

Gaps in the Implementation of the Non-*Prima Facie* Refugee Status Determination in Uganda

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Abstract


Refugee status determination is an important initial step in protecting people seeking asylum and in determining who is entitled to international and national protection under refugee law. Refugee status determination gives access to the individuals/groups seeking asylum protection under international or national laws, grants legal certainty, protects them from refoulement and provides a pathway to integration—not just as a humanitarian act but as a human right. Uganda offers refugee protection to millions of refugees, most arriving in large numbers having fled conflict in neighboring countries. The majority of these asylum seekers are assisted at reception sites along the borders through a *prima facie* process. This process is accessible and largely efficient. Although much smaller in number, there are also a significant number of refugees whose applications are processed through a non-*prima facie* status determination. Such asylum seekers arrive as individuals or small family groups and often in urban contexts. Despite legal frameworks that provide for individual applications, the non-*prima facie* process faces significant barriers or gaps in its implementation. This is further exacerbated by the fact that the non-*prima facie* process is mostly invisible in both national and international research and in the government agenda. This article explores the barriers and the gaps in the non-*prima facie* refugee status determination process in Uganda.

Keywords: Non-*prima facie*, legal frameworks, protection, refugee status determination (RSD), Uganda

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INTRODUCTION

Uganda has a long history of hosting refugees that dates back to the Second World War where the country became a host to many Europeans who had been displaced by the war mainly from Poland, Germany, Austria and Romania (Ahimbisibwe, 2018). During the mid-1990s, the country hosted large numbers of refugees from its neighboring countries mainly as a result of the conflicts generated by various struggles for independence (Lomo et al., 2001; Ahimbisibwe, 2018). Dating back to historical periods, Uganda continues to host refugees and has been applauded for being one of the most refugee-friendly countries in the world. According to the United Nations High Commissioner for Refugees (UNHCR), Uganda hosts an estimated 1.8 million refugees with the majority coming from South Sudan (54.2%) and the Democratic Republic of the Congo (32.3%) (UNHCR, 2025). The refugees live in different districts across the country, mostly in settlements due to the country's refugee approach that mainly favors hosting refugees in settlements (UNHCR, 2025).

Guided by the 2006 Uganda Refugees Act (Refworld, 2025a) and the 2010 Regulations (Refworld, 2025b) and informed by the international and regional frameworks, the reception and protection of refugees in Uganda meets the highest standards in refugee protection (Ahimbisibwe and Belloni, 2020). According to Generis Legal Services (2024), Uganda adheres to international and regional instruments in protecting refugees and commits to a comprehensive refugee policy in a bid to uphold human rights and integrate refugees. Strong legal frameworks give refugees freedom of movement, the right to work, establish a business, access to land and access to services, including education and healthcare (UNHCR, 2023a; Landinfo, 2025). The self-reliance approach allocates refugees to settlements where they are given small plots of land, which gives them the freedom to be self-reliant through agriculture (Ahimbisibwe, 2018). The strong legal frameworks reflect not only Uganda's commitment to the protection of refugees but also its adherence to fundamental human rights principles. Although the self-reliance approach is impactful in integrating refugees, it faces some practical challenges including increase in refugee population, which affects the ability of refugees to be sustained, limited land, poor demand and supply for produce, poor road networks, limited electricity supply, bad network, limited water supply, and lack of amenities (Tshimba, 2022; Wamara et al., 2022). A study in Nakivale settlement indicated that with the rise in population of the settlement and considering the land distribution, realizing self-reliance and economic inclusion was a far-fetched goal (Omata, 2022).

Ugandan legal frameworks (2006 Uganda Refugees Act and the 2010 Regulations) define a refugee, outline processes for refugee status determination (RSD), designate key institutions to implement, enforce and monitor refugee rights, enable self-reliance through the settlement approach and guarantee access to social services (Refworld, 2025a, 2025b). The Refugees Act of 2006 also affirms the principle of non-refoulement and non-penalization of irregular entry or the presence of anyone in the country. According to the Refugees Act of 2006, Section 3, refugee

status determination is regarded as a peaceful and humanitarian act extended to any person as part of their human rights (Refworld, 2025a).

