

REFUGEE STATUS DETERMINATION

A Study of the Process in Uganda



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Back cover: Refugee waiting to attend an individual assessment of their refugee status

Photographs: Winfred Kabatabaazi and Nashon Tado / NRC

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Disclaimer

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Executive Summary

Uganda's refugee legal framework provides a progressive framework for the protection of refugees and processing of asylum seekers' claims, setting a leading standard across Africa and the world. The law applies an expansive definition of refugee status determination and entitlements for protection in Uganda. The rights afforded to refugees generally comply or exceed international standards, such as providing access to plots of land, which is particularly generous given the large numbers of refugees and asylum seekers in Uganda.

The rates of approval of refugee applications for the majority of asylum seekers in Uganda, including those from Somalia, Democratic Republic of Congo (DRC) and Ethiopia are in line with or above global trends. Further Uganda grants *prima facie* refugee status, that is automatic recognition, for the million plus South Sudanese refugees. However the rates of approval for people fleeing Eritrea are significantly below most other countries receiving Eritrean asylum seekers.

The legal framework sets an ambitiously short time frame for the resolution of asylum applications both at first instance and appeal. This is typically not being met and some cases are continuing for up to two years. Considering there is an outstanding asylum caseload of tens of thousands,¹ and only one Refugee Eligibility Committee (REC) for the country it would appear difficult to operate under the legislated time frame. Long delays create uncertainty for asylum seekers and exacerbate vulnerabilities. Asylum

seekers' identity documents are only valid for an initial three-month period and then renewed for subsequent two-month periods, which can hamper access to education, employment and, in Kampala, housing.

The access to the refugee status determination processes is hampered by refugees' widespread reliance in urban areas on 'brokers' who financially exploit asylum seekers and act as a paid link to the system, promising access, faster and better results. Greater knowledge of the processes involved in seeking asylum especially in Kampala could empower refugees and reduce reliance on brokers.

'According to the countrywide verification exercise that started on 1st March 2018 and completed on 24th October 2018, the total population of asylum-seekers and refugees verified was 1,091,024 individuals. This represents 75.5% of the estimated target of 1.4 million registered persons. In Bidibidi, a total of 223,939 individuals were verified since the exercise started on 4th April 2018 in the five zones of the settlement. This represents 78% of the initial target. The majority were nationals. In Kampala, a total of 47,485 individuals were verified since the exercise started on 10th September for the urban population of asylum-seekers and refugees. This represents 46% of the initial target, including a wide variety of nationalities and a number of protection cases that were addressed by UNHCR and partners on the ground.'

(See OPM-UNHCR verification exercise update 24 October 2018, <https://reliefweb.int/report/uganda/opm-unhcr-verification-exercise-update-24-october-2018>.)

There appears to be only low level of knowledge by asylum seekers about the proofs required to obtain refugee status and very few asylum seekers access legal advice prior to their interviews. This

has particular negative implications for asylum seekers from countries such as Eritrea, Rwanda, Burundi whose cases turn on examination of their individual claims and there are significant rejection rates. Further if an applicant is refused the reasons for the refusal are only provided in summary form, which limits the ability of the asylum seeker to know the evidence against him or her in order to respond to it, a key aspect of natural justice.

Refugees and asylum seekers who participated in the focus groups highlighted ongoing protection concerns and vulnerabilities for which they saw a third country as their main solution. The right to re-settlement as a durable solution remains elusive and a frustrating process for many refugees who have high expectations of access to this option. Only a small percentage of refugees in of those in need of protection, estimated at about 86,000, with only a small proportion, about 5000, being able to attain re-settlement.²

Methodology and Limitations

The aim of the research is to document the current processes involved in refugee status determination in Uganda. The consultant conducted a desk review, analysis of Uganda laws and regulations and 22 key stakeholder interviews with government, United Nations (UN) and International/ non-governmental organisations (I/NGOs) in October and November 2017. With the assistance of Norwegian Refugee Council (NRC) Information, Counselling and Legal Assistance (ICLA) staff the NRC consultant conducted six focus group discussions with a total of 134

refugees and asylum seekers attending, including 70 women. The consultant also reviewed approximately 100 ICLA paralegal case files that were based on individual interviews with refugees and asylum seekers. It is noted as a limitation that only one asylum seeker in a settlement was interviewed. This was largely due to the fact that there were very few asylum seekers in settlements in the West Nile where NRC is currently operational.³ Outside the West Nile the researcher visited Kyangwali settlement and relied on discussions with actors working in Nakivale settlement.

The Legal Framework

The Ugandan Refugee Act 2006 provides an expansive definition of those who are eligible for refugee status, encompassing not only those who are determined to be refugees pursuant to the International Refugees Convention⁴, as well as those who are granted protection under the broader categories in the Organisation of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa⁵ (OAU Convention) and those fearing harm based on gender discrimination. Therefore, in Uganda an asylum seeker will be granted refugee status if they fulfil any one of the following criteria:

- A person who is outside their country of nationality or former habitual residence has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion;⁶

- A person who is outside their country of origin 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 nationality⁷;
- 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 place⁸. Gender discriminating practices which 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;⁹

The procedures for refugee status determination for asylum seekers in Uganda varies dependant on whether the asylum seeker is subject to prima facie refugee status and whether they are claiming asylum in the settlements (areas designated for asylum seekers and or refugees to live in, located in rural areas with access to a plot of land) or in Kampala.

Table of Acronyms

DRC: Democratic Republic of Congo

ICLA: Information, Counselling and Legal Assistance

IOM: International Organisation for Migration

NGO: International/ Non-governmental organisation

NRC: Norwegian Refugee Council

OAU Convention: Organisation of African Union Convention Governing the Specific Aspects of Refugee Problems in Africa;

OPM: Office of the Prime Minister;

RAB: Refugee Appeals Board;

