

REFUGEES (RECOGNITION AND MANAGEMENT) ACT, 2024

No.20



of 2024

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SCHEDULE

An Act to make provision for the recognition and management of refugees; to give effect to provisions of the United Nations Convention Relating to the Status of Refugees of 1951, the Protocol Relating to the Status of Refugees of 1967 and the Organisation of African Unity Convention Governing the Specific Aspects of Refugees Problems in Africa of 1969; and to provide for matters incidental thereto or connected therewith.

Date of Assent: 29.10.2024

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I —Preliminary

1. This Act may be cited as the Refugees (Recognition and Management) Act, 2024, and shall come into operation on such date as the Minister may, by Order published in the *Gazette*, appoint. Short title and commencement
2. In this Act, unless the context otherwise requires — Interpretation
- “Appeals Board” means the Botswana Refugee Appeals Board established under section 36;
- “authorised officer” means an authorised officer appointed under section 37;
- “Chairperson” means the Chairperson of the Botswana Refugee Committee appointed under section 8 (2);
- “Commissioner” means the Commissioner for Refugees appointed in terms of section 18;
- “Committee” means the Botswana Refugees Committee established under section 8 (1);
- “Conventions” means the UN Convention Relating to the Status of Refugees, 1951, as amended by the Protocol on Refugees, 1967, and the OAU Convention on Refugees;
- “immigration officer” means an immigration officer appointed under the Immigration Act; Cap. 25:02
- “member of the family”, in relation to any refugee, means —
- (a) a spouse of such refugee; and
 - (b) any unmarried child under the age of 18 of such refugee;
- “member of the services” means any member of --
- (a) the Botswana Defence Force established in terms of the Botswana Defence Force Act; Cap. 21:06
 - (b) the Prisons Service established under the Prisons Act; Cap. 21:03
 - (c) the Botswana Police Service established under the Police Act; or Cap. 21:01
 - (d) the Directorate of Intelligence Services established under the Intelligence and Security Services Act;
- “OAU Convention on Refugees, 1969” means the Organisation of African Unity Convention governing the specific Aspects of Refugee Problems in Africa of 10th September, 1969 as amended from time to time; Cap. 23:02
- “protected person” means —
- (a) a person who is permitted, in terms of section 22, to continue to remain in Botswana; or
 - (b) a member of the family of a refugee;
- “Protocol on Refugees, 1967” means the Protocol Relating to the Status of Refugees of 31st January, 1967 as amended from time to time;
- “refugee” means a person who has been recognised as a refugee in terms of section 5 this Act;
- “spouse”, in relation to a refugee, includes a party to a customary union; and

“UN Convention on Refugees, 1951” means the United Nations Convention Relating to the Status of Refugees of 28th July, 1951 as amended from time to time.

PART II — *Application of Conventions, etc.*

Application of
Conventions

3.(1) Subject to the provisions of this Act, the provisions of the Conventions set out in the Schedule to this Act shall have the force and effect of law in Botswana.

(2) In the application of the Conventions in terms of subsection (1), any reference in the Conventions to —

(a) a Contracting State, shall be construed as a reference to Botswana; and

(b) Contracting States, shall be construed as including Botswana.

Principle of
non-refoulement

4. Notwithstanding any provision of this Act or any other law to the contrary, no person may be refused entry into Botswana, expelled, extradited or returned to any other country or be subject to any similar measure if, as a result of such refusal, expulsion, extradition, return or other measure, such person is compelled to return to or remain in a country where —

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

(b) his or her life, physical safety or freedom would be threatened on account of external aggression, occupation, foreign domination or other events seriously disturbing or disrupting public order in either a part or the whole of that country.

Definition of
refugee

5. For the purposes of this Act, a person eligible for recognition as a refugee shall be a refugee if —

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, he or she is outside the country of his or her nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country;

(b) not having a nationality and being outside the country of his or her former habitual residence, he or she is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, political opinion, membership of a particular social group or is unwilling to return to the country of his or her former habitual residence; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part or the whole of his or her country of origin or nationality, he or she is compelled to leave his or her place of habitual residence in order to seek refuge in another place outside his or her country of origin or nationality;

Provided that, in the case of a disturbance of public order, the person was not involved in whatever caused the unrest in his or her country of origin or nationality.