Refugee Status Determination

RSD (refugee status determination) is an important aspect of ensuring that people seeking asylum get the protection of the state in which they are seeking asylum. According to the United Nations Refugee Agency (UNHCR, 2025: 1), “refugee status determination (RSD) is the legal or administrative process by which governments or UNHCR determine whether a person seeking international protection is considered a refugee under international, regional or national law.” For a person to be deemed a refugee they must meet the requirements set up by the 1951 UN Convention on Refugees, regional refugee instruments and national asylum legislation. During the RSD process, the UNHCR and the responsible state decide whether a person falls within the protections of the above-mentioned legislation.

Status determination is done through two main approaches: *prima facie*⁵ and non-*prima facie*. Internationally, *prima facie* determination typically involves refugees from countries with an established history of persecution, violence, or human rights abuses, which may involve membership of a particular group, ethnicity, or nationality targeted for persecution (UNHCR, 2023b). Within the *prima facie* process (UNHCR, 2023b) refugee status is based on readily apparent, objective circumstances in the country of origin, for example, persecution, conflict, violence, or events that seriously disturb the public order, as opposed to an individual’s specific circumstances. This approach is normally implemented in groups or large-scale displacements in which individual status determination is impractical, impossible or unnecessary. Countries issue a declaration defining the profile to which the *prima facie* approach will apply and the procedures that are implemented at registration, and refugee status is granted immediately thereafter (UNHCR, 2023b).

Conversely, the non-*prima facie* approach is normally used in contexts whereby the *prima facie* approach is not feasible because claims must be comprehensively examined on an individual basis in accordance with the UNHCR RSD Procedural Standards (UNHCR, 2025; UNHCR, 2017). This approach is mainly used in situations where the country of origin is not universally dangerous, there is no mass influx and where the host country wants more control over asylum procedures. The non-*prima facie* RSD requires the applicant to prove that they meet the definition of a refugee, in other words, the burden of proof lies on the individual who is seeking asylum. In some cases, the RSD officer needs to use information at their disposal to produce necessary evidence in support of the application, but this independent research might not always be successful, and some statements might not be verifiable. In such cases, the applicant should be given the benefit of doubt if the account appears credible, unless there are good reasons to the contrary (UNHCR, 2019).

⁵ *Prima facie* is a Latin term meaning “at first sight.”

Uganda refugee status determination process

RSD in Uganda falls under the mandate of the Office of the Prime Minister (OPM) Department of Refugees, which grants legal recognition of people seeking asylum and ensures protection under national and international refugee law free of charge (NRC and JRS, 2025). Established under Section 7 and 8 of the Refugee Act of 2006, the Department of Refugees under the OPM receives documents and settles refugees and also coordinates stakeholders on refugee matters. This department manages the Refugee Eligibility Committee (REC) and the Refugees Appeal Board (OPM, 2025). The REC is responsible for determining refugee status at first instance as guided by international, regional and national legal frameworks including the 1951 UN Convention on Refugee; 1967 Protocol Relating to the Status of Refugees; 1969 OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa and the Uganda Refugees Act of 2006 and Refugee Regulations 2010 (Wamara et al., 2022; NRC and JRS, 2025).

In admitting refugees to the country, Uganda also uses the *prima facie* and non-*prima facie* process. The *prima facie* status determination process is applied in Uganda due to the large-scale displacements and emergencies experienced in its neighboring countries and other countries in the region. It is mainly applied to large numbers of people crossing into Uganda at designated points on the borders of Uganda. The Ugandan Refugees Act of 2006 makes provision for *prima facie* group status determination under Section 24(4), where the Minister makes a declaration allowing certain groups to reside in the country without requiring their status to be determined under Section 4, which stipulates the qualifications for refugee status. Section 19 of the Uganda Refugees Act of 2006 states that asylum seekers who arrive from neighboring countries with long histories of violence (e.g. South Sudan, Democratic Republic of the Congo (DRC) and Sudan) fall under a *prima facie* legal procedure. Section 19 requires an application to the eligibility committee within 30 days of their arrival in Uganda, and Section 20 states that the eligibility committee is required to make a decision on the application (grant or reject) within 90 days.

