

Responses to Information Requests - Immigration and Refugee Board of Canada

Uganda: Information on refugee status granted to foreign nationals, including requirements and procedures, status documents provided, and rights and responsibilities (2015-November 2018)

1. Requirements and Procedures for Obtaining Status

1.1 *Refugees Regulations, 2010*

Regulation 3 of the *Refugees Regulations, 2010* states the following:

1. A person who enters Uganda and wishes to remain in Uganda as a refugee shall apply to the Eligibility Committee [1] 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 authorized by the Commissioner or through the UNHCR representative.

...

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. (Uganda 2010)

A sample of the application form for refugee status is attached to this Response (Attachment 1).

Concerning admissibility grounds, Regulation 14 of the *Refugees Regulations* states the following:

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. (Uganda 2010)

1.2 Procedures

Regulation 5 of the *Refugees Regulations* states that "[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" (Uganda 2010).

According to the Rory Peck Trust [2], there are two ways to apply for refugee status, depending on whether the claimant registers in a refugee settlement or in Kampala (Rory Peck Trust n.d.b). If the person arrives directly to a refugee settlement, the procedure is the following:

1. Upon arrival, the person must report directly to the Settlement Commandant for registration.
2. The person then awaits for the status determination interview. The interview will be conducted in the settlement by a Sub-Committee of the Refugee Eligibility Committee.
3. When the refugee status is granted, the Office of the Prime Minister (OPM) will allocate a plot of land to the refugee's family who will be provided with basic assistance such as non-food items, food and monthly ration cards (Rory Peck Trust n.d.b).

Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

If the person is in Kampala, sources indicate that they must go to the Old Kampala Police Station for registration (Rory Peck Trust n.d.b; JRS n.d.). The Rory Peck Trust indicates that there, they will be given a card [the source does not provide further details] and a date for further registration (Rory Peck Trust n.d.b). Similarly, the Jesuit Refugee Service (JRS), an international Catholic organization providing assistance to refugees (JRS n.d.), indicates that the asylum seeker will be given a "registration slip" (JRS n.d.). The JRS indicates that this second appointment is set for two days after the first registration at the police station (JRS n.d.). Sources indicate that, on the date of this second appointment, the claimant must report to the OPM with his or her family (Rory Peck Trust n.d.b; JRS n.d.). According to the Rory Peck Trust, the applicant must bring "all documents that might make [their] identity and profile clearer," such as passports, identity documents, school diplomas, letters of support, etc. (n.d.b). The same source indicates that after the registration, the asylum seeker will have a second interview at the Old Kampala Police Station for refugee status determination (Rory Peck Trust n.d.b). Sources further indicate that the decision on refugee status is made by the Refugee Eligibility Committee (Rory Peck Trust n.d.b; JRS n.d.). According to the Rory Peck Trust, the decision will be communicated to the claimant by the OPM's Department of Refugees (Rory Peck Trust n.d.b). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

According to the JRS, once recognized, refugees "are expected to proceed to the designated refugee settlements for further assistance" (JRS n.d.). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

1.3 Withdrawal of Refugee Status

According to Section 6 of the *Refugees Act, 2006*, the refugee status is withdrawn if

1. [a] 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;
2. person surrenders his or her refugee status;
3. having lost his or her nationality, he or she acquires it again;
4. 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
5. 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 -
 1. continues to refuse to avail himself or herself of the protection of the country of origin or nationality; or
 2. continues to refuse to return to the country of former habitual residence or to take on another available nationality;
6. being of a class of persons declared to be refugees in accordance with section 25 [3] of this Act -
 1. that person has committed a serious non-political crime outside Uganda after admission into Uganda as a refugee; or
 2. that person has seriously infringed the purposes and objectives of the Geneva Convention or the OAU Convention. (Uganda 2006)

Section 39 of the *Refugees Act* establishes the procedure for withdrawal of recognition of refugee status (Uganda 2006).

Regulation 10 of the *Refugees Regulations* states the following regarding the possibility to reapply for refugee status after cessation of said 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 [an] individual basis. (Uganda 2010)

Information on the implementation of these provisions could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

An article by the online news source *Kampala Dispatch* reports that Ugandan "security organs have allegedly been linked to kidnaps and illegal repatriation of refugees" (*Kampala Dispatch* 13 Aug. 2018). A Radio France internationale (RFI) article similarly quotes a human rights lawyer in Uganda as saying that some Ugandan security bodies are [translation] "illegally arresting refugees, detaining them over long periods of time, and ... repatriating them in neighbouring countries" (RFI 2 Nov. 2017).

