

The purpose of this publication is to provide information to asylum seekers and refugees on the current asylum procedure, the rights and obligations of asylum seekers and refugees and about existing refugee services in Zambia. The contents have been designed in a *Question and Answer* format, for your easy reference.

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The role of UNHCR

- o UNHCR's role is to assist the Zambian Government in the provision of international protection to asylum seekers and refugees, to help find durable solutions for refugees.
- o UNHCR plays a supervisory role in ensuring that asylum seekers and refugees are treated in accordance with the established international standards of refugee protection.
- o UNHCR supervises and works closely with its partners in the provision of material and legal assistance to asylum seekers and refugees in need.

The role of the Zambian government

- o The Zambian Government receives asylum applications and decides on the granting of refugee status. This is done through an established procedure of status determination (based on the conventions explained in question 1).
- o The Zambian Government is responsible for ensuring that asylum seekers are not deported (principle of *non-refoulement*) until their application has been reviewed and a final decision made.
- o The Zambian Government is responsible for providing international protection to recognised refugees residing in its territory.

1. Who is a refugee?

- o A refugee is a person who meets the criteria of the refugee definition in the 1951 Convention ... and/or the 1969 OAU Convention...
- o The 1951 *UN Convention related to the Status of Refugees* (and its 1967 *Protocol*) defines a refugee as someone who:
 - is outside her/his country of origin;
 - has a well-founded fear of persecution because of her/his race, religion, nationality, membership in a particular social group, or political opinion;
 - is unable or unwilling to avail her/himself of the protection of that country, or to return there, for fear of persecution.
- o The 1969 *OAU Convention Governing Specific Aspects of Refugee Problems in Africa* adds that a refugee is a person compelled to leave her/his country owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of the country of origin.

2. Who is an asylum seeker?

- o An asylum seeker is a person who has left her/his country of origin and has expressed in any manner his or her wish to seek asylum.
- o An asylum application is a formal request for international protection and for the permission to remain in Zambia as a refugee under the protection of the Zambian Government.
- o An asylum seeker is not a *migrant*. A migrant does not need international protection and may for example be arriving and living in Zambia for economic reasons.

3. What is the asylum process in Zambia?

- o Each asylum seeker must lodge an application for refugee status within 7 days of entry into Zambia, with any authorised officer, including immigration, the police, or the Commissioner for Refugees (COR).
- o After submitting the asylum application, the asylum seeker is given a *report order* which allows her/him to stay in Zambia to wait for the review and decision on the application.
- o The asylum seeker will be referred to the COR where a preliminary status eligibility interview will be conducted by a legal advisor. The asylum seeker is expected to present her/his case clearly and provide all documentation and information available. A translator may be provided.
- o If the application is rejected during the preliminary status eligibility interview, the asylum seeker can lodge an appeal with the National Eligibility Committee (NEC).
- o The asylum seeker may be invited to an interview before the NEC.
- o The asylum seeker will be informed in writing of the decision to give or refuse the refugee status.
- o In the case of a negative decision, the asylum seeker has the right to appeal to the Minister of Home Affairs within 14 days.
- o If the appeal is rejected, generally no further right to remain in Zambia is given.
- o If the decision is positive, asylum is given. *Or alternatively: the refugee status is recognized.*
- o Sometimes a (very large) group of asylum seekers who have fled their country for the same reasons, may be granted refugee status as a group without individual examination of the applications.
- o On receiving asylum *or* upon recognition as refugee, the refugee will be relocated to a Refugee Camp or Settlement where s/he is required to remain. The camps and settlements are located in the Western and Northern Provinces of Zambia.

4. What are my rights as an asylum seeker? These include::

- o The right to have your application processed in a fair and transparent procedure.
- o The right to be informed of reasons for a negative decision.
- o The right to appeal in the case of a negative decision.
- o The right not to be deported before your application is reviewed and a final decision made.
- o The right to humane standards of treatment.

5. What are my rights as a refugee? These include::

- o The right not to be deported to your country of origin or other country where you fear persecution or similar human rights violations.
- o The right to register and to receive a refugee identity card (free of charge).
- o The right to elementary education. You also have a right to secondary education if you qualify for a study permit.
- o The right to be united with your family (spouse and children) and dependants (criteria apply).
- o The right to Voluntary Repatriation, i.e. to return to your country of origin when the situation allows.
- o The right to basic health care.
- o The right to travel documents (criteria apply).
- o The right to employment or self employment (criteria apply).
- o The right to receive all refugee documentation free of charge, including the identity and registration cards as well as travel and gate passes.

- o The right to humane standards of treatment.

6. What are my obligations as an asylum seeker/refugee?

- o The obligation to present yourself to the Zambian authorities as soon as possible after your arrival in Zambia (within a maximum of 7 days).
- o The obligation to explain the reasons why you are applying for asylum in Zambia.
- o The obligation to respect the local laws and public order of Zambia. You are liable to prosecution and punishment if you commit a crime.
- o The obligation to carry identification at all times while in Zambia.
- o The obligation to remain at the Refugee Camp or Refugee Settlement - you must obtain a Gate Pass from the Refugee Officer before leaving the camp. The Gate Pass can be obtained for legitimate reasons only (such as medical, work or study related reasons) and it is free of charge.
- o In order to live outside of the camp, you must apply and be given approval by the *Urban Residency Committee*. You may be given approval, for example, for medical reasons or if you have a valid work or study permit.
- o You are not allowed to travel back to your country of origin while you have a refugee status in Zambia. If you do return to your country of origin, you may no longer be considered a refugee in Zambia.
- o You are not allowed to purchase removable property in Zambia.
- o You should not be involved in subversive activities against your country of origin or any other country.

