2006, Act No. 21 of 2006)

IN EXERCISE of the powers conferred on the Minister responsible for refugees by section 48 of the Refugees Act 2006, these Regulations are made this 29th day of May, 2009.

PART I—PRELIMINARY

1. Title.

These Regulations may be cited as the Refugees Regulations, 2010.

2. Interpretation.

In these Regulations, unless the context otherwise requires—

“Act” means the Refugees Act, 2006;

“Appeals Board” means the Refugees Appeals Board established under section 16 of the Act;

“child” means a person under the age of eighteen years;

“court” means the High Court;

“currency point” has the value assigned to it in the First Schedule;

“Eligibility Committee” means the Refugee Eligibility Committee established under section 11 of the Act;

“firearm” means a lethal barreled weapon of any description from which a shot, bullet or other missile can be discharged or any prohibited weapon whether it is lethal or not and any component or part of that weapon designed or adapted to diminish the noise or flash caused by firing the weapon; and includes an air gun, air rifle or pistol;

“member of family of refugee” means—

(a) a spouse or spouses of the refugee;

(b) a child of the refugee; and

(c) any person who is dependent on the refugee;

“Minister” means the Minister responsible for refugees;

“non political crime” means a crime which is not of a political character or a crime which does not involve opposition to the government of a country on an issue connected with the political control or government of that country or a crime which is not incidental to nor forms part of a political upheaval committed as part of an organized political party or a body contending for political power or political control of a country;

“travel document” means a travel document issued under or in accordance with the provisions of the UN Convention relating to the Status of Refugees of 1951 to a refugee staying in Uganda for the purpose of travel outside Uganda;

“refugee” means a person granted refugee status under the Act and these Regulations;

“UNHCR” means the United Nations High Commission for Refugees.

PART II—APPLICATION FOR REFUGEE STATUS

3. Application for refugee status.

(1) A person who enters Uganda and wishes to remain in Uganda as a refugee shall apply to the Eligibility Committee for the grant of refugee status within thirty days after the date of entry into Uganda.

(2) An application made under sub regulation (1) shall be submitted in person to the Commissioner through an officer authorised by the Commissioner or through the UNHCR representative.

(3) The application under sub regulation (1) is in Form A specified in the Third Schedule.

(4) Where a person wishes to remain in Uganda as a refugee, but was not able to apply for refugee status within the time prescribed under sub regulation (1), he or she shall approach and present himself or herself to a refugee reception officer as soon as practicable explaining the circumstances of his or her entry into Uganda.

(5) The refugee reception officer shall record the information provided to him or her under sub regulation (4) and shall receive the person and give him or her the form and guide him or her on how to apply for refugee status.

4. Application for refugee status by a family.

(1) Where members of the same family are seeking refugee status, each adult member of the family may lodge their own application for refugee status.

(2) Notwithstanding sub regulation (1) a family seeking refugee status shall not be separated upon arrival in Uganda or after approaching a refugee reception officer.

5. Identification of person seeking refugee status.

A person seeking refugee status shall properly identify himself or herself and shall provide his or her finger prints and photographs to the refugee reception officer.

6. Application by an unaccompanied minor.

(1) An unaccompanied minor may apply for refugee status in his or her own name.

(2) Where a person applies for refugee status as an unaccompanied minor and it is necessary to establish the actual age of the person, a standing committee of the Eligibility Committee may be tasked with investigating and establishing the true age of the applicant.

(3) An unaccompanied minor who applies for refugee status shall be separated from the adult applicants and shall as soon as practicable, be placed in an appropriate care giving relationship such as a foster care or a special reception centre by the government in cooperation with UNHCR.

7. Application by HIV positive persons

(1) A person seeking refugee status and who is determined to be HIV- positive shall not be prejudiced or discriminated against in any form in relation to his or her application for refugee status.

(2) Where the person referred to in sub regulation (1) is granted refugee status he or she shall be accorded the most favorable treatment accorded to nationals as regards access to care and treatment.

8. Application by stateless persons

(1) A person who is otherwise eligible shall not be denied refugee status on account of his or her being stateless or without effective nationality.

(2) A refugee who is stateless shall be eligible to apply for permanent residence upon fulfilling the prescribed residence period in Uganda.

9. Recognition of refugees in the East African Community

A person who applies and is granted refugee status in Uganda and is a national of a Member State of the East African Community shall enjoy all the rights and privileges conferred on the "Community nationals" as set out in the Treaty and Protocols for the establishment of the East African Community.

10. Reapplication for refugee status after cessation of refugee status.

A person may, regardless of the change of the circumstances in the country of origin decline to avail himself or herself of the protection of his or her country and remain in Uganda and in such an instance, he or she may re-apply for refugee status on individual basis.

11. Interpreter for person seeking refugee status.

(1) A person who applies for refugee status but cannot speak English shall be provided

with an interpreter for the purpose of communicating with the refugee reception officer at the time of entry into Uganda.