Asylum seekers from eastern DRC, South Sudan and Sudan qualify for *prima facie* refugee status upon arrival at the border. They are not permitted to apply for refugee status anywhere but in a refugee settlement or at a refugee border entry point (Landinfo, 2025). Asylum seekers of any other nationality not included as *prima facie* must apply for asylum and refugee status through the non-*prima facie* process at the OPM in Kampala. For example, asylum seekers from Ethiopia, Eritrea, Somalia, Rwanda, Burundi, and other parts of DRC must apply in Kampala (Landinfo, 2025; NRC and JRS, 2025).

Non-*prima facie* access to documentation under the Department of Refugees at the OPM is as follows: registration and basic information captured at the port of entry, reception center, or at what is commonly known as the “Old Kampala Police Station.” The registration is forwarded to the OPM where a Refugee Status Reviewing Officer conducts an interview with the applicant and submits a summary of the claim

to the REC to make a determination to grant or reject a refugee claim. If accepted, a refugee family attestation and refugee ID (identity document) are issued. If the claim is rejected, the applicant can appeal to the Refugee Appeal Board (RAB). If the RAB arrives at a different decision from the REC, it sends the claim back to the REC for reconsideration. If the claim is rejected again by the REC, the applicant recourse is for the applicant to apply to the court for judicial review. As we discuss later, the RAB can only affirm or remit the decision of REC; the final decision is made by REC (SIHMA, 2025).

Gaps in the non-prima facie refugee status determination

Evidence reveals that there are gaps and challenges in the implementation of the non-*prima facie* procedure (Human Rights Watch, n.d.). For example, a study by Alison (2018) notes challenges in the RSD processes. There are often delays in waiting periods of over a year for some before they receive their initial decision in the RSD process. This is in spite of the fact that in law refugees using a non-*prima facie* approach should receive the same benefits as those who move through the *prima facie* process (Alison, 2018). The lack of uniform implementation procedures for the application of the non-*prima facie* procedures therefore impacts on the protection offered by effective and efficient RSD (Human Rights Watch, n.d.; UNHCR, 2019). Although there is growing awareness of the issues, there is scant evidence examining these implementation challenges and gaps in the non-*prima facie* RSD in Uganda. Given that most refugees who arrive in Uganda are dealt with under a *prima facie* procedure, the non-*prima facie* procedure, which is less common, is largely invisible in both public education and academic research. There is some evidence suggesting that this procedure has several inefficiencies and legal gaps that lead to the violation of evidence of rights for refugees (Human Rights Watch, n.d.; Alison, 2018; UNHCR, 2019).

Furthermore, recently the OPM blocked refugee registration of individuals from specific countries. While the factors contributing to the halt in registrations remain unclear, some reports attribute the blockage to the reductions in aid or donor support which resulted in the government stopping registration of asylum seekers from countries that are deemed peaceful or with no conflict (Sultan, 2024; Monitor, 2025; Zongo, 2025). Coupled to this, the halt in registration for Eritreans in Uganda was also linked to reports of asylum seekers being part of smuggling, trafficking and money laundering networks. Hence, to maintain security in the country, the country blocked their influx (Zongo, 2025). The restrictions in the registration of certain nationals is a drastic change to Uganda's approach of welcoming people who seek refuge (Sultan, 2024). These restrictions illustrate how migration has increasingly been securitized in numerous countries across the continent.