2. Documents Provided to Refugee Claimants and Refugees

2.1 Temporary Pass During Refugee Determination Process

Regulation 13 of the *Refugees Regulations* explains that every applicant who has submitted an asylum claim in accordance with the *Refugees Act* and the *Refugees Regulations* shall receive a temporary pass valid for 90 days (Uganda 2010). This pass is proof that its holder applied for asylum in Uganda and is entitled, along with his or her family, to stay in Uganda

1. until his or her application is granted or rejected and no appeal has been filed with the Appeals Board; or
2. until that person has exhausted his or her right of appeal under the [*Refugees Act*] or these Regulations. (Uganda 2010, Regulation 13)

The same source states that the temporary pass is renewable every two months, until a final decision on refugee status is reached and all potential recourses have been exhausted (Uganda 2010, Regulation 13(4)).

2.2 Identity Card

The *Refugees Regulations* state that a person granted refugee status shall receive an identification document issued by the Commissioner [for Refugees] (Uganda 2010, Regulation 42). This identification document contains the following information:

1. the refugee's identity number;
2. the refugee's name, gender, date and place of birth;
3. the refugee's country of citizenship;
4. a recent photograph of the refugee;
5. the refugee's fingerprints (Uganda 2010, Regulation 42).

Regulation 43(1) states that the identity card must be produced by its holder whenever it is required by a police officer or an immigration officer (Uganda 2010).

According to Regulation 43(2) of the *Refugees Regulations*, the refugee must surrender his or her identity card to an immigration or police officer in case of a departure from Uganda, when the holder becomes a Ugandan citizen or when the holder dies, in which case the person in possession of the card upon the holder's death must return it (Uganda 2010).

A sample of the "Form of Identification Card Identity Card" [sic], as provided within the *Refugees Regulations*, is attached to this Response (Attachment 2).

Samples of the refugee identity card, obtained from an article published in the Ugandan newspaper *Kampala Dispatch* (Attachment 3) and from a representative of the Refugee Law Project (RLP) [4] in correspondence with the Research Directorate (Attachment 4), are attached to this Response.

2.3 Refugees' Travel Documents

New Vision, a daily newspaper in Uganda, reported on 31 October 2014 that the Ugandan government began the issuance of travel documents for refugees living in

the country (*New Vision* 31 Oct. 2014). According to the same source, the new travel document for refugees is machine-readable and has several security features, including "secure watermarked paper, intaglio printing ..., invisible ultra violet design ..., user definable screen reading Republic of Uganda, rainbow printing, and anti-copy guilloche design" (*New Vision* 31 Oct. 2014). *New Vision* also mentions that there was an "old conventional travel document" that was handwritten (*New Vision* 31 Oct. 2014).

Similarly, according to the RLP representative, the government issues a travel document to refugees (RLP 23 Nov. 2018). Without providing further details, the representative explained that a refugee has to apply for a travel document from the OPM (RLP 23 Nov. 2018). A sample of the travel document for refugees, sent to the Research Directorate by the RLP representative, is attached to this Response (Attachment 5).

According to *New Vision*, the travel document for refugees is "fully UNHCR compliant and based on their published guidelines" and it is also "in line with ICAO [International Civil Aviation Organisation] regulations for international travel documents" (*New Vision* 31 Oct. 2014). Corroborating information on the security features of the travel document could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

New Vision reported Ugandan authorities as stating that the restrictions of the refugee's travel document are regarding "one's country of origin or the factors that drove one to leave their country of origin" (*New Vision* 31 Oct. 2014). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

3. Rights and Responsibilities

3.1 Rights

Section 29 of the *Refugees Act* states the following:

1. A recognised refugee shall, subject to this Act, the OAU Convention and the Geneva Convention -
 1. be issued with an identity card in a prescribed form stating the refugee status of the holder for purposes of identification and protection;
 2. be permitted to remain in Uganda;
 3. 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;
 4. 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;
 5. receive at least the same treatment accorded to aliens generally in similar circumstances relating to -
 1. movable and immovable property and other rights pertaining to property and to leases and other contracts relating to movable and immovable property;

2. the right to transfer assets held and declared by a refugee at the time of entry into Uganda, including those lawfully acquired in Uganda;
 3. education, other than elementary education 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;
 4. 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;
 5. 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;
 6. the right to have access to employment opportunities and engage in gainful employment;
 7. any other right that may legally be accorded to a refugee;
 6. have the same rights as the nationals of Uganda with respect to practising their religion and the religious education of their children;
 7. have a right of association as regards non-political and non-profit making associations and trade unions;
 8. 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. (Uganda 2006)

Sources indicate that in Uganda, refugees have access to medical and education services and are granted the right to work (Watera, et al. 2017, 8; US 25 Apr. [2018]; DW 17 Nov. 2018). Similarly, JRS explains that "[a]sylum seekers and refugees have access to public primary education and public health services" (JRS n.d.). Sources also explain that when recognized as such, refugees are allocated a piece of land for residential and agricultural purposes (Watera, et al. 2017, 8; DW 17 Nov. 2018).