(2) For the purposes of sub regulation (1), a woman seeking refugee status may be interviewed by a female reception officer and shall be provided with a female interpreter.

(3) Notwithstanding sub regulation (1), the absence of an interpreter shall not be a ground to refuse entry to a person seeking refugee status.

12. Reception of a person seeking refugee status.

(1) Where a person enters into Uganda and wishes to remain in Uganda as a refugee or where a person applies for refugee status at the point of entry into Uganda, the refugee reception officer shall receive that person and register him or her as soon as practicable as a person seeking refugee status.

(2) Where a person seeking refugee status cannot as soon as practicable be registered, the refugee reception officer receiving the person shall register the person within thirty days after the reception of the person.

(3) The refugee reception officer shall furnish the person with the contact address of the nearest office of the UNHCR.

(4) Where it is established that a person seeking refugee status comes from an area of his or her country that is affected by a highly infectious pandemic disease, the person shall be interned in a special holding centre in order to ensure public safety and security while his or her application for refugee status is being processed.

13. Refugee applicant to be issued with temporary pass.

(1) Every applicant who has submitted an application for refugee status in accordance with the Act and these Regulations shall be issued with a temporary pass valid for ninety days and it shall be evidence that the person has applied for refugee status in Uganda.

(2) Every member of the family of the applicant shall also be issued with a similar document.

(3) The temporary pass issued under this regulation shall entitle the applicant and all the members of his or her family to remain in Uganda—

(a) until his or her application is granted or rejected and no appeal has been filed with the Appeals Board; or

(b) until that person has exhausted his or her right of appeal under the Act or these Regulations.

(4) A temporary pass issued under this regulation may be renewed after every two months until all rights connected with or incidental to an application for refugee status have been exhausted.

14. Person with refugee status of another country

(1) A person who enters Uganda or wishes to remain in Uganda after having been granted refugee status in another country shall not be eligible to apply for refugee

status in Uganda.

(2) Notwithstanding sub regulation (1), a person who enters Uganda or wishes to remain in Uganda after having been granted refugee status in another country shall not be precluded from applying for refugee status in Uganda where he or she establishes that he or she is likely to suffer persecution on the grounds of race, religion, ethnicity, gender or political affiliation in the country of his or her refuge.

15. Expeditious handling of abusive or unfounded application.

(1) The Eligibility Committee may, notwithstanding any other regulation, expeditiously hear and determine an application that in the opinion of the Committee is clearly abusive or manifestly unfounded.

(2) Where the Eligibility Committee hears and determines an application under this regulation, the Committee shall within seven days after hearing the application notify the applicant of its decision and advise him or her on his or her right to appeal.

(3) The Eligibility Committee shall take appropriate measures in accordance with the law for the deportation of an applicant where the application is rejected under this regulation.

(4) In this regulation—

“abusive or manifestly unfounded application” means an application which is fraudulent or does not satisfy the criteria for granting refugee status under the Act, the 1951 UN Convention relating to the Status of Refugees and the 1969 OAU Convention governing the specific aspects of Refugee Problems in Africa.

16. Person seeking refugee status to be informed of procedure for applying for refugee status.

A person seeking refugee status in Uganda shall be informed of the refugee application process by a reception officer.

17. Burden of proof.

(1) A person applying for refugee status shall furnish proof to the satisfaction of the Eligibility Committee that he or she is eligible to be granted refugee status under the Act and these Regulations.

(2) For the purposes of sub regulation (1) a person applying for refugee status shall adduce all evidence available to him or her and shall in the absence of documentary evidence give any evidence that may be considered credible by the Eligibility Committee.

(3) The burden of proof in an appeal under the Act or these Regulations shall be on the person appealing.

(4) Where the Commissioner refers a case to the Eligibility Committee for the withdrawal of the refugee status of a person under section 39 of the Act the burden of proving that the refugee status should be withdrawn from the person shall be on the

Commissioner.

18. Participation in refugee status proceedings by organizations engaged in refugee protection or assistance.

(1) A voluntary organization may participate in refugee status proceedings by presentation of oral or written submission on behalf of a person seeking asylum before the Eligibility Committee.

(2) An official representing an organization referred to in sub regulation (1) may under this regulation also make oral or written representation at a meeting of the Appeals Board.

PART III—APPLICANTS WITH FIREARMS

19. Applicants to surrender firearms.

(1) An applicant for refugee status who is in possession of a firearm shall at the time of applying for refugee status surrender the firearm to the Commissioner or a person authorised by the Commissioner.

(2) The Commissioner or an authorised officer shall hand over all the firearms collected under sub regulation (1) to the police.

20. Screening of persons seeking refugee status.

(1) Every immigration officer at the boarder entry of Uganda shall screen every person seeking refugee status for firearms before the person is granted entry.

(2) Where there is verifiable information that a person seeking refugee status has, prior to his or her entry into Uganda, whether acting alone or in concert with others, committed an act of terrorism resulting in the death or injury of another person or damage to property, whether public or private, that person shall be placed under temporary detention pending his or her repatriation to his or her country of origin or habitual residence.