With the above background in mind, this article explores the barriers to accessing the non-*prima facie* refugee system and the effects for people seeking asylum. The article is based on a study conducted to inform the Africa-EU (European Union) Migration and Mobility Dialogue (MMD III): Enhancing

Protection and Asylum (EPA). The article utilizes the human rights-based approach, which is a human development-based framework normatively based on human rights standards directed for the protection and promotion of human rights (United Nations Sustainable Development Group, 2025). The human rights-based approach emphasizes that all processes for refugees need to be guided by human rights principles. Participation and inclusion, accountability, non-discrimination and equality, legality and the rule of law, transparency and access to information are key to providing protection. Policies and programs should be formulated and implemented with the main objective of fulfilling human rights (Social Protection and Human Rights, 2015). Through the lens of the human rights-based approach, the article examines the non-*prima-facie* status determination process as a human right and as an important step in protecting asylum seekers. With the use of the approach, the article comprehensively examines gaps in the law and implementation in the status determination processes.

RESEARCH APPROACH

The study was undertaken as part of a bigger project by a consortium of organizations⁶ in Uganda and South Africa in 2025 that sought to document the legal framework of non-*prima facie* RSD and its impact on people applying for refugee status. The legal framework relating to non-*prima facie* applications was documented through a desk review of policy (SIHMA, 2025). Data on the impact of this framework on the rights of people seeking asylum were collected through qualitative research—principally semi-structured interviews with key informants. A qualitative approach was selected to allow the complexity of the everyday application of the law to people’s lives to emerge (Butina et al., 2015).

Key informants were selected purposively (Nyimbili and Nyimbili, 2024) from individuals in non-governmental organizations (NGOs), civil society or community-based organizations (CBOs), government departments, and international institutions who dealt directly with refugees applying for RSD. These included government officials, legal experts, legal practitioners, and social practitioners working directly with refugees and the asylum processes. Participants were collectively identified by the consortium EPA project partners working in Uganda, purposefully identifying stakeholders who directly work with asylum seekers applying for RSD or those who work with the RSD processes. This ensured that the right stakeholders were chosen to understand the gaps in laws and processes of RSD. Keeping in mind the principle of “data saturation”⁷ (Rahimi and Khatooni, 2024) and the range of sectors listed above, the decision was made to interview 10 stakeholders in Uganda, comprising government or UN officials (2); legal experts (1); legal practitioners (2); social practitioners (2); and members of refugee-led organizations (3).

⁶ Scalabrini Centre of Cape Town (SCCT), Scalabrini Institute for Human Mobility in Africa (SIHMA), Consortium for Refugees and Migrants in South Africa (CoRMSA), Jesuit Refugee Service, Uganda and The Catholic Centre for Legal Aid Services, Uganda.

⁷ Data saturation is achieved when no additional themes or insights emerge from the data collection.

After the usual processes of consent, interviews were conducted online and recorded. The recordings were transcribed and then uploaded to NVivo5. Using NVivo the data were organized around a set of deductive codes based on the aims and objectives of the MMD III program. These were then analyzed, creating a set of themes and sub-themes which were then further analyzed for patterns and comparisons.

The study received ethical clearance from Makerere University in Uganda. All participants signed consent forms approved by these institutions and all ethics for research with human participants were adhered to.

RESULTS AND DISCUSSION

As a country hosting millions of refugees and continuing numbers seeking refuge in the country, Uganda is faced with several challenges in receiving and protecting refugees. This section describes the themes and sub-themes that emerged from the interviews with stakeholders working directly with refugees and the asylum processes around the non-*prima facie* process.

Challenges within the non-prima facie procedure

The issues relating to the non-*prima facie* process emerged from interviews with NGO and CBO service providers, legal experts, legal and social practitioners and government officials. Firstly, the article describes the challenges with the general asylum cycle, the implementation gap and the effects of the challenges and the gaps in protecting refugees.

Requirement to register at reception centers

Uganda's legislation mandates timely application and decision making for all refugees. According to Section 19 of the Refugees Act, asylum seekers must submit an application to the REC within 30 days of their arrival in the country. Section 20 requires that a decision, either to grant or reject refugee status, be made within 90 days of the application.