7. What do Community Services offer?

- o Community Services offer assistance to benefit the refugee community and to support individual refugees in need.
- o The following services are offered
 - counselling
 - home visits
 - provision of non-food items (*NFIs*)
 - support for vulnerable individuals and families
 - primary school education
 - DAFI scholarships for tertiary school education
 - support for victims and survivors of sexual and gender based violence (*SGBV*)
- o Assistance can be obtained from the Community Services implementing partner (contact details on pages 10-11).

8. What is Voluntary Repatriation?

- o Voluntary Repatriation means the return to the country of origin, based on the refugees' free and informed decision.
- o Voluntary Repatriation may be organised with the assistance of UNHCR or refugees may return spontaneously on their own, without assistance (please inform UNHCR prior to your return to receive a Voluntary Repatriation Form).
- o When the situation in your country of origin improves and a return becomes possible, you may approach UNHCR to receive assistance with the return (including assistance with transport costs, travel documents and a possible repatriation allowance).
- o UNHCR provides information on the conditions in the area of return, helps you with the pre-departure formalities and obtains a clearance from the country of origin for your safe return.

9. What is Resettlement?

- o Resettlement refers to relocation of a refugee from Zambia to another country other than a country of origin.
- o Resettlement is considered only when a recognised refugee can not return home and is at risk in Zambia. Resettlement is an exceptional solution that applies to very few refugees. Selection is based on strict resettlement criteria. UNHCR assesses whether refugees with potential resettlement needs actually meet the criteria and should be submitted for resettlement to a third country.
- o UNHCR no longer accepts applications for resettlement from refugees themselves. All cases are identified by UNHCR.
- o All submitted cases are interviewed by resettlement countries that will accept or reject them. Being interviewed for resettlement does not mean that you have been accepted for resettlement.
- o Refugees who are accepted for resettlement do not choose a country for resettlement, the decision is made by the resettlement country.
- o Resettlement is not automatic and a refugee does not have the right to be resettled. Refugees have no right to have their cases re-submitted if rejected by a resettlement country.
- o If the case is not considered credible or fraud is detected, it will no longer be considered.

10. Where can I get help and advice?

- o UNHCR offers information and counselling to asylum seekers and refugees. The time schedule for counselling is announced on the notice board at the UNHCR Office.
- o The Commissioner for Refugees Office gives counselling, processes asylum applications and provides documentation, including asylum application forms, Gate Passes, work/study permits and ID cards.
- o African Humanitarian Action (AHA) provides information, social counselling, medical assistance and health care services.
- o The Legal Resources Foundation (LRF) offers legal assistance and advice to asylum seekers and refugees.
- o The Arch Diocese of Lusaka Peace Centre offers language courses, vocational training, social activities and spiritual support in order to improve the lives of refugees and foster understanding between refugees and Zambians.
- o Albert Einstein German Academic Refugee Initiative (DAFI) grants deserving young refugees scholarships at universities, colleges and polytechnics. More information can be obtained from AHA.

Important contact details

UNHCR Representation Office Lusaka

Horizon House, Plot 17c, Leopards Hill Road
P.O. Box 32542, Lusaka
Tel. +260 1 265873/6
Fax +260 1 265914
Email: zamlu@unhcr.org

UNHCR Sub Office Kawambwa

P.O. Box 730184, Kawambwa
Tel. + 260 2 960 033/4
Fax + 260 212 960046
Email: zamka@unhcr.org

UNHCR Sub Office Mongu

120 Libonda Road
P.O. Box 910274, Mongu
Tel. + 260 7 221 558
Fax + 260 7 221 245
Email: zammo@unhcr.org

UNHCR Field Office Mporokoso

P.O. Box 470148, Mporokoso
Tel. + 260 4 68 02 20
Fax + 260 4 68 02 20
Email: zammp@unhcr.org

UNHCR Field Office Solwezi

2410 Riverside
P.O. Box 110132, Solwezi
Tel. + 260 8 821 770
Fax + 260 8 821 545
Email: zamso@unhcr.org

Office of the Commissioner for Refugees (COR)

Chipowa Road
RhodesPark
P. O. Box 50997
Lusaka
Tel. +260 1 255473/4

African Humanitarian Action (AHA) for Lusaka/Urban

Makeni Transit Centre, Makeni, Lusaka
Outreach centres in Kanyama, Chawama, George and
Chipata/Mandevu Compounds

Legal Resources Foundation (LRF)

6th Floor, Woodgate House
Cairo Road
P.O. Box 35162
Lusaka
Tel. 221263
Email: lrf@zamnet.zm

Peace Centre

ADL Peace Centre
Plot 8609 Malupenga Rd
Chinika area (next to paramilitary camp opposite city market)
Lusaka, Zambia
Tel. 286969

Ministry of Community Development and Social Services (MCDSS)

at Meheba and Mayukwayukwa Settlements

World Vision International (WVI)

at Kala and Mwange Camps