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Content
Proclamation No. 1110/2019
Refugees Proclamation
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Page 11,075

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 make integral part 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 progresses 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 “Refugees Proclamation No.1110/2019.”

2. Definition

In this Proclamation, unless the context otherwise requires:

1/ “Agency” means the Agency for Refugees and Returnees Affair 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;


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 enjoyed its protection;
7/ "Refugee" means any person who fulfils 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 wait for 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; or

c) any person the Agency may consider, upon assessment, as member of a family taking into account the meaning of family in the laws of their country of origin and 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; or

b) is a member of 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 paper, travel document, pass permit, proof of registration, birth certificate or similar documents that attest as to the identity of the bearer;

12/ "Local Integration" means a process by which individual refugee or groups of refugees who have lived in Ethiopia for a protracted period are provided, up on their request, with 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 apply for recognition or is a recognized refugee in Ethiopia; and

2/ has a right or is subjected to obligations arising from this Proclamation; or participates in the implementation of this Proclamation.

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 as 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 being persecuted for reasons of race, religion, membership of a particular social group or political opinion, he is unwilling to return to it; or
Federal Negarit Gazette No. 38  27th February, 2019 ..... page 11079

6. Recognizing Refugee Status Sur Place

A person shall be considered as a refugee where the conditions stipulated under Sub Article (1)(a), (b) or (c) of Article 5 of this Proclamation have taken place after he has left the country of his nationality or habitual residence.

7. Exclusion from Refugee Status

Notwithstanding the provisions of Article 5 and 6 of this Proclamation a person shall not be considered as a refugee if there are serious reasons for considering that:

1/ he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instrument drawn up to make provision in respect of such crimes;

2/ he has committed a serious, non-political crime prior to his entry into Ethiopia as a refugee; or

3/ he has 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/ The Agency may:
6/ Notwithstanding the provisions of sub-Article (5) of this Article, the Appeal Hearing Council may hear an appeal filed after the expiry of sixty days if the appellant has justifiable cause for having filed a late appeal.
9. Cessation of Refugee Status

1/ Any person shall cease to be considered as refugee if:

   a) he has voluntarily re-availed himself of the protection of the country of his nationality;

   b) having lost his nationality, he has voluntarily re-acquired it;

   c) he has voluntarily re-established himself in the country which he left or outside of which he remained owing to fear of persecution;

   d) he has acquired the nationality of Ethiopia, or that of another country and enjoys the protection of his new country of nationality; or

   e) he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality: or if he has lost his nationality or has no nationality and is able to return to his country of former habitual residence but continue to refuse to do so.

2/ The provision of Sub-Article (1) (e) of this Article shall not apply, however, to a refugee who is able to invoke compelling reasons arising out of previous persecution as set out in Article 5 of this Proclamation, for refusing to avail himself of the protection of the country of his nationality or country of his former habitual residence.

3/ Any person aggrieved by the decision of the Agency made in accordance with this Article may appeal within sixty days of receiving written notification of the decision to the Appeal Hearing Council established in accordance with this Proclamation.

4/ Notwithstanding the provision of sub-Article (3) of this Article, the Appeal Hearing Council may hear an appeal filed after the expiry of sixty days if the appellant has justifiable cause for having filed a late appeal.
10. **Fundamental Change of Circumstances**

1/ Where the fundamental changes referred to in Article 9 (1)(e) of this Proclamation are considered to have taken place in a country of nationality or former place of habitual residence of a person or persons recognized as refugees under this Proclamation, the Agency, working in collaboration and coordination with the United Nations High Commissioner for Refugees and subject to such other special procedures as may be established for this purpose, shall initiate an assessment and verification of the nature and durability of the changes having regard to the circumstances which justified the grant of refugee status.

2/ Following such assessment and verification, the Agency shall, in collaboration with the United Nations High Commissioner for Refugees, make a decision as to whether or not the refugee status of the person or group of persons concerned shall be declared to have ceased.

3/ The decision made pursuant to Sub-Article (2) of this Article shall also set out the consequences and implications for the refugee or refugees affected by the cessation of refugee status, including the right of individual refugees to appeal against the decision.

11. **Non-Forceful Repatriation**

1/ No person shall be refused entry in to Ethiopia or expelled or returned from Ethiopia to any other country or be subject to any similar measure if as a result of such refusal, expulsion or return or any other measure, such person is compelled to return to or remain in a country where:

a) he may be subject to persecution on account of his race, religion, nationality, membership of a particular social group or political opinion; or

b) his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disturbing public order in part or whole of the country.
2/ The benefit of Sub-Article (1) of this Article may not, however, be claimed by a person whom there are serious reasons for regarding as a danger to the national security, or who having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community.