21. Refusal to surrender firearm.

(1) Subject to sub regulation (2), where a person refuses to surrender a firearm as required by these Regulations, he or she shall not be allowed entry into Uganda or to apply for refugee status.

(2) Before a person is denied entry or an application for refugee status under sub regulation (1), he or she shall be informed that if he or she refuses to surrender the firearm, he or she shall be denied entry into Uganda and an application form for refugee status.

22. Separating civilians from disarmed combatants.

Where there are disarmed combatants and civilians within a group of persons seeking refugee status in Uganda, the civilians shall be separated and accommodated separately from the disarmed combatants in order to maintain the purely civilian character of refugee settlements.

23. Renunciation of military activities.

(1) A combatant or a person engaged in rebellion or other military offensive against his or her country of origin or any other country shall, before being admitted into Uganda for the purposes of seeking refugee status, renounce the rebellion or other military activity by filling Form B specified in the Third Schedule.

(2) In this regulation—

“combatant” means a member of regular armed forces or an irregular armed group or a person who has been participating actively in military activities and hostilities or a person who has undertaken activities to recruit or train military personnel or has been in command or decision making position in an armed organization, whether regular or irregular.

PART IV—ELIGIBILITY COMMITTEE

24. Notice of decision of Eligibility Committee.

(1) The Commissioner shall within fourteen days after the date of the decision of the Eligibility Committee notify the applicant in writing of the decision in Form C specified in the Third Schedule.

(2) Where an application for refugee status is rejected by the Eligibility Committee, the Eligibility Committee shall state the reasons for the rejection in writing in Form D specified in the Third Schedule.

PART V—APPEALS BOARD

25. Tenure of office of members of the Appeals Board.

A member of the Appeals Board shall hold office for three years and is eligible for re appointment for one more term.

26. Vacation of office by a member of the Appeals Board.

(1) A member of the Appeals Board may resign by tendering in a written notice of his or her resignation to the Minister.

(2) A member of the Appeals Board may be removed from office by the Minister for—

- (a) inability to perform the functions of his or her office arising from infirmity of body or mind;
- (b) misbehaviour or misconduct;
- (c) incompetence; or
- (d) failure to attend three consecutive meetings of the Board without justifiable reasons.

27. Filling of vacancies in the Appeals Board.

(1) The Minister may appoint a suitable person to fill a vacancy in the Appeals Board

arising from the death, resignation or removal from office of a member of the Appeals Board, to serve for the remainder of the term of office of the member in respect of whom the vacancy has occurred.

(2) The Secretary shall within fourteen days after the occurrence of a vacancy in the Appeals Board, notify the Minister about the vacancy.

(3) The Appeals Board may continue to act notwithstanding the occurrence of a vacancy in its membership.

28. Secretary to the Appeals Board.

The Minister shall, on appointing members of the Appeals Board under section 16 (1) of the Act, designate one member as Secretary to the Appeals Board.

29. Functions of the Secretary.

(1) The functions of the Secretary to the Appeals Board include—

- (a) receiving appeals to the Appeals Board;
- (b) communicating the decisions of the Appeals Board to the appellants;
- (c) communicating the decisions of the Appeals Board to the Eligibility Committee.

(2) The Secretary shall in the performance of his or her functions, be assisted by the persons assigned to the Board by the Minister under section 17 (7) of the Act and the Secretary shall give directions to those persons as are necessary for the performance of the functions of the Appeals Board.

PART VI—APPEALS

30. Appeals to the Appeals Board.

(1) An applicant aggrieved by a decision of the Eligibility Committee may appeal to the Appeals Board in writing within thirty days after receipt of the notice of the decision of the Eligibility Committee.

(2) An appeal to the Appeals Board arising out of a decision of the Eligibility Committee is in Form E specified in the Third Schedule.

(3) The appeal referred to in sub regulation (1) shall be submitted to the Secretary to the Appeals Board.

(4) An appeal to the Appeals Board shall be heard and determined within sixty days from the date of receipt of the appeal.

(5) The Secretary to the Appeals Board shall within fourteen days after receipt of an appeal set down the appeal for hearing and notify the person making the appeal of the date of the hearing of the appeal in Form F specified in the Third Schedule.

31. Right to representation.

A person appearing before the Appeals Board shall have a right to be represented at the hearing by an advocate or any other person appointed by him or her at his or her expense.

32. Appearance by a person appealing.

A person appealing to the Appeals Board may be required to be present in person at the hearing of the appeal.

33. Right to fair hearing.

At the hearing of the appeal, the appellant shall be given a fair hearing with regard to the rules of natural justice.

34. Meetings of the Appeals Board.

For the purposes of performing its functions under the Act and these Regulations, the Second Schedule shall apply to meetings of the Appeals Board.

