



UNHCR Monthly Protection Update Refugee Status Determination (RSD) February 2019

The Ugandan Government is responsible for Refugee Status Determination (RSD). UNHCR works with the Refugee Department within the Office of the Prime Minister and other partners to build and enhance the capacity of national RSD procedures.



1st REC session of the Year on 20th February 2019

Key Figures of the month

1,352	# of new asylum seekers registered at the Refugee Desk
4,632	# of new asylum seekers from DRC registered in settlements
3,939	# of new asylum seekers from South Sudan registered in settlements
460	# of new asylum seekers from Burundi registered in Nakivale settlement

Key Achievement of 2019

71	# of asylum applications adjudicated by the REC
68	# of asylum applications granted
95%	% of recognition rate in the first instance
11	# of asylum appeals reviewed by the RAB
2	# of appeals set aside by the RAB

NOTE:

As of writing, DRC nationals (*who enter Uganda via designated border points*) and South Sudanese are granted refugee status on *prima facie* basis in accordance with Section 25 of the Refugees Act.

KEY HIGHLIGHTS

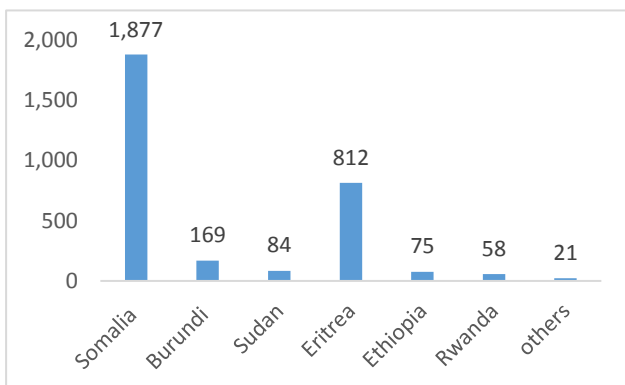
- UNHCR attended a two day meeting with the East African Secretariat. The meeting was called to discuss the East Africa Community (EAC) refugee management policy. Among the issues discussed was the need for the EAC to borrow good practices from ECOWAS. The meeting raised issues regarding the impact of hosting refugees on services, the environment and the need to recognize the contribution of first responders among others. Challenges of naturalization for protracted caseloads mainly as a result of administrative barriers were also noted. Further, issues regarding rejected claims to asylum were raised and it was recommended that it is necessary to cover the gaps in legislation which are silent in this area. It was highlighted that there was a need to provide temporary protection for cases in mixed migration situations pending determination of their status.

Monthly Trend of Asylum Seekers

- During the reporting period, a total of 1,352 new asylum seekers were registered at the Refugee Desk in Kampala including 890 Somalis and 288 Eritreans. The figure is reduced by approximately 400 individuals compared to January 2019.
- 4,632 new arrivals from the Democratic Republic of Congo (DRC) were recorded in the South West and Mid-West of the country, which shows a slightly higher number than last month.

- 3,939 new arrivals from South Sudan were reported in Arua and Adjumani districts. The reasons for their displacement included violence and insecurity, human rights violations, as well as lack of access to humanitarian assistance and basis service.
- 460 Burundian asylum seekers were newly registered in Nakivale settlement owing to continuous insecurity and request for family reunification.

Country of origin of asylum seekers registered at Refugee Desk in Kampala in January - February 2019



Status Determination

- The **Refugee Eligibility Committee (REC)**, during the session of 20-21 February in Kampala, adjudicated 71 asylum applications, largely from Burundi and Sudan. 95% of applicants were granted refugee status.
- The **Refugee Appeals Board (RAB)**, during the session of 26-28 February, reviewed 11 asylum appeals, the majority of whom were Eritreans. The RAB set aside two REC decisions, confirmed four REC decisions and decided to hold a hearing of five case.

Strategy

UNHCR supports Ugandan authorities with the assumption of responsibility for individual refugee status determination with the following objectives:

- To strengthen the capacity of the government to deliver a fair, credible and efficient refugee status determination

- To advocate for improvement of the national legislation and by-laws on asylum in line with applicable international and regional standards
- To actively engage with the government to ensure access to asylum in face of mixed flows of refugees and migrants.

Challenges

- **Limited capacity to process asylum claims:** As of February 2019, there are 30,790 asylum seekers across the country, out of which approximately 60% represents applications filed in Kampala. The analysis of the backlog is ongoing, which will help develop a strategy for its reduction.
- **Lack of adequate space for initial screening:** The poor physical condition of the Refugee Desk hampers an initial screening of asylum seekers in Kampala effectively. The current set-up is not equipped for proper file management and also significantly compromises the principle of confidentiality and privacy.
- **Insufficient quality of RSD interview/decision-making:** A combination of several factors such as the limited number of interview officers and interpreters (in light of the current caseload), inadequate quality of interpretation service and limited capacity to handle complex cases undermines the quality of RSD decisions.
- **Gaps in law, and gaps between law and practice of asylum procedure:** The review process of the Refugees Act and its Regulations has been ongoing since 2015. Coupled with lack of proper application of certain provisions, there are several deficits such as limited authority of Refugee Appeals Board, lack of clear definition in certain terms as well as absence of the clear provision regulating the reception/admission procedure for asylum seekers in Kampala.
- **Increasing mixed migration flows:** The government has increasingly faced difficulties in recognizing the situation of refugees and refugees within migratory movements, which results in tightening an access to asylum procedure

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