REC: Refugee Eligibility Committee

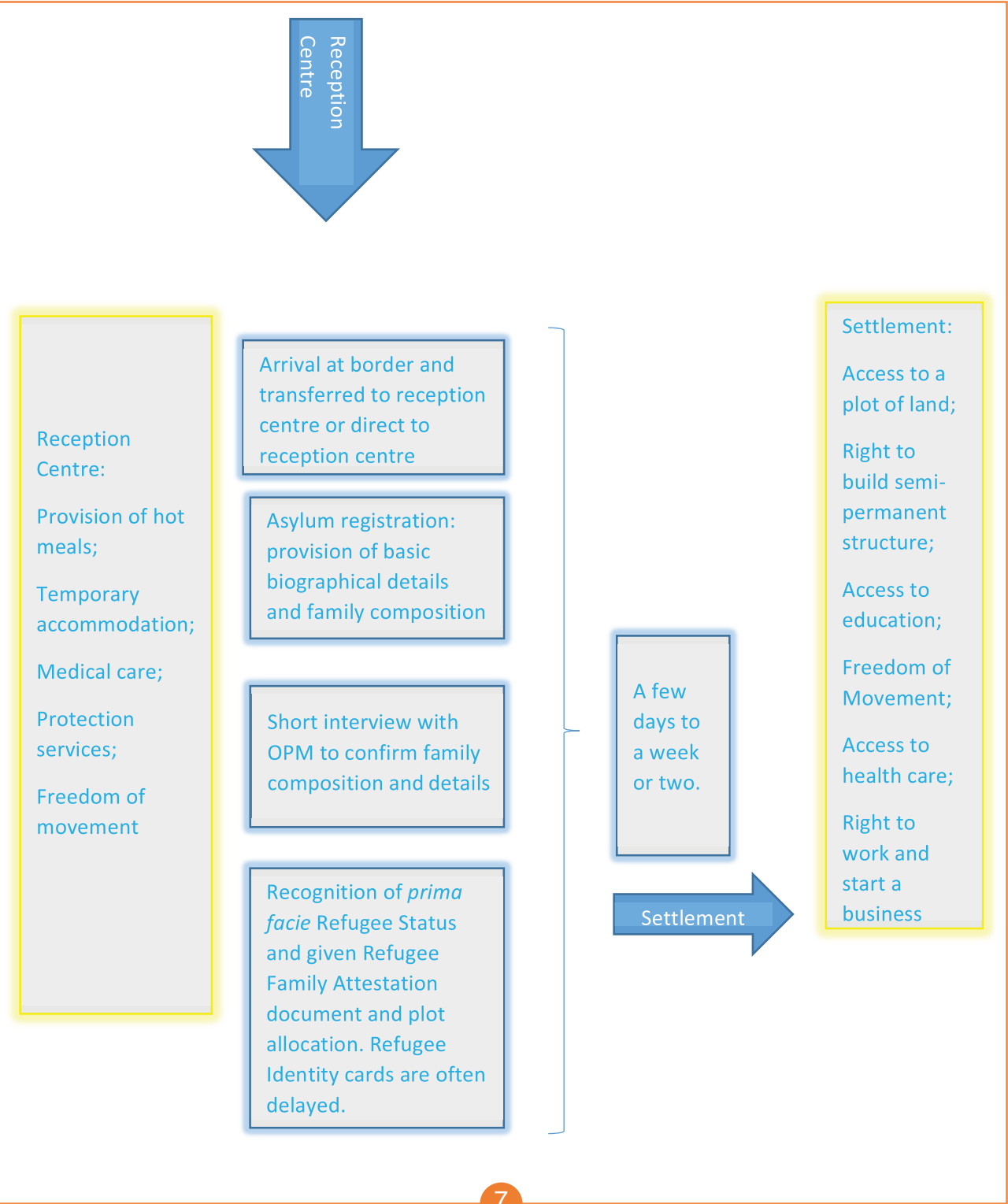
RSD: Refugee Status Determination

UN: United Nations

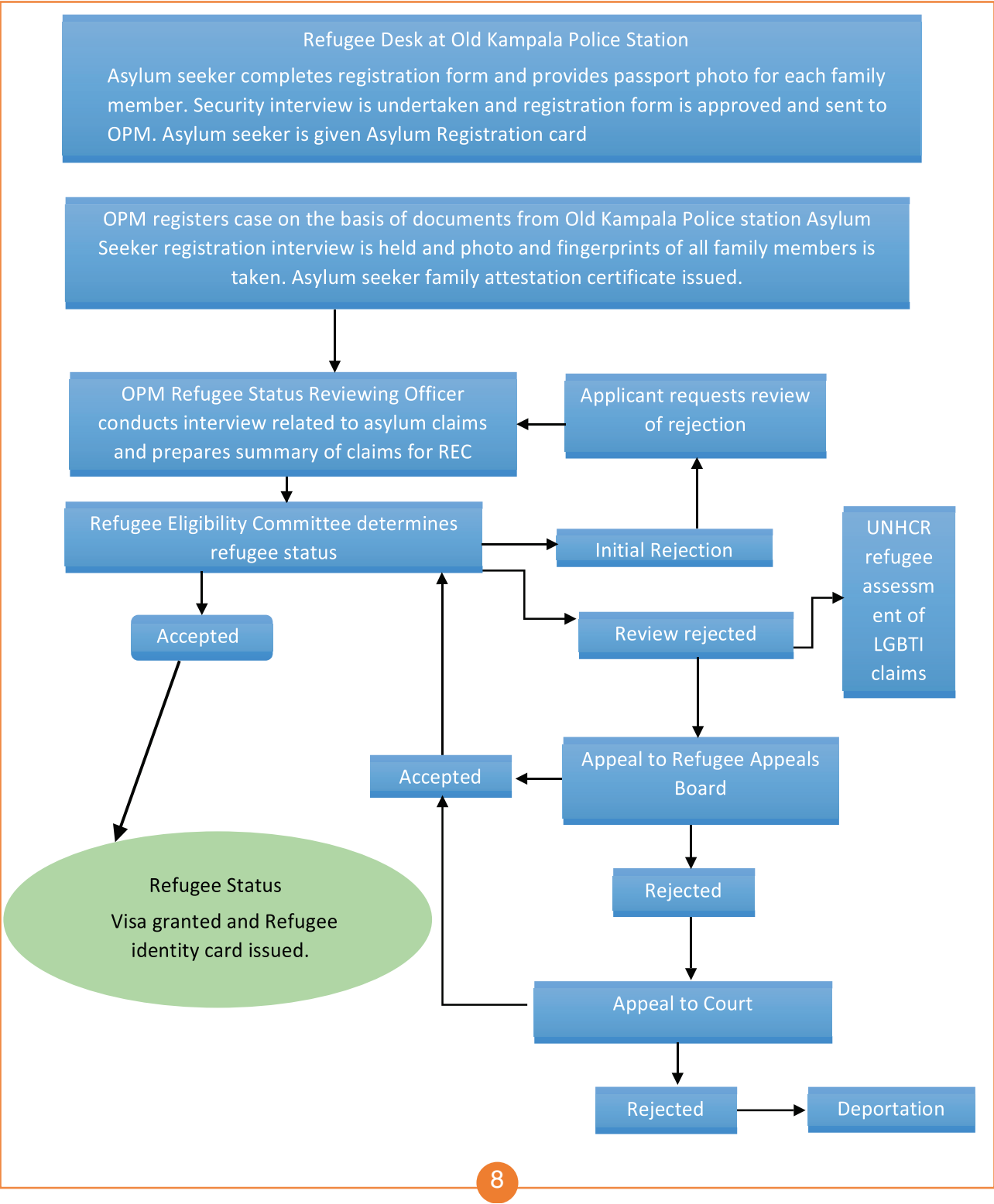
UNHCR: United Nations High Commissioner for Refugees.

The Refugee Status Determination process

Summary of Refugee Status Determination (RSD) for prima facie refugees



Summary of Refugee Status Determination (RSD) process for Non Prima Facie Refugees



The Refugee Status Determination Process for *Prima Facie* Refugees

The government of Uganda generously provides that people fleeing South Sudan¹⁰ are given *prima facie* refugee status. A *prima facie* determination means that an asylum seeker from South Sudan is given refugee status on the basis of their nationality and without having to go through an individual determination of whether they met the definition of a refugee under the law.

The designation of a country as being one from which asylum seekers can obtain *prima facie* status is generally given where the circumstances in the country that lead to people fleeing are indicative of conditions for refugee status.¹¹

In the Settlements

The vast majority of South Sudanese refugees arrive at reception centres and settlements in the West Nile area of Uganda including Yumbe, Moyo, Arua, Adjumani, Kiryandongo and Lamwo. On arrival at the reception centres, South Sudanese refugees are subject to a refugee registration process involving basic registration of bio data and family composition, as well as health and security screening checks.

A short interview is held to confirm the person's identity and nationality as South Sudanese to confirm the refugee status and issue a family refugee attestation document, which is the first documentary evidence of refugee status. The Refugee Family Attestation document is used to access services in the settlement.

The process of registration of South Sudanese

refugees generally takes from a few days to up to two weeks.¹² In theory refugees over the age of 16 should be issued with a refugee identity card at this time, however, in practice the issuance of these cards is often delayed until after the person leaves the reception centre and in some cases many months after refugee status has been granted.

After registration, refugees are allocated a plot of land and move to the settlement to construct their house and obtain access to education, vocational training, food security support, health and other support services. Refugees have rights parity akin to or more favourable than aliens in Uganda including to freedom of movement, right to work and/or to set up a business, right to health care and education.

Access to humanitarian support and land is only offered in the settlement, while those outside the settlements must be self-sufficient as a result many refugees remain in the settlements. Some South Sudanese refugees indicated that they had some problems in accessing individual refugee identity cards and birth certificates for babies born in Uganda. Additionally, if a family member joins their family in the settlement the process of being added to a family refugee attestation document may take many months. Delays in providing identity documents hamper freedom of movement and access to services. If a refugee does not have a refugee identity card it will be difficult to travel independently of their family as they will not have any documents proving their legal right to be in Uganda.

In theory, if the South Sudanese person has protection fears within their settlement the Office of the Prime

Minister (OPM) advised that it will try to provide physical protection within the settlement close to a police point, or facilitate transfer to another settlement. However, if the protection concerns persist the case will be referred to United High Commissioner for Refugees (UNHCR) for re-settlement. A number of asylum seekers in Kampala told NRC that they had relocated there as they did not feel safe in the settlements.

