

## **THE REFUGEES BILL 2003**

### **ARRANGEMENT OF CLAUSES**

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#### **PART I - PRELIMINARY**

1. Short title and commencement.
2. Interpretation.
3. Granting of refugee status a humanitarian act.

#### **PART II - DETERMINATION OF REFUGEE STATUS**

4. Qualifications for refugee status.
5. Disqualification for refugee status.
6. Cessation of refugee status.

#### **PART III - ADMINISTRATIVE MATTERS RELATING TO REFUGEES**

7. Establishment of Office.
8. Functions of Office.
9. Commissioner for Refugees.
10. Other officers and employees.
11. Refugee Eligibility Committee.
12. Functions of Eligibility Committee.
13. Meetings of Eligibility Committee.
14. Power to co-opt.
15. Subcommittees of Eligibility Committee
16. Refugee Appeals Board.
17. Functions and powers of Appeals Board.
18. UNHCR may attend proceedings.

**PART IV – APPLICATION FOR REFUGEE STATUS AND RELATED MATTERS**

19. Application for refugee status.
20. Grant of refugee status.
21. Appeal by aggrieved party.
22. Applications requiring urgent and special attention.
23. Residence pending decision of Eligibility Committee.
24. Entitlement of refugee after submission of application.
25. Group recognition, mass influx and temporary protection.
26. Family of recognised refugee.
27. Reunion of family of recognised refugee.

**PART V - RIGHTS AND OBLIGATIONS OF REFUGEES**

28. Refugee entitlements under international conventions.
29. Rights of refugees while in Uganda.
30. Freedom of movement.
31. Right to travel document.
32. Rights of refugee children.
33. Rights of women refugees.
34. Personal status.
35. Duties and obligations of refugee.
36. Rights of family member of refugee.

## **PART VI - MISCELLANEOUS**

37. Principles of international instruments to be followed.
38. Prosecution for unlawful entry or presence in Uganda.
39. Procedure for withdrawal of recognition of refugee status.
40. Expulsion of refugees.
41. Extradition of refugees.
42. Extradition, return of refugee, etc.
43. Authorised officers.
44. Settlements and transit centres.
45. Naturalisation of recognised refugee.
46. Voluntary repatriation of refugee.
47. Penalty against certain carriers.
48. Regulations.
49. Repeal of Cap. 62 and transitional provisions.

The Refugees Bill 2003

A Bill for an Act

ENTITLED

**THE REFUGEES ACT, 2003.**

**An Act to make new provision for matters relating to refugees, in line with the 1951 Convention relating to the status of refugees and other international obligations of Uganda relating to the status of refugees; to establish an Office of Refugees; to repeal the Control of Alien Refugees Act, Cap. 62; and to provide for other related matters.**

BE IT ENACTED by Parliament as follows:

**PART I - PRELIMINARY**

**Short title and commencement.**

1. (1) This Act may be cited as the Refugees Act, 2003.

(2) This Act shall come into force on a day to be appointed by the Minister by statutory instrument, and different days may be appointed for the commencement of different provisions.

**Interpretation.**

2. In this Act, unless the context otherwise requires-

“African Charter on Human and People’s Rights” means the charter adopted by the OAU at the Assembly of the heads of state and government held in Nairobi, Kenya, on 26<sup>th</sup> June, 1981;

“African Charter on the Rights and Welfare of the Child” means the charter adopted by the OAU at the 26<sup>th</sup> session of the Assembly of heads of state and government held in Addis Ababa on 11<sup>th</sup> July, 1990;

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

“alien” means a person who is not a citizen of Uganda;

“authorised officer” means a person referred to or designated as such under section 43 of this Act;

“asylum seeker” means a person who has made an application for the

grant of refugee status under section 19 of this Act;

“clearly abusive applications” or “manifestly unfounded applications” means those applications which are clearly fraudulent or do not satisfy the criteria for the granting of refugee status under the Geneva Convention, the OAU Convention and this Act;

“Commissioner” means the Commissioner for Refugees appointed under section 9 of this Act;

“Convention on the Elimination of All Forms of Discrimination against Women” means the Convention adopted and opened for signature, ratification and accession by the United Nations Resolution 34/180 of 18<sup>th</sup> December, 1979;

“Convention on the Rights of the Child” means the United Nations Convention on the Rights of the Child adopted on 20<sup>th</sup> November, 1989 by the United Nations Conference on the Rights of the Child;

“country of nationality” in relation to a person with more than one nationality, means each of the countries of which that person is a national;

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

“elementary education” means basic primary education;

“firearm” means a lethal barrelled 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;

“fraudulent”, with its grammatical variations and cognate expressions, means deceitful and dishonest;

“frontier” means the land frontier, port of entry or any other point of entry into Uganda;

“gender discriminating practices” includes strict and forced adherence to a dress code, obligatory pre-arranged marriages, physically harmful facial or genital mutilation, rape, domestic violence and other gender related negative activities;

“Geneva Convention” means the Convention relating to the Status of

Refugees done at Geneva on 28th July 1951 and includes the Protocol relating to the Status of Refugees done at New York on 31st January 1967;

“integration” means a process of interaction and peaceful co-existence and the sharing of available services between refugees and nationals;

“member of family of a 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;

“Ministry” means the Ministry responsible 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, or forming part of, a political upheaval, committed as part of an organised political party or body contending for power or political control of a country;