35. Procedure at hearing

- (1) On the day of the hearing, the appellant or his or her representative shall be given an opportunity to present his or her case and the legal or procedural irregularities which form the basis of the appeal.
- (2) At the hearing and before reaching a decision, the Appeals Board may invite the UNHCR representative to make an oral or written representation on behalf of the person whose appeal is being heard.
- (3) The Appeals Board may after hearing the party make its own independent inquiry or investigations to establish the credibility of the appeal.
- (4) The Secretary to the Appeals Board shall within fourteen days after the Board has made its decision communicate the decision to the person who appealed and to the Eligibility Committee.

36. Power of Appeals Board to require attendance.

The Appeals Board may require any person to appear before it and to give such information as may be required for the purposes of hearing and determining an appeal before it.

37. Power of Appeals Board.

- (1) The Appeals Board shall hear and determine the appeal on questions of law and procedure.
- (2) The Appeals Board may after hearing an appeal—
 - (a) confirm the decision of the Eligibility Committee;
 - (b) set aside the decision of the Eligibility Committee and refer the matter back

to the Eligibility Committee for further consideration and decision;

(c) order the Eligibility Committee to re- hear the application; or

(d) dismiss the appeal.

38. Grounds for dismissing appeal.

For the purposes of regulation 37(2) (d), the Appeals Board shall only dismiss an appeal on the grounds that—

(a) the appeal is an abuse of process aimed at defeating the decision of the Eligibility Committee;

(b) the appeal is time barred and the appellant does not have justifiable cause for the delay; or

(c) the appeal is not based on grounds of law or procedure.

39. Appeal to court.

A person aggrieved by a decision of the Appeals Board may apply to court for judicial review.

PART VII—REGISTRATION, IDENTIFICATION AND TRAVEL DOCUMENTS FOR REFUGEES

40. Registration of refugees.

(1) Where a person is granted refugee status under the Act and these Regulations, the Commissioner shall register the name and particulars of the person in a register of refugees maintained by the Commissioner including the members of his or her family where applicable.

(2) The Commissioner shall allocate to every person registered under sub regulation (1) a refugee number which shall be maintained by the person as long as he or she remains a refugee in Uganda.

(3) The register of refugees is in Form G specified in the Third Schedule.

41. Independent registration at eighteen years.

A person who, on attaining the age of eighteen years, was registered as a child shall present himself or herself to the Commissioner for an independent registration and on registration—

(a) his or her name shall be struck off the list of children; and

(b) he or she shall be issued with a new identity card stating the fact that he or she is an adult.

42. Issuance of identification documents.

(1) The Commissioner shall issue to every person granted refugee status and every member of his or her family an identification document.

(2) The identification document for a refugee and every member of his or her family shall contain the following—

- (a) the identity number of the refugee;
- (b) the name of the refugee, gender, date of birth and the place where he or she was born;
- (c) the country where the refugee is a citizen;
- (d) a recent photograph of the refugee; and
- (e) the fingerprints of the refugee.

(3) The identification document is specified in Form H specified in the Third Schedule.

43. Identity card.

(1) A person who has applied for refugee status or a refugee shall produce his or her identity card for inspection, whenever required to do so by an immigration officer or a police officer.

(2) The identity card referred to in sub regulation (1) shall be surrendered to the nearest immigration officer or police officer—

- (a) before the holder departs from Uganda;
- (b) when the holder acquires citizenship of Uganda; or
- (c) where the holder is dead, by the person in possession of the identity card, within thirty days after the death of the holder.

44. Loss of identity card.

(1) The holder of the identity card shall, where an identity card is lost, destroyed or damaged report the loss, destruction or damage to the nearest police station or immigration office.

(2) The holder shall give the details of the identity card and a detailed account of the circumstances under which the loss, destruction or damage occurred, and the police officer in charge or immigration officer shall issue a temporary document to the holder notifying the loss, destruction or damage of the identity card.

(3) Where an identity card which is reported lost is not found within one month after its loss, and in case of destruction or damage, the Commissioner shall issue a new identity card to the person as soon as practicable.

45. Register of refugees.

(1) The Commissioner shall keep and maintain a register of all persons who have been granted refugee status and persons seeking asylum in Uganda.

(2) The Commissioner shall as soon as practicable, after the coming into force of these Regulations update the register to take into account the matters provided for by these Regulations.

46. Inspection of register.

- (1) The Commissioner shall from time to time cause the register to be inspected by the Eligibility Committee.
- (2) Any public officer may, in the exercise of his or her official duties, with the written authority of the Minister, inspect the register of refugees and make copies of extracts from it.
- (3) The register of refugees is in Form H specified in the Third Schedule.

47. Change of residence.

- (1) A person who is registered as seeking refugee status or as a refugee shall, on changing his or her place of residence within Uganda, give notice in Form I specified in the Third Schedule to the Commissioner of his or her new residence and address, within seven days after the change.
- (2) Every refugee who intends to relocate from one refugee settlement to another shall prior to the relocation, seek permission from the Commissioner.
- (3) Where a person who has applied for refugee status or a refugee is absent from his or her place of residence for a continuous period exceeding ninety days, he or she shall—
 - (a) after the expiry of the ninety days notify the Commissioner in writing of his or her address for the time being; and
 - (b) within seven days of his or her return to that place of residence, notify the Commissioner in writing, of his or her return.
- (4) The Commissioner may require a person who has applied for refugee status or is a refugee and has notified him or her of a change in his or her place of residence within Uganda to produce his or her identification and may make any change that he or she thinks necessary.