3.1.1 Right to Travel

Section 30 of the *Refugees Act* states that a recognized refugee is entitled to free movement in Uganda, but that this right is

subject to reasonable restrictions specified in the laws of Uganda, or direction 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. (Uganda 2006)

Regarding international travel, Section 31 of the *Refugees Act* states the following:

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. (Uganda 2006)

Regulation 49 of the *Refugees Regulations* indicate that "[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" (Uganda 2010).

In correspondence with the Research Directorate, the RLP representative explained that "there is no specific time limit [regarding a refugee's stay out of the country] as long as the refugee has maintained their refugee status" (RLP 27 Nov. 2018). The representative further explained that the conventional travel document [refugee passport] is valid for five years, which means that, "in theory," "a refugee can travel and spend time outside Uganda as long as they maintain their refugee status" (RLP 27 Nov. 2018).

3.1.2 Access to Citizenship

Section 45 of the *Refugees Act* states that "[t]he Constitution and any other law in force in Uganda regulating naturalisation shall apply to the naturalisation of a recognized refugee" (Uganda 2006, Sec. 45). According to the RLP, the *Uganda Citizenship and Immigration Control Act* is "therefore the operative statute with respect to the naturalisation of refugees" (RLP July 2008, 2).

Section 16(5) of the *Uganda Citizenship and Immigration Control Act* provides the criteria that must be met in order to qualify for naturalization:

The qualifications for naturalisation are that he or she -

1. has resided in Uganda for an aggregate period of 20 years;
2. has resided in Uganda throughout the period of 24 months immediately preceding the date of application;
3. has adequate knowledge of a prescribed vernacular language or of the English language;
4. is of a good character; and
5. intends, if naturalised, to continue to reside permanently in Uganda. (Uganda 2002)

Sources indicate that time spent as a refugee in Uganda does not count as time spent in residency (IARAN Sept. 2017, 16; IRC 19 June 2018, 12), making it "overly onerous" for refugees to meet the residency requirements (IARAN Sept. 2017, 16), or making citizenship "unattainable" for refugees (IRC 19 June 2018, 12).

3.2 Responsibilities

According to Section 35 of the *Refugees Act*, a person who is granted refugee status in Uganda is obliged to:

1. be bound by and conform to all laws and regulations currently in force in Uganda;
2. conform to measures taken for the maintenance of public order;

3. not engage in activities which may endanger state security, harm public interests or disrupt public order;
4. not engage in any political activities within Uganda, whether at local or national level;
5. 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
6. 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. (Uganda 2006)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] According to the *Refugees Act, 2006*, the Refugee Eligibility Committee's functions are the following:

1. to consider and deal with applications for refugee status in accordance with section 20 (2) of this Act;
2. where necessary, to review or revise cases previously dealt with by it;
3. to advise the Minister on matters relating to refugee status;
4. to recommend to the Minister for his or her action—
 1. cases of expulsion or extradition;
 2. cases of cessation of refugee status; and
 3. cases where a person requires assistance to find an alternative country of asylum. (Uganda 2006, Art. 12)

[2] The Rory Peck Trust is an organization based in London providing "practical and financial support to freelance journalists and their families worldwide" (Rory Peck Trust n.d.a), including through the East African Journalists in Exile resource, which gives information and advice to assist displaced and exiled journalists (Rory Peck Trust n.d.c).

[3] Section 25 of the *Refugees Act* stipulates that "[t]he 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" (Uganda 2006, Sec. 25(1)). Section 4 of the *Refugees Act* indicates the grounds for qualifying for refugee status (Uganda 2006, Sec. 4).

[4] The Refugee Law Project (RLP) is a project of the Makerere University School of Law working in Kampala to provide assistance to and advocate for displaced persons and refugees in Uganda (RLP 2014, iii, 2).

References

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Additional Sources Consulted

Internet sites, including: ecoinet; EU – European Asylum Support Office; Keesing's Documents Checker; UN – Refworld; US – Reciprocity Schedule.

Attachments

1. Uganda. 2010. "[Application for Refugee Status.](#)" [Accessed 22 Nov. 2018]
2. Uganda. 2010. "[Form of Identification Card Identity Card.](#)" [Accessed 22 Nov. 2018]
3. Uganda. N.d. "Refugee Identity Card." In *Kampala Dispatch*. 13 August 2018. "[Burundian Refugee Incarcerated in Uganda: Is it Another Case of Illegal Police Aided Repatriations?](#)" [Accessed 22 Nov. 2018]
4. Uganda. N.d. Refugee Identity Card Sample. Sent to the Research Directorate by a representative of the University of Makerere School of Law's Refugee Law Project (RLP), 23 November 2018.
5. Uganda. N.d. "Travel Document for Refugees." Sent to the Research Directorate by a representative of the University of Makerere School of Law's Refugee Law Project (RLP), 23 November 2018.