“OAU” means the Organisation of African Unity established by the Heads of State and Government of Africa in Addis Ababa, Ethiopia on 25<sup>th</sup> May, 1963, and renamed as “Africa Union” on 9<sup>th</sup> July, 2001;

“OAU Convention” means the Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted by the Assembly of Heads of State and Government of the OAU at its Sixth Ordinary Session at Addis Ababa on 10th September 1969;

“Office” means the Office of Refugees established under section 7 of this Act;

“persecution” includes any threat to the life or freedom, or serious violation of the human rights of a person on account of that person’s race, religion, nationality, sex, political opinion or membership of a particular social group; and as long as a person is threatened with any harm which can reasonably be seen as part of a course of systematic conduct directed against that person as an individual or as a member of a class of persons, on account of race, religion, nationality, sex,

political opinion or membership of a particular social group, that person is being persecuted for the purposes of this Act;

“person” includes any individual, firm, company, association, partnership or body of persons, whether incorporated or not;

“refugee” or “recognised refugee” means a person who, having qualified to be granted refugee status under section 4 of this Act, has been granted refugee status by the Eligibility Committee under section 20 (2) of this Act, or is a member of class of persons declared to be refugees under section 25 of this Act”;

“travel document” means a travel document issued under or in accordance with the provisions of the Geneva Convention to a refugee lawfully staying in Uganda, for the purpose of travel outside Uganda;

“UNHCR” means the United Nations High Commissioner for Refugees referred to in the Geneva Convention, and includes his or her representative in Uganda;

#### **Granting of refugee status a humanitarian act.**

**3.** (1) Subject to subsection 2 of this section, and for the avoidance doubt, the granting of refugee status to any person under this Act does not imply any judgment of, or may not be construed as an unfriendly act towards, the country of origin of the person granted refugee status, but must be regarded as a peaceful and humanitarian act extended to that person as part of his or her human rights.

(2) The Government of Uganda has the sovereign right to grant or deny asylum or refugee status to any person.

## **PART II - DETERMINATION OF REFUGEE STATUS.**

#### **Qualifications for refugee status.**

**4.** A person qualifies to be granted refugee status under this Act if-

- (a) owing to a well-founded fear of being persecuted for reasons of race, sex, religion, nationality, membership of a particular social group or political opinion, that person is outside the country of his or her nationality and is unable, or owing to that fear, is unwilling to return to or avail himself or herself of the protection of that country;
- (b) not having a nationality and being outside the country of his or her former habitual residence owing to a well-founded fear of being persecuted for reasons of race, sex, religion, membership of a particular social group or political opinion, that person is unwilling or unable to return to the country of his or her former habitual residence;

- (c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality;
- (d) owing to a well-founded fear of persecution for failing to conform to gender discriminating practices, that person is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside the country of origin or nationality;
- (e) that person is considered a refugee under any treaty obligation to which Uganda is a party, or any law in force at the commencement of this Act; or
- (f) that person is a member of a class of persons declared to be refugees under section 25 of this Act.

**Disqualification for refugee status.**

5. A person does not qualify to be granted refugee status if-

- (a) that person has committed a crime against peace, a war crime or a crime against humanity as defined in any international instrument to which Uganda is a party;
- (b) that person has committed a serious non-political crime outside Uganda prior to his or her admission to Uganda as a refugee;
- (c) that person has been guilty of acts contrary to the purpose or principles of the United Nations Organisation or the OAU; or
- (d) having more than one nationality, that person has not availed himself or herself of the protection of the second country of which he or she is a national and has no valid reason, based on a well founded fear of persecution or on a reason referred to in section 4(c) of this Act, for not having availed himself or herself of that second country's protection.

**Cessation of refugee status.**

6. (1) A person shall cease to be a refugee if-

- (a) that person voluntarily re-avails himself or herself of the protection of the country of his or her nationality, or voluntarily re-establishes himself or herself in the country of origin;
- (b) that person surrenders his or her refugee status;



- (c) having lost his or her nationality, he or she acquires it again;
- (d) that person becomes a citizen of Uganda or acquires the nationality of some other country and enjoys the protection of the country of his or her new nationality; or
- (e) the circumstances in connection with which that person was recognised as a refugee have ceased to exist, but he or she without compelling reasons arising out of previous persecution-
  - (i) continues to refuse to avail himself or herself of the protection of the country of origin or nationality; or
  - (ii) continues to refuse to return to the country of former habitual residence or to take on another available nationality;
- (f) being of a class of persons declared to be refugees in accordance with section 25 of this Act -
  - (i) that person has committed a serious non-political crime outside Uganda after admission into Uganda as a refugee; or
  - (ii) that person has seriously infringed the purposes and objectives of the Geneva Convention or the OAU Convention.

(2) The procedure laid down in section 39 of this Act shall apply in relation to a person who ceases to be a refugee in terms of this section.

### **PART III - ADMINISTRATIVE MATTERS RELATING TO REFUGEES.**

#### **Establishment of Office.**

7. There is established an Office of Refugees, which shall be a public office.

#### **Functions of Office.**

8. (1) The Office shall be responsible for all administrative matters concerning refugees in Uganda and shall, in that capacity, co-ordinate inter-ministerial and non-Governmental activities and programmes relating to refugees.