6. (1) Notwithstanding the provisions of section 5, a person shall not be eligible for recognition as a refugee in terms of this Act, if such person —

Restrictions
on grant of
refugee status

- (a) is considered to be a threat or a potential threat to national security;
 - (b) has more than one nationality and is able to avail himself or herself of the protection of one of the countries of which he or she is a national and has no valid reason, based on well-founded fear of being persecuted for any of the reasons mentioned in paragraph (a) of section 5 or on any of the reasons mentioned in paragraph (c) of that section, for not availing himself or herself of the protection of that country;
 - (c) has, before his or her admission to Botswana as a refugee, committed —
 - (i) a crime against peace, a war crime or a crime against humanity as defined in any international legal instrument dealing with any such crimes,
 - (ii) a serious non-political crime, or
 - (iii) an act contrary to the purposes and principles of the United Nations Organisation Charter or the Organisation of African Unity Charter; or
 - (d) belongs to a category of persons declared by the Minister, by notice published in the *Gazette*, to be persons who are not entitled to refugee status in terms of this Act.
- (2) The Minister may, by notice published in the *Gazette*, revoke or amend a declaration made in terms of subsection (1) (d).
- (3) In this section —
- “national security” has the same meaning assigned to it under the Intelligence and Security Service Act;
 - “non-political offence” means an offence other than a political offence;
 - “political offence” means an offence which is committed in the course of political disturbance and in furtherance of its objects; and
 - “serious non-political offence” means any non-political offence which, if committed in Botswana, would be punishable with a sentence of imprisonment for a period of five years or more.
7. A refugee shall lose his or her recognition as a refugee if he or she —
- (a) voluntarily returns to the country of which he or she was a national or to the country where he or she was habitually resident;
 - (b) has voluntarily re-availed himself or herself of the protection of the country of his or her nationality;

Cap. 23:02

Loss of
recognition as
refugee

- (c) acquires a new nationality and enjoys the protection of the country of his or her new nationality;
- (d) can no longer, because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, continue to refuse to avail himself or herself of the protection of the country of his or her nationality; or
- (e) being a person who has no nationality he or she is, because of the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist, able to return to the country of his or her former habitual residence:

Provided that paragraph (d) shall not apply to a person who is recognised as a refugee under this Act, who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his or her former habitual residence.

PART III --*Establishment of Botswana Refugees Committee*

Establishment of Botswana Refugees Committee

8. (1) There is hereby established a committee to be known as the Botswana Refugees Committee.

(2) The Committee established under subsection (1) shall consist of the following members, appointed by the Minister —

- (a) a Chairperson, who shall be appointed by the Minister responsible for recognition and management of refugees;
- (b) a representative of the Ministry responsible for immigration designated by the Minister responsible for immigration;
- (c) a representative of the Directorate of Intelligence Services, designated by the Director of Directorate of Intelligence Services;
- (d) a representative of the Office of the Attorney General, designated by the Attorney General;
- (e) two persons not being in the employment of Government who, in the opinion of the Minister, have experience in the field of humanitarian work; and
- (f) a representative in Botswana of the United Nations High Commissioner for Refugees, who shall hold observer status with no voting rights and who shall act only in an advisory capacity.

(3) The members shall elect from their number, a Vice Chairperson, with the exclusion of the representative at subsection (2) (f).

(4) When the Chairperson is absent or unable to perform his or her functions as Chairperson of the Committee, the Vice Chairperson shall act as Chairperson, and shall while so acting have all the powers and perform all the duties and functions of the Chairperson.

(5) The Chairperson may, with the approval of the Committee, invite any person who in his or her opinion possesses the necessary expertise in any matter which is under consideration by the Committee to take part in such discussions at a meeting of the Committee as in the opinion of the Chairperson relate to the expertise of such person, but such person shall have no vote.

9. The Committee shall —

- (a) receive and consider every application for recognition as refugee;
- (b) carry out such investigations or conduct such inquiries into any matter relating to an application which is under consideration in terms of paragraph (a) as it may deem necessary;
- (c) make, in respect of every person who has applied in terms of this Act for recognition as refugee, recommendations to the Commissioner as to the granting or not of refugee status to such person;
- (d) register, in the prescribed manner, every person recognised as a refugee and protected person; and
- (e) perform such other functions entrusted from time to time to it by the Minister or Commissioner.

Powers and
functions of
Committee

10.(1) The Chairperson shall hold office for a period not exceeding three years and shall, at the end thereof, be eligible for re-appointment.

Tenure of
office

(2) A member, other than the Chairperson, shall hold office for such a period as may be specified in the notice appointing him or her, and he or she shall be eligible for re-appointment for a further term.

11. A person shall not be appointed as a member of the Committee or be qualified to continue to hold office where he or she —

Disqualification
for appointment
of member of
Committee

- (a) has, in terms of any law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt or insolvent, and has not been rehabilitated or discharged, or
 - (ii) made an assignment to, or arrangement or composition with his or her creditors, which has not been rescinded or set aside; or
- (b) has, within a period of 10 years immediately preceding the date of his or her appointment, been convicted —
 - (i) in Botswana, of a criminal offence, or
 - (ii) outside Botswana, of an offence which, if committed in Botswana, would have been a criminal offence,and sentenced by a court of competent jurisdiction to imprisonment for six months or more without an option of a fine, whether that sentence has been suspended or not, and for which he or she has not received a free pardon.

12.(1) The Minister may, if satisfied that a member —

Removal and
suspension
from office

- (a) has acted improperly; or
- (b) is mentally or physically incapable of performing his or her duties efficiently, and the member's medical doctor has issued a certificate to that effect,

require that member, in writing, to vacate his or her office within such time as the Minister may specify.

(2) The Minister may, in writing, suspend from the Committee, a member against whom criminal proceedings are instituted for an offence in respect of which a sentence of imprisonment without an option of a fine may be imposed, and whilst that member is so suspended, he or she shall not carry out any duties under this Act or be entitled to any remuneration or allowances as a member of the Committee.

Vacation of
office and
filling of
vacancies

13. (1) The office of a member shall become vacant —

- (a) if he or she becomes disqualified in terms of section 11 to hold office as a member;
- (b) if he or she is absent from three consecutive meetings of the Committee without a reasonable excuse;
- (c) upon his or her death;
- (d) upon the expiry of 30 days' notice, in writing, to the Minister, of his or her intention to resign from office;
- (e) after a period of 30 days from the date the member is convicted of a criminal offence and sentenced to at least six months' imprisonment term without an option of a fine and the member does not appeal;
- (f) after a period of 30 days has elapsed from the date a member is given notice, in writing, by the Minister of his or her removal from office; or
- (g) where a member is summarily dismissed by the Minister on the grounds of contravening the provisions of this Act or for misconduct detrimental to the objectives of the Committee.

(2) Where the office of the member becomes vacant before the expiry of the member's term of office, the Minister shall appoint the alternate of that member in place of the member who vacates office, until the expiry of the period during which such member would have otherwise continued office.

(3) For the purposes of subsection (1) (g) "misconduct" includes any act done without reasonable excuse by a member which —

- (a) amounts to a failure to efficiently carry out the functions of the Committee;
- (b) is prejudicial to the efficient carrying out of the functions of the Committee; or
- (c) tends to bring the Committee into disrepute.

Remuneration
and allowances

14. A member shall be paid such remuneration, travelling expenses and other expenses and allowances, incurred in connection with his or her services on the Committee, if any, as the Minister may determine.

Meetings and
proceedings
of Committee

15. (1) Subject to the provisions of this Act, the Committee shall regulate its own proceedings.

(2) The Committee shall hold its first meeting on such a date and at such a place as the Minister may fix and thereafter the Committee shall hold its meetings at such times and places as the Chairperson may determine.

