

In the Name of Allah, the Gracious the Merciful



Republic of Sudan
Ministry of Interior
Commission of Refugees



The Asylum (Organization) Act, 2014

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Be it hereby Passed, by the National Assembly, and Signed, by the President of the Republic, in accordance with the provisions of the Interim Constitution of the Republic of the Sudan, 2005, the following Act :-

Chapter I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, "Asylum (Organization) Act, 2014", and shall come into force, as of the date of signature.

Repeal and saving

2. The Asylum (Organization) Act, 1974, shall be repealed; provided that all orders and procedure, made thereunder shall remain in force, until revoked, or amended, in accordance with the provisions of this Act.

Interpretation

3. In this Act, unless the context otherwise requires, :-
"Abolition of
Refugee Status", means occurrence of abolition,
where it is proved that the refugee
status has been obtained through
an unlawful, or illegal method;
"Asylum", means protection and assistance,
granted to persons, to whom the

refugee status applies, in accordance with the provisions of this Act, the United Nations Convention and the OAU Convention;

“Asylum seeker”,

means any alien, who has expressed his desire to seek international protection, as a refugee in the Sudan, and a final decision, with respect to his application has not been passed, in accordance with the provisions of section 7;

“Board of Appeal”,

means the Board of Appeal, appointed under the provisions of section 12(1), to consider the appeals, submitted from refugees, or asylum seekers, against decisions of rejection of application for asylum, abolition, or withdrawal of refugee status;

“Central Registry”,

means the registry that contains the data of the refugees, and asylum seekers in the Sudan, and the places of their presence;

“Child separated
from his kins”,

means a child under eighteen years, who is separated from both parents , or from his previous legal, or customary guardian, and includes a child, who is accompanied by one of the other adult members of his family;

“Child unaccompanied
by his kins”,

means a child under eighteen years, who is separated from both parents and other relatives, and does not receive care, either legally, or customarily, by any of his adult parents;

“Commission”,

means the Refugees Commission, established under the provisions of section 24(1) ;

“Commissioner”,

means the Refugees Commissioner, appointed under the provisions of section 26;

“Minister”,

means the Minister of Interior;

“Ministry”,

means the Ministry of Interior;

“OAU Convention”,

means the Organization of the African Union Convention Governing the Specific Aspects of the Refugees Problems in Africa,

“Refugee”,

signed in Addis Ababa in September 1969;

means every alien, found outside the country of his nationality, by reason of justifiable fear of being subjected to persecution, for his race, religion, nationality, affiliation to a particular social group, or political opinion, or due to aggression, foreign occupation or domination, or because of events seriously threatening public security, in either part of his country of origin, or the country he holds its nationality, or on the lands of any one of them completely, and cannot, or undesirous, due to such fear, of being sheltered by the protection of such country; or every person, who is of no nationality, and found outside the former country of his habitual nationality, as a result of such events, and is unable, or undesirous, by reason of such fear, to return to such country; and has been registered,

<p>“Refugee Family”,</p>	<p>as a refugee, in accordance with the provisions of this Act ;</p> <p>means the spouse of the refugee and his minor children, and parents, where they are completely dependent on him;</p>
<p>“Refugee Travel Instrument ” ,</p>	<p>means the travel instrument, granted to the refugee, in accordance with the provisions of section 16 ;</p>
<p>“Representative of the High Commissioner” ,</p>	<p>means the representative of the United Nations High Commissioner for Refugees, in the Sudan.</p>
<p>“Resettlement”,</p>	<p>means the resettlement of a refugee, or an asylum seeker, in a country other than his original country, or the country of his habitual residence;</p>
<p>“United Nations Convention”,</p>	<p>means the United Nations Convention, relating to the Status of Refugees, signed in Geneva, in July 1951. The same also includes the Protocol, relating to the Status</p>

of Refugees, concluded in New York, in January 1967;

“Voluntary repatriation”, means the voluntary return of a refugee to the country of his nationality, or habitual residence;

“Withdrawal of Refugee Status”, means the procedure consequential to the removal of reasons, subject to which he has been granted asylum right .