(2) Without prejudice to the generality of subsection (1), the Office shall-

- (a) be the Secretariat of the Eligibility Committee;
- (b) advise the Government and the Eligibility Committee on policy and other matters relating to refugees;

- (c) advise the Government on international and regional conventions and Government's obligations relating to refugees;
- (d) protect refugees and coordinate the provision of services for their welfare;
- (e) identify and initiate projects for refugees and refugee-affected areas;
- (f) advise and work in liaison with the UNHCR and other organisations on refugee programmes and their implementation;
- (g) implement national and regional development plans relating to refugees, in line with current international refugee practices;
- (h) promote and participate in inter-state and regional initiatives for voluntary repatriation of refugees;
- (i) promote Uganda's regional and international cooperation on refugee matters with other countries and international organisations;
- (j) obtain country of origin information about applications of asylum seekers;
- (k) be the custodian of government properties in refugee settlements;
- (l) issue identity cards and recommendations for travel documents to refugees; and
- (m) ensure the maintenance of law and order in refugee settlements.

**Commissioner for Refugees.**

9. (1) There shall be a Commissioner for Refugees whose office shall be a public office and shall be appointed by the President, acting in accordance with the advice of the Public Service Commission.

(2) The Commissioner shall be the head of the Office and shall be responsible for the day-to-day operations of the Office and for the administration, organisation and control of the staff of the Office.

(3) Without prejudice to the generality of subsection (2) of this section, the Commissioner shall-

- (a) advise the accounting officer on the soliciting of funds for the care and welfare of refugees and the rehabilitation of refugee affected
- (b) liaise with the UNHCR and other agencies for the protection of

refugees and the formulation of programmes for ensuring that adequate facilities and services for reception of refugees, settlement and integration are available;

- (c) inform and advise the Eligibility Committee on matters relating to refugees and refugee status;
- (d) receive and process applications for refugee status or other related applications for submission to the Eligibility Committee for consideration and decision;
- (e) report to and advise the Minister and the Permanent Secretary of the Ministry responsible for refugees on matters relating to refugees;
- (f) advise the Minister and the Permanent Secretary of the Ministry on technical matters relating to refugees; and
- (g) perform any other duties that may be assigned to him or her under this Act.

(4) The Commissioner shall, in the performance of his or her functions under this Act, be responsible to the Permanent Secretary of the Ministry.

(5) The Commissioner shall make half-yearly reports on matters and activities relating to refugees to the Minister,

(6) The Minister may give directions of a specific or general nature to the Commissioner and the Commissioner shall comply with those directions.

**Other officers and employees.**

**10.** (1) There shall be such other officers and employees of the Office as may be necessary for carrying this Act into effect, who shall be appointed by the Public Service Commission.

**Refugee Eligibility Committee.**

**11.** (1) There is established a Committee to be known as the Refugee Eligibility Committee consisting of-

- (a) the Permanent Secretary of the Ministry responsible for refugees, who shall be the Chairperson of the Committee, or his or her representative;
- (b) the Permanent Secretary of the Ministry responsible for Internal Affairs or his or her representative;
- (c) the Solicitor General or his or her representative;

- (d) the Permanent Secretary of the Ministry responsible for Foreign Affairs or his or her representative;
  - (e) the Permanent Secretary of the Ministry responsible for Local Governments or his or her representative;
  - (f) the Director General of the Internal Security Organisation or his or her representative;
  - (g) the Director General of the External Security Organisation or his or her representative.
  - (e) the Director, Special Branch, Uganda Police Force, or his or her representative;
  - (i) the Commissioner for Immigration, or his or her representative; and
- (2) The Commissioner for Refugees, or his or her representative, shall be-
- (a) an ex officio member of the Eligibility Committee without power to vote on any matter before the Committee, and
  - (b) Secretary to the Committee.
- (3) The UNHCR may attend meetings of the Eligibility Committee in an advisory capacity.

### **Functions of Eligibility Committee**

**12.** The functions of the Eligibility Committee are-

- (a) to consider and deal with applications for refugee status in accordance with section 20 (2) of this Act;
- (b) where necessary, to review or revise cases previously dealt with by it;
- (c) to advise the Minister on matters relating to refugee status;
- (d) to recommend to the Minister for his or her action-
  - (i) cases of expulsion or extradition;
  - (ii) cases of cessation of refugee status; and
  - (iii) cases where a person requires assistance to find an alternative country of asylum.

**Meetings of Eligibility Committee.**

**13.** (1) The Eligibility Committee shall meet as often as is necessary to discharge its functions but shall in any case meet at least once in every month;

(2) The Chairperson of the Committee shall preside at all meetings of the Committee and in his or her absence, the members present shall select one of their number to preside.

(3) The quorum at a meeting of the Committee shall be five members, including the presiding member.

(4) The Secretary shall keep minutes of the meetings of the Eligibility Committee.

(5) The Secretary shall forward copies of the minutes of the meetings of the Eligibility Committee to the Minister.

**Power to co-opt.**

**14.** (1) The Eligibility Committee may co-opt any person to assist it in dealing with any matter if the Committee is satisfied that the person's experience or qualifications are likely to help it deal with any such matter.

(2) A person co-opted under subsection (1) is entitled to take part in the proceedings of the Eligibility Committee concerning that matter, but is not entitled to vote on any matter coming for decision before the Eligibility Committee.

**Subcommittees of Eligibility Committee.**

**15.** (1) The Eligibility Committee may appoint one or more subcommittees to-

- (a) inquire into and advise the Eligibility Committee on any matters within the scope of its functions as the Committee may refer to the subcommittee;
- (b) to exercise such powers and perform such duties of the Eligibility Committee as the Committee may delegate or refer to the subcommittee.

