



REFUGEE LAW PROJECT

FACTSHEET

THE REFUGEES ACT 2006



Uganda enacted the Refugees Act 2006 to give effect to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as to honour Chapter Four of the 1995 Constitution of the Republic of Uganda

Persecution is systematic conduct carried out against a person on the basis of his/her **RACE, NATIONALITY, RELIGION, SEX, POLITICAL OPINION, or MEMBERSHIP OF A PARTICULAR SOCIAL GROUP** and which threatens his/her life/freedom or constitutes a serious violation of their rights.

GROUP RECOGNITION

In times of mass influx temporary protection may be granted by the by the Minister of Disaster Preparedness & Refugees to a group of asylum seekers for a period of 2 years or until the cause of the influx ceases, whichever is sooner.

FAMILIES OF REFUGEES

A refugee's spouse(s), children and dependants are entitled to the same protection as the refugee, even in the event of the refugee's death. A refugee may apply to the Eligibility Committee to get permission for a member of his or her family to enter and reside in Uganda so that the family may be reunited.

RIGHTS AND OBLIGATIONS OF REFUGEES

Refugees are entitled to the rights provided for in the Refugee Convention, the OAU Convention, and any other instrument relating to refugees to which Uganda is a party. They are also bound by the obligations set out in those documents. They must follow Ugandan laws and must not engage in political activities.

Refugees have the right to be issued with an identity card and a travel document, allowing freedom of movement. They have the right to be free from discrimination and to associate with trade unions. They must receive the same rights as nationals regarding freedom of religion, elementary education, and intellectual property. They must receive at least the same treatment as aliens in similar circumstances regarding property, asset transfer, secondary and tertiary education, gainful employment opportunities in their chosen profession, and engagement in agriculture, handcrafts, industry, commerce and the establishment of companies.

WHO IS A REFUGEE?

DEFINITION ONE (UN 1951 Convention):

A refugee is someone who has as a well-founded fear (supported by evidence) of PERSECUTION for one of six recognised reasons:

RACE, NATIONALITY, RELIGION, SEX (includes gender discriminating practices), POLITICAL OPINION, or MEMBERSHIP OF A PARTICULAR SOCIAL GROUP (eg.tribal and ethnic groups,people with disabilities, sexual and gender minorities)

AND

that person either cannot be protected by their country of nationality or they have no nationality and are outside their former country of habitual residence.

DEFINITION TWO (OAU 1969 Convention):

A refugee is also someone who is compelled to leave their country of habitual residence to seek refuge due to external aggression, occupation, foreign domination or events seriously disturbing the public order.

WOMEN AND CHILDREN REFUGEES

Their rights are enshrined in various Ugandan laws and international instruments. In particular, refugee children have the same right to elementary education as nationals, and refugee women have the right to protection from discrimination through affirmative action.

DISQUALIFICATION FROM REFUGEE STATUS

This occurs when a refugee has committed war crimes or crimes against peace/humanity (in any country), or serious non-political crimes (outside Uganda).

CESSATION OF REFUGEE STATUS

This occurs when a refugee voluntarily surrenders their status, receives another status such as citizenship, avails themselves of the protection of their country of origin, acquires their lost nationality, commits a non-serious political crime outside Uganda after becoming a refugee, seriously infringes the UN or OAU Conventions, or when the circumstances giving rise to refugee status change.

THE OFFICE OF REFUGEES

The Office is headed by the Commissioner for Refugees and is responsible for all administrative matters concerning refugees - from welfare and protection to obtaining country of origin information to advising the Government and the Eligibility Committee on policy.

APPLYING FOR REFUGEE STATUS

The ELIGIBILITY COMMITTEE considers applications for refugee status made in writing (it also advises the Minister of Refugees). Applications must be submitted to the Commissioner of Refugees within 30 days of entry into Uganda. The Eligibility Committee must make a decision within 90 days after receiving the application.

Applications of detainees, people with disabilities, trauma or torture victims, minors and other vulnerable persons must be handled with urgency. Appeals which are clearly abusive or manifestly unfounded may be dealt with expeditiously.

CHALLENGING A REJECTION OF REFUGEE STATUS

1 - Eligibility Committee reviews its own decision

2 – Appeal lodged with the REFUGEE APPEALS BOARD:

Appeals must be submitted in writing within 30 days of receiving an Eligibility Committee review decision (lateness requires a justifiable cause).The UNHCR may attend appeal hearings and be invited to present.

An applicant has the right to be issued a temporary document for 90 days, renewable every two months, until their right of appeal is exhausted.

Once the right of appeal is exhausted, failed applicants may remain in Uganda for 90 days to seek asylum elsewhere (Minister of Refugees may extend).

EXPULSION OF REFUGEES

The Minister of Disaster Preparedness & Refugees may expel a refugee if he considers it to be necessary or desirable for national security or public order.

Connect with us



Refugeelawproject

@refugeelawproj

Refugee Law Project (RLP)

Refugee Law Project

0776897057

With funding support from