In Kampala

South Sudanese refugees are not able to register in Kampala. This was confirmed by the office of the Prime Minister and the Refugee Desk Officer at Old Kampala Police Station. This policy decision was reportedly made due the large numbers of South Sudanese entering Uganda and the lack of registration and support facilities in Kampala. The Refugee Desk officer at Old Kampala Police station indicated that there are only a limited number of South Sudanese refugees who try to register in Kampala as the word has spread to refugees and they know to go to the settlements.

As of October 2018, it is estimated that Kampala had a total of 47,485 individuals were verified since the exercise started on 10th September for the urban population of asylum-seekers and refugees. This represents 46% of the initial target, including a wide variety of nationalities and a number of protection cases that were addressed by UNHCR and partners on the ground. The 47,485 asylum seekers in Kampala are from a mix of countries including DRC, Somalia, Eritrea, South Sudan, Burundi, Rwanda and Ethiopia.

The Government of Uganda expects asylum seekers and refugees who stay in Kampala rather than in the designated settlements to be self-reliant. Those who are no longer able to sustain themselves are advised to go to the settlements.

Very limited humanitarian assistance is available in Kampala.

The Refugee Status Determination Process for non *Prima Facie* Refugees

In the Settlements

There are some discrepancies in the RSD process for non-prima facie refugees in the settlements due to the low numbers of asylum seekers residing in the settlement. It is noted as of 31 December 2017 only three of the eleven settlements hosting asylum seekers had more than 100 non prima facie refugees.¹³ Nakivale and Kyangwali are the only settlements with more than 2000 non prima facie asylum seekers.¹⁴ In settlements in which there are low numbers of asylum seekers resident, the REC rarely visits and so asylum seekers, who have freedom of movement generally, move to settlements further South that have more asylum seekers and more

frequent RSD processes or relocate to Kampala. For those few who remain their cases appear to be handled on an ad hoc manner with the OPM in the settlements obtaining relevant information and sending it to the OPM in Kampala for direction and determination. However, these RSD process can be protracted with people waiting over a year in some cases. Conversely settlements such as Nakivale which has a high proportion of the new arrivals of non-South Sudanese asylum seekers coming to Uganda and a mix of nationalities including asylum seekers from DRC, Somalia, Burundi and Rwanda, has more regular RSD processing including the REC travelling to the settlement to undertake RSD processing.

In May 2017 the Government of Uganda revoked the prima facie status for Burundian asylum seekers, effective 1 June 2017. This means that these Burundian asylum seekers are subject to RSD processes like other nationalities.

Burundian asylum seekers generally arrive in Nakivale settlements and as of the 31 December 2017 there were 1130 Burundian asylum seekers in Nakivale settlement.¹⁵

In Kampala

The RSD process in Kampala involves asylum seekers undertaking a registration processes at the Old Kampala Police Station and the Office of the Prime Minister. As noted previously, South Sudanese are not permitted to register in Kampala. In September 2017 Congolese asylum seekers have also been stopped from registering as asylum seekers in Kampala. The Refugee

Desk Officer at the Old Kampala Police station confirmed to NRC that Congolese were prevented from registering when it became evident that a number of Congolese asylum seekers seeking to register at Old Kampala Police station had already registered in a settlement. Currently the Old Kampala Police station does not have the technical equipment to undertake electronic verification to ensure that the person has not already registered. Old Kampala Police station is in the process of obtaining a machine that can undertake electronic verification which will enable them to readily identify if someone has already registered. Some Congolese asylum seekers living in Kampala have indicated that they do not have the funds to travel to other settlements and are electing to pay bribes to facilitate their processes of registration at settlements and in Kampala.

As of 31 December 2017 there were 37, 927 asylum seekers in Kampala¹⁶. The Refugee Desk Officer at Old Kampala Police station confirmed that there have been approximately 1500-1700 new asylum seeker files (one file either relating to a family or to an individual if they arrived alone) opened each month between April – October 2017 with the exception of September.

In September the number dropped to about 900 files due to the suspension of registration of Congolese asylum seekers. People seeking asylum from Congo and Somalia are clearly the two largest groups, followed by Eritreans and then lesser numbers of people from Burundi and Ethiopia then by a mix of other nationalities with only a handful of people each month.

Registration Process by Refugee Desk Office and Old Kampala Police Station

Asylum seekers present themselves at the Refugee Desk at Old Kampala Police Station and complete the 'Asylum Seeker Registration Information Sheet'¹⁷ with assistance of officers and interpreters at the office. This form records basic biodata for each family member and limited space for explaining why they left their own country in the comments section. The asylum seeker submits this form with a passport sized photo of each member of their family attached to the form. The Asylum seeker is provided with a small Asylum Registration Card¹⁸ that includes their number, which is linked to their application.

A security screening interview is conducted on the day of registration or another day by appointment. Once the security clearance is completed, the Asylum Seeker Registration Sheet is signed by the Refugee Desk office and sent to the Office of the Prime Minister (OPM). Completion of this process takes between a day or multiple weeks after presenting at the Old Kampala Police Station.

Registration Process by the Office of the Prime Minister (OPM)

The Asylum seeker takes their Asylum seeker registration card to the Officer of the Prime Minister where their file is reviewed and they are issued with an Asylum Seeker Certificate.¹⁹ An Asylum Seeker Certificate is given for a period of three months and then must be reviewed. There are no published statistics by OPM on the current processing times, however, OPM did say that

given the high case numbers that the process can take longer than the legislative time limit of three months.

Determining if an Asylum Seeker is a Refugee

In order to assess claims for refugee status, a Refugee Status Reviewing Officer at OPM Kampala holds an interview with the Applicant to gather information relevant to the assessment of whether they are a refugee. This interview relates to why the person fled their country and their fears of returning home. Applicants are asked also questions to confirm their identity and origins.²⁰ While the law provides that the applicant can be represented by a lawyer at their own expense²¹ and/or accompanied by someone from a Volunteer Organisation²² in practice this does not happen and those who have attempted to attend have not been permitted to do so.²³ OPM advised that there is no need for a lawyer in this process as the OPM Refugee Status Reviewing Officer has the technical skills to ascertain the appropriate information for the Refugee Eligibility Committee to make a determination on refugee status.

All definitions of refugee status contained in Refugee Act 2006 are employed by the Refugee Eligibility Commission in making decisions. If asylum cases fall within the OAU Convention's definition relating to, for example, 'events seriously disturbing public order' then

their cases follow a more general assessment of the events in the country and place where they are from. This is relevant to many asylum seekers from Somalia and DRC. However, if this definition does not apply, the individual case will be assessed pursuant to the other definitions. For example, it is likely that applicants from Eritrea, Rwanda, Burundi and Ethiopia and other countries would have their cases assessed on their individual circumstances to determine if they are personally subject to targeted persecution as described in Section 4 (a), (b) and (d). As is common in refugee law, the burden of proof is on the asylum seeker to prove their case,²⁴ that is, that their personal circumstances meet the definition of a refugee contained in the Act and regulations. However, Yet, UNHCR's Handbook nuances this a bit. See para. 196

"196. It is a general legal principle that the burden of proof lies on the person submitting a claim. Often, however, an applicant may not be able to support his statements by documentary or other proof, and cases in which an applicant can provide evidence of all his statements will be the exception rather than the rule. In most cases a person fleeing from persecution will have arrived with the barest necessities and very frequently even without personal documents. Thus, while the burden of proof in principle rests on the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner. Indeed, in some cases, it may be for the examiner to use all the means at his disposal to produce the necessary evidence in support of the application. Even

such independent research may not, however, always be successful and there may also be statements that are not susceptible of proof. In such cases, if the applicant's account appears credible, he should, unless there are good reasons to the contrary, be given the benefit of the doubt"

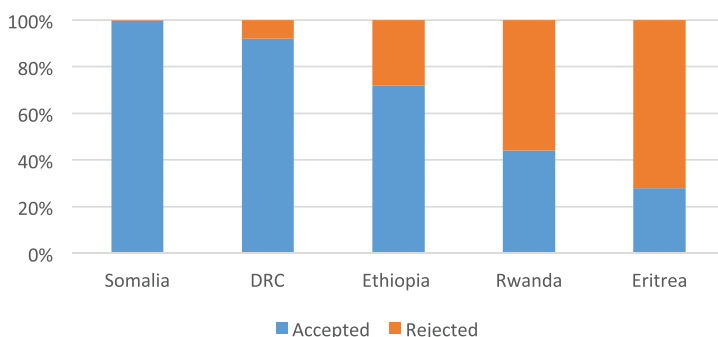
This means case worker will have a much easier job if the burden of proof is not as strict as the Ugandan law seems to indicate.