(2) A subcommittee shall consist of a chairperson who shall be a member of the Eligibility Committee and such other persons, whether members of the Eligibility Committee or not, as the Eligibility Committee shall determine.

(3) A subcommittee is subject to the control of the Eligibility Committee and may be discharged or reconstituted by the Eligibility Committee at any time.

(4) Subject to any directions that may be given to it by the Eligibility Committee, a subcommittee may regulate its own procedure.

### **Refugees Appeals Board.**

**16.** (1) There is established a Refugee Appeals Board consisting of a Chairperson and four other members appointed by the Minister on such terms and conditions as the Minister may determine.

(2) The members of the Appeals Board shall be appointed from among persons having knowledge of or experience in refugee law or matters relating to immigration, foreign affairs, national security, local administration and refugees generally.

(3) A member of the Eligibility Committee shall not be a member of the Appeals Board.

### **Functions and powers of Appeals Board.**

**17.** (1) The Appeals Board may receive and hear appeals from the decisions of the Eligibility Committee on questions of law and procedure.

(2) In any appeal before it, the Appeals Board may-

- (a) confirm the decision of the Eligibility Committee;
- (b) set aside the decision of the Eligibility Committee and refer the matter back to the Committee for further consideration and decision;
- (c) order a rehearing of the application; or
- (d) dismiss the appeal.

(3) The Appeals Board shall expeditiously hear and determine any appeal referred to it and, in any case, shall make a decision within sixty days after the date of receipt of the appeal.

(4) For the avoidance of doubt, the Appeals Board shall not make a decision granting the status of refugee to an applicant.

(5) An applicant shall be notified of the decision of the Appeals Board in writing within fourteen days after the date of the decision.

(6) Subject to this Act, the Appeals Board may decide its own procedure except so far as its procedures are prescribed by regulations made under this Act.

(7) The Minister shall assign specific persons employed in the Ministry to carry out the administrative functions of the Appeals Board as may be necessary for the functioning of the Board.

### **UNHCR may attend proceedings.**

**18.** (1) The UNHCR may attend proceedings of the Appeals Board.

(2) A representative of the UNHCR may, while attending any proceedings under subsection (1), make oral or written representation on behalf of the person whose appeal is being heard.

#### **PART IV – APPLICATION FOR REFUGEE STATUS AND RELATED MATTERS**

##### **Application for refugee status.**

**19.** (1) Any person who enters Uganda and wishes to remain in Uganda as a refugee shall make a written application to the Eligibility Committee for the grant of refugee status within thirty days after the date of his or her entry into Uganda.

(2) An application made under subsection (1) of this section may be submitted to the Commissioner through an authorised officer or to the UNHCR representative.

(3) An authorised officer or UNHCR representative to whom an application is submitted under subsection (2) of this section shall, as soon as is practicable, forward the application to the Commissioner.

##### **Grant of refugee status.**

**20.** (1) The Commissioner shall, as soon as is practicable, process the application for presentation before the Eligibility Committee and may-

- (a) require such further information from the applicant as may be necessary to support the application; and
- (b) carry out any inquiry or investigations as he or she may think fit.

(2) The Eligibility Committee shall, within ninety days after the date of receipt of the application by the Commissioner, consider and determine the refugee status of the applicant and may, after making any inquiry or investigations as the Committee may consider necessary –

- (a) reject the application; or
- (b) grant refugee status to the applicant.

(3) The Commissioner shall, within fourteen days after the date of the decision of the Eligibility Committee, inform the applicant in writing of the decision of the Committee.

(4) Where an application is rejected under subsection (2) of this section, the Eligibility Committee shall state the reasons for its decision in writing and the applicant shall be provided with a copy of the statement.

(5) For the avoidance of doubt, the period of ninety days referred to in subsection (2) of this section shall commence on the day following the date on which the applicant submitted the application to-

- (a) the Commissioner;
- (b) the authorised officer; or
- (c) the UNHCR representative.

(6) Where the Eligibility Committee finds that an application before it is a clearly abusive or manifestly unfounded application, the Committee shall take appropriate measures for deportation of the applicant in accordance with the applicable law.

**Appeal by aggrieved party.**

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

(2) Notwithstanding subsection (1) of this section, the Appeals Board may hear an appeal filed after the expiry of thirty days if the appellant has justifiable cause for having filed a late appeal.

(3) At the hearing of an appeal under this section, the appellant may appear before the Appeals Board in person or may be represented by an advocate at his or her expense.

(4) A decision of the Appeals Board shall be final.

**Applications requiring urgent and special attention.**

**22.** (1) Without prejudice to the requirement for a just and equitable procedure for the determination of refugee status, the Commissioner shall deal in an expeditious manner with applications, which are considered to be clearly abusive or manifestly unfounded, in accordance with accelerated procedures prescribed by regulations under this Act.

(2) The Commissioner shall deal with applications of –

- (a) persons with disabilities;



- (b) trauma victims, detained persons and victims of torture;
  - (c) minors and vulnerable persons; and
  - (d) other persons requiring urgent attention,
- in accordance with special procedures prescribed by regulations under this Act.

