

CHAPTER 62

THE CONTROL OF ALIEN REFUGEES ACT.

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CHAPTER 62

THE CONTROL OF ALIEN REFUGEES ACT.

Commencement: 30 June, 1960.

An Act to make provision for the proper control of alien refugees, for regulating their return to their country of residence and for making provision for their residence while in Uganda.

1. Operation of the Act.

(1) Subject to section 26, this Act shall not come into operation until brought into operation in the manner provided in subsection (2).

(2) The Minister may, whenever he or she considers it desirable, bring this Act or any part of it into operation by statutory instrument and may by that instrument or by a further instrument declare that it shall only have effect in respect of any class or classes of refugees.

(3) If at any time this Act or any part of it has been brought into operation, the Minister may at any time suspend that operation either wholly or in part or in respect of any class of refugees.

2. Interpretation.

- (1) In this Act, unless the context otherwise requires—
- (a) “alien” means a person who is not a citizen of Uganda or a protected person within the meaning of section 1 of the Uganda Citizenship Act;
 - (b) “authorised officer” means any police officer of or above the rank of corporal, immigration officer, member of the armed forces of or above the rank of corporal, administrative officer or any other person whom the Minister appoints as an authorised officer;
 - (c) “director” means any person appointed by the Minister to be the director of refugees under section 3 and shall be deemed to include any assistant director of refugees appointed under that section;
 - (d) “refugee” means any person being one of a class of aliens declared by the Minister by statutory instrument to be refugees for the purpose of this Act but shall not include—

(i) any person ordinarily resident in Uganda;
(ii) any person with diplomatic immunity;
(iii) any agent or employee of any Government who enters Uganda in the course of his or her duty; or (iv) any person or class of persons declared by the Minister by statutory instrument not to be a refugee; (e) “veterinary officer” means any person appointed by the commissioner of livestock and entomology to be a veterinary officer for the purposes of this Act.

(2) If any question arises in any proceedings, or with reference to anything done or proposed to be done under this Act, whether any person is a refugee or not, or is a refugee of a particular class or not, the onus of proving that the person is not a refugee or, as the case may be, is not a refugee of a particular class, shall lie upon that person.

3. Director and assistant directors of refugees.

The Minister may, by notice published in the Gazette, appoint a director of refugees and such other persons to be assistant directors of refugees as he or she may consider necessary for the proper carrying out of this Act.

4. Director may appoint refugee settlements and commandants.

The director may—

- (a) establish any place in Uganda to be a refugee settlement; and
- (b) appoint settlement commandants to be in charge of refugee settlements.

5. Refugees to obtain permits to remain in Uganda.

(1) No refugee who enters Uganda on or after the date on which the provisions of this Act are made applicable to him or her shall remain in Uganda except in accordance with the terms of a permit issued by an authorised officer authorised by a regional police commander to issue permits.

(2) An authorised officer may in his or her discretion without signifying any reason refuse to issue a permit; except that a permit shall not be refused to a refugee if the authorised officer has reason to believe that the refugee on returning to the territory from which he or she came will be tried

or punished for an offence of a political character or be subject to a physical attack.

6. Temporary orders by authorised officers.

Subject to and pending any order made under section 7, 8 or 9, any authorised officer authorised to issue permits under section 5 may as a condition of a permit require any refugee—

- (a) to reside in such place or area as may from time to time be specified by the officer and to proceed to such place or area by such route, at such times and in such manner as shall be specified by the officer;
- (b) to comply with such directions as may from time to time be issued by the officer for the disposal or removal from Uganda of any animal imported by the refugee;
- (c) to keep any animal imported by him or her in such place or area as may be specified from time to time by the officer; or
- (d) not to import any animal without the consent in writing of the officer.

7. Refugee may be ordered to reside in any place in Uganda.

(1) The Minister, or any person appointed by the Minister for that purpose, may by order in writing direct any refugee or any class of refugee to reside in a refugee settlement or in such other place in Uganda as may be specified in the order.

(2) Any order made under this section may contain such supplementary or incidental provisions for the purpose of controlling the movements of any refugee or class of refugee to whom or to which the order applies as the person making the order may deem necessary or expedient.

(3) Any refugee to whom an order made under this section applies may by a subsequent order be directed to move from a refugee settlement or other place in which he or she has been required to reside to any other refugee settlement or place.

(4) Every refugee to whom an order made under this section applies shall be informed of the nature and contents of the order and shall immediately take steps to comply with it.

(5) Any refugee who fails to comply immediately with the terms of any order made under this section commits an offence.

8. Detention of refugees.

(1) If the Minister is satisfied that any refugee is acting in a manner prejudicial to peace and good order in Uganda or is prejudicing relations between the Government and any other Government, he or she may by order under his or her hand direct that the refugee be detained in prison.