48. Travel documents for refugees.

The Commissioner shall forward the names and particulars of every refugee registered under these regulations to the Commissioner for immigration for the purposes of issuing travel documents to the refugee and every member of his or her family.

49. Limitation on travel by refugees.

A person who is granted refugee status shall notify the Commissioner or his or her representative in writing, of his or her travel plans outside Uganda.

50. Confidentiality of information relating to refugee status.

- (1) The Commissioner or a person authorised by the Commissioner to receive information relating to the refugee status of any person shall not disclose the information without the written consent of the refugee or the person applying for refugee status.
- (2) The Commissioner or authorised person shall only disclose information relating to

the refugee, of a child if it is in the best interest of that child.

PART VIII—RECEPTION FOR REFUGEES

51. Designation of refugee reception officers.

(1) The Commissioner shall by notice in the Gazette designate a refugee reception officer responsible for every gazetted and authorised entry point into Uganda.

(2) The designated reception officer shall liaise with the Refugee Eligibility Committee and the office responsible for refugees.

52. Duties of refugee reception officers.

The duties of a refugee reception officer include the following—

(a) to give applications and guidelines for refugee status to every person who wishes to apply for refugee status at the point of entry;

(b) to receive all persons who have applied for refugee status or wish to apply for refugee status;

(c) to take photographs of asylum seekers or recognised refugees and members of their families;

(d) to question and search any person or property as he or she may deem necessary and appropriate, and within the law and with strict regard to the dignity and decency of the person in question;

(e) to screen asylum seekers so as to ensure that they pose no public health hazard to the local population and to ensure those who may pose such risk are isolated and urgently provided with the necessary medical attention; and

(f) to ensure early and smooth separation of civilian asylum seekers from any armed combatants and that the civilian asylum seekers and armed combatants are located in separate locations.

53. Refugee reception officers to receive applicants without proper documentation.

A refugee reception officer may receive a person seeking refugee status who does not have proper documentation

54. Welfare or probation officer to have access to a child in foster care.

(1) Where a child is placed under foster care, a special reception centre or other care giving relationship, the welfare or probation officer shall be given access to the child regularly to assess the welfare and integration of the child.

(2) Where a child is granted refugee status, the child shall be placed in a permanent care giving relationship until he or she attains the age of eighteen years.

55. Family reunion.

(1) Where a person is granted refugee status in Uganda, he or she may apply to the

Eligibility Committee to be joined in Uganda by his or her immediate family or dependants.

(2) A person who enters Uganda for the purposes of joining a person who has been granted refugee status shall enjoy the rights enjoyed by the refugee generally.

(3) In this regulation—

“dependant” means the spouse of a refugee, any unmarried dependent children under the age of eighteen years or an elderly or infirm member of the family of the refugee;

“family” means the father, mother and any children who by reason of age or disability are dependent on the refugee for support.

PART IX—HOLDING CENTRES

56. Establishment of holding centers.

(1) The Minister may by statutory instrument establish holding centers.

(2) The holding centers shall be used for the detention of persons who—

(a) have been denied refugee status and have exhausted their rights of appeal;

(b) have been stripped of their refugee status in accordance with the Act or these Regulations;

(c) have been found in Uganda but have not applied for refugee status; and

(d) are awaiting deportation to their country of origin.

57. Commissioner to designate officers in charge of holding centers.

(1) The Commissioner shall designate officers to be in charge of holding centers.

(2) The Commissioner shall specify the terms and conditions of service of the designated officers in their letter or instrument of appointment.

(3) An officer in charge of a holding centre shall maintain a register of all the persons brought to the holding centre and shall record the name, date and country of origin of every person who is deported from the detention centre.

PART X—DEPORTATION

58. Period of grace for staying in Uganda after rejection of application.

Where an application has been rejected and the applicant has exhausted his or her right of appeal in relation to the application and refugee status has not been granted, the person shall be dealt with under the Uganda Citizenship and Immigration Control Act.

59. Deportation or expulsion after expiry of grace period.

(1) Subject to section 42 of the Act, where—

- (a) a person has been denied refugee status and he or she has exhausted the appeal process; or
- (b) a person has ceased to be a refugee under section 6 of the Act, the Commissioner shall inform the Minister responsible for Internal Affairs in Form J 1 specified in the Third Schedule to issue an order for the deportation of that person in accordance with applicable immigration rules and procedures.

(2) The deportation order is prescribed in Form J 2 in the Third Schedule.

PART XI—INTEGRATION OF REFUGEES

60. Integration of refugees in host communities.

(1) The Commissioner shall ensure that refugees are integrated into the communities where the refugee camps or the refugees are settled.