**Residence pending decision of Eligibility Committee.**

**23.** (1) Notwithstanding the provisions of any other law, a person who has applied for refugee status and every member of that person's family shall remain in Uganda-

- (a) until his or her application is granted or rejected, and no appeal has been filed with the Refugee Appeals Board;
- (b) where the application is rejected, until that person has exhausted his or her right of appeal under this Act.

(2) Where a person has exhausted the right of appeal in relation to an application and refugee status has not been granted, that applicant shall be allowed to stay in Uganda for a period not exceeding ninety days to enable him or her to seek asylum or admission to a country of his or her choice.

(3) At the expiry of the ninety days referred to in subsection (2) of this section, the person whose application has been rejected shall be subject to expulsion or deportation from Uganda or other appropriate action under the applicable laws.

(4) The Minister may, on application by the person concerned, extend the period of ninety days referred to in subsection (2) of this section if the Minister has reasonable grounds to believe that the person concerned is likely to be given asylum in, or to be admitted to, the country of his or her choice within the extended period.

**Entitlement of refugee after submission of application.**

**24.** (1) After an applicant has submitted an application for refugee status to the Eligibility Committee under section 19 of this Act, the applicant shall-

- (a) be issued with a temporary document valid for a period of ninety days from the date it is issued, and thereafter the document is renewable every two months until all rights connected with or incidental to applications for refugee status are exhausted; and
- (b) be informed of the presence of the UNHCR representative in Uganda and given the opportunity to contact him or her.

(2) The applicant is entitled, during the consideration of the application, to a hearing, and where necessary, shall obtain the services of a competent interpreter at his or her own expense.

(3) In the exercise of his or her rights under subsection (2) of this section, the applicant may be represented or assisted by a person of his or her own choice, including an advocate at his or her own expense.

**Group recognition, mass influx and temporary protection.**

**25.** (1) The Minister may, if it is evident that a class of persons qualifies to be refugees under section 4 of this Act, declare that class of persons to be refugees.

(2) The Minister shall cause a declaration made under subsection (1) of this section to be published in the *Gazette* and in any other manner that will best ensure that the declaration is brought to the attention of the authorised officers and persons to whom it relates.

(3) The Minister may, where there is a mass influx of asylum seekers into Uganda, in consultation with the Minister responsible for Internal Affairs, issue an order permitting the asylum seekers to reside in Uganda without requiring their individual status to be determined under section 4 of this Act.

(4) A declaration made under subsection (3) of this section is valid for a period of two years from the date of the declaration or until the cause of the influx into Uganda from the country of origin or habitual residence ceases to exist, whichever is sooner.

(5) Where asylum seekers are permitted to reside in Uganda under subsection (3) of this section, they shall be subject to the general treatment and rights accorded to refugees under this Act.

(6) The exclusion of a specified person from a declaration made under subsection (1) of this section shall not preclude that person from applying to the Eligibility Committee for the grant of refugee status under this Act.

(7) The termination of temporary protection granted by the Minister under subsection (3) of this section shall not preclude any individual of the group of asylum seekers from applying to the Eligibility Committee for the grant of refugee status under this Act.

**Family of recognised refugee.**

**26.** (1) Every member of the family of a recognised refugee who enters Uganda shall enjoy the same protection as that recognised refugee and shall -

- (a) be permitted to enter and remain in Uganda for as long as the recognised refugee is permitted to remain; and
- (b) be issued with all necessary documents relevant to his or her status.

(2) On the death of a recognised refugee, any member of the family of the recognised refugee in Uganda shall continue to enjoy the protection referred to in subsection (1) of this section and shall remain in Uganda until otherwise disqualified.

(3) Nothing in this section shall prevent a member of the family of a recognised refugee from applying for the grant of refugee status in accordance with this Act.

**Reunion of family of recognised refugee.**

27. (1) A recognised refugee may apply to the Eligibility Committee for permission for a member of his or her family to enter and reside in Uganda for purposes of reunion.

(2) Regulations made under this Act shall prescribe the procedure for applying for a family reunion under subsection (1) of this section, taking into account the principle of family unity.

(3) Where an application is made to the Eligibility Committee under subsection (1) of this section, the Commissioner shall make investigations regarding the application and submit a report in writing to the Committee, specifying the relationship between the refugee and the person to whom the application relates.

(4) The Eligibility Committee may grant permission to enter and reside in Uganda under this section to-

- (a) any member of the family of a recognised refugee; and
- (b) any dependant of a member of the family of a recognised refugee.

(5) The Commissioner shall investigate and ascertain the family situation of an unaccompanied child who enters Uganda and wishes to remain in Uganda as a refugee, and may make recommendations regarding the adoption of the child under the Children's Statute, 1996, (Statute No. 6 of 1996) or any other applicable law.

(6) The Minister may, in writing, revoke the permission of a person to enter and reside in Uganda under this section in the interest of national security or in the public interest.

(7) For the purposes of subsection 5 of this section, "child" means a person below the age of eighteen years.

**PART V - RIGHTS AND OBLIGATIONS OF REFUGEES**

**Rights and obligations of refugees under international conventions.**

**28.** Subject to this Act and any reservations entered by Uganda to any international or regional convention or instrument, every refugee is entitled to the rights and shall be subject to obligations provided for or specified in-

- (a) the Geneva Convention;
- (b) the OAU Convention; and
- (c) any other convention or instrument relating to the rights and obligations of refugees to which Uganda is a party.