Chapter II

Asylum Organization

Granting the refugee status being a humanitarian act

4. Granting the refugee status, to any person under the provisions of this Act, shall be deemed as a peaceful and humanitarian act, and not a hostile act, towards the State of such person, or any other State .

Exclusion from refugee status

5. No person shall enjoy the refugee status, where there are present in him serious reasons to believe that he has committed:-
 - (a) an offence against peace, war crime or crime against humanity, within the meaning used for such crimes, in the international instruments, which is laid down to provide for provisions with respect thereto;

- (b) a serious non-political offence, prior to his entry into the Sudan as a refugee;
- (c) acts in contravention of the objectives and principles of the United Nations Organization, the African Union or the Arab League.

Cases of lapse of the refugee status

6. The refugee status of a refugee person shall lapse, where he:-
- (a) voluntarily invokes protection of the State of his nationality;
or
 - (b) has voluntarily reacquired his nationality, after loss thereof
; or
 - (c) acquires a new nationality, and enjoys the protection of such country, as may have granted him the nationality; or
 - (d) voluntarily returns to reside the country, which he has left, or resided out of the same, in fear of persecution; or
 - (e) has become unable to continue refusing the protection of the State of his nationality, by reason of removal of such causes, as have led to his being deemed a refugee; or
 - (f) has no nationality, and by reason of such causes, as have led to his being recognized as having the refugee status, has become unable to return to the country of his former habitual residence.

Application for Asylum

7. (1) Every person, desirous of enjoying international protection, as a refugee in the Sudan, shall submit a written

application, within 30 days of his entry into the Sudan, to the nearest office of the Commission, or any government authority, and such government authority shall immediately refer him to the nearest office of the Commission.

- (2) The Commissioner, or whoever he may authorize, may admit the asylum application, after the end of the 30 days, referred to in sub-section (1), according to the circumstances of each case.
- (3) An asylum seeker shall be granted a temporary asylum seeker's card, for the term of three months; and the Commission may renew it for a similar term, during the waiting period, to determine his application; provided that he shall specify the place of his residence.

Mass asylum

8. Notwithstanding the provisions of section 7, the Commissioner, after consultation with the Minister, may grant the refugee status to members of a group, which has entered into the Sudan, in great numbers, subject to the following conditions, where:-
 - (a) there is such available information on that country, as may indicate the need of those persons to international protection;
 - (b) it is impossible to take such measures, as may specify the refugee status in an individual way.

Asylum application determined

9. (1) The Commissioner, or whoever he may authorize , shall as soon as possible, consider the asylum application, within a term, not exceeding three months, of the date of submitting the application. The determination of the asylum applications shall be made, as to such procedural standards as may be specified by the regulations.
- (2) In case of admitting the asylum application, the asylum seeker and his family members, who have acquired a subsidiary asylum status, shall be registered in the central registry as refugees.

Refugee status abolished

- 10.(1) The Commissioner may abolish the refugee status, in the following cases , where:-
- (a) the person, who is recognized as a refugee has cheated, forged, misrepresented or omitted such material facts, as may possibly have changed the decision to recognize him as a refugee; or
 - (b) new evidence is available that the person should not, then , have been recognized as a refugee.
- (2) The Commissioner, or whoever he may authorize, shall consider every case separately; and he may conduct any investigation, or fact finding, as he may deem necessary.
- (3) After examining all the evidence, the Commissioner, or whoever he may authorize, may abolish the recognition of the refugee concerned, where it is proved that, at the time of

his recognition he is not entitled to the refugee status; and he shall be notified of the decision; provided that it shall be grounded, within a period, not exceeding 30 days, of the date of passing the decision.

- (4) Where the refugee status is abolished, such person and the members of his family, who have acquired a subsidiary asylum right shall forfeit their being recognized, as refugees; nevertheless nothing shall prevent any member of family of such person from submitting a separate application for asylum, and obtaining the refugee status.