(3) There shall preside at any meeting of the Committee —

- (a) the Chairperson or;
- (b) in his or her absence, the Vice Chairperson; or
- (c) in the absence of the Chairperson and Vice Chairperson, such member as the members present may elect from amongst themselves for the purpose of that meeting.

(4) The quorum at any meeting of the Committee shall be a simple majority of the members of the Committee.

(5) A decision of the Committee on any question shall be by the majority of the members present and voting at the meeting and, in the event of an equality of votes, the member presiding shall have a casting vote in addition to that member's deliberative vote.

(6) A decision of the Committee shall not be rendered invalid by reason of a vacancy in the Committee or the fact that a person who was not entitled to sit as a member did so sit.

(7) The Committee may invite any person whose presence it deems necessary to attend and participate in the deliberations of a meeting of the Committee, but such person shall have no vote.

(8) The Chairperson shall cause proper record to be kept of the proceedings at its meetings, and the Minister may at any time request that such record be submitted to him or her by the Committee for inspection.

16. (1) If a member or any other person is present at a meeting of the Committee at which any matter in which the member or immediate family member of the member is directly or indirectly interested in a private capacity is the subject of consideration, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question touching on the matter.

Disclosure of
interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and a decision by the Committee is made benefitting such member, or an immediate family member of the member, such decision shall be null and void to the extent that it benefits such member or family member.

(4) A member who fails to comply with the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding six months, or to both.

(5) For the purposes of this section, "immediate family member" means a spouse, son, daughter, sibling or parent of the member.

17. (1) A member or any other person assisting the Committee shall observe and preserve the confidentiality of all matters coming before the Committee, and such confidentiality shall subsist even after the termination of their terms of office or their mandates.

Confidentiality

(2) Any member or any person to whom confidential information is revealed through working with the Committee shall not disclose that information to any other person unless he or she is required to do so in terms of any written law or for purposes of any judicial proceedings.

(3) Any member or any other person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000, or to imprisonment for a term not exceeding six months, or to both.

PART IV — *Commissioner for Refugees*

Appointment of
Commissioner
for Refugees

18. The Minister shall appoint a Commissioner for Refugees whose office shall be a public office and accordingly the provisions of the Public Service Act shall apply to the Commissioner and officers under the Commissioner.

Duties of
Commissioner
for Refugees

19. The Commissioner shall —

- (a) on the recommendation of the Committee under section 9(c), grant or deny the recognition of a person as a refugee under this Act;
- (b) ensure the provision of adequate facilities and services for the reception and care of refugees;
- (c) in determining the recommendations of the Committee to grant or deny the recognition of a person as a refugee under this Act, shall have regard to the Botswana Foreign Policy; and
- (d) exercise any other powers and perform such other duties conferred or imposed upon him or her under this Act.

PART V — *Application for Recognition as Refugee*

Application
for recognition
as refugee

20. (1) Notwithstanding the provisions of the Immigration Act, any person who is in Botswana, other than a citizen of Botswana, whether such person has entered Botswana lawfully or unlawfully, and who wishes to remain in Botswana as a refugee in terms of this Act shall, within 30 days from the date on which he or she so entered Botswana, apply in writing to an authorised officer for recognition of him or her as a refugee.

(2) An authorised officer to whom an application is made in terms of subsection (1) shall —

- (a) if the applicant is not capable of writing or does not understand English or Setswana, reduce the application into written form, with the assistance of a translator, if necessary;
- (b) if he or she is not an immigration officer, within seven days from the date on which the application was made to him or her, notify an immigration officer, in writing, that the applicant is in Botswana and has applied for recognition as a refugee; and
- (c) within seven days from the date on which the application was made, transmit the application, together with such other documents (including written representations) as the applicant desires to submit in support of the application, to the Commissioner, who shall, within seven days refer it to the Committee.

(3) The Committee shall, within 30 days from the date of receipt of an application or within such longer period as the Commissioner may determine, in writing, consider every application referred to it.

(4) The Committee may either within such period of 30 days or, if that period has been extended by the Commissioner, within the extended period, carry out such investigation or conduct such inquiry into any matter relating to an application under consideration as it may deem fit.