**Rights of refugees while in Uganda.**

**29.** (1) A recognised refugee shall, subject to this Act, the OAU Convention and the Geneva Convention-

- (a) be issued with an identity card in a prescribed form stating the refugee status of the holder for purposes of identification and protection;
- (b) be permitted to remain in Uganda;
- (c) be entitled to fair and just treatment without discrimination on grounds of race, religion, sex, nationality, ethnic identity, membership of a particular social group or political opinion;
- (d) receive at least the same treatment as is generally accorded to aliens under the Constitution and any other law in force in Uganda; and be entitled to privileges that may be granted under the laws of Uganda by any administrative agency or organ of the Government;
- (e) receive at least the same treatment accorded to aliens generally in similar circumstances relating to -
  - (i) movable and immovable property and other rights pertaining to property and to leases and other contracts relating to movable and immovable property;
  - (ii) the right to transfer assets held and declared by a refugee at the time of entry into Uganda, including those lawfully acquired in Uganda;
  - (iii) education, other than elementary for which refugees must receive the same treatment as nationals, and in particular, regarding access to particular studies, the recognition of foreign certificates, diplomas and degrees and the remission of fees and charges;
  - (iv) the right to engage in agriculture, industry, handicrafts, and

commerce and establish commercial and industrial companies in accordance with the applicable laws and regulations in force in Uganda;

- (v) the right to practice the profession of the refugee who holds qualifications recognised by the competent authorities in Uganda and who wishes to practise that profession;
  - (vi) the right to have access to employment opportunities and engage in gainful employment;
  - (vii) any other right that may legally be accorded to a refugee;
- (f) have the same rights as the nationals of Uganda with respect to practising their religion and the religious education of their children;
  - (g) have a right of association as regards non-political and non-profit making associations and trade unions;
  - (h) have free access to courts of law, including legal assistance under applicable laws of Uganda.

(2) A refugee shall be accorded the same protection as is accorded to the nationals of Uganda in respect of the protection of intellectual property rights, including industrial inventions, patents, designs, trade names, copyrights and other artistic and scientific works.

#### **Freedom of movement.**

**30.** (1) Subject to subsection (2) of this section, a recognised refugee is entitled to free movement in Uganda

(2) The free movement of a recognised refugees in Uganda is subject to reasonable restrictions specified in the laws of Uganda, or directions issued by the Commissioner, which apply to aliens generally in the same circumstances, especially on grounds of national security, public order, public health, public morals or the protection of the rights and freedoms of others;

#### **Right to travel document.**

**31.** (1) A recognised refugee staying in Uganda is entitled to a travel document for the purpose of travel outside Uganda, unless compelling reasons of national security or public order require otherwise.

(2) A travel document issued to a recognised refugee shall be valid for all countries except the refugee's country of origin and those countries with respect to which Uganda has restrictions.

(3) A recognised refugee in possession of a valid passport issued by the country of origin shall surrender that passport to the issuing officer before acquiring a travel document.

(4) A person who has ceased to be a recognised refugee under this Act shall not be issued with a travel document, and if such person is in possession of a travel document, he or she shall surrender it to the immigration office.

(5) For the purposes of this section, "travel document" means a travel document issued under or in accordance with article 28 of the Geneva Convention.

**Rights of refugee children.**

**32.** (1) Refugee children shall be accorded the same treatment as nationals with respect to elementary education.

(2) Every refugee child is entitled to the enjoyment of the rights and freedoms contained in-

- (a) the Children's Statute, 1996 (Statute No.6 of 1996);
- (b) the African Charter on the Rights and Welfare of the Child, 1981;
- (c) the Convention on the Rights of the Child, 1989; and
- (d) the Geneva Convention,

irrespective of the child's parent's or legal guardian's race, ethnic group, colour, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status.

(3) Identification documents for children and unaccompanied minors shall be issued in accordance with the principles applicable to a recognised refugee;

**Rights of women refugees.**

**33.** (1) A woman refugee shall have equal opportunities and access to procedures relating to refugee status; and affirmative action shall be taken to protect women refugees from gender discriminating practices.

(2) A woman refugee is entitled to equal enjoyment and protection of all human rights and fundamental freedoms in economic, social, cultural, civil or any other fields as provided for in the Constitution and other relevant laws in force in Uganda and

international and regional instruments to which Uganda is a party, and in particular the following-

- (a) the Convention on the Elimination of All Forms of Discrimination Against Women, 1979; and
- (b) the African Charter on Human and People's Rights, 1981.

**Personal status.**

**34.** (1) The personal status of a recognised refugee shall be governed by the law of the country of his or her domicile or, if he or she has no domicile, by the law currently in force in Uganda.

(2) All rights previously acquired by a refugee and dependent on personal status, particularly rights attaching to marriage, shall be respected, subject to the laws of Uganda.

**Duties and obligations of refugee.**

**35.** Subject to this Act, a recognised refugee shall -

- (a) be bound by and conform to all laws and regulations currently in force in Uganda;
- (b) conform to measures taken for the maintenance of public order;
- (c) not engage in activities which may endanger state security, harm public interests or disrupt public order;
- (d) not engage in any activity contrary to the principles of the Charter of the United Nations and the Statute of the African Union, and in particular, shall not undertake any political activities within Uganda against any country, including his or her country of origin; and
- (e) if engaged in gainful employment or fully integrated and has a source of income, pay taxes in accordance with the applicable tax laws of Uganda.