(2) For the purposes of sub regulation (1), the Commissioner shall sensitise the host communities about the presence of refugees and any other matters relating to their co-existence with each other.

61. Integration of refugee matters in development plans.

The Commissioner shall liaise with the national, local and regional planning authorities for the purposes of ensuring that refugee concerns and related matters are taken into consideration in the initiation and formulation of sustainable development and environmental plans.

62. Affirmative action in favour of women, children and persons with disabilities.

In the integration of refugees in the host communities, the Commissioner shall, in cooperation with the UNHCR and the other organizations involved in the assistance of refugees, ensure that special attention is given to women, children and persons with disabilities.

63. Involvement of voluntary organizations in the assistance of refugees.

(1) A voluntary organization which wishes to be involved in the assistance of refugees in Uganda shall register with the Minister before dealing with any matters concerning refugees.

(2) The Minister shall, by notice in the Gazette and in a newspaper of wide circulation publish annually, the list of Non Governmental Organisations which are registered under these Regulations.

(3) The Commissioner shall in consultation with the UNHCR representative issue guidelines on the involvement of registered voluntary organizations in the assistance of refugees.

(4) For the purposes of sub regulation (1), voluntary organizations which at the coming into force of these Regulations are involved in the assistance of refugees shall register

with the Minister within six months after the coming into force of these Regulations.

(5) Notwithstanding sub regulation (3) a voluntary organization which is not registered in accordance with these Regulations shall not be involved in the assistance of refugees in Uganda.

64. Access to employment

A person who has been granted refugee status and is in possession of a valid identity card issued by the Commissioner for Refugees, shall, in order to facilitate his or her local integration, be allowed to engage in gainful or wage earning employment on the most favourable treatment accorded to foreign residents in similar circumstances; except that recognised refugees shall exceptionally be exempt from any requirement to pay any charges or fees prior to the taking up of any offer of or to continue in his or her employment.

65. Access to land use

(1) A refugee who is residing in a designated refugee settlement or a refugee area shall have free access to use land for the purposes of cultivation or pasturing, except that they shall have no right to sell, lease or otherwise alienate the land that has been allocated to them strictly for their individual or family utilization.

(2) A refugee shall not acquire or hold freehold interest in land in Uganda.

(3) A refugee who resides outside a designated refugee camp as a tenant may legally acquire or dispose of his or her occupancy or leasehold interests in land, as the law permits resident aliens generally to do.

66. Adoption of refugee children

(1) An application for adoption of a refugee child, whether by a citizen or a non citizen shall be considered by the High Court and shall only be granted where the court is satisfied that there are special circumstances that justify the making of an adoption order.

(2) The court shall before making an adoption order, satisfy itself that in addition to the consent of the parents or guardian, the Commissioner has endorsed the application in writing.

67. Refugees attaining citizenship

(1) A person holding refugee status in Uganda, who becomes eligible to apply for citizenship in Uganda may do so on his or her own behalf and that of his or her spouse and any dependant minor children.

(2) A person with refugee status who acquires Ugandan citizenship shall cease to be a refugee.

PART XII—EXTRADITION

68. Extradition of refugees

(1) A refugee shall be extradited in the same manner and for the same offences as a citizen of Uganda may be extradited.

(2) Without prejudice to subsection (1), a refugee shall not be extradited to a country where he or she is likely to suffer persecution on the grounds of religion, ethnicity or gender.

PART XIII—OFFENCES AND PENALTIES

69. Offences and penalties.

(1) A person who gives false or misleading information—

(a) on an application for refugee status;

(b) during or on appeal;

(c) to a refugee reception officer, the Eligibility Committee or the Appeals Board;
or

(d) on any document for the purposes of attaining refugee status, commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

(2) A person who impersonates—

(a) another person for the purposes of attaining refugee status; or

(b) a person who has been granted refugee status, commits an offence and is liable on conviction to a fine not exceeding two currency points or imprisonment not exceeding six months or both.

(3) A person who offers or sells his or her refugee status documents to another person commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

(4) A person who discloses information relating to the refugee status of another person without the consent of the person concerned commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

(5) A person who has information that a person who has applied for refugee status has provided false information and fails to disclose this information to the Eligibility Committee commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both the fine and imprisonment.

(6) A person who forges any document provided for under these Regulations commits an offence and is liable on conviction to a fine not exceeding twelve currency points or imprisonment not exceeding six months or both.

PART XIV—TRANSITIONAL PROVISIONS

70. Transitional provisions.

(1) Any person who was in the process of applying for refugee status or who became a refugee immediately before the coming into force of these Regulations shall be taken as

having applied for refugee status or having become a refugee under these Regulations.

(2) These Regulations shall apply to any person under sub regulation (1) as they apply to a person applying for or who has been granted refugee status under the Act and these Regulations.

Uganda online Law Library

FIRST SCHEDULE

Regulation 2 and 69

CURRENCY POINT

A currency point is equivalent to twenty thousand Uganda shillings.

