



## Monthly Update - Refugee Status Determination (RSD) September 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

1,264	# of new asylum applications registered at the Refugee Desk
601	# of asylum applications granted by the REC
39	# of asylum applications rejected by the REC and RAB

### Current Status and Achievements (January – September 2018)

5,514 /12,304	# of asylum applications granted / # of individuals granted
428 /870	# of asylum applications rejected /# of individuals rejected
150	# 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 1,264 new asylum seekers were registered at the Refugee Desk in Kampala including 745 Somalis, 340 Eritreans and 100 Burundians, which indicated a slight increase in numbers compared to the previous month.
- There were increasing number of asylum seekers from the Democratic Republic of Congo (DRC) due to growing tension and violence in North Kivu and Ituri Provinces, which recorded 4,779 new arrivals in mid- and south west of the country.
- 1,609 new arrivals from South Sudan were reported in Adjumani, Moyo and Lamwo districts because of reasons such as lack of access to livelihood and basic services as well as inter-clan fights in Geria Country.
- 257 new Burundians reportedly sought asylum, mainly in Nakivale settlement owing to continuous threats and arrests linked to refusal to vote and voting against the May 2018 referendum.

### Status Determination:

- The Refugee Eligibility Committee (REC), during the session of 18-20 September in Nakivale settlement, adjudicated asylum claims of 632 HH/ 2,042 individuals largely from the DRC and Burundi. A total of 601 HH/1,974 individuals was granted a refugee status.
- The Refugee Appeals Board (RAB), during the sessions of 11-13 and 23-25 September, reviewed 54 appeal cases involving 100 individuals including 33 Eritreans, 15 Pakistanis and others. The RAB confirmed 12 REC's decision and set aside 24 cases, while referring 15 Pakistani cases back to the REC in light of the Minister's directive on non-admission of Pakistani asylum seekers issued in June 2018.

### Capacity Development:

- UNHCR Assistant Representative (Protection) paid a first visit to the RAB on 11 September to discuss some operational challenges such as difficulties in adjudicating certain asylum claims and delayed disbursement of the project funding as well as request for additional capacity development assistance.

## 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 effectively handle the RSD backlog cases.