3/ The Agency shall, in line with this Proclamation and other laws, ensure whether serious grounds exist for regarding a person as a danger to national security.

12. Expulsion

1/ A recognized refugee shall not be expelled except on the grounds of national security or public order.

2/ An order to expel, pursuant to this Article, shall be made by the Agency. Such an order shall be reached in accordance with due process of law allowing the concerned refugee to present his case.

3/ Any expulsion order shall be communicated in writing to the refugee along with the reasons for the order.

4/ The execution of any expulsion order may, if the concerned refugee requests, be delayed for a reasonable period to enable such refugee to seek legal admission to another country.

13. Temporary Detention

A refugee whose expulsion has been ordered under Article 12 of this Proclamation may be temporarily arrested or detained pending his expulsion upon the order of the Agency, if such detention is necessary for purposes of executing the expulsion order or to ensure that he does not endanger the national security or public order of Ethiopia.
### 14. Unity of the Family

1/ A family member of an asylum-seeker, as provided for in this Proclamation, shall be permitted to enter and remain in Ethiopia until his case is finally decided.

2/ A family member of a recognized refugee, as provided for in this Proclamation, shall be permitted to enter and remain in Ethiopia.

3/ A family member of an asylum-seeker or recognized refugee in Ethiopia shall be entitled to all the rights and be subject to the duties of the refugee or asylum-seeker.

4/ Nothing in this Article prevents a family member of a recognized refugee or asylum-seeker in Ethiopia from himself applying for a refugee status.

5/ The Agency shall facilitate reunification when requests are made by recognized refugees or asylum-seekers to reunify with their family members within Ethiopia.

### 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 in terms of this Proclamation, shall within thirty days, apply to the nearest Agency office or branch office; or police station.

2/ The Agency may, up on the request of the applicant, accept applications made after the expiry of the period stated under 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 behalf separate application. 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 statement therein.

7/ The Agency may discontinue the processing of application for refugee status if the asylum-seeker withdraws or abandons his application.

8/ No criminal charge shall be commenced or continued or penalties be imposed against a person who has applied for refugee status or is about to apply pursuant to 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 period of time 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:
Any asylum-seeker who is aggrieved by the decision of the Agency may, within sixty days of being notified of such a decision, appeal in writing to the Appeal Hearing Council established in accordance with this Proclamation.

Notwithstanding the provision of sub-Article (4) of this Article, the Appeal Hearing Council may hear an appeal filed after the sixty days if the appellant has justifiable cause for having filed a late appeal.
17. Establishment of the Appeal Hearing Council

An Appeal Hearing Council (herein after referred to as the “Council”) that reviews the decision of the Agency in relation to recognition of refugee is hereby established under this Proclamation.

18. Members of the Council

1/ The Council shall have the following members:

a) The representative of the Agency...

b) The representative of the Ministry of Foreign Affairs...

c) The representative of the Federal Attorney General...

d) The representative of the Federal Police Commission...

e) The representative of Immigration, Nationality and Vital Events Agency...

2/ The United Nations High Commissioner for Refugees shall be invited by the Agency to participate as an observer.

3/ The Agency shall appoint a secretary for the Council.

4/ The Agency shall facilitate, for members of the Council, to acquire the necessary knowledge and skills related to the relevant National and International refugee laws, and applicable principles, standards and procedures of refugee status determination.

19. Powers and Functions of the Council

1/ The Council shall within ninety days decide on appeals submitted to it in accordance with this Proclamation.

2/ In the exercise of its function, the Council shall:

a) ensure that every appellant is given reasonable time to present his case;
### 20. Records and Minutes

The records and minutes of meetings in relation to application for refugee status shall be kept in a confidential and secure manner so that the safety and security of an asylum-seeker may not be in danger.

### 21. Declaration of Class of Persons as Refugees

1/ The Agency may declare any group of persons that meet the criteria set out in Article 5 of this Proclamation as refugees.

2/ When recognizing a group of asylum-seekers as refugees in accordance with this Article, the Agency shall, in consultation with United Nations High Commissioner for Refugees, issue a detailed Directive containing a description of the events in the country of origin or former habitual residence of the
23. The Right to Stay in Ethiopia

1/ Any person who has applied for recognition of his status as a refugee pursuant to this Proclamation shall be allowed to remain in Ethiopia until the Agency determines his application; or if his application is unsuccessful, until he exhausts his right of appeal.

PART FOUR

Rights and Obligations of Asylum-seekers and Recognized Refugees

22. General Rights and Obligations

Every recognized refugee and asylum-seeker:

1/ is entitled to the rights and be subjected to the obligations contained in the Refugee Convention, the OAU Refugee Convention and applicable international laws;

2/ shall be subject to the laws and Provisions in force in Ethiopia.
### 24. Access to Education

1/ Every recognized refugee or asylum-seeker shall receive the same treatment as accorded to Ethiopian nationals with respect to access to pre-primary and primary education.