(5) Upon completion of the investigation or inquiry conducted under subsection (4), the Committee shall, if satisfied that the applicant is a refugee and qualifies for refugee status, make recommendations to the Commissioner as to the recognition or not of refugee status to the applicant concerned.

(6) Subject to the provisions of section 22, the Commissioner shall, on the recommendation of the Committee, either —

- (a) recognise the applicant concerned as a refugee if the Commissioner is satisfied that the applicant qualifies for refugee status in terms of this Act; or
- (b) deny the recognition as a refugee to the applicant concerned, if he or she is not so satisfied.

(7) Where an application for recognition as a refugee is refused, the Commissioner shall notify the applicant, in writing, stating the reasons for refusing the application.

(8) For purposes of this section, an application shall, where necessary, include group applications.

21. (1) Any person who is aggrieved by a decision taken by the Commissioner under any provision of this Act may, subject to the provisions of subsection (2), appeal to the Appeals Board, under Part IX, against such decision within 14 days from the date of receipt of the Commissioner's notice in writing of such decision.

Right to appeal

(2) An appeal in terms of subsection (1) shall be lodged with the Appeals Board in the form of a written statement and —

- (a) shall contain the grounds of appeal; and
- (b) may be accompanied by such other documents as the appellant wishes to submit in support of the appeal.

22. (1) Notwithstanding anything to the contrary in any other law, any person who has applied in terms of section 20 (1) for recognition as a refugee shall have the right to remain in Botswana until he or she has —

Residence in Botswana pending grant or refusal of refugee status

- (a) been granted recognition as a refugee in terms of this Act;
- (b) had an opportunity to appeal in terms of section 21 against the decision of the Commissioner, where such person's application for recognition as a refugee has been denied; or
- (c) been allowed a reasonable time, not exceeding 90 days, and, if he or she is in detention, has in addition been afforded reasonable facilities, to seek admission to a country of his or her choice, where such person has lodged an appeal in terms of section 21 and the appeal so lodged has been dismissed.

(2) The Minister may at any time, whether before or after the expiry of the 90 days referred to in subsection (1) (c), upon a written application to him or her by the person concerned, extend that period of 90 days, if the Minister is satisfied that there is a reasonable likelihood of such person being admitted to a country of his or her choice within the extended period.

Cessation of
proceedings for
unlawful entry

23. (1) Any person who has applied in terms of this Act for refugee status shall, subject to the provisions of this Act, be issued with a permit in such form as the Minister responsible for refugee management may prescribe.

(2) Notwithstanding the provisions of the Immigration Act, but subject to the provisions of sections 33, 34 and 35, no proceedings for unlawful entry into Botswana shall be instituted or continued against any person, in respect of his or her unlawful entry into or unlawful presence in Botswana, if such person has —

- (a) applied in terms of section 20 (1) for recognition as refugee, until a decision has been given on the application and, where applicable, such person has had an opportunity to exhaust his or her rights of appeal;
- (b) been recognised as a refugee in terms of this Act; or
- (c) a family member of a refugee.

Prosecution of
refugees under
Immigration Act

24. No prosecution for a contravention of the Immigration Act shall be instituted or continued against —

- (a) any person who has applied for recognition as a refugee under section 20 (1);
- (b) a person granted recognition as a refugee under section 20 (6) (a); or
- (c) a family member of such a refugee.

PART VI — Refugees and Protected Persons

Issue of
identity cards
to refugees

25. A refugee shall be issued with such identity document as the Minister responsible for civil registration may prescribe.

Family of
refugees

26. (1) The members of the family of a refugee shall be permitted to enter Botswana and, subject to the provisions of this section, to remain in Botswana.

(2) A member of the family of a refugee who has entered Botswana shall, subject to the provisions of this Act —

- (a) be issued with a refugee biometric identity card by the Ministry responsible for the recognition and management of refugees; and
- (b) be permitted to remain in Botswana as a protected person in accordance with the provisions of this Act for as long as the refugee concerned is permitted so to remain.