Withdrawal of the refugee status

11. (1) The Commissioner shall have the power to withdraw the refugee status, where one, or more of the cases , provided for in section 6, applies to the person .
- (2) The Commissioner, or whoever he may authorize, shall consider each case separately; and he may conduct any investigation, or fact finding, as he may deem necessary.
- (3) After considering all the evidence, the Commissioner, or whoever he may authorize, shall withdraw the refugee status from the person concerned, and he shall be notified of the decision, within a term, not exceeding 30 days, of the date of the decision, provided that the same shall be grounded.
- (4) Where the refugee status is withdrawn, that person shall forfeit his being recognized as a refugee; nevertheless the right of his family members, who have acquired the

subsidiary asylum right, shall not have their refugee status affected .

Constitution and procedure of the Board of Appeal

- 12.(1) The Minister, upon recommendation of the Commissioner, shall appoint , in any state, or a number of states, a Board, or Boards of Appeal, not less than three persons, from those having adequate knowledge of asylum laws and agreements. The decision of the Board Appeal shall be final.
- (2) Every refugee, or asylum seeker, who is aggrieved by a decision of rejection of his asylum application, withdrawal of the refugee status therefrom or abolishment of his refugee status, may appeal the decision, to the Board of Appeal, within 30 days, of the date of notification of the decision.
- (3) Notwithstanding the provisions of sub-section (2), the Commissioner may admit the appeal, after the end of the period, referred thereto above, where the grounds of delay, set out in the appeal are admissible.
- (4) The person, whose application for asylum has finally been rejected, shall be subject to the laws applicable to aliens.

Chapter III
Rights and Duties of the Refugee
General rights of the refugee

- 13.(1) Any person, who has been granted the asylum right, shall enjoy the rights, set out in the United Nations Convention and OAU Convention, Without prejudice, to the generality of the foregoing, the refugee shall be granted the same treatment, granted to the citizen, with respect to the following :-
- (a) public relief and assistance, where they are available;
 - (b) the right to basic education;
 - (c) the right to rationing, whenever such system exists;
 - (d) the right to litigation, before all courts;
 - (e) freedom to practise religious rites, and freedom, relating to religious education for children.
- (2) A refugee shall be granted such treatment, as may be better than the treatment, granted to aliens; provided that it shall, in no way, be less than such, as may be granted to aliens generally, in the same circumstances, with respect to the right to:-
- (a) post-basic education;
 - (b) affiliation to non-political societies;
 - (c) housing ;
 - (d) obtain a permit for purposes of movement and residence;
 - (e) liberal work and liberal professions;
 - (f) acquire movable property;

- (g) acquire immovable property, after obtaining the approval of the Council of Ministers.
- (3) An a asylum seeker shall be granted the same treatment, as is granted to the refugee, and set out in sub-section (1).
- (4) Upon application of the provisions of this Act, no refugees and asylum seekers shall be discriminated against, by reason of race, sex, religion or the country of origin.

Refugee duties

14.(1) Any refugee shall respect the Constitution, the laws and regulations, in force in the Republic of the Sudan; and preserve public order. He shall give due regard to the values of the Sudanese society, and respect the traditions and feelings thereof; and without prejudice, to the generality of the foregoing, he shall be bound not to perform any activity, as :-

- (a) may affect the national security and public order;
- (b) may be inconsistent with the objectives and principle's of the United Nations, the African Union or the Arab League, or any organization, as the Sudan may be party thereto;
- (c) hostile political one , from inside the Sudan, against his country of origin, or any other State .

(2) Any refugee shall:-

- (a) not leave the place, assigned for his residence, save by permission from the Commission, or whoever it may authorize, and approval of the

competent bodies, as to such safeguards and measures, as may be specified by the regulations;
(b) hold a valid refugee card, and produce the same, whenever required so to do.