2/ Every recognized refugee and asylum-seeker may have access to secondary education; higher education; technical and vocation education and training; and adult and non-formal education within available resources and subject to the education policy of Ethiopia.

3/ Recognized refugees and asylum-seekers may receive the most favourable treatment as accorded to foreign nationals in respect to education other than primary education, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholar ships.

### 25. Access to Health Services

Every recognized refugee and asylum seeker shall have access to available health services in Ethiopia.
26. The Right to Work

1/ Recognized refugees and asylum-seekers shall have the right to engage in wage earning employment in the same circumstance as the most favorable treatment accorded to foreign nationals pursuant to relevant laws.

2/ Every recognized refugee and asylum-seeker shall have the right to engage, individually or in group, in agriculture, industry, small and micro enterprise, handicrafts and commerce, in the same circumstance as the most favorable treatment accorded to foreign nationals pursuant to relevant laws.

3/ Every recognized refugee who has academic credentials authenticated by the competent government authority, and who desires to practice his profession, may be accorded the most favorable treatment as accorded to foreign nationals in areas permitted to foreign nationals.

4/ Recognized refugees and asylum-seekers engaged in rural and urban projects jointly designed by the Ethiopian government and the international community to benefit refugees and Ethiopian nationals, including in environmental protection, industry and small and micro enterprises, shall be given equal treatment as accorded to Ethiopian nationals engaged in the same projects.

5/ Without prejudice to the provisions of sub-Article (4) of this Article, the use of agricultural and irrigable lands shall be made in accordance with national land use laws, and in agreement with Regional States using a land lease system, subject to payment of lease price, for a period renewable every seven years.

6/ The Agency may issue a residence permit, subject to renewal every five year, to any recognized refugee selected to engage in the projects indicated under sub-Articles (4) and (5) of this Article.

7/ There shall not be any discrimination between recognized refugees or asylum-seekers and Ethiopian nationals who are engaged in activities stipulated under this Article.
27. Right to Association

Recognized refugees and asylum-seekers have the right to association, as regards non-political and non-profit making associations and trade unions in the same circumstances as the most favorable treatment accorded to foreign nationals pursuant to relevant laws.

28. Freedom of Movement

1/ Subject to laws applicable to foreign nationals generally in the same circumstances, every recognized refugee or asylum-seeker has, within the national territory, the right to liberty of movement and freedom to choose his residence, as well the freedom to leave the country at any time he wishes too.

2/ Notwithstanding to the provisions of Sub-Article (1) of this Article, the Agency may arrange places or areas within which refugee and asylum-seekers may live. The arranged residence place shall be located at a reasonable distance from the border of the country of origin or former habitual residence of the recognized refugees and asylum-seekers.
29. **Right to Acquisition and Transfer of Property**

1/ Recognized refugees and asylum seekers shall be entitled to the most favorable treatment accorded to foreign nationals as regards acquisition of movable or immovable property, to leases and other contracts relating to the property.

2/ Recognized refugees and asylum-seekers shall be treated in the same circumstance as Ethiopian nationals as regards intellectual property rights including patent, copyright and neighboring rights, trademarks, industrial designs, and other similar rights contained in other applicable laws.

3/ Without prejudice to provisions of applicable Customs laws regarding prohibited and restricted imports, asylum seekers shall be allowed to bring their assets and property to Ethiopia free of tariff at the time of their first admission to Ethiopia.

4/ Without prejudice to provisions of applicable laws regarding prohibited and restricted exports, recognized refugees or asylum-seekers, when leaving Ethiopia to their country of origin or third country, shall be allowed to take assets or property they brought to Ethiopia or have acquired in Ethiopia.

30. **Right to Access to Justice**

1/ Every recognized refugee and asylum-seeker shall have the same right as nationals as regard to bringing any justiciable matter to, and to obtain a decision or judgment by, the court or any other competent body with judicial power.
2/ Every recognized refugee or asylum-seeker may have access to legal counselling or assistance provided in accordance with the laws of Ethiopia.

31. **Driver’s Qualification Certification License**

1/ Subject to fulfilling the requirements stipulated in provisions of applicable laws, every recognized refugee or asylum-seeker in possession of a valid foreign or international driving license recognized by the Government of Ethiopia may apply for and be issued with an equivalent driver’s qualification certification license in Ethiopia.

2/ To assist in obtaining an equivalent driver’s qualification certification license pursuant to Sub-Article (1) of this Article, the recognized refugee or asylum-seeker may be exempted from requirements applicable to persons holding valid foreign or international driving license pursuant to relevant laws provided that the refugee is willing to take the necessary qualification tests, as may be required.