Uganda online Law Library

MEETINGS OF THE APPEALS BOARD

1. Meetings of the Appeals Board.

- (1) The Chairperson shall convene every meeting of the Appeals Board at a time and place as the Appeals Board may determine.
- (2) The Chairperson may, at any time, convene a special meeting of the Appeals Board and shall also call a meeting within fourteen days, if requested to do so in writing by one third of the members of the Appeals Board.
- (3) Notice of Appeals Board meeting shall be given in writing to each member at least seven working days before the day of the meeting.
- (4) The Chairperson shall preside at every meeting of the Appeals Board.
- (5) In the absence of the Chairperson, the members of the Appeals Board present at a meeting shall choose one person among them to preside over the meeting.

2. Quorum.

- (1) The quorum for a meeting of the Appeals Board is three members.
- (2) Decisions at a meeting of the Appeals Board shall be by a majority of the members present.

3. Minutes of meetings.

The Secretary shall cause to be recorded and kept, minutes of all meetings of the Board in a form approved by the Appeals Board.

4. Common seal of the Appeals Board.

The common seal of the Board shall be in a form determined by the Appeals Board.

5. Power to co-opt.

(1) The Appeals Board may invite any person who, in the opinion of the Appeals Board, has expert knowledge of or experience in refugee law or matters relating to immigration, foreign Affairs or national security, local administration human rights and refugees generally to attend and take part in the proceedings of the Appeals Board.

(2) A person attending a meeting of the Appeals Board under this regulation may take part in any discussion at the meeting on which his or her advice is required but shall not take part in the making of decisions by the Appeals Board.

6. Validity of proceedings not affected by vacancy.

The validity of any proceedings of the Appeals Board or a committee of the Appeals Board shall not be affected by a vacancy in its membership or by any defect in the appointment or qualification of a member or by reason that a person not entitled, took

part in its proceedings.

7. Disclosure of interest of members.

(1) A member of the Appeals Board who is in any way directly or indirectly interested in an appeal being heard or determined by the Appeals Board, or in any other matter which is to be considered by the Appeals Board, shall disclose the nature of his or her interest at a meeting of the Appeals Board.

(2) A disclosure made under subparagraph (1) shall be recorded in the minutes of that meeting.

(3) A member who makes a disclosure under subparagraph (1) shall not—

(a) be present during any deliberation of the Appeals Board with respect to that matter; or

(b) take part in any decision of the Appeals Board with respect to that matter.

(4) For the purposes of determining whether there is a quorum, a member withdrawing from a meeting or who is not taking part in a meeting under subparagraph (3) shall be treated as being present.

8. Service of documents.

A notice or other document may be served on the Appeals Board by delivering it to the office of the executive director or by sending it by prepaid registered post addressed to the executive director.

9. Board may regulate its procedure.

Subject to this Act, the Appeals Board may regulate its own procedure or any other matter relating to its meetings.

10. Duties of a member of the Appeals Board.

(1) A member of the Appeals Board shall—

(a) attend all meetings of the Appeals Board; and

(b) bring to bear on any discussion in the Appeals Board the benefit of his or her skill, profession, experience or specialised knowledge.

11. Proceedings of Appeals Board meetings.

The records of every meeting or proceedings of the Appeals Board shall be kept in English.

THIRD SCHEDULE

THE REFUGEES REGULATIONS, 2010

FORM

Regulation 3

A: APPLICATION FOR REFUGEE STATUS

Application for Refugee Status No.of 20....

To the Refugee Eligibility Committee

I (insert full name of applicant) do HEREBY APPLY FOR REFUGEE STATUS IN UGANDA

A. Particulars of applicant

- (a) Date of birth.....
- (b) Country of birth.....
- (c) Country of origin.....
- (d) Sex.....
- (e) Profession / Occupation
- (f) Married / Single
- (g) Place of birth.....
- (h) Height
- (i) Colour of hair
- (j) Colour of eyes
- (k) Present nationality or nationality Status
- (l) Names of spouse(s) and every dependant child (with copies thereof if available, of marriage and birth certificates).

B: ENTRY INTO UGANDA

- (a) Point of entry into Uganda.....
- (b) Passport No. \ No. of travel document.....
- (c) Date of entry into Uganda.....

C. Reason for applying for refugee status

I am applying for refugee status in Uganda because of the following reasons

- (a)
- (b)
- (c)
- (d)
- (e)

Dated this day of.....20.....

.....
Signature of applicant

Note: The application must be accompanied by a copy of the passport or travel document and all the other documents in support of the application.

FORM B: RENUNCIATION OF MILITARY ACTIVITIES

1. (Full names) of (list the relevant particulars such as physical address etc)
2. Sex
3. Profession / Occupation
4. Married / Single/ Divorced/
5. Place of birth
6. Date of birth
7. Height
8. Colour of hair
9. Colour of eyes
10. Nationality of origin
11. Present nationality or nationality status

Do hereby renounce any military activity that I have been engaged in against the Government of

Dated thisday of20...

