

ACT

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THE REFUGEES PROTECTION ACT, 2007

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SCHEDULE

SIGNED this 13th day of July, 2007

ALHAJI AHMAD TEJAN KABBAH,
President.

No. 6

2007



Sierra Leone

The Refugees Protection Act, 2007

Short title.

Being an Act to provide for the recognition and protection of refugees; to enable effect to be given within Sierra Leone to the Convention Relating to the Status of Refugees, done at Geneva on the 28th July, 1951, to the Protocol Relating to the Status of Refugees of the 31st January, 1967 and to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, done at Addis Ababa on the 10th September, 1969; and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“**Appeal Committee**” means the Refugee Status Appeal Committee established by paragraph (c) of section 3;

“**asylum seeker**” means a person who has expressed a wish for asylum, whether a formal application has been made for it or not;

“**Authority**” means the National Refugee Authority established by paragraph (a) of section 3;

“**authorised officer**” has the meaning assigned thereto in section 29;

“**country of nationality**” in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

“**Implementing Agency**” has the meaning assigned thereto in section 6;

“**members of his family**”, in relation to a refugee means—

- (i) any spouse of the refugee;
- (ii) any unmarried child of the refugee, including an adopted child under the age of eighteen years; or
- (iii) any person who is related to the refugee by blood or marriage and who is dependent upon the refugee;

“**Minister**” means the Minister responsible for foreign affairs;

“**minor**” means a person below the age of eighteen years;

“**non-citizen**” means any person who is not a citizen of Sierra Leone;

“**OAU Convention**” means the Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa, done at Addis Ababa on 10th September, 1969 and ratified by Sierra Leone on 28th December, 1987;

“**protected person**”, in relation to a recognised refugee, means—

- (i) a member of the family of the recognised refugee; or
- (ii) a person who, under section 14, is permitted to continue to remain within Sierra Leone;

“**protocol**” means the protocol Relating to the Status of Refugees, done at New York on 31st January 1967 and acceded to by Sierra Leone on 22nd May, 1981;

“**recognised refugee**” means a refugee who—

- (a) has been recognised as a refugee under this Act; or
- (b) is a member of a class of persons declared to be refugees by the Authority under paragraph (c) of subsection (2) of section 2;

“**refugee**”, has the meaning assigned thereto in section 2, and includes an asylum seeker;

“**separated minor**”, means a minor who is separated from both parents or from his previous legal or customary primary care-giver, but not necessarily from other relatives and may therefore include a child who is accompanied by other adult family members;

“spouse” includes a common law spouse;

“torture” means, but is not limited to, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession; punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, but does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions;

“United Nations Convention” means the United Nations Convention Relating to the Status of Refugees, done at Geneva on 28th July, 1951 and acceded to by Sierra Leone on 22nd May, 1981;

“unaccompanied minor” means a minor who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

Meaning of “refugee”.

2. (1) Subject to this section, a person is a refugee for the purposes of this Act, if—

- (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 the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

- (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, is unwilling to return to it; or

- (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; or

- (d) he has been considered a refugee under the Arrangements of the 12th May, 1926 and the 30th June, 1928, or under the Conventions of the 28th October, 1933 and the 10th February, 1938, the Protocol of the 14th September, 1939 or the Constitution of the International Refugee Organization ; or

- (e) he is a member of a class of persons declared under subsection (2) to be refugees.

(2) Subject to subsection (3), if the Authority considers that any class of persons are refugees as defined in paragraph (a), (b), (c) or (d) of subsection (1), he may declare such class of persons to be refugees, and may at any time amend or revoke such declaration:

Provided that no such amendment or revocation shall affect the right of any person—

- (a) who is a member of the class of persons concerned and who entered Sierra Leone before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act; or

- (b) who is a person such as is referred to in paragraph (a), (b), (c) or (d) or subsection (1), to be recognised as a refugee for the purposes of this Act.

(3) The Authority shall cause any declaration under subsection (2), and any amendment or revocation thereof, to be published in the *Gazette* and in such other manner as it considers will best ensure that it is brought to the attention of authorised officers and persons to whom it relates.

(4) A person shall cease to be a refugee for the purposes of this Act if—

- (a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Sierra Leone is a party and which has been drawn up to make provision in respect of such crimes; or
- (b) he has committed a serious non-political crime outside Sierra Leone prior to his admission to Sierra Leone as a refugee; or
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the African Union; or
- (d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5) A person shall cease to be a refugee for the purposes of this Act if—

- (a) he voluntarily re-avails himself of the protection of the country of his nationality; or
- (b) having lost his nationality, he voluntarily re-acquires it; or
- (c) he becomes a citizen of Sierra Leone or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or
- (d) he voluntarily re-establishes himself in the country which he left, or outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or
- (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee has ceased to exist—

- (i) continue to refuse to avail himself of the protection of his country of nationality; or

- (ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Implementing Agency that he has compelling reasons, arising out of persecution, for refusing so to avail himself or so to return, as the case may be; or

- (f) he is a person referred to in paragraph (c) of subsection (1), or is a member of a class of persons declared under subsection (2) to be refugees on the ground that they are refugees as declared in paragraph (c) of subsection (1), and—