(2) Any order under subsection (1) shall be sufficient authority for a proper officer to hold the refugee in custody pending and during his or her transportation to a prison and for the officer in charge of the prison to hold the refugee in custody as an unconvicted prisoner.

(3) If any refugee has been ordered to be detained in a prison under subsection (1), the Minister may by a subsequent order direct that he or she be detained in another prison, or under section 7(1) may direct that he or she reside in a refugee settlement specified in the order.

(4) Any order under subsection (3) shall be sufficient authority for a proper officer to hold the refugee in custody pending and during his or her transportation to the prison or refugee settlement.

(5) For the purposes of this section, "proper officer" means a police officer, prison officer or any other person authorised to be a proper officer by the director.

9. Disposal of animals belonging to refugees.

(1) The Minister, or any other person appointed by the Minister for that purpose, may by order in writing direct that any animal imported by any refugee shall be kept in such place as he or she shall direct, or shall be slaughtered or otherwise disposed of.

(2) If any animal or its carcass is sold as a result of any order made under subsection (1), the Minister or the other person ordering the sale shall use his or her best endeavours to ensure that the person owning the animal shall be paid the proceeds of the sale less any expenses incurred in the sale.

(3) The proceeds of a sale ordered under subsection (1), less any

expenses incurred in the sale, shall, if they are not paid to the owner of the animal sold, be paid into a fund which shall be used for the benefit of refugees.

(4) Notwithstanding any other provisions in this section, if a veterinary officer is of the opinion that in order to prevent the spread of disease it is necessary to slaughter any animal belonging to refugees, the animal shall thereupon be slaughtered and disposed of as the veterinary officer directs, and no compensation shall be paid in respect of the animal.

10. Offences and penalties.

Any refugee who—

- (a) is found in Uganda, other than in a refugee settlement, without a permit issued under section 5;
- (b) contravenes any of the conditions of a permit issued under section 5;
- (c) contravenes the terms of an order made under section 7, 8, or 9;
or
- (d) in any way obstructs the carrying out of any order made under section 9,

commits an offence and is liable on conviction to imprisonment for a period not exceeding three months.

11. Surrender of arms.

(1) Every refugee who brings any firearm or ammunition into Uganda shall immediately surrender the firearm or ammunition to an authorised officer.

(2) Any refugee who fails to surrender any firearm or ammunition in his or her possession on arrival in Uganda, or who after such arrival is found in possession of any firearm or ammunition without the written permission of the director, commits an offence and is liable on conviction to imprisonment for a period not exceeding five years.

(3) The provisions of this section shall be additional to, and not in derogation of, or in substitution for, the provisions of the Firearms Act.

12. Powers of the director to make orders and issue directions.

(1) The director may make orders and issue directions necessary for the proper management of refugee settlements and without prejudice to the generality of the foregoing may make orders and issue directions in respect of any of the following matters—

- (a) the organisation, safety, discipline and administration of the settlements;
- (b) the reception, treatment, health and well-being of refugees;
- (c) the manner of inquiring into disciplinary offences and the payment of fines;
- (d) the establishment and regulation of settlement lockups and the custody of persons in the lockups; and
- (e) the powers of settlement commandants and the delegation of such powers.

(2) A settlement commandant may give such orders or directions, either orally or in writing, to any refugee as may be necessary or expedient for the following purposes —

- (a) to ensure that the settlement is administered in an orderly and efficient manner;
- (b) to ensure the performance of any work or duty necessary for the maintenance of essential services in the settlement or for the general welfare of the refugees;
- (c) to ensure that all proper precautions are taken to preserve the health and well-being of the refugees; and
- (d) to preserve orderly conduct and discipline in the settlement.

13. Harboursing refugees.

(1) Notwithstanding any other provision in this Act, it shall not be lawful for any person to harbour a refugee except with the consent in writing of the director.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years or to both such fine and imprisonment.

(3) A person convicted of an offence under this section is liable to deportation.

14. Control of entry into refugee settlements.

It shall be an offence for any person other than a refugee residing in, or a person employed in, a refugee settlement to enter or be within the refugee settlement except with the general or special permission of the director or the settlement commandant.

15. Employment of refugees.

Arrangements may be made for offering employment to refugees who shall be paid for that employment at the appropriate rate of wages prevailing in Uganda for the performance of similar work; except that—

- (a) it shall not be obligatory to pay a refugee for any employment in connection with the administration, internal arrangement or maintenance of refugee settlements; and
- (b) no refugee shall be employed on work for which he or she is physically unsuited, or on unhealthy or dangerous work.

16. Requisition of vehicles.

(1) The director, an administrative officer or a settlement commandant may take possession of any vehicle in which any refugee arrives in Uganda and may authorise its use in Uganda for the purpose of moving refugees or any stores or equipment for their use.

(2) No action shall be brought against any person who takes possession of or uses a vehicle pursuant to subsection (1) either for the taking or use of the vehicle or for any damage done to it or for any loss occasioned by the taking or use.

