



## Monthly Update - Refugee Status Determination (RSD) August 2018



The Ugandan government is responsible for refugee status determination (RSD). The 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.

### Key Figures of the Month

1029	# of new asylum applications registered at the Refugee Desk
828	# of asylum applications granted by the REC
122	# of asylum applications rejected by the REC and RAB

### Current Status and Achievements (Jan – August 2018)

42,019	# of asylum applications pending adjudications
5,186	# of asylum applications pending adjudication by REC
193	# of pending asylum appeals

*NOTE: As of writing, asylum seekers from the Democratic Republic of Congo and South Sudan are granted refugee status on prima facie basis in accordance with Section 25 of the 2006 Refugees Act.*

### Primary Legal Framework of Asylum procedure in Uganda

- ↳ 2006 Refugees Act
- ↳ 2010 Refugees Regulations

## Key Highlights

### Monthly Trend of Asylum Seekers:

- During the reporting period, a total 1,029 new asylum seekers were registered at the Refugee Desk in Kampala including 696 Somalis, 265 Eritreans, 48 Burundians and others.
- The number of Eritrean asylum seekers increased, while that of Burundian and Ethiopian asylum seekers decreased compared to the previous months.
- According to the Refugee Desk official, there is a growing concern of unregistered Congolese asylum seekers arriving directly in Kampala.

### Status Determination:

- The Refugee Eligibility Committee (REC), during the session of 27-31 August, adjudicated asylum claims of 931 HH/ 1,416 individuals mainly concerning Eritreans, Ethiopians, and Somalis. A total of 828 HH/1,252 individuals was granted a refugee status.
- The Refugee Appeals Board (RAB), during the sessions of 14-16 and 28-30 August, reviewed 48 appeal cases involving 89 individuals which included one Congolese, four Ethiopians and 43 Eritreans. The RAB confirmed 19 REC's decision, and set aside 19 cases, while deciding to hold an additional hearing of 11 cases.
- Inspector General of Ugandan Police Force approved on 1 August the request of Office of the Prime Minister with regard to relocation of the Police Crime Intelligence Refugee Desk.

### Capacity Development:

- On 2-3 August 2018 OPM and UNHCR facilitated a Refugee Status Determination training with participation of 27 participants (14 men and 13 women) including REC and



RAB members, and OPM RSD staff working in Kampala and settlements. The participants gained a better understanding of the Ugandan legal framework in respect to RSD, application of inclusion clause, burden of proof/standard of proof and credibility assessment. The training also provided an opportunity to identify and discuss challenges and obstacles in the different stages of the asylum process, which will provide a basis for shaping the UNHCR's contribution to enhancing the capacity for refugee status determination.

## Strategy

UNHCR supports the 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 related bylaws 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 asylum seekers and migrants

## Challenges

- **Backlog of asylum claims:** According to the Refugee Information Management System (RIMS), as of July 2018, 47,205 asylum claims are registered, out of which 42,019 cases are not yet either interviewed or adjudicated by the REC and 5,186 cases are either under review of the RAB or reconsideration of the REC.<sup>1</sup>
- **Lack of adequate physical condition at the Refugee Desk:** The poor physical condition of the Refugee Desk hampers an initial screening of asylum seekers in Kampala effectively. The current set-up does not equip for proper file management but also significantly compromises the principle of confidentiality and privacy.
- **Insufficient quality of RSD interview:** A combination of several factors such as limited number of interview officers (in light of the current caseload), sub-standard quality of interpretation service as well as lack of unified approach to interview undermines the quality of RSD interview.
- **Gaps in law and practice of asylum procedure:** The review process of the Refugees Act and 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 asylum seekers within migratory movements, which results in tightening an access to asylum procedure.

Drafted by Yusuke Hara, Associate RSD Officer (hara@unhcr.org)

---

<sup>1</sup> The ongoing UNHCR's verification exercise is expected to clarify the number of pending asylum claims to inform the strategy to handle the RSD backlog.