Registration of movables

15. There shall be registered, upon registration of the refugee, all the movables he has entered therewith into the Sudan, if any, and he may exit therewith, upon his return to his country of origin, or upon his final departure to another country.

Refugee travel instrument obtained

16. Subject to the provisions of the Passports and Immigration Act in force, and the United Nations Convention, the passports administration, upon recommendation of the Commissioner, may issue a travel instrument to any refugee, applying therefor, in accordance with the form attached to the United Nations Convention; unless the same is inconsistent with compelling reasons, relating to the national security, or public order.

Obtaining a refugee card

- 17.(1) The Commission shall issue a refugee identity card, to every refugee, whose application has been admitted, and registered in the central registry. The card shall bear the serial number, present in the refugees central

registry, as to such form, as may be specified by the regulations.

- (2) The card shall be granted, for a term not less than one year, subject to renewal, as the regulations may specify .

Refugee allowed to work

18.(1) Subject to the provisions of the labour laws in force, a refugee shall be allowed to work, after his obtaining a permit therefor, from the competent labour office; provided that the office shall thereafter send a copy of the permit to the Commission, and the Ministry, within two weeks, of the date of issue thereof.

- (2) Notwithstanding the provisions of sub-section (1), no refugee shall be issued a permit for the posts, and industries, relating to security of the country, or national defence, as the regulations may Specify.

- (3) Notwithstanding the provisions of sub-section (1), the Commissioner, or whoever he may authorize, upon request of the competent bodies, or proprietors of agricultural projects, may allow the refugees to work in such projects, after taking the necessary arrangements for transport and return and repatriation of the refugees, and securing satisfaction of the rights thereof.

Family reunion of the refugee

19. The Commission, in co-ordination with the High Commissioner, shall endeavour to facilitate the refugee family reunion measures, inside and outside, the Sudan.

Tax charges

20. (1) No charges, fees or taxes, whatever the name thereof, as may vary, or be superior to such, as may be levied on the citizens, in similar circumstances, shall be levied on refugees.
- (2) The laws and regulations, relating to fees, connected to the issue of administrative instruments, including identity cards, shall apply to refugees.

Chapter IV

Permanent Solutions of the Asylum Problem

Voluntary repatriation

- 21.(1) Repatriation of the refugee to his country of origin shall be voluntary.
- (2) Any refugee shall have the right to repatriate, to his country of origin, at any time.
- (3) An organized repatriation operation shall not take place, save after the refugee expresses his desire to repatriate in writing.
- (4) The Commission, in co-ordination with the High Commissioner, and the refugee's State of origin, shall take

such measures, as may be necessary for voluntary repatriation.

- (5) Where a large number of refugees express their desire to repatriate, a tripartite agreement may be signed, in consultation with the parties referred to in sub-section (4).

Resettlement

22. (1) The High Commissioner shall resettle the refugee, or asylum seeker, into another State in a spirit of co-operation, and co-ordination, with the Commission.
- (2) Subject to such, as has been set out in sub-section (1), the Commission and the other State authorities, shall provide such assistance and facilities, as may be necessary, for the resettlement of any refugee; which shall be carried out by the representative of the High Commissioner, including protection of such refugee, pending his departure from the Sudan.

Naturalization

23. The current laws and regulations, organizing obtaining the Sudanese nationality, by naturalization, shall apply to such refugee, as may officially be recognized in the Sudan.

Chapter V
The Commission and Commissioner
Establishment, seat and supervision of the
Commission,

- 24.(1) There shall be established, a commission, to be known as the, “Commission of Refugees”. It shall have corporate personality, a common seal, and the right to litigate in its own name.
- (2) All the obligations, assets and property, which have been owned by Refugees' Commissioner Office, shall vest in the Commission.
- (3) The seat of the Commission shall be in the National Capital.
- (4) The Commission shall be subject to supervision of the Minister; and he may issue thereto directions of general nature , and the Commission shall act, in accordance with such directions.