3/ every recognized refugee or asylum-seeker has the right to apply to acquire an Ethiopian driver’s qualification license using his refugee identification documents issued by the Agency subject to fulfilling the necessary requirements stipulated under relevant provisions of applicable laws.

32. **Identity Paper and Travel Document**

1/ Every recognized refugee or asylum-seeker shall be issued with identity paper attesting to his identity.

2/ Every recognized refugee or asylum-seeker shall be entitled to a travel document for the purpose of travel outside Ethiopia up on written application to the Agency.
33. **Access to Banking and Financial Services**

Every recognized refugee or asylum-seeker has the right to open a personal bank account, deposit, transfer or withdraw money and obtain other banking services in accordance with relevant Ethiopian financial laws using identification document issued by the Agency.

34. **Access to Telecommunication Services**

Every recognized refugee or asylum-seeker has the right to access telecommunication services using the identification document issued by the Agency.

35. **Rationing**

Where a rationing system exists, which regulates the general distribution of products in short supply, recognized refugees and asylum-seekers shall be accorded the same treatment as nationals.

36. **Vital Events Registration**

Every refugee or asylum-seeker shall be treated in the same circumstances as nationals with respect to the registration and issuance of certificate of registration of vital events, in accordance with applicable laws.

37. **Fiscal Charges**

1/ Recognized refugees and asylum-seekers shall not be subject to imposition of any duty, charge or tax, of any description what so ever, higher than imposed on nationals in the same circumstances.
2/ Without prejudice to the provision of sub-Article (1) of this Article, the Agency may provide, to recognized refugees and asylum-seekers who are unable to pay the prescribed fee, with identity documents, travel documents, exit visas and similar services free of charge.

38. Special Protection to Persons who are vulnerable

The Agency shall ensure that:

1/ recognized refugee and asylum-seeker women shall enjoy the rights and protections enshrined under relevant laws in particular, specific measures are taken to protect them from gender based violence.

2/ recognized refugee and asylum-seeker children shall enjoy the rights and protections enshrined under relevant laws in particular; specific measures are taken to protect them from abuse, neglect, exploitation and trafficking.

3/ special protection and assistance to other refugees and asylum-seekers with specific needs is provided commensurate with their needs.

39. Obligations of Recognized Refugees and Asylum-seekers

1/ Every recognized refugee and asylum-seeker shall cooperate with the Agency, provide relevant information in respect to their application for refugee status to the Agency when requested and respect the laws in force within Ethiopia.

2/ Every recognized refugee and asylum-seeker shall respect the cultures of the people and refrain from practices repugnant to public morality.

3/ Every recognized refugee and asylum-seeker shall have the duty to protect the environment.
40. Voluntary Repatriation

1/ Every recognized refugee has the right to a free and informed choice to seek to repatriate, in safety and with dignity, to his country of nationality or former habitual residence.

2/ The Agency shall, in collaboration with the country of origin, the United Nations High Commissioner for Refugees and other partners, provide every possible assistance to facilitate the voluntary, safe and dignified return of refugees who request repatriation.

41. Local Integration

The Agency may, upon their request, as it is necessary facilitate local integration of recognized individual refugee or groups of refugees who have lived in Ethiopia for a protracted period.

42. Naturalization

Every recognized refugee or asylum-seeker who fulfills the necessary requirements provided in the relevant provisions of the Ethiopian Nationality Law relating to naturalization may apply to acquire Ethiopian Nationality by law.

PART FIVE

Miscellaneous Provisions

43. Cooperation with United Nations High Commissioner for Refugees

The Government of Ethiopia shall co-operate with the United Nations High Commissioner for Refugees in the exercise of its functions in accordance with Article 35 of the Refugee Convention.

44. Confidentiality Principle

Any person implementing this Proclamation, and Regulations and Directives issued in accordance with this Proclamation shall have the obligation to safeguard the confidentiality of any information he obtains, in the course of his work related to asylum-seekers or recognized
45. **Repealed and Inapplicable Laws**

1. The Refugee Proclamation No. 409/2004 is hereby repealed by this Proclamation.

2. No law or customary practice shall, in so far as it is inconsistent with this Proclamation, have effect with respect to matters provided for in this Proclamation.

46. **Power to Issue Regulations and Directives**

1. The Council of Ministers may issue Regulations for the proper implementation of this Proclamation.

2. The Agency may issue detailed Directives necessary for the implementation of this Proclamation and Regulations issued under this Proclamation.

47. **Effective date**

This Proclamation shall come into force on the date of its Publication in the Federal Negarit Gazette.

Done at Addis Ababa, on this 27th day of February, 2019.

SAHLE-WORK ZEWDE

PRESIDENT OF THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA