

**FEDERAL NEGARIT GAZETTE
OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA**

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Content

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PROCLAMATION NO. 1110/2019

REFUGEES PROCLAMATION

WHEREAS, Ethiopia is providing asylum and protection to refugees and promoting the search for durable solutions whenever conditions permit;

WHEREAS, Ethiopia has ratified International Treaties relating to Refugees and made them integral parts of the law of the land, and is party to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, done in Addis Ababa;

WHEREAS, it is necessary to have a comprehensive legal framework, in accordance with international standards, that contains rights and entitlements embodied in the aforesaid International Conventions, provides better protection to refugees, and promotes sustainable solutions;

WHEREAS, the existing Refugee Proclamation No. 409/2004 is not painstaking and does not reflect the current overall developments and progress made in refugee protection, it has become necessary to enact a new Refugees Proclamation to improve, within available means, comprehensive protection and assistance to refugees;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby **Proclaimed** as follows:

PART ONE

General

1. Short Title

This Proclamation may be cited as the "**Refugees Proclamation No. 1110/2019.**"

2. Definition

In this Proclamation, unless the context otherwise requires:

1. "**Agency**" means the Agency for Refugees and Returnees Affairs established as per Article 33(4)(f) of the Definition of Powers and Duties of the Executive Organs of the Federal Democratic Republic of Ethiopia, Proclamation No. 1097/2018.
2. "**United Nations High Commissioner for Refugees**" means the Office of the United Nations High Commissioner for Refugees in Ethiopia.

3. **"The Refugee Convention"** means the Convention Relating to the Status of Refugees done at Geneva on 28th July 1951, and the Protocol Relating to the Status of Refugees done at New York on 31st January 1967.
4. **"The OAU Refugee Convention"** means the Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problems in Africa, done at Addis Ababa on 10th September 1969.
5. **"Country of Nationality"** means a country of which the refugee is a national.
6. **"Country of Former Habitual Residence"** means the country in which the person established himself permanently and which afforded its protection.
7. **"Refugee"** means any person who fulfills the criteria under the provisions of Article 5 or Article 21 of this Proclamation.
8. **"Asylum-seeker"** means any person or group of persons who presents himself or themselves at the border or frontier, or within the territory of Ethiopia, seeking refugee status and awaiting the decision of the Authority.
9. **"The Family Members"** means:
 - a. Any spouse of the recognized refugee or asylum-seeker.
 - b. Any unmarried child of the recognized refugee or asylum-seeker under the age of eighteen years.
 - c. Any person the Agency may consider, upon assessment, as a member of a family, taking into account the meaning of family in the laws of their country of origin and the existence of dependency among them.
10. **"Recognized Refugee"** means a person who:
 - a. Has been recognized as a refugee in terms of Article 5 of this Proclamation.
 - b. Is a member of a group of persons declared to be refugees in terms of Article 21 of this Proclamation.
11. **"Identification Document"** means documents issued by the Agency to recognized refugees and asylum-seekers, including identity papers, travel documents, pass permits, proof of registration, birth certificates, or similar documents that attest to the identity of the bearer.
12. **"Local Integration"** means a process by which individual refugees or groups of refugees who have lived in Ethiopia for a protracted period are provided, upon their request, with a permanent residence permit to facilitate their broader integration with Ethiopian nationals until they fully attain durable solutions to their problems.
13. **"Person"** means a natural person or a juridical person.
14. Any expression in the **masculine gender** includes the feminine.

3. Scope of Application

Provisions of this Proclamation shall be applicable to any person who:

1. Is a refugee applying for recognition or is a recognized refugee in Ethiopia.
2. Has a right or is subjected to obligations arising from this Proclamation or participates in its implementation.

PART TWO

General Principles and Criteria

4. Non-discrimination

This Proclamation shall be applied without discrimination as to race, religion, nationality, membership of a particular social group, political opinion, or other similar grounds.

5. Refugee Criteria

1. Any person shall be considered a refugee where:
 - a. Owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, he is outside his country of nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.
 - b. Not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of persecution, is unwilling to return to it.
 - c. Owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality.
2. In the case of a person who has more than one nationality, a person shall not be deemed to be lacking the protection of the country of which he is a national if, without any valid reason based on a well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

6. Recognizing Refugee Status Sur Place

A person shall be considered a refugee where the conditions stipulated under Sub-Article (1)(a), (b), or (c) of Article 5 of this Proclamation have arisen after the individual has left the country of their nationality or habitual residence.