Asylum seekers who were part of NRC focus groups indicated that they did not have information about the law that was to be applied to them during their interview. Those from countries such as Burundi and Eritrea or Ethiopia indicated that they would benefit from having legal advice and representation before and during the process. For those who were rejected it appeared that there was not a good level of understanding of the specific reasons their case was not accepted, the legal standards being applied in their case, and what information they should provide in the next stage of their case.

After the interview, the interview notes prepared by the Refugee Status Reviewing Officer is sent to the Refugee Eligibility Committee (REC) for determination as to whether the person is a refugee or not. The REC is an inter-ministerial committee including representatives from the various Ministries and Government Departments²⁵ and UNHCR as an observer to the process.

South Sudanese and Burundian cases were not included in these statistics as these cases were regarded as prima facie refugees for at least some of this time period. Prima facie refugee status ended for Burundian refugees in June 2017.

Cases accepted v Cases rejected for refugee status (average 2014-2016)



The rates of acceptance of asylum seekers from Somalia, DRC and Ethiopia as refugees in Uganda is above or in line with decision making around the world.²⁶ There are no clear global trends for decisions for asylum seekers from Rwanda with some countries having very high and others with very low acceptance rates and many countries with only a small sample size.

Notably, the rate of acceptance of asylum seekers from Eritrea in Uganda is well below acceptance rates in other countries. Looking at the top ten countries which made the most decisions related to Eritrean asylum applications in 2016 all countries accepted over 80% of applicants (with 6 countries above 95%) except the United Kingdom (66% acceptance- raising to 88% at review), France (44% acceptance) with Uganda being the lowest at a 28% acceptance rate.²⁷

If an Applicant is determined to be a refugee they are issued with a letter containing the decision, a refugee family attestation document and within

a week or two they are able to obtain a refugee identity card.²⁸

If an Applicant is found not be a refugee they are issued with a letter stating that their case is rejected and they have a right to seek internal review.²⁹ It is noted that the rejection letters are written in English and handed to Applicants at the OPM officers. OPM confirmed that generally Applicants are assisted by interpreters to understand the decision and their rights to appeal and to lodge a request for a review.

The review process is an internal process within the REC. A second interview is conducted by the Refugee Status Reviewing Officers, during which the Officer reads the notes made during the previous interview to the applicant, using an interpreter if necessary, for the applicant to comment on any problems with the record and put forward any corrections or additional information. It is not possible for the applicant to get a copy of the interview notes prior to the

second interview but lawyers representing asylum seekers have been able to obtain such copies in order to assist applicants for review to prepare additional information.³⁰ Like the initial interview, lawyers do not appear to be permitted to attend the review interviews. The interview notes from the review interview are sent to REC for a determination once again on refugee status.

The REC is convened on an ad hoc basis, although it is estimated to meet eight times in a year. It usually sits for a week or more once it is convened, resulting in the REC being able to make determination of hundreds of cases in a sitting depending on their complexity of the cases. As of 31 December 2017 there were 44642 asylum seekers in Uganda whose cases has not yet been finally determined.³¹

In one case observed by the researcher in the waiting area of the OPM Office in Kampala a rejection letter was handed to an Eritrean woman with her child but could not be explained as there was not an interpreter available. The OPM officer handed the letter to another asylum seeker who was in the waiting room and requested her to explain it to the asylum seeker in the public area. Confidentiality for the Applicant was not provided and it is not known if the reasons for the decision of review rights were explained.

Appeal to the Refugee Appeals Board (RAB)

If the Applicant is again rejected by the REC, the law provides appeal from the REC to the RAB, another administrative body. Unlike the REC the law clear allows for Applicants to be represented by a lawyer at the RAB. The RAB does not have the legal authority to grant refugee status but if they find that the wrong decision has been made they refer the case back to the REC for a new decision.³²

The current operation of the RAB is not clear as over the past years there has been problems in constituting the body and NRC was not able to access data on the number of current cases before the RAB and decisions made. The main legal organisation who provides legal representation before the RAB, Refugee Law Project, indicated that they only have about 10-15 cases at the RAB and these cases have not been heard for a significant period – reportedly of up to year or more, and certainly outside the 60 days permitted by the law.³³

Appeal to the Courts

A right of appeal exists from the RAB to the Courts in Uganda however in practice it appears that this is rarely invoked.

Compliance with International Standards on Refugee Status Determination ³⁴

The Ugandan Refugee Act 2006 (hereby referred to as the Act) and the Refugee Regulations 2010 (hereby referred to as the Regulations) enacts many of the fundamentals required for fair and efficient procedures for the determination of refugee status namely:

- The right to be informed about the application process by a reception officer (section 16 of the Regulations)
- A decision should be made in a timely manner with a deadline of 90 days from lodgement of the application (section 20 of the Act)
- The right to have a hearing (section 24(2);
- The right to be assisted by an interpreter during refugee status interview (section 24 (2) of the Act) and in communicating with reception officer (section 11(2) of the Regulations);
- The right to have written notification of the decision within 14 days of the decision including reasons if the decision is negative (section 24(1) of the Regulation);
- The right to appeal including a fair hearing during appeal and a decision on the appeal within 60 days (section 30 of the Regulations);
- Representation by a lawyer at the expense of the Applicant at hearing at the REC (section 24(3) of the Act) and at the RAB (section 31 of the Regulations);

While the legal framework provides a sound foundation for the RSD process in Uganda there are a number of areas in which it is either wholly or partially not implemented in practice.

Basic standards for fair and efficient RSD processing

Non refoulement and established procedures at the border;

- Applicant should receive the necessary guidance as to the procedure to be followed;
 - The applicant should be given the necessary facilities, including the services of a competent interpreter, for submitting their case to the authorities concerned;
- If recognized as a refugee, Applicant should be informed accordingly and issued with documentation certifying his refugee status;
- If rejected Applicant should be given reasonable time to appeal for a formal reconsideration of the decision.

From UNHCR, 'Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and Protocol (Dec 2011)' para 192-193.

Timeliness of RSD processes

Ensuring the right to a fair hearing within a reasonable time requires balancing the needs of well administered, quality decision making while ensuring that the procedures are not

delayed and asylum seekers not left in uncertainty for an extended period. The three-month deadline imposed by the Ugandan law is an ambitious target given the significant number of asylum seekers coming into Uganda. While the prima facie procedures move swiftly, non-prima facie asylum claims both in Kampala and settlements experience delays. Asylum seekers complained to NRC of extended delays of over a year in order to have their initial decision in the RSD process.

A number of people who participated in focus groups indicated that in past years' decisions were made in a more reasonable time, (estimated at approximately 6 months), but in recent years this time period has increased significantly. In the settlements in the West Nile area the delays are clearly due to the REC not prioritising this area due to the very small numbers of asylum seekers there compared to Kampala and settlements in the South West. The fact that there is only one REC to cover the whole country and that it is an inter-ministerial committee means that coordinating the agendas of relevant actors in order for the REC to sit can be challenging.

Delays in processing also leave asylum seekers more vulnerable to 'brokers' claiming that they can speed up the process for a fee. Each focus group discussion raised the problems faced by asylum seekers in having to pay brokers or bribes to progress their case. Brokers appear to be commonplace for all groups of asylum seekers interviewed and often share the nationality with the asylum seeker and act as a middle man to access the authorities.

One Congolese asylum seeker in Kampala showed NRC her asylum seeker registration certificate indicating that her family had their refugee status interview in 2015 but until now there was no decision in her case. This has caused a number of problems as her family only has one identity document and so if they are outside the house separately they will be without valid identity. Her husband has been arrested a number of times for working and being without identity, which causes great stress for a family already experiencing significant financial and psychological hardship.