(3) A member of the family of a refugee who is in Botswana and who ceases to be a member of such family by reason of his or her attaining the age of 18 years or the cessation of his or her dependence upon the refugee, as the case may be, shall be permitted to continue to remain in Botswana in accordance with the provisions of this Act.

(4) Upon the death of a refugee or upon his or her divorce or judicial separation from any spouse, every person who, immediately before such death, divorce or judicial separation, was in Botswana as a member of the family of such a refugee shall be permitted to continue to remain in Botswana in accordance with the provisions of this Act.

(5) A member of the family of a refugee or a person who has been permitted in terms of subsection (3) or (4) to continue to remain in Botswana may, notwithstanding the provisions of section 20 (1), at any time apply in writing to an authorised officer for the granting to him or her of refugee status in terms of that section.

(6) The provisions of section 20 (2), (3), (4) and (5) shall apply in respect of an application contemplated in subsection (5).

27. (1) Subject to the provisions of this Act, every refugee and every protected person in Botswana shall be —

Rights and duties of refugees and protected persons

(a) entitled to the rights conferred, and be subject to the duties imposed, by —

(i) the provisions of the UN Convention on Refugees, 1951, which are set out in Part I of the Schedule, and

(ii) the provisions of the OAU Convention on Refugees, 1969, which are set out in Part II of the Schedule; and

(b) subject to the laws of Botswana.

(2) Notwithstanding the provisions of Part I and Part II of the Schedule, the rights and duties of refugees and protected persons may be prescribed by the Minister.

PART VII —*Refugee Reception and Settlement Areas*

28. (1) Notwithstanding the provisions of Article 26 of the UN Convention on Refugees, the Minister may, declare any part of Botswana to be a refugee reception and settlement area for the reception or residence of —

Refugee reception and settlement areas

(a) refugees and protected persons;

(b) a refugee who has applied in terms of this Act for recognition as refugee; and

(c) members of a family of a refugee.

(2) The Minister shall cause a notice of the declaration made under subsection (1) to be published in the *Gazette*.

(3) The Minister may designate an authorised officer to be in charge of any refugee reception and settlement area.

(4) Notwithstanding subsection (1), Dukwi Refugee Settlement shall continue as a reception and settlement area for refugees.

29. Notwithstanding anything to the contrary in this Act or in any other law, the Minister may by order in writing, served in a prescribed manner, require any of the persons referred to under section 28 (1) to reside, subject to such conditions as the Minister may determine, in a refugee reception and settlement area specified in that order.

Requirement to reside in refugee reception and settlement areas

30. Any person who, having been duly served with an order under section 29 —

(a) fails to comply with any provision of such order; or

Offences in connection with refugee reception and settlement areas

- (b) without the prior written permission of the authorised officer or any other person in charge of the refugee reception and settlement area in which such first-mentioned person is required to reside, leaves or attempts to leave such refugee reception and settlement area,

commits an offence and is liable to a fine not exceeding P1 000 or to imprisonment for a term not exceeding three months, or to both.

Residence of
refugee not
ordinary
residence

31. For the purposes of any other written law, other than a taxation law, any period which an immigrant has resided in Botswana as a refugee shall not, unless a Minister in writing otherwise directs, be regarded as a period during which he has been ordinarily resident.

Prohibition of
access to
Refugee
reception and
settlement
areas

32. Any person, other than a person who is required in terms of section 29 to reside in a refugee reception and settlement area who, without the prior written permission of the Minister or the Commissioner or the authorised officer in charge of a refugee reception and settlement area, enters a refugee reception and settlement area commits an offence and is liable to a fine not exceeding P 2 000 or to imprisonment for a term not exceeding six months, or to both.

PART VIII — *Review of Refugee Status*

Revocation
or cancellation
of recognition
of refugee
status

33. (1) If the Commissioner is of the opinion that there are reasonable grounds to believe that a person who has been recognised as a refugee —

- (a) should not have been recognised as a refugee;
- (b) has ceased to be a refugee for the purposes of this Act; or
- (c) has become a member of a category of persons declared in terms of section 6 (1) (c) to be persons who are not entitled to be recognised as refugees,

the Commissioner shall refer the matter to the Committee for consideration.