Section 19 of the Uganda Refugees Act of 2006 states that asylum seekers who arrive from neighboring countries with long histories of violence (e.g. DRC) should be registered at the reception centers. One of the barriers described by stakeholders interviewed was the strict application of this law, for example, refugees from eastern DRC, South Sudan, and Sudan (Landinfo, 2025) who may find themselves in Kampala because there was no nearby reception center where they had crossed the border were not allowed to register as asylum seekers in Kampala, but at a reception point on the border. The quotes below describe this situation.

There was an influx of people from DRC, but they were being registered from the border points. So those who found their way into Kampala were being asked to first go get registered [at a border point] and then come back. But you

might have just run across the border to get away from the war, which is what people do. People take different routes and may cross far from a reception point and make their way to Kampala as the capital city. So that was a very big challenge. So, they would arrive, they don't have transport, and then they're being told, go to a particular place and they can't, they don't have money.

[Officials in Kampala] insist that registration for particular nationalities ... [must happen[ing] in a particular place, at a particular time.

These registration procedures, which require people fleeing crisis-affected communities to present themselves at a designated port of entry, assume that they possess prior knowledge of the legal requirement governing registration. This is often not the case. In practice, instructing them to return to a port of entry is both burdensome and financially demanding, revealing a key limitation of the bureaucratic system. As a result, it affects the timely registration required by Section 19 of the Refugees Act.

Scrutiny of refugees arriving as individuals

Individuals or small groups who do not enter Uganda at a formal border point with reception centers are required to register at the Old Kampala Police Station. Their applications are then forwarded to the OPM where a Refugee Status Determination Officer (RSDO) conducts an interview with the applicant. Section 4(a)(b) and (d) of the Refugees Act of 2006 stipulates that within the non-*prima facie* process, the burden of proof that an individual qualifies for asylum lies on the individual applicant (Alison, 2018).

Some of the stakeholders described intense scrutiny from RSDO around their right to claim refugee status.

I think, to me, I see more challenges to the individual applicants ... they (official) ... really ask you questions. Why are you coming here? Why do you think you're being persecuted? It becomes quite lengthy.

So, what is important is proof of what we call the "reasonable fear" from your home country; there are certain requirements and conditions that must exist in your country of origin ... So, there is a high level of scrutiny by UNHCR, in conjunction with the Office of the Prime Minister (OPM).

The assessment may not really need a lot of nitty gritty to examine, but if you come individually, they need to really ask you questions. Yeah. Why are you coming here? ... why do you think you're being persecuted? Yeah. It becomes quite lengthy. And also, some people may come in, and they don't know where to start. Information on the right processes.

Arrivals from some countries are exposed to particularly intense scrutiny.

There are some groups, Ethiopians, who might actually have to prove a lot to gain asylum.

Legal service providers described how negotiating the RSD interview and process was complex and how important it was for applicants to have legal assistance to navigate the system as the interview process can be complex.

Generally, there is just not enough legal representation. This can lead to denial of status because of a simple lack of knowledge of the law.

The stakeholders also cited the need for public information campaigns to encourage asylum seekers to seek out NGOs that offer legal assistance to access refugee status applications. In some cases, the asylum seeker is unable to demonstrate credible evidence of fear of persecution or that their life is in danger and, without the necessary knowledge about the proofs required to obtain refugee status and lack of legal advice before the interview, some non-*prima facie* applicants struggle during the process. This is notwithstanding the fact that the Refugees Act of 2006 gives right to legal representation at the applicant's own expense.

It's not that everyone who goes will be registered; they have to do interviews, they give them appointments. But the other silver lining is that when the person has been verified, even if they have not been issued the real attestation, they can be given the asylum seeker certificate, which is good enough.

If the applicant manages to navigate the various checks and scrutiny, they are issued with an asylum seeker certificate, as they wait for refugee status. The asylum seeker certificate allows them to access services within the country.