**Rights of family member of refugee.**

**36.** A member of the family of a recognised refugee is entitled to the same rights and subject to the same obligations as the recognised refugee.

**PART VI - MISCELLANEOUS**

**Principles of conventions to be followed.**

**37.** In the exercise of their functions under this Act, the Eligibility Committee and

the Appeals Board shall be guided by the principles laid down in relevant or applicable international conventions or instruments.

**Prosecution for unlawful entry or presence in Uganda.**

**38.** (1) Notwithstanding the provisions of the Uganda Citizenship and Immigration Control Act 1999 (Act No. 3 of 1999), proceedings shall not be instituted or continued against any person or any member of the family of any such person in respect of his or her unlawful entry or presence in Uganda if that person -

- (a) intends to make an application to be recognised as a refugee under this Act ; or
- (b) has been granted refugee status.

(2) Any person who, having applied and exhausted all rights for the grant of refugee status under this Act, fails to be recognised as a refugee and unlawfully continues to stay in Uganda, shall be dealt with under the Uganda Citizenship and Immigration Control Act 1999 (Act No. 3 of 1999), or any other applicable law.

**Procedure for withdrawal of recognition of refugee status.**

**39.** (1) Where the Commissioner has reasonable grounds to believe that a person who has been recognised as a refugee under this Act -

- (a) should not have been so recognised; or
- (b) has ceased to be a refugee under this Act,

the Commissioner shall refer the case to the Eligibility Committee for a determination whether or not that person's eligibility status should be withdrawn.

(2) Where a case has been referred to the Eligibility Committee under subsection (1) of this section, the Committee shall cause a written notice to be served upon the person whose refugee status is under consideration -

- (a) informing that person of the fact that his or her refugee status is under consideration for withdrawal; and
- (b) inviting that person to make written representations regarding his or her refugee status to the Eligibility Committee within fourteen days after the date of service of the notice on him or her.

(3) The Eligibility Committee –

- (a) shall consider a case referred to it under subsection (1) of this section;



(b) may make such inquiries or investigations as it may consider necessary concerning the case; and thereafter

(c) may withdraw the recognition of that person as a refugee on the grounds of misrepresentation of facts of a material or substantial nature regarding -

(i) his or her nationality, or

(ii) his or her qualification for refugee status under this Act.

(4) The Eligibility Committee shall notify the person concerned in writing of its decision under this section.

(5) Any person who is aggrieved by the decision of the Eligibility Committee under this section may, within seven days of being notified of the decision, appeal to the Appeals Board.

(6) In any appeal under subsection (5) of this section, the Appeals Board may -

(a) confirm or set aside the decision of the Eligibility Committee and recommend that the person should still be recognised as a refugee and notify the Eligibility Committee of its decision;

(b) refer the matter to the Eligibility Committee for further investigation and advice or recommendations; or

(c) make such further enquiries and investigations into the matter as the Board thinks fit.

#### **Expulsion of refugees.**

**40.** (1) The Minister may, after consultation with the Minister responsible for internal affairs, order the expulsion of any recognised refugee from Uganda, if the Minister considers the expulsion to be necessary or desirable in the interest of national security or public order.

(2) Before ordering the expulsion of a recognised refugee under subsection (1) of this section, the Minister shall give due consideration to any representation made by the refugee concerned or his or her representative or the representative of the UNHCR.

#### **Extradition of refugees.**

**41.** (1) Where -

(a) a country with which Uganda has extradition arrangements or treaty; or

(b) an international tribunal,

makes a request to Uganda for the extradition of a recognised refugee on the ground that such refugee -

- (i) is required to answer criminal charges; or
- (ii) has been convicted by a court of competent jurisdiction of a serious criminal offence, which is a non-political offence,

the Minister may, after consultation with the Minister responsible for Internal Affairs, order the extradition of that refugee in accordance with the provisions of the applicable extradition law.

(2) A request for an extradition under subsection (1) of this section may be granted only if the offence that gave rise to the extradition request was committed in the territory of the requesting country.

(3) Subject to the provisions of any written law, the Minister may deny a request for extradition under this section, if the offence for which extradition has been sought can be tried under the laws of Uganda, or if the Minister is of the opinion that it will not be in the public interest to grant the request.

**Extradition, return of refugee, etc.**

**42.** (1) Notwithstanding the provisions of any other law, no person shall be refused entry into Uganda, expelled, extradited or returned from Uganda to any other country or subjected to any similar measures if, as a result of such refusal, expulsion, return or other measure, that person is compelled to return to or remain in a country where -

- (a) he or she may be subjected to persecution on account of race, religion, sex, nationality, membership of a particular social group or political opinion; or
- (b) his or her life, person or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disturbing public order in a part of or in the whole of that country.

(2) Where necessary, the Minister shall take such steps as he or she considers appropriate to ensure that a person referred to in subsection (1) of this section gets admission into another country of his or her choice.

**Authorised officers.**

**43.** (1) The officers of the Office, Resident District Commissioners, Chief Administrative Officers, Immigration Officers, District Internal Security Officers and police officers not below the rank of inspector, shall be authorised officers for the

purpose of this Act.

(2) The Minister may, by notice published in the *Gazette*, designate any other public officer or any class of public officers to be authorised officers for the purposes of this Act.