Signed thisday of, 20.....

FORM C: NOTICE OF DECISION OF ELIGIBILITY COMMITTEE

Refugee Status Application No.

To

(Insert name of applicant for refugee status)

This is to inform you that onday of, 20... the Refugee Eligibility Committee considered your application for refugee status and decided—

- (a) to grant you refugee status,
- (b) to reject your application; or
- (c) to dismiss your application.

Please note that if you are not satisfied by the decision of the Eligibility Committee, you may appeal to the Appeals Board within thirty days after receipt of this notice.

Dated day of....., 20.....

.....

Commissioner

FORM D

STATEMENT OF REASONS FOR REJECTION OF APPLICATION FOR REFUGEE STATUS

Refugee Status Application No.

To

(insert name of applicant for refugee status)

The application for refugee status is rejected by the Refugee Eligibility Committee for the following reasons—

- 1.
- 2.
- 3.
- 4.

Datedday of, 20...

.....
Commissioner

Uganda Online Law Library

THE REFUGEES REGULATIONS, 2010

FORM E

Regulation 30(2)

APPEAL AGAINST DECISION OF ELIGIBILITY COMMITTEE

Appeal No.of 20...

To the Appeals Board

I (insert name of person appealing)

HEREBY appeal against the decision of the Refugee Eligibility Committee in respect of my application for refugee status No20...

This appeal is based on the following grounds—

1.
2.
3.

I pray that—

- (a) the decision of the Eligibility Committee is set aside and my application is referred back to the Eligibility Committee for further consideration and decision; or
- (b) the Eligibility Committee is ordered to re- hear my application for refugee status.

.....
(Signature of person appealing)

THE REFUGEES REGULATIONS, 2010

FORM F

Regulation 30(5)

NOTICE OF HEARING DATE

Appeal No.of 20...

To
(Insert name of person appealing)

TAKE NOTICE that the Appeals Board will hear your appeal against the decision of the Refugee Eligibility Committee in respect of your application for refugee status on the day of 20.....

TAKE FURTHER NOTICE that whereas you may be represented at the hearing by an advocate or by a person appointed by you, you are required to attend the hearing in person.

.....
Secretary, Appeals Board

THE REFUGEES REGULATIONS, 2010
FORM G

Regulation 40(3)

REGISTER OF REFUGEES.

1. Full names.....
2. Address.....
3. Date of birth.....
4. Nationality.....
5. Passport No.
6. Date of entry into Uganda
7. Place of entry into Uganda.....
8. Occupation.....
9. Employer.....
10. Expected duration of stay.....
11. Marital status.....
12. Number and names of children
13. Names of children under 18 years.....
14. Identification No.
15. Date of issue.....
16. Date of expiry.....

I certify that the above entries have been made without erasure and are, to the best of my knowledge, correct.

Names Date

Signature

FORM H

Regulation 42(3)

FORM OF IDENTIFICATION CARD IDENTITY CARD

Full name
Sex
Nationality

Passport No.
Registration No.
Place of residence

Signature of Issuing Officer Date of issue _____

PHOTOGRAPH Valid for five years from date of issue

Signature of Holder

.....

NOTICE OF CHANGE OF RESIDENCE IN UGANDA

To: The Commissioner Registration Number

Temporary Pass Number

I hereby notify you that with effect from the day of 20... I moved from (insert old address) to..... (insert new address)

Dated thisday of.....20...

.....
(Signature of person changing address)

REQUEST FOR DEPORTATION ORDER

To the Minister of Internal Affairs

I hereby request for a deportation order in respect of (*insert name of person in respect of whom the order is sought*) who has been denied refugee status by the Refugee Eligibility Committee and he or she has exhausted the appeal process provided for by the Refugees Act, 2006 and the Refugees Regulations, 2010.

The sixty days grace period provided by the Act and the Regulations for him or her to depart Uganda has expired and he or she has not departed*.

Dated thisday of.....20...

.....

Commissioner

*Delete whichever is not applicable

Uganda Online Law Library

FORM J 2 DEPORTATION ORDER

To

(insert name of police officer or immigration officer)

I hereby order you to immediately arrest (insert name of person to be deported) a person who has been denied refugee status by the Refugee Eligibility Committee and he or she has exhausted the appeal process provided for by the Refugees Act, 2006 and the Refugees Regulations, 2010 who has ceased to be a refugee under section 6 of the Act.

The sixty days grace period provided by the Act and the Regulations for him or her to depart Uganda has expired and he or she has not departed.

He or she should be taken to the nearest detention center for purposes of deportation from Uganda as provided by the Refugees Act, 2006.

Dated thisday of20...

.....

Minister of Internal Affairs

CROSS REFERENCES

1. The Uganda Citizenship and Immigration Control Act, 2006 (Act No. 24 of 2006)
2. The Refugees Act, 2006 (Act No. 21 of 2006)

HON. (PROF.) TARSIS KABWEGYERE (MP),
Minister for Relief, Disaster Preparedness and Refugees.