Issues with status determination and appeal process

Once an interview has been conducted by the Refugee Status Reviewing Officer, the application is referred to the REC for determination of refugee status. The refugee status is either granted or rejected. If rejected, the applicant has a right to appeal to the RAB (Refugee Appeal Board) for a review. Participants in this study saw this step as particularly difficult and requiring legal representation. Even though legal representation is allowed during the review process according to Section 24(3) of the Refugees Act, access to legal representation was difficult due to the costs associated (Alison, 2018). Additionally, NRC revealed that the applicant does not receive information (notes) that were taken during the initial interview prior to the appeal interview. These were only shared with lawyers representing the applicant.

Lawyers are not permitted to attend the review interview but can only advise another impeding factor (Alison, 2018).

Another gap identified was related to the RAB. The Board's functions are provided for under the Refugees Act, clearly spelt out under Section 16 (2) of the Refugees Act 2006 (Chapter 312 of the Laws of Uganda) and Regulation 37 (2) of the Refugees Regulations, 2010. According to the UNHCR, the Appeal Board lacks the authority of an appeals body; they cannot grant refugee status as the final decision must be made by the Eligibility Committee. The Refugees Act of 2006 explicitly makes it clear that the Appeal Board does not have power to grant refugees status, thus making its role impotent (UNHCR, 2016).

The Appeal Board can agree that the decision of the Eligibility Committee is wrong, but they have to refer the case back to the Eligibility Committee for further consideration and decision or order the Eligibility Committee to rehear the application. The lack of their ability to make a final decision means that the final decision goes back to the very committee that denied access previously.

I think what happens is that if you apply [to the Appeal Board] and you succeed “well and good.” If you apply and they don't grant you status, you have no recourse.

Violations of right to asylum

The rights of refugees to protection through an asylum system is enshrined in the 1951 UN Convention on Refugee; 1967 Protocol Relating to the Status of Refugees; 1969 OAU Convention Governing the Specific Aspects of the Refugee Problem in Africa and the Refugees Act of 2006 and the Refugee Regulations 2010. The denial of entry into the asylum system violates a person's right to asylum as it opens room for arrest, detention and deportation, inhibits access to services and leaves an individual with no pathways to refugee status in the country (Addaney, 2017; VisaVerge, 2025).

Denied access to registration constitutes a form of refoulement, which goes against Section 42 of the 2006 Refugees Act that alludes to the principle of non-refoulement by stating that no person shall be expelled or extradited to any other country if the person is going to be persecuted on account of his/her race, religion, sex, nationality, membership of a particular social group or political opinion; or if his/her person or liberty would be threatened by external aggression, occupation, foreign domination, or events seriously disturbing public order. Furthermore, the Act also, in Section 38, upholds the principle of non-penalization and provides that no legal proceedings shall be initiated or continued against any person for unlawful entry or presence in Uganda if they intend to apply for refugee status or have already been granted refugee status.

Despite the legal framework described above, stakeholders described how the government of Uganda (OPM) can selectively restrict the registration of specific nationalities. For example, in March 2023, Uganda suspended the registration

of Somali nationals and in January 2025 the registration of citizens from Eritrea, without any legal basis.

And then also, like for example, there is a time OPM declared that they're not registering any new applicants [from Somalia], so if there was any at that time who had come, they were not going to be registered, irrespective of whether in the city or wherever. It was a government order ... I think they wanted to take time to investigate the influx ... they [people from Somalia] were coming so much.

According to reports, the halt in registrations was attributed to the reductions in aid and support that affects the integration and sustenance of the refugee population which continues to increase. Therefore, in order to absorb the shock, the Government of Uganda stopped registering asylum seekers from countries that were "not in conflict" (Monitor, 2025). The announcement to stop registering some nationals was not made public; it was internal to the OPM's Refugee Desk which meant information was not relayed to the asylum seekers. This led to many asylum seekers being turned back upon arrival at the refugee reception offices (Zongo, 2025).

Restriction of access to the asylum system means individuals are left in legal limbo, denied access to services and left vulnerable to abuse and exploitation.