(3) An authorised officer may, for the purposes of exercising the powers and carrying out his or her duties under this Act, and bearing in mind an individual's right to privacy of person, home, correspondence, communication and other property -

- (a) subject to subsections (4) and (5) of this section, search any person or property;
- (b) take the photograph of any recognised refugee or asylum seeker or any person who claims to be a refugee under this Act or any member of the family of that person; and
- (c) question any recognised refugee or asylum seeker or any person who claims to be a refugee under this Act or any member of the family of that person.

(4) A search of any person or property under subsection (3)(a) of this section shall not be conducted unless the authorised officer concerned has reasonable grounds to believe that the search is necessary for the prevention, investigation or detection of-

- (a) a contravention of this Act; or
- (b) a fraudulent misstatement or concealment by a recognised refugee, asylum seeker or person claiming to be a refugee under this Act or any member of the family of that person, of any fact relevant to his or her identity or status.

(5) Where a woman is to be searched under subsection (3) (a), the search shall only be done by an authorised woman officer and shall be conducted with strict regard for decency, and where there is no authorised woman officer available, the search shall be done by a woman specially named for the purpose by an authorised officer.

#### **Settlements and transit centres.**

**44.** (1) The Minister may, in accordance with the Constitution and any other law, by notice published in the *Gazette*, designate places or areas on public land to be transit centres or refugee settlements for the purposes of -

- (a) temporarily accommodating persons who have applied for grant of refugee status pending the processing and consideration of their applications by the Eligibility Committee; and
- (b) local settlement and integration of refugees whose applications for

refugee status have been granted.

(2) An applicant or refugee who may wish to stay in a place other than the designated places or areas may apply to the Commissioner for permission to reside in any other part of Uganda.

(3) A refugee who is authorised to stay in a place other than a designated place or area under subsection (2) of this section, may be required to report to the local or urban council of the area or to an authorised officer from time to time.

(4) The Commissioner shall, in collaboration with and the support of non-governmental organisations, the UNHCR, international organisations and the international community -

- (a) where there is need, give relief and assistance to persons whose applications are pending before the Eligibility Committee; and
- (b) promote self-reliance among refugees and sustainable development in the affected areas.

**Naturalisation of recognised refugee.**

**45.** The Constitution and any other law in force in Uganda regulating naturalisation shall apply to the naturalisation of a recognised refugee.

**Voluntary repatriation of refugee.**

**46.** (1) A recognised refugee who voluntarily wishes to be repatriated shall express his or her wish in writing to the Commissioner who shall, in consultation with UNHCR cause arrangements to be made for the repatriation of that refugee

(2) Where an application for voluntary repatriation is received by the UNHCR, it shall inform the Commissioner accordingly.

**Penalty against certain carriers.**

**47.** (1) Subject to subsection (2) of this section, any carrier who knowingly carries or transports into Uganda a person without a valid travel document is liable to the punishment prescribed under the law in force in Uganda relating to immigration and is, in addition, responsible for carrying that person out of Uganda at his or her expense.

(2) Nothing in this section shall be construed as preventing a carrier from carrying or transporting into Uganda a refugee whom he or she has reasonable grounds to believe is genuinely seeking asylum.

(3) For the purposes of this section, “carrier” means a person who is in charge of a ship, aircraft, train or vehicle arriving from any place outside Uganda;

**Regulations.**

**48.** (1) The Minister may, by statutory instrument, make regulations prescribing matters-

- (a) required or permitted to be prescribed by or under this Act; and
- (b) necessary or convenient to be prescribed for giving effect to this Act.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made under subsection (1) shall provide for -

- (a) the exercise of the right of appeal conferred by this Act;
- (b) procedures at meetings of the Eligibility Committee and the Appeals Board, including the participation at those meetings of the representative in Uganda of the United Nations High Commissioner for Refugees and particular voluntary organisations which are engaged in refugee assistance in Uganda;
- (c) the procedure for the consideration of applications for the grant of refugee status and the form in which the applications shall be made;
- (d) quick and accelerated procedure for dealing with applications that are considered to be clearly abusive or manifestly unfounded.
- (e) the form and issuance of identification and travel documents to refugees and members of their families;
- (f) the assignment to subcommittees of the Eligibility Committee or to other persons, of the functions relating to the investigation, country of origin information and determination of refugee status;
- (g) the form of any order or notice required to be served on a refugee under this Act;
- (h) the surrender of firearms by refugees;
- (i) the procedure for extradition of refugees;
- (j) the procedure for affirmative action in the integration of refugee women, refugee children and refugees with disabilities;
- (k) the procedure for the protection and integration of refugees in host communities for the purpose of self-reliance sufficiency of the refugees;

- (l) support by the Government to refugee affected areas to enable them to cope with the impact of the refugees;
- (m) the integration of refugee concerns in local, national and regional development plans.
- (n) the procedure for the conduct of voluntary organisations dealing with the Office on matters concerning the activities and welfare of refugees; and
- (o) the procedure for the meetings and conduct of other organisations or bodies involved in refugee activities;
- (p) the regulation of user rights of refugees with respect to lands on which they are settled.

**Repeal and transitional provisions.**

**49.** (1) The Control of Alien Refugees Act, Cap. 62 is repealed.

(2) Notwithstanding the repeal under subsection (1) of this section –

- (a) any public officer or employee holding office or employment under the repealed Act immediately before the commencement of this Act, shall continue to hold such office or employment as if he or she was appointed or employed under this Act; and
- (b) any regulations made under the repealed Act shall, in so far as they are consistent with the provisions of this Act, continue in force as if they were made under this Act.