Functions and powers of the Commission

- 25.(1) The Commission shall be the governmental counterpart of the High Commission.
- (2) The Commission shall have competence on all the matters, relating to refugees in the Sudan. States shall not intervene in any way in such matters, save as explicitly provided for in this Act.
- (3) The Commission shall pursue the conditions of Sudanese refugees abroad, encourage and facilitate the procedure

for their repatriation, in co-ordination with the other bodies concerned.

(4) Without prejudice to the generality of the provisions of subsection (2), the Commission shall have the following powers and functions, to:-

- (a) provide protection of the refugees, in co-ordination, with the competent bodies;
- (b) supervise, rendering and executing services, to refugees, in co-ordination with the High Commission, its partners, and civil society organizations;
- (c) strive to lay down and implement the plans for development of the areas affected by asylum, in co-ordination with the states concerned;
- (d) propose the annual budget; and submit the same to the competent bodies, for approval thereof ;
- (e) receive and sort out the asylum applications and submit the same, before the Commissioner, for determination thereof;
- (f) take any legal proceedings, as may be necessary, for implementation of the provisions of this Act.

Appointment of the Commissioner, and terms of service thereof

26. The Commissioner shall be appointed by a decision of the Council of Ministers, upon recommendation of the Minister, from those possessed of qualifications, high experience

and competence; the decision shall specify the emoluments, and privileges thereof.

Functions and powers of the Commissioner

27. The Commissioner shall be the chief executive official of the Commission; and shall be assigned with the business, relating to the administration, evaluation and supervision of the employees thereat; and notwithstanding, the generality of the foregoing, he shall have the following functions and powers, to:-

- (a) co-ordinate with the High Commissioner's representative, and other specialized agencies, for protection and assistance of refugees and find permanent solutions, for the asylum problem;
- (b) supervise implementation of the obligations of the Sudan, under international, and regional agreements, relating to refugees;
- (c) sign agreements, relating to the services of refugees, and development of the areas affected by asylum, in co-ordination with the bodies, having relation and international, regional and voluntary organizations, working in the asylum field, after approval of the Minister;
- (d) submit periodical, and ad hoc reports, on activities of the Commission, to the Minister;
- (e) tender technical consultation, to the State organs, on the matters, relating to refugees;

- (f) establish a central registry, containing adequate data on refugees inside the Sudan, and the places of their presence;
- (g) establish administrations and branch offices, in the states, and specify their functions and powers;
- (h) appoint assistants to the Commissioner, to preside the branch offices, in the states;
- (i) delegate the power to consider asylum applications and determine the same, to any person, or committee;
- (j) any other functions, as may be entrusted thereto, by the Minister.

Chapter VI

Deportation and Detention of the Refugee

Deportation of the refugee, or asylum seeker

- 28.(1) No asylum seeker may, before determining his application, be subjected to such measures, such as rejecting him on the borders, or repatriation, as may compel him to repatriate, or remain at such place, as whereat his life, physical safety, or freedom may be endangered..
- (2) A refugee may not be deported by any way, to the borders of such state, as wherein his life, or freedom, may be threatened by reason of his race, religion, nationality, or affiliation to a specific social group, or because of his political opinions.

(3) Notwithstanding the provisions of sub-section (2), the Minister, after consultation with the bodies concerned, may, where the matter requires the same, deport the refugee, or asylum seeker, in the following cases , where :-

(a) he is convicted, by a final judgment, of a serious offence, affecting the State security, national economy, or any other offence, having similar seriousness;

(b) his presence, in the Sudan, constitutes a danger to the national security, or public order, upon recommendation of the competent security organs.