7. Exclusion from Refugee Status

Notwithstanding the provisions of Articles 5 and 6 of this Proclamation, a person shall not be considered a refugee if there are serious reasons to believe that:

- 1/ They have committed:
 - a) A crime against peace,
 - b) A war crime, or
 - c) A crime against humanity,as defined in the international instruments established for such crimes.
- 2/ They have committed a serious, non-political crime before entering Ethiopia as a refugee.
- 3/ They have been guilty of acts contrary to the purposes and principles of the United Nations or the African Union, as embodied in their respective Charters.

8. Cancellation and Revocation of Refugee Status

1/ Cancellation of Refugee Status

The Agency may cancel a person's refugee status if:

- a) The inclusion criteria under Article 5 of this Proclamation were not met at the time of the initial decision.
- b) The exclusion criteria under Article 7 of this Proclamation were not applied at the time of the initial decision.

2/ Revocation of Refugee Status

The Agency may revoke the refugee status of a recognized person if it is established that, after being granted refugee status, the exclusion criteria provided under Article 7(1) or (3) of this Proclamation apply to them.

3/ Notification and Opportunity for Response

The Agency shall notify the individual in writing and provide an opportunity for them to respond before canceling or revoking their refugee status.

4/ Applicability to Family Members

The Agency's decision to cancel or revoke refugee status shall also apply to the family members of the individual concerned. However, affected family members have the right to submit individual applications for refugee status in accordance with this Proclamation.

5/ Right to Appeal

Any person aggrieved by the Agency's decision may appeal within sixty days of receiving written notification to the Appeal Hearing Council established under this Proclamation.

6/ Late Appeals

The Appeal Hearing Council may consider appeals filed after the sixty-day period if the appellant provides justifiable reasons for the delay.

9. Cessation of Refugee Status

1/ Circumstances for Cessation

A person shall cease to be considered a refugee if:

- a) They voluntarily re-avail themselves of the protection of their country of nationality.
- b) Having lost their nationality, they voluntarily reacquire it.
- c) They voluntarily re-establish residence in the country they left due to fear of persecution.
- d) They acquire Ethiopian nationality or the nationality of another country and enjoy the protection of their new nationality.
- e) The circumstances justifying their recognition as a refugee have ceased to exist, and they can no longer refuse to avail themselves of the protection of their country of nationality or former habitual residence.

2/ Compelling Reasons Exception

The cessation clause in Sub-Article (1)(e) does not apply to refugees who can invoke compelling reasons arising from previous persecution as grounds for refusing protection from their country of nationality or habitual residence.

3/ Right to Appeal

Any person aggrieved by a cessation decision may appeal to the Appeal Hearing Council within sixty days of receiving written notification of the decision.

4/ Late Appeals

The Appeal Hearing Council may consider appeals filed after the sixty-day period if the appellant provides justifiable reasons for the delay.

10. Fundamental Change of Circumstances

1/ Where fundamental changes occur in the country of nationality or former habitual residence of recognized refugees, the Agency, in collaboration with the UNHCR, shall initiate an assessment of the nature and durability of such changes.

2/ Following the assessment, the Agency, in collaboration with the UNHCR, shall decide whether the refugee status of the individual or group concerned shall cease.

3/ The decision shall outline the consequences for those affected, including their right to appeal.

11. Non-Forceful Repatriation

1/ No person shall be refused entry, expelled, or returned to a country where they may face:

- a) Persecution due to race, religion, nationality, membership in a social group, or political opinion.
- b) Threats to life, liberty, or physical integrity due to external aggression, occupation, foreign domination, or events seriously disturbing public order.

2/ Exception: Sub-Article (1) does not apply to individuals considered a danger to national security or convicted of a particularly serious crime posing a danger to the community.

3/ The Agency shall determine whether serious grounds exist for regarding a person as a danger to national security in accordance with this Proclamation.

12. Expulsion

1/ A recognized refugee may only be expelled on grounds of national security or public order.

2/ Expulsion orders shall be issued by the Agency following due process, allowing the concerned refugee to present their case.

3/ The expulsion order, along with its reasons, shall be communicated in writing to the refugee.