17. Refugees leaving Uganda.

(1) No refugee shall leave Uganda for any destination without informing an authorised officer.

(2) No refugee shall leave Uganda and proceed to a territory other than the territory in which he or she resided prior to entering Uganda without the permission of the director or the principal immigration officer.

(3) Nothing in this section shall be deemed to permit a refugee

residing within a refugee settlement to leave the settlement without the permission of the settlement commandant.

(4) Any refugee contravening this section commits an offence and is liable on conviction to imprisonment for a period not exceeding three months.

18. Provisions regarding immigration and citizenship.

(1) The Minister may by statutory order declare that any law or any part of any law for the time being in force relating to extradition, deportation or immigration shall not apply to any refugee or any class of refugee.

(2) For the purposes of the Immigration Act and the Uganda Citizenship Act, no period spent in Uganda as a refugee shall be deemed to be residence in Uganda.

19. Suspected refugees may be detained in prison.

If it is made to appear to the Minister or to the director that it is likely that any refugee has committed an offence in any other territory which, if committed in Uganda would be punishable with imprisonment, the Minister or the director may in his or her discretion, by writing under his or her hand, direct that the refugee shall be detained in custody; and any such direction shall be authority for any police or prison officer to arrest and detain the refugee in custody as an unconvicted prisoner.

20. Return and deportation of refugees.

(1) The director may at any time order any refugee or class of refugees to return, by such means or route as he or she shall direct, to the territory from which he or she or they, as the case may be, entered Uganda, or to return to the country of which he or she or they is a national or are nationals.

(2) A court convicting any refugee of an offence under this Act may order the deportation of the refugee to the territory from which he or she entered Uganda.

(3) No order shall be made under subsection (1) or (2) in respect of a refugee if the director or the court, as the case may be, is of the opinion that

the refugee will be tried or punished for an offence of a political character after arrival in the territory from which he or she came or is likely to be the subject of physical attack in that territory.

(4) Any refugee failing to comply with an order made under subsection (1) commits an offence and is liable on conviction to imprisonment for a period not exceeding three months.

21. Penalties and discipline.

(1) Any person who contravenes any of the provisions of this Act for which no penalty is specifically provided and any refugee who fails to obey any lawful order of the director or of a settlement commandant commits an offence and is liable on conviction to imprisonment for a period not exceeding three months.

(2) Notwithstanding subsection (1), the director or a settlement commandant may inquire into any disciplinary offence and if he or she finds that a refugee has been guilty of the disciplinary offence may punish him or her by—

- (a) ordering his or her confinement in a settlement lockup for a period not exceeding thirty days; or
- (b) fining him or her a sum not exceeding two hundred shillings.

(3) Any refugee who—

- (a) without permission of the settlement commandant leaves or attempts to leave a refugee settlement in which he or she has been ordered to reside;
- (b) disobeys any order or direction of the director or of a settlement commandant; or
- (c) conducts himself or herself in a manner prejudicial to good order and discipline,

shall be deemed to have committed a disciplinary offence.

(4) Any refugee convicted of a disciplinary offence and sentenced by a settlement commandant to confinement for a period exceeding fourteen days or to a fine exceeding one hundred shillings may appeal to the director whose decision shall be final.

22. Settlement commandant or authorised officer may arrest without warrant.

A settlement commandant or an authorised officer may arrest without warrant any person whom he or she has reasonable grounds for suspecting has committed an offence or a disciplinary offence under this Act, and the person may be detained in custody at a refugee settlement or in any prison or police station pending the institution of proceedings for the offence.

23. Powers to enforce orders.

A settlement commandant or an authorised officer or any person acting with the authority of a settlement commandant or authorised officer may use such force, including the use of firearms, as may be necessary to compel any refugee to comply with any order or direction, whether oral or in writing, given pursuant to this Act.

24. Protection for bona fide act.

No act or thing done or omitted to be done by any person shall, if the act or omission was done or omitted bona fide while acting in the execution of his or her duty under this Act, subject him or her personally to any liability, action, claim or demand whatever.

25. Publication of notices, orders and directions.

Subject to any express provision in this Act and notwithstanding the Interpretation Act, any notice, order or direction made or given under this Act may be published in such manner as the person making the notice, order or direction shall see fit.

26. Control of refugees from the Sudan Ordinance, 1955.

Any orders made under the Control of Refugees from the Sudan Ordinance, 1955, repealed by this Act, shall be deemed to have been made under this Act and shall remain in force until revoked under this Act

History: Cap 64.

Cross References

Control of Refugees from the Sudan Ordinance, Ordinance 35/1955.
Firearms Act, Cap. 299. Immigration Act, Cap. 63. Interpretation
Act, Cap. 3. Uganda Citizenship Act, Cap. 65.