(4) Where the Minister decides to deport the refugee, or asylum seeker, in accordance with the provisions of sub-section (3), the following shall be given due regard, to:-

(a) place the refugee, against whom a decision of deportation, has been issued, at a specific place, under supervision of the legally competent body, pending completion of the deportation procedure;

(b) grant the refugee, against whom a decision has been issued, the opportunity to find any other country, as may admit him, as refugee, within three months, of the date of issue of the deportation decision; the same may be renewed finally, for a similar period;

(c) inform the refugee, or whoever may represent him, and the representative of the High

Commissioner of the deportation decision, within one week, of the date of the issue thereof ;

- (d) the refugee may choose whoever may represent him, in the search for a country, which admits his entry, and follow-up all such Procedure, as may be taken, in co-ordination with the Commission and the High Commissioner's representative.

Unlawful entry not punished

29. Subject to the provisions of section 7, no penalties, by reason of the unlawful entry, or presence, shall be inflicted on asylum seekers, who directly have come from such territories, as therein their life, or freedom is in danger, and who enter, or are present on Sudanese lands; on condition that they shall present themselves, within one month, to the nearest Commission office, or government authority, and have good cause for their unlawful entry or presence.

Detention of the refugee

30. (1) Any competent body, which detains any refugee, or asylum seeker, shall immediately notify the Commissioner of the same, and the reasons of detention, for follow-up and getting acquainted with the reason for detention. No information, relating to the detention causes, shall be revealed, save upon consultation, and co-ordination with such competent bodies.

- (2) Any Prosecution Attorney taking criminal proceedings, against any refugee, or asylum seeker, shall immediately inform the Commissioner, or whoever may represent him thereof, and the courts shall inform the Commission of the judgment passed against any refugee, or asylum seeker.
- (3) The competent authority shall enable the Commission, to meet and follow- up the proceedings, of the detained refugee, or asylum seeker.
- (4) subject to the provisions of sub-sections (1), (2) and (3), co-ordination shall take place, between the Commission, and the High Commission, with respect to detention of the refugees.

Chapter VII

Contraventions, Offences and Penalties

- 31.(1) Every person, who employs a refugee, without such refugee being in possession of a permit to work in the Sudan, from the Ministry of Labour, or the competent labour office, or harbors a refugee, in a place, without such refugee being permitted to reside in such place, shall be deemed to have committed a contravention, and shall, upon conviction, be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.
- (2) Every person who conveys any refugee, or asylum seeker, outside camps, or between towns, without the refugee being in possession of a permit therefor, shall have committed an offence and shall, upon conviction, be

punished, with imprisonment, for a term, not exceeding five years, or with fine, or with both. The court may, in addition thereto, confiscate the means of conveyance.

(3) A refugee shall be deemed to have committed a contravention, and shall be punished, with such fine, as may be specified by the court, in any of the following cases, where he :-

(a) departs from such place, as may have been specified, for his residence, without permission;

(b) does not hold a valid asylum card;

(c) works in any occupation, or craft, or commercial or agricultural activity without permit from the competent body.

(4) A refugee shall be deemed to have committed an offence, where he practises any activity, as may be hostile, politically, militarily, or informatively antagonistic to the state of origin, or any other state; and shall be punished, with imprisonment, for a term, not exceeding two years, or with fine, or with both.

Chapter VIII

Final Provisions

Power to establish camps and make regulations

Camps established

32. The Minister, by order thereof upon recommendation of the Commissioner, may :-

(a) establish camps for refugees and asylum seekers;

- (b) close and merge refugees and asylum seekers camps;
- (c) convey refugees and asylum seekers, from one state, to another, where the matter requires the same .

Power to make regulations

- 33.(1) The Minister, upon recommendation of the Commissioner, may make such regulations, as may be necessary, for implementation of the provisions of this Act.
- (2) Without prejudice, to the generality of the foregoing, such , regulations may provide for the following :-
- (a) organizational rules, with respect to registration, and examining asylum applications and appeals;
 - (b) procedure of abolishment, and withdrawal of the refugee status;
 - (c) statistics of refugees in the Sudan;
 - (d) the form of asylum cards;
 - (e) organizational provisions, with respect to refugees' camps, preserving order and security, and towns' refugees;
 - (f) rendering services to refugees.