Access to registration procedures

A prominent concern for both South Sudanese and Congolese asylum seekers who were consulted in focus groups discussion in Kampala was the requirement to travel to settlements in order to undertake registration, obtain documentation including refugee identity cards and undergo RSD processes (for asylum seekers from DRC).

Asylum seekers indicated that the costs associated with such travel were prohibitive and those who had attempted to do this complained that they were told that they would have to pay money in order to be allowed to enter the settlement. One asylum seeker indicated that he was told, he could not pay this so he left and continues to be unregistered. Of the 47 Congolese cases NRC paralegals

documented in the past two months, 18 related to a failure to register as an asylum seeker due to the need to travel to the settlements. Failure

to register as an asylum seeker is serious and can have serious consequences. The law provides that a person claiming asylum should register within 30 days of arriving in Uganda³⁵.

While the research did not identify any instances where an asylum seeker was refused registration due to this time limit it is a risk and could also be used as an indication of non-genuine fear of harm in the RSD process. If a person is not registered they are likely not to have legal status in Uganda, which would hamper their right to access employment, health care, education and such services, further, they are vulnerable to arrest and detention and theoretically deportation. While the arrest and detention of asylum seekers due to perceived insufficient documentation was raised as a concern no cases of deportation in such circumstances were referred to.

Lack of information about the Processes and Laws being applied in The RSD Process

While the law provides that the asylum seeker must be provided with information about the RSD process by the reception officer³⁶ it is not explicitly stipulated that the applicant should be given information on the legal standard that their case will be assessed against during the RSD interview. None of the refugee and asylum seekers who were part of the focus group discussions indicated that got advice about what they needed to prove during their RSD interview. During discussions with the OPM it was confirmed that during the RSD interview the Applicant is not informed of the law but is asked questions by the Officer who is guided

by what issues are relevant for assessing if the applicant fits any one of the definition of a refugee. Like most refugee legal systems, the burden of proof establishing that the asylum seeker fits the definition of a refugee is on the asylum seeker.³⁷ Refugees and asylum seekers from countries who have significant rates of rejection of asylum seekers, including Eritrean, Ethiopian and Burundian indicated to NRC that they would benefit from legal advice on the RSD process and legal standards prior to their RSD interviews and if rejected.³⁸

Focus group participants highlighted the need for additional legal information early in the process to empower applicants to engage in the process. In this way, they might avoid paying brokers who reportedly take significant amounts of money from Applicants and may supply incorrect advice and fake documents unbeknownst to the Applicant.

Right to reasons for rejection and right to an effective Appeal

Importantly the law guarantees that if someone is rejected they will receive written notification and reasons for the rejection.³⁹ The letters are provided in English and the asylum seeker can theoretically access interpreters at the OPM to understand the decision if an interpreter is available. The interpreters can also assist asylum seekers to complete the paperwork at the OPM to seek review or appeal if requested by the Applicant.

While the general reasons for rejection are contained in a one-page letter these lack a detailed account of what occurred at the

interview. According to Refugee Law Project, lawyers, but not Applicants, are able to access these interview notes (which are the notes which were sent to the REC which resulted in the refusal). RLP has not been permitted by OPM to attend the initial or review RSD interview but can prepare written submission for the review based on the first interview notes. At the start of the review interview the OPM officer reads the notes of the first interview to the Applicant for comment.

The Act allows for Applicants to be represented in the RSD process at OPM at their own expense however, seemingly contradictorily, the Regulations seem to only allow a 'voluntary organisation' to support Applicants at the first instance, with a lawyer being foreseen at the RAB. The OPM confirmed that lawyers do not attend RSD interviews conducted by the OPM including the review, but are only present at the RAB.⁴⁰

Given that the acceptance for Eritrean asylum seekers are significantly lower than international trends and it is appearing that the legal representation for asylum seekers at first instance, particularly for Eritrean Applicants, could both assist Applicants and input into issues under consideration by the REC.

Social, Economic and Cultural Rights for Asylum Seekers and Refugees

The law gives refugees, and arguably asylum seekers, a broad range of rights similar to other foreigners and in some areas akin to the rights of Ugandans.⁴¹

The laws granting rights refer to refugees and do not specify those seeking asylum, however, discussions with OPM and UNCHR indicate that asylum seekers can access these rights in theory (the short time span of their permits may hamper this in practice). While the law is generous in its provision of rights, the '(S)ocial impacts are circumscribed by the underlying poverty and vulnerabilities exacerbated by weak basic social services delivery, poor infrastructure, and limited market opportunities in the refugee hosting settlement areas that impacts refugees and host communities alike'.⁴²

The following table provides a summary of some rights afforded to refugees and asylum seekers and practical challenges in access to these rights. This information does not examine the broader socio economic barriers to accessing such rights.

Right	Legal source	Challenges to Access Rights
Work	s 29 (1) (vi)	While refugees have obtained a fee exemption for work permits, these permits are still required for refugees and bureaucratic challenges remain for refugees to attain
Freedom of Movement	Section 30 of the Act	If a refugee does not have a refugee identity card they may face problems moving around the country separately from their family as the only other form of identity document is a refugee family attestation certificate. South Sudanese and Congolese Asylum seekers in Kampala who are required to go to the settlements to register complain of being requested to pay money to facilitate their access and registration.
Identity documents	Section 29(1)(a) the Act in respect of refugees and Section 13 of the Regulation in respect of asylum seekers.	Refugees and asylum seeker must produce identity whenever requested by the authorities. In settlements there are significant delays for some refugees in obtaining individual refugee identity cards and they only have a family attestation certificate. Asylum seekers only have a family document. Refugees and asylum seekers who only have family documents have problems in moving independently from family members. There appears to be a lack of knowledge for some refugees in relation to the ability and process to obtain residency cards from local authorities and birth certificates for children born in Uganda.
Right to property (but not ownership rights to freehold land)	Section 29(1) (e)(i) (ii) the Act and see also X of Constitution	There appeared to be some confusion for refugees in settlements believing they can buy and sell their land plots as well as refugees in Kampala 'buying' freehold land that they would not legally be able to do.
Right to travel documents	Section 31 the Act	The Act does not impose limitations on the circumstances in which Convention Travel Documents can be obtained however in its implementation applicants need to demonstrate a need to travel for health, business, study or family purposes.
Right to be treated without discrimination	Section 29(1) (c) of the Act	In NRC focus group discussions asylum seekers and refugees indicated that they are subject to arrest and or request for payment of fines/ bribes by police and other authorities sometime on the basis of their non-Ugandan status.

Re-settlement Procedures

For refugees who continue to have legal and or protection concerns in Uganda, or those who are not able to access a durable solution, re-settlement to a third country is required. It is important to note that globally less than 1% of refugees are able to access resettlement. UNHCR, in line with its global mandate⁴³, is responsible for the selection and transfer of cases for re-settlement from Uganda. UNHCR's estimates that there will be 87,000 refugees in need of re-settlement. It is likely that the number of places available for re-settlement will be similar to 2017 which was 5, 500, thus the vast majority of those in need of re-settlement will not be resettled.

It is important to note that generally for refugees to be able to be re-settled they must satisfy the definition of a refugee contained in the Refugees Convention. In Uganda the vast majority of refugees are granted prima facie refugee status or on the basis of the OAU Convention and so as part of the processes of determining if someone could be prioritised for re-settlement their Refugees Convention status must be established. Further, if an asylum seeker who raised claims based on their sexuality, including as a lesbian, gay, bi sexual, trans, and/or intersex and is rejected by the REC, their case will be re-assessed for refugee status by UNHCR.

Currently in Uganda there are two main re-settlement programmes, the first which accounts for approximately 75% of those re-settled is a regional durable solutions programme being implemented for Congolese refugees in the Great Lakes area who fled Congo between 1996-

2008. This programme is a comprehensive one in which each potential eligible refugee is identified and assessed for re-settlement.

The second programme relates to refugees who require re-settlement to a third country due to vulnerability in the following categories⁴⁴:

- **Legal and/or Physical Protection Needs** of the refugee in the country of refuge (this includes a threat of refoulement);
- **Survivors of Torture and/or Violence**, where repatriation or the conditions of asylum could result in further traumatization and/or heightened risk; or where appropriate treatment is not available;
- **Medical Needs**, in particular life-saving treatment that is unavailable in the country of refuge;
- **Women and Girls at Risk**, who have protection problems particular to their gender;
- **Family Reunification**, when resettlement is the only means to reunite refugee family members who, owing to refugee flight or displacement, are separated by borders or entire continents;
- **Children and Adolescents at Risk**, where a best interest determination supports resettlement;

These cases rely on identification of individual cases of need in the field. These cases can be identified by UNHCR protection officers or OPM or other organisations can refer to UNHCHR for consideration. In Kampala Interaid provides case

management for applicants with protection needs and is a key referral partner for UNHCR in Kampala.⁴⁵ Although NGOs can refer cases to UNHCR, it is up to UNHCR to determine if the case will be referred internally to the re-settlement officers. UNHCR noted that RLP and HIAS provide referrals in relation to LGBTI refugees. The UNHCR process for determining re-settlement is roughly as follows:

- Pre-screening by UNCHR and determination if case which should be subject to re-settlement process.
- UNHCR file is established based on a nuclear family (only children under 21 can be in the nuclear family) as transfer to a third country is done on the basis of nuclear family.
- UNHCR undertakes an interview with the family to establish the correct biodata.
- Re-settlement referral interviews are held which examine whether the Applicant meets the definition of a refugee in the Refugees Convention and assesses their vulnerability and protection needs.
- UNHCR prepares the file with personal information, legal ground and country information and sent to senior resettlement officer.
- If approved sent to regional settlement office for quality check and final approval.
- The file is sent to the proposed re-settlement country, which may conduct their own interviews and assessments.
- If looking positive, re-settlement country is likely to undertake security and health checks.
- If rejected by the re-settlement country, it is very difficult for UNHCR to re-propose to another country.

- International Organisation for Migration (IOM) arranges logistics for travel to the re-settlement country if approved.

The total process of re-settlement can be 18 months to 2 years, however, cases based on a medical emergency may be processed in just a few weeks.

During every focus group discussion, the issue of access to re-settlement was highlighted as a priority for many refugees. This was based both on protection concerns and on perceptions that Uganda does not represent a durable solution for refugees due to their precarious financial situation and inability to obtain work, suitable housing and education for their children. Refugees raised concerns about the submission of applications, long delays (up to multiple years) for interview outcomes and not being able to get updates on their case.

Conclusions and Recommendations

Conclusions

The study found that refugees in Uganda do have a range of rights under the law, and while there are several initiatives attempting to support their endeavors to exercise those rights, there also exist many challenging barriers, especially those that relate to refugee status determination. These obstacles prevent refugees first from being recognised as a refugee in the Country of Asylum and trying to claim their rights. *The Legal*

framework sets an ambitious short time frame for the resolution of asylum applications both at first instance and appeal. Albeit this being a commendable ambition, it is typically not met and some cases are continuing for up to two years. Many barriers would be removed if the procedure would be more expedite in accordance with Ugandan law.

Also, the access to the refugee status determination processes is hampered by refugees' widespread reliance in urban areas on 'brokers' who financially exploit asylum seekers and act as a paid link to the system, promising access, faster and better results. Greater knowledge of the processes involved in seeking asylum especially in Kampala could empower refugees and reduce reliance on brokers.

There appears to be only low level of knowledge by asylum seekers about the proofs required to obtain refugee status and very few asylum seekers access legal advice prior to their interviews. This has particular negative implications for asylum seekers from countries such as Eritrea, Rwanda, Burundi whose cases turn on examination of their individual claims and there are significant rejection rates. Further if an applicant is refused the reasons for the refusal are only provided in summary form, which limits the ability of the asylum seeker to know the evidence against him or her in order to respond to it, a key aspect of natural justice.

Recommendations

The Government of Uganda in cooperation with UNHCR and international and Ugandan civil society should ensure that minimum standards

enshrined in international and national law are adequately applied in RSD procedures. The recommendations below serve as a platform for discussion to gradually put in place measures to meet minimum standards.

■ Develop a RSD processing framework to minimize delays in determinations

The Refugee Convention does not prescribe a particular procedural framework for determining a person's refugee status.

However, minimizing delays should not be at the expense of minimum standards for RSD processes which include: the right to be informed about the procedure; the right to a reasonable opportunity to prepare your case; the right to be heard; the right to an unbiased decision-maker; the right to know the case against you, answer it, and for your answer to be considered a decision is made; and the right to have the decision made by the person who heard the evidence.

■ Social, Economic and Cultural Rights for Asylum Seekers and Refugees

Ugandan law offers a significant degree of rights protection to Asylum seekers and refugees but it appears that bureaucratic and practical obstacles that render protection ineffective. Particular efforts should be made to ensure that refugees and asylum seekers can obtain individual identity documents which are key for accessing other rights, in particular freedom of movement and access to work.

■ Clarity on individual assessments for refugee status determination

It is essential that actors responsible for refugee standard determination put in place viable mechanisms for individual refugee status determination in addition to those that handle mass applications.

Asylum-seekers have the right to be informed orally and [in] writing, in a language which they understand, of the processes and procedures to be followed, of their rights and obligations during the procedure and to consult in an effective manner with a legal adviser.

The communication of these rights is essential in order for asylum-seekers to be able to exercise their rights, as rights are rendered ineffective if an asylum-seeker is unable to act on them due to a failure of being informed of what those rights are.

■ Information

Provide accurate, reliable information on the rights, responsibilities and benefits of refugee status to ensure that eligible populations are able to make fully informed decisions about applying for RSD and obtaining the right to legally seek and enjoy asylum in Uganda.

■ Capacity building

Train right holders and other key stakeholders including duty bearers and decision makers on RSD to increase their knowledge and skills. This increases access to the rights attached to Refugee status, immigration and legal residency. The long-term result of this intervention is increased knowledge of and access to and enjoyment of rights for refugees living in urban areas and settlements including reduced protection risks for vulnerable refugee populations.

■ Legal Counselling

Provide legal advice on how to overcome specific legal problems related to refugee status determination, for example, assisting refugees with available options for having their refugee status determined.

■ Legal assistance and representation


Provide greater support for refugees to exercise their rights to status determination: for example, accompanying extremely vulnerable individuals for the assessment of their status.

■ Research and publication

Use research to develop further knowledge on refugee status determination. Information gained from research should be documented and used to inform programming, advocacy or legislative and policy reform.

Glossary of Documents

GOVERNMENT OF UGANDA (OPM) GOUVERNEMENT DE L'UGANDA (OPM)				
Asylum Seeker Registration Information Sheet (formulaire de demande d'asile)				
File (dossier) #:		Reg. Date (date d'enregistrement)		Arrival Date (date d'arrivée)
		(dd/mm/yyyy)		(dd/mm/yyyy)
Knows to person(s) (connu de la personne(s))				
Part A-Principal Applicant Basic Bio Data (renseignements du demandeur):				
Full Name (underline main name) (Nom et prénom):				
2. Other Names used (surnoms)		3. Present Address/ Tel No. (Adresse Actuelle):		
4. Father's Name (nom du père):				
5. Mother's Name (nom de la mère):				
6. Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female		7. Nationality (nationalité):		
8. Date of Birth (dd/mm/yyyy) (date de naissance):/...../..... (if not known give estimated year of birth/est pas connu fait l'estimation):				
9. Applicant's profession (profession):				
10. Marital Status: (État) <input type="checkbox"/> Single (célibataire) <input type="checkbox"/> Married (marié) Engaged (engagé) (e)				
<input type="checkbox"/> Separated (séparé(e)) <input type="checkbox"/> Divorced (divorcé(e)) <input type="checkbox"/> Widowed (veuf/ve)				
11. Spouse's Name (if applicable (nom de l'épouse))				
12. Religion: (La religion)				
13. Ethnicity: (ethnie):				
14. Full Address of Last Place of Residence in Home Country (l'adresse complète de la résidence dans votre pays natal):				
15. Political Affiliation (affiliation politique):				
16. Languages Spoken (langue parlée):				
17. Description (description):				
18. Travel documents (document de voyage):				
19. Associates (amis) (en):				
20. Hobbies (jeux favoris):				
21. Countries Visited (pays visités):				
22. Schools attended (écoles fréquentées):				
Part B-Family Members And Dependents Accompanying the Applicant (noms des membres de famille accompagnés le demandeur):				
Full Name (Nom Et Prénom):	Sex M/F	Relationship to Applicant (lieu de parenté):	COO (pays d'origine)	Date of Birth (dd/mm/yyyy) (date de naissance):
01				
02				
03				
04				
05				
06				
07				
08				
Full Name (Nom Et)	Sex	Relationship to Applicant	COO (pays)	Date of Birth