... if you are not registered, you do not enjoy all the rights, all the services or the rights that any other person would receive. If you got caught by security forces and you don't even have [documentation], they would definitely incarcerate [you] because you can't identify yourself. And then there are places you go ... if you don't show your identification ... The impacts of not having asylum while being a refugee is an exacerbating factor to the already present challenges.

Of course, these people are really impacted, because when you don't have documentation that means you can't receive support. You cannot access social services, bank services at times, even health services. Some health centers require you to bring documents.

As the above quotes point out, documentation (asylum or refugee status document) is policed and is usually followed by deportation. To avoid this, some of the asylum seekers decide not to present their claims. Individuals do have the right to a court case if they are arrested because of non-documentation but most individuals have no access to legal representation, because of financial constraints, so they face deportation. This violates the principle of non-refoulement that is provided for under Section 42 of Refugees Act, 2006, which alludes to the principle of non-refoulement. Section 42 states that no person shall be expelled or extradited to any other country if the person is going to be persecuted on account of his/her race, religion, sex,

nationality, membership of a particular social group or political opinion; or if his/her person or liberty would be threatened by external aggression, occupation, foreign domination, or events seriously disturbing public order.

The police can arrest you. So, after arresting you, then they can charge you and the court decides what happens to you. The court could decide for you but in most cases the court will tell you, you are here against the law. It is the law that says you can be deported. So, deportation is one of the key things which can happen.

The above quote highlights that, although formal legal procedures exist for deportation, there is a strong likelihood that individuals arrested for not having documentation would not have their protection claims properly assessed. Instead, they are prosecuted for unlawful entry. This practice violates the principle of non-penalization, which prohibits punishing asylum seekers for irregular entry.

Lack of information

The Ugandan Refugees Act of 2006 and the Refugee Regulations 2010 enact many of the fundamentals required for fair and efficient procedures for the determination of refugees, including the right to be informed about the application process by a reception officer (Section 16 of the Regulations) (Alison, 2018). Similarly, the UNHCR also emphasizes access to information for people seeking refuge as indicated in its Refugee Status Determination Handbook (UNHCR, 2019). However, there are limited or no procedures that are in place to ensure that non-*prima facie* refugees have access to information on the status determination procedures. As a result, many refugees in Uganda are poorly informed about the asylum determination process, including evidence that should be presented, what the interview involves, laws that apply and the role of each office involved. This contributes to fear and confusion in some asylum applicants (Human Rights Watch, n.d.). For example, during the first step of registering at the police station in Kampala, refugees from Somalia were afraid to register because they did not really understand the role of the police in the process (Human Rights Watch, n.d.).

I think what I'd look at is trying to open up and improve the registration services in the city because this is where we are seeing a lot of issues. Some people say, I don't know where to go, where do I go?

There are some refugees who go to live in small towns or in the country; they come in where there are no reception centers. We have seen them when we do our work and they say they're refugees, but they say we are not yet registered. They are seeking information. How should we register?

... also, some people may come in, and they don't know where to start to even get information on the right processes.

Access to information is essential to the principle of procedural fairness as it gives asylum seekers comprehensive knowledge of their rights. Without adequate information, applicants (asylum seekers) often face “procedural disadvantage” and are unable to lodge an application, prepare for interviews, or appeal.

Limited capacity

The UNHCR (2024) reported that an average of 2500 people seeking asylum arrive in Kampala every week to apply for refugee status and, as a result, there are lengthy registration delays due to lack of human resources, necessary materials and equipment. In another study, asylum seekers complained of extended delays of over a year to receive their initial decision in the RSD process (Alison, 2018). One of the stakeholders in this study also highlighted the issue, describing how the center was often overwhelmed by the number of asylum seekers.

It's the time [to queue] ... [You will see] from the entrance ... there's always an influx of people.