4/ The execution of an expulsion order may be delayed upon the refugee's request to allow time to seek legal admission to another country.

13. Temporary Detention

A refugee whose expulsion has been ordered under Article 12 may be temporarily detained to facilitate the execution of the expulsion order or to prevent them from endangering national security or public order.

14. Unity of the Family

1/ Family members of an asylum-seeker shall be permitted to enter and remain in Ethiopia until their case is resolved.

2/ Family members of a recognized refugee shall also be permitted to enter and remain in Ethiopia.

3/ Family members of asylum-seekers or refugees shall have the same rights and duties as the asylum-seeker or refugee.

4/ Family members may independently apply for refugee status.

5/ The Agency shall facilitate family reunification upon request.

PART THREE

Procedures for Determination of Refugee Status

15. Application for Recognition of Refugee Status

1. Without prejudice to Article 21 of this Proclamation, any person who is at the frontier or any other entry point or within Ethiopia, whether he has entered the country lawfully or otherwise, and who wishes to remain within the country as a refugee under this Proclamation, shall, within thirty days, apply to the nearest Agency office, branch office, or police station.
2. The Agency may, upon the request of the applicant, accept applications made after the expiry of the period stated in Sub-Article (1) of this Article if the late application is due to justifiable reasons.
3. The police station receiving the application in accordance with this Article shall, as soon as possible, forward the application to the Agency.
4. The Agency may permit a person to submit his application for refugee status through another person if he is unable to submit his own application due to circumstances beyond his control.
5. An application for refugee status made in accordance with Sub-Article (1) of this Article is deemed to have been made on behalf of all members of the family of the applicant, except where individual members of the family choose to submit separate applications. An unaccompanied or separated child may, individually or through his guardian, lodge an application for refugee status.
6. The applicant shall complete the relevant forms issued by the Agency and vouch for the truth of the statements therein.
7. The Agency may discontinue the processing of an application for refugee status if the asylum-seeker withdraws or abandons his application.
8. No criminal charge shall be commenced or continued, nor penalties imposed against a person who has applied for refugee status or is about to apply under this Proclamation, on account of his illegal entry and presence in the country.

16. Decision by the Agency

1. The Agency shall examine and decide on the application presented to it in accordance with Article 15 of this Proclamation within six months of registering the application, after verifying that the criteria provided under Article 5 or 6 of this Proclamation are fulfilled.

2. In deciding asylum applications, the Agency shall:
 - a. Ensure that the applicant is provided with relevant information, in a language he understands, particularly regarding procedures for refugee status determination and the rights and obligations of refugees and asylum-seekers.
 - b. Ensure that the applicant is given reasonable time to present his case.
 - c. Ensure the presence of a qualified interpreter during all stages of the hearing, giving due regard to the applicant's preference for an interpreter of a particular sex.
 - d. Ensure that the personnel conducting the refugee status determination interview have adequate knowledge of Ethiopian and international refugee laws, are competent in considering the particular circumstances of asylum-seekers, and are selected with due regard to the applicant's preference for an interviewer of a particular sex.
 - e. Take into primary consideration the best interests of the child when examining and making decisions on the application of a minor for refugee status.
 - f. Invite the United Nations High Commissioner for Refugees to participate as an observer.
3. The Agency shall notify the person concerned of its decision and the reasons for it in writing.
4. Any asylum-seeker aggrieved by the decision of the Agency may, within sixty days of being notified, appeal in writing to the Appeal Hearing Council established under this Proclamation.
5. Notwithstanding Sub-Article (4) of this Article, the Appeal Hearing Council may hear an appeal filed after sixty days if the appellant provides justifiable cause for the delay.

Establishment of the Appeal Hearing Council

17. Appeal Hearing Council

An **Appeal Hearing Council** (hereinafter referred to as the "Council") is established under this Proclamation to review decisions by the Agency concerning recognition of refugee status.

Members of the Council

18. Composition of the Council

1. The Council shall comprise:
 - a) Representative of the Agency - **Chairman**
 - b) Representative of the Ministry of Foreign Affairs - **Member**
 - c) Representative of the Federal Attorney General - **Member**
 - d) Representative of the Federal Police Commission - **Member**
 - e) Representative of the Immigration, Nationality, and Vital Events Agency - **Member**
2. The United Nations High Commissioner for Refugees (UNHCR) shall participate as an observer, upon invitation by the Agency.
3. A secretary for the Council shall be appointed by the Agency.
4. The Agency shall ensure Council members acquire necessary knowledge and skills in **national and international refugee laws**, as well as principles and procedures for refugee status determination.