ASYLUM REGISTRATION CARD	
 THE REPUBLIC OF UGANDA	Name: _____
	Nationality: _____
	No. _____

OFFICE OF THE PRIME MINISTER	
 FOR THE REPUBLIC OF UGANDA	
Vision 2040 P.O. BOX 101, KAGAME ROAD, P.O. BOX 30, KAMPALA, UGANDA TEL: 011 531 4010, KAGAME ROAD, P.O. BOX 30, KAMPALA, UGANDA E-MAIL: info@pmo.go.ug, info@pmo.go.ug, info@pmo.go.ug	
To: Mr. [Name] (Name) Department of Refugees Tel: 011 531 4010, KAGAME ROAD, P.O. BOX 30, KAMPALA, UGANDA	
Date of issue: 25-May-2015 Expiry Date: 25-August-2015 Place of issue: KAMPALA	Asylum Seeker Certificate The above mentioned is an asylum seeker from Democratic Republic of Congo whose case is under consideration by the Refugee Commission.
TO WHOM IT MAY CONCERN, The above mentioned is an asylum seeker from Democratic Republic of Congo whose case is under consideration by the Refugee Commission.	This document is renewable if the asylum process is not complete. This is accompanied by the following family members:

Prénom:	M/F	(lieu de parenté):	d'origine	(dd/mm/yyyy) (date de naissance)
10				
11				
12				
13				
14				

Part C-Non - Accompanying Family Members and Dependents outside Uganda (noms des membres de famille résidant au pays)				
Full Name (Nom Et Prénom)	Sex M/F	Relationship to Applicant (lieu de parenté)	COO (pays d'origine)	Date of Birth (dd/mm/yyyy) (date de naissance)
01				
02				
03				
04				
05				
06				
07				
08				

Part D- Details of travel (détails du voyage)				
1. Date of departure from home country (date de départ dans votre pays natal) (dd/mm/yyyy):				
2. Date of arrival in Uganda (date d'arrivée en Ouganda) (dd/mm/yyyy):				
3. Exit point from Home country (sortie)				
5. Country of travel (pays transité)		4. Entry point in Uganda (entrée)		Known to UNHCR (connu au HCR)
From (de)	To (en) (dd/mm/yyyy)			<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
				<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Have ever been in Uganda before? (avez-vous été en Ouganda au préalable?) <input type="checkbox"/> Yes <input type="checkbox"/> No				
7. Are you currently registered in one of the refugee settlements in Uganda? (êtes-vous enregistré(e) au sein de l'un des camps de réfugiés en Ouganda?) <input type="checkbox"/> Yes <input type="checkbox"/> No				

Declaration (to be signed by the applicant) est soumise être signée par le titulaire
 I declare the information I have supplied on this form is complete, correct and current in every detail. I authorize Government of Uganda to share information on my registration information sheet with the UNHCR authorities. (Je déclare que l'information donnée est correcte, complète et d'actualité qu'elle soit partagée avec l'office de HCR)

Signature of Applicant / Signature du titulaire: _____ Date, Place: _____
 Name of Interpreter / Nom de l'interprète: _____ Name of Interviewer de l'officier en charge: _____

Comments (commentaires):

Republic of Uganda
Refugee Identity Card

Registration Number: **0000000000**

Issuance Date: **00/00/0000**

Nationality: **Congolese (DRC)**

Date of Birth: **14-Oct-1987**

Name: **0000000000**

[Barcode]

OFFICE OF THE PRIME MINISTER
FOR GOD AND MY COUNTRY
VISION 2040

PLOT 9-11 APOLLO KAGGWA ROAD, P.O. BOX 341, KAMPALA, UGANDA
TELEPHONES: General Line 9417 77000, Web: www.opm.go.ug, E-mail: info@opm.go.ug

In any correspondence on this subject, please quote No: OPAS/04/17 Department of Refugees Tel: 891725718, 841428708 Fax: 841425873

REFUGEE FAMILY ATTESTATION

Date of Issue: 26 May 2017
Place of Issue: KAMPALA
Individual No: 0000000000
Group No: 0000000000
Name: 0000000000
Year of Birth: 00/00/0000
Nationality: Congolese (DRC)



TO WHOM IT MAY CONCERN,

The above mentioned is a refugee from Democratic Republic of Congo; whose case is registered with the Office of the Prime Minister.



David Apollo Kazungu
David Apollo Kazungu
Commissioner for Refugees

OFFICE OF THE PRIME MINISTER
FOR GOD AND MY COUNTRY
VISION 2040

PLOT 9-11 APOLLO KAGGWA ROAD, P.O. BOX 341, KAMPALA, UGANDA
TEL: EPHONES: General Line 9417 77000, Web: www.opm.go.ug, E-mail: info@opm.go.ug

In any correspondence on this subject, please quote No: OPAS/00/01 Department of Refugees Tel: 891725718, 841428708 Fax: 841425873

Date of Issue: 01 December 2015 FORM C

Regulation 24

NOTICE OF DECISION OF ELIGIBILITY COMMITTEE

Individual No: 0000000000
Group No: 0000000000
Nationality: Congolese (DRC)
Refugee Status No: 0000000000



Place of Issue: KAMPALA

TO: 0000000000

This is to inform you that on 28 Sep 2015, the Refugee Eligibility Committee considered your application for refugee status and decided to grant your application in accordance with the Refugee Act 2006, and the International and Regional Refugee Conventions.

David Apollo Kazungu
David Apollo Kazungu
Commissioner for Refugees

Note: Every modification in the family composition has to be reported to the OR

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FOR GOD AND MY COUNTRY
OFFICE OF THE PRIME MINISTER
PLOT 8-11 APOLLO KAGGWA ROAD, P.O. BOX 10, KAMPALA, UGANDA
TELEPHONES: General Line 441778500, Web: www.opm.go.ug, E-mail: prsr.opm.go.ug, info.dor@opm.go.ug

In any correspondence on this subject, please quote No: **OPMR/4.1** Department of Refugees Tel: 0392725718, 0414230758 Fax: 0414258735

Date of Issue: 10 May 2017 **FORM C**

Regulation 24
NOTICE OF DECISION OF ELIGIBILITY COMMITTEE

Individual No: 662-00092267
Group No: 662-16C02177
Nationality: Congolese (DRC)
Refugee Status No: 2139/2016


Place of Issue: **KAMPALA**

TO: JULES

This is to inform you that on **27 Mar 2017** the Refugee Eligibility Committee considered your application for refugee status and decided to **reject your application** because you do not meet the criteria for the grant of the refugee status.

Please note that:

- If you are not satisfied by the decision of the Eligibility Committee, you may lodge your appeal to the Appeals Board **within thirty days** from the date of receipt of this notice, and;
- If you are satisfied by the decision of the Eligibility Committee and/or exhausted your right of appeal, you are allowed to stay in Uganda for a period of **not exceeding ninety days** from the date of issue of this notice to enable you seek asylum or admission to another country of


David Apolito Kazungu
Commissioner for Refugees

The Assistant Inspector General of Police
Director of Crime Intelligence

The Director
Directorate of Immigration and Citizenship
Ministry of Internal Affairs, Kampala

The Representative of UNHCR in Uganda, Kampala

Printed by: *benibauza*

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TELEPHONES: General Line 441778500, Web: www.opm.go.ug, E-mail: prsr.opm.go.ug, info.dor@opm.go.ug

In any correspondence on this subject, please quote No: **OPMR/4.1** Department of Refugees Tel: 0392725718, 0414230758 Fax: 0414258735

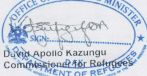
Date of Issue: 10 May 2017 **FORM D**
THE REFUGEE REGULATIONS
Regulation 24(2)
STATEMENT OF REASON(S) FOR REJECTION OF APPLICATION FOR REFUGEE STATUS

Group No: 662-16C02177
Government Ref No: 16/04/41/85973
Refugee Status No: 2139/2016

TO: JULES KARUNGU

- LACK OF A Nexus TO THE GROUNDS IN THE REFUGEE ACT 2006**
The reasons you have provided for being unwilling or unable to return to your country of origin are unrelated to any of the grounds for Refugee Status namely:
Persecution on the basis of:
 - Sex
 - Nationality
 - Political Opinion
 - Membership of a particular social group, failure to conform to gender discriminating practices
 - That you were compelled to leave the place of habitual residence owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of your country of origin or nationality
 - That having no nationality, your being outside your country of former habitual residence is related to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion and that you are unwilling or unable to return to the country of your former habitual residence
- CREDIBILITY**
After a careful consideration of all the available information including evidence and testimony provided at your refugee status interview, your Refugee claim was found to be unsubstantiated.
 - Factual inconsistencies with your testimony
 - Material inconsistencies between your testimony and other evidence was determined to be unbelievable in light of known country conditions. Documented other case member's testimony, etc.
 - Other(s)
- NO WELL-FOUNDED FEAR**
On the basis of a thorough review of the available and generally accepted information regarding your country of origin, the committee has determined:
 - That there is no reasonable possibility that you will suffer the harm you describe if you return to your country of origin
 - That even though the possibility of threat that you describe exists, the same is posed by non-state actors and that the authorities in your country of origin are able to provide effective protection
- ALREADY A RECOGNIZED REFUGEE IN ANOTHER COUNTRY**
That you already sought and found effective protection from another country.
Upon consideration of all the available information, including qualifications provided by you, the Committee determined that you are ineligible for refugee status.
If you are dissatisfied with the decision reached you may apply for:
 - Review of your case to Refugee Eligibility Committee on the following grounds:
 - New information that would merit a change in the determination. Note that if you provide new information in your request for review you must provide an explanation as to why you did not provide this information at the first interview

An appeal to the Appeals Board (based on speeding of law and/or procedure).
In request for appeal, you must complete the attached Appeal Application **Form E** and return it to the Office of the Prime Minister within thirty (30) days after receipt of the notice of the decision of the Eligibility Committee.


David Apolito Kazungu
Commissioner for Refugees

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Endnotes

1. At 31 December 2017 there were 44 642 asylum claims pending according to OPM and UNHCR statistics, see <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>. http://popstats.unhcr.org/en/asylum_seekers.
2. NRC and UNHCR meeting, 1 October 2017, UNHCR Kampala.
3. Up until 31 December 2017 there were only 100 asylum seekers (that is non prima facie refugees) in Adjumani, Arua and Yumbe districts in 2017 as per Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, accessed 10 January 2018.
4. *1951 UN Convention Relating to the Status of Refugees and Protocol relating to the status of refugees*.
5. Adopted on 10 September 1969 by the Assembly of Heads of State and Government. CAB/LEG/24.3. It entered into force on 20 June 1974.
6. Section 4(a) and (b) of the Refugees Act 2006 (to be referred to as the Act) which is based on Article 1A (2) of the *1951 UN Convention Relating to the Status of Refugees* to be referred to as the Refugees Convention.
7. Section 4 (c) of the Act which is based on *The Organisation for African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa The Convention Governing the Specific Aspects of Refugee Problems in Africa*, Article 1, Paragraph 1.
8. Section 4 (d) of the Act.
9. Section 2 of the Act.
10. Until June 2017 asylum seekers from Burundi were also given *prima facie* refugee status. See UNHCR
11. **Prima facie** is generally ‘process of group determination of refugee status, as opposed to individual determination, which is usually conducted in situations where a need to provide urgent assistance or other practical difficulties preclude individual determination, and where the circumstances of the flight indicate that members of the group could be considered individually as refugees. UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*, January 1992, <http://www.unhcr.org/refworld/docid/3ae6b3314.html>
12. This information is based on meetings with South Sudanese refugees, a number of OPM officers as well as the Danish Refugee Council (who provides humanitarian assistance in a number of reception centers) with NRC held between, 16 October – 03 November 2017.
13. See the Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, p.1, accessed 10 January 2018.
14. See the Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, p.1, accessed 10 January 2018.
15. See the Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, p.1, accessed 10 January 2018.

16. See the Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, p.1, accessed 10 January 2018.
17. See example in Document Glossary item A.
18. See example in Document Glossary Item B.
19. See example in Document Glossary item c.
20. Meeting between NRC and OPM legal officer and former Refugee Status Reviewing Officer.
21. Section 24 (3) of the Act.
22. Section 18 (1) of the Regulations.
23. Meeting between NRC and Refugee Law Project on 30 October 2017.
24. Section 17 of the Regulations (1)
25. Section 11 of the Act outlines the composition of the REC including the Permanent Secretary of the Ministry responsible for refugees as Chair, the Permanent Secretary of the Ministry responsible for Internal Affairs; the Solicitor General or his or her representative; the Permanent Secretary of the Ministry responsible for Foreign Affairs; the Permanent Secretary of the Ministry responsible for Local Governments; the Director General of the Internal Security Organisation; the Director General of the External Security Organisation; the Director of Special Branch, Uganda Police Force, the Commissioner for Immigration.
26. The analysis of global rates was undertaken by comparing the top ten countries which made the most refugee determinations in respect of that country and then comparing the number of cases which were accepted and the number of cases which were rejected. The statistics were obtained from UNHCR at http://popstats.unhcr.org/en/asylum_seekers.
27. The analysis of global rates was undertaken by comparing the top ten countries which made the most refugee determinations in respect of Eritrea (Germany, Switzerland, Sweden, Netherlands, Uganda, United Kingdom, Norway, France, Egypt and Sweden). Sudan was not included as the all data set was not available. The statistics were obtained from UNHCR at http://popstats.unhcr.org/en/asylum_seekers.
28. See example in Document Glossary Items F and E and D.
29. See example in Document Glossary Item G.
30. Interview with between NRC and Refugee Law Project on 30 October 2017.
31. Uganda Refugee Response Portal, December 2017, Statistics package, <https://ugandarefugees.org/category/policy-and-management/refugee-statistics/?r=48>, p.1, accessed 10 January 2018.
32. Section 17 (3) the Act.
33. Section 17 (3) the Act.
34. United Nations High Commissioner for Refugees, 'Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees' (December 2011), para 192- 193 and United Nations High Commissioner for Refugees, 'Procedural Standards for Refugee Status Determination under UNHCR's Mandate' (September 2005).
35. ¹ Section 19 (1) of the Act.
36. section 16 of the Regulations.

37. Section 17 (1) of the Regulations.
38. Focus group discussions held on 31 October and 1 November 2017.
39. Section 24(1) of the Regulations.
40. Interview with OPM Legal Adviser and NRC held on 2 November 2018.
41. Refugees don't have the right to own freehold land or other rights reserved for citizens such as the right to vote.
42. World Bank, Uganda's Progressive Approach to Refugee Management, P.ix.
[http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/ugandas progressive approach-refugee-management](http://www.worldbank.org/en/topic/fragilityconflictviolence/brief/ugandas%20progressive%20approach-refugee-management)
43. UNHCR Statute, chapter 1, 1: states that UNHCR "shall assume the function of providing international protection, under the auspices of the United Nations, to refugees who fall within the scope of the present Statute and of *seeking permanent solutions for the problem of refugees* by assisting Governments ... to facilitate the voluntary repatriation of such refugees, *or their assimilation within new national communities.*" 14 December 1950, <http://www.unhcr.org/en-au/excom/bgares/3ae69ee64/statute-office-united-nations-high-commissioner-refugees.html>.
44. UNHCR Re-Settlement Guidelines, 2011, pg. 37
45. Interaid, OPM and UNHCR have a tri-partite cooperation agreement.