This was an issue for those applying for asylum, but it also affected service providers because waiting time, unnecessary repeat visits and inefficiency reduced the number of cases they were able to deal with. The process of application requires several visits with people spending hours queuing each time they visit. Social service providers spoke about the fact that many applicants either came from the edges of the city or outside Kampala and this meant high transport costs, which many simply could not cover.

There is the process it takes to verify ... it's not that everyone who goes will be registered; they have to do interviews, they have to give them other appointments.

It is time-consuming for service providers and for refugees who do not always have the money for transport to return.

The impact of this is that Section 20 of the Refugees Act stipulates that a decision to grant or reject refugee status needs to be made within 90 days, and this cannot be met because of logistical challenges. To cope with the numbers, the OPM office often allocates certain days for people from different countries but without advertising the fact. This results in many applicants having to return repeatedly. According to the data from NRC (2024), in 2023 some non-*prima facie* refugees, especially from DRC, Eritrea and Somalia, were unable to register their claims due to long

queues and lack of capacity as the facilities are under resourced and lack the means to process high volumes.

Voluntary repatriation

A few participants working in legal aid raised the issue of voluntary repatriation as a misunderstood and relatively underutilized option for refugees who wished to return to their countries of origin. Even though the Refugees Act of 2006 states that the country should promote and participate in inter-state and regional initiatives for voluntary repatriation of refugees, the stakeholders indicated that not much effort is being put into that.

I think if you look at the Ugandan context, the policy is really comprehensive. What needs to be added or to be made clearer I think should be voluntary repatriation. I think if someone sees that there is peace in my country or the region of my country and they have a feeling I can go back and make ends meet, I think this can be supported. There needs to be more effort to make awareness, publicity that it is an opportunity, a possibility.

Linked to this was the lack of clarity in the law about repeat movement back and forth across the Ugandan border. The back-and-forth movement without declaration serves as one way to circumvent the tedious process of reapplying for refugee status and is an understandable tactic in the context of ongoing conflict in many countries that wanes and then flares time and again.

CONCLUSION

RSD (refugee status determination) in Uganda is underpinned by strong legislation, specifically the Refugees Act of 2006 and the 2010 Regulations. Although similar in importance to the prima-facie approach, the non-prima-facie approach is undermined by implementation gaps and barriers. Limited knowledge, legal advice and support for asylum seekers alongside other systemic and logistical barriers hinder access to asylum. Unlike group status determination, individual status determination requires a high level of evidence or proof of flight from persecution. This disadvantages asylum seekers and can lead to genuine fear of refoulement, which undermines the protective purpose of the asylum systems and the rights of asylum seekers. The fact that the RAB has no power to overturn decisions but only refer cases back to the REC leaves asylum seekers with few options if their application is rejected again. Taking the case to court, the final recourse would need legal support, which many refugees cannot access. These and other factors, including suspension of refugee registrations for specific nationalities and limited institutional capacity, contravene the principle of non-refoulement as set in the Ugandan Refugees Act of 2006. These challenges in the asylum process compromise the country's international obligations under the

1951 Refugee Convention and the 1967 protocol. Unless these gaps are addressed, thousands of refugees seeking protection in Uganda remain in legal uncertainty and are denied access to the full rights, protections and services they are entitled to.

Addressing the gaps in the asylum processes requires a multifaceted approach. Key reforms include setting clear procedures for non-*prima facie* RSD and providing information or sensitization in all languages on the RSD processes for refugees at reception centers and registration centers, both in the settlements and in the urban areas. There is a need for enactment of domestic legislation to empower the RAB to make decisions (grant or reject refugee status). Investment in free or affordable legal aid for refugees and a commitment by the government to creating capacity for timely procedures are also important.

What the article illustrates is that multiple types of action are needed so that the non-*prima facie* asylum system aligns with the stipulations of the Ugandan legal framework and international human rights standards and best practices. This article was based on research that involved stakeholders directly working with the asylum processes in Uganda, a methodological approach that is meaningful toward practical change and that informs pathways for intentional and informed actions and dialogues toward enhancing asylum and protection.

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