Powers and Functions of the Council

19. Powers and Functions

1. The Council must decide on appeals within 90 days of submission.
2. In executing its functions, the Council shall:
 - a) Ensure appellants are given reasonable time to present their case.
 - b) Ensure the presence of a qualified interpreter, considering the applicant's preference for the interpreter's sex.
 - c) Consider the best interests of the child in cases involving minors.
3. After examining an appeal, the Council may confirm, vary, or reverse the Agency's decision.
4. The Council's decision and reasons shall be provided in writing to the appellant.
5. Decisions are final, except when errors of law are claimed. Appeals in such cases may be submitted to the Federal Supreme Court within 30 days of receipt of the written decision.
6. The Council shall establish its rules of procedure.

Records and Confidentiality

20. Records and Minutes

Records and minutes related to refugee status applications shall be kept confidential to ensure the safety and security of asylum-seekers.

21. Declaration of Class of Persons as Refugees

1. The Agency may declare groups of individuals as refugees if they meet the criteria in Article 5 of this Proclamation.
2. In such cases, the Agency, in consultation with UNHCR, shall issue a Directive specifying the events leading to the decision, the group's characteristics, and the applicable date.
3. Group refugee status may be extended to those who left their country before the applicable date.
4. The Agency may terminate group refugee recognition following due consideration and consultation with UNHCR.

Rights and Obligations of Asylum-Seekers and Refugees

22. General Rights and Obligations

- Entitlement to rights and obligations as per the **Refugee Convention, OAU Refugee Convention**, and applicable laws.
- Subject to Ethiopian laws in force.

23. The Right to Stay in Ethiopia

1. Refugee status applicants may remain in Ethiopia until their application is determined or appeals exhausted.

2. Removal may occur under immigration laws if the application is abandoned or the appeal rejected.
3. Extensions may be granted to allow refugees time to seek legal admission elsewhere.

24. Access to Education

- Equal treatment to Ethiopian nationals in pre-primary and primary education.
- Access to secondary and higher education is subject to available resources and national policy.

25. Access to Health Services

- Access to available health services for recognized refugees and asylum-seekers.

26. Right to Work

- Right to employment under the same conditions as foreign nationals.
- Participation in projects benefiting refugees and nationals equally.

27. Right to Association

- Right to join non-political and non-profit associations and trade unions under the same conditions as foreign nationals.

28. Freedom of Movement

- Right to movement within national territory, except in designated areas determined by the Agency.

29. Right to Property

- Equal rights with nationals in intellectual property.
- Ability to bring and export property free of tariffs within legal limits.

30. Access to Justice

- Equal rights with nationals in seeking legal decisions and counseling.

31. Driver's Qualification and Certification

- Recognition of foreign licenses subject to qualification tests.

32. Identity and Travel Documents

- Identity papers and travel documents issued by the Agency.

33. Banking and Financial Services

- Access to financial services using refugee identification documents.

34. Telecommunication Services

- Access to telecommunication services using identification documents.

35. Rationing

- Equal treatment with nationals in rationing systems.

36. Vital Events Registration

- Equal rights in vital events registration and certificates issuance.

37. Fiscal Charges

- No duties or taxes exceeding those for nationals in similar circumstances.

38. Special Protection for Vulnerable Persons

- Special protections for women, children, and individuals with specific needs.

39. Obligations

- Cooperation with the Agency and respect for Ethiopian laws and culture.

Additional Provisions

40. Voluntary Repatriation

- Right to voluntary, safe, and dignified repatriation.

41. Local Integration

- Facilitation of local integration for long-term residents.

42. Naturalization

- Eligibility for Ethiopian nationality under relevant laws.

43-47. Miscellaneous Provisions

- Cooperation with UNHCR.
- Confidentiality obligations.
- Repeal of inconsistent laws and Refugee Proclamation No. 409/2004.
- Power to issue regulations for proper implementation.
- Effective from the date of publication in the **Federal Negarit Gazette** (February 27, 2019).

This version provides clear structure and a layout better suited for extended page width. Let me know if further adjustments are needed!