(2) The Committee shall consider each matter referred to it by the Commissioner in terms of subsection (1) and may —

- (a) carry out such investigations or conduct such inquiries into such matter as it may deem necessary; and
- (b) by written notice, served in a prescribed manner, notify the person whose recognition as a refugee is under reconsideration that his or her recognition as a refugee is to be reconsidered and —
 - (i) furnish him or her with reasons, in writing, for the intended reconsideration, and
 - (ii) call upon such person to make, subject to the provisions of subsection (2), oral or written representations with regard to such matter to the Committee within 14 days from the date of service of that notice.

(3) In respect of every considered matter under subsection (2), the Committee shall make a recommendation to the Commissioner.

(4) Where a person whose recognition as refugee is being reconsidered elects to make an oral representation to the Committee, he or she shall have the right —

- (a) to be personally present at the inquiry, to be assisted or represented by a legal practitioner or any other person of his or her choice and to give or submit oral or documentary evidence; and
- (b) to have an interpreter assigned to him or her by the Committee, if the inquiry is conducted in a language that such person does not understand.

(5) After having considered the recommendations made by the Committee in terms of subsection (3), the Commissioner shall, in respect of any person whose recognition as a refugee has been reconsidered in terms of this section, make a decision to either cancel, revoke or confirm such person's recognition as a refugee, and shall forthwith either cancel, revoke or confirm such person's recognition as a refugee.

(6) The Commissioner shall, in writing notify a person whose recognition as a refugee has been reconsidered of his or her decision under subsection (5) and, in the event of such person's recognition as a refugee is being revoked or cancelled, furnish him or her with reasons, in writing, for the withdrawal.

(7) Where a person's recognition as a refugee has been revoked or cancelled by the Commissioner in terms of subsection (5), such person shall cease to be a recognised refugee, and any other person who became a protected person as a result of being a member of the family of such person shall cease to be a protected person, with effect from —

- (a) seven days after the Commissioner notified such person of the withdrawal of his or her recognition as a refugee; or
- (b) where such person has lodged an appeal in terms of section 21 and the appeal so noted has been dismissed, the date on which such person receives notification, in writing, from the Appeals Board of the dismissal.

(8) A person who became a protected person as a result of being a member of the family of a person who has ceased, in terms of subsection (6), to be a recognised refugee may, at any time apply in writing to an authorised officer for the granting to him or her of recognition as a refugee in terms of section 20 (1).

(9) For the purposes of this section —

- (a) revocation of recognition of refugee status is effected where a person is subsequently found to have engaged in conduct referred to in section 6 (1) (a) or 6 (1) (c) (iii); and
- (b) cancellation of recognition of refugee status is effected where a person had intentionally misrepresented himself or herself or concealed material facts in order to obtain recognition as a refugee.

Detention or
expulsion of
refugees

34. (1) Subject to the provisions of section 4, the Commissioner may, upon receipt of written evidence by a competent authority and having satisfied himself or herself that it is in the interests of public order and sovereignty, integrity and the national security of Botswana, cause the detention or the expulsion from Botswana of any refugee or protected person.

(2) Before making a decision contemplated in subsection (1), the Commissioner shall refer the written evidence received to the Committee for consideration.

(3) The Committee shall consider the written evidence referred to it by the Commissioner in terms of subsection (2) and may —

- (a) carry out such investigations or conduct such inquiries with regard to such written evidence received as it may deem necessary;
- (b) by written notice, served in a prescribed manner, notify the recognised refugee or protected person whose detention or expulsion is being considered, of the receipt of the written evidence for his or her expulsion from Botswana to a country specified in that notice and —
 - (i) furnish him or her with reasons, in writing, for the intended detention or expulsion, and
 - (ii) call upon him or her to make, subject to the provisions of subsection (4), oral or written representations with regard to his or her intended detention or expulsion to the Committee within seven days from the date of service of that notice; and
- (c) in respect of every such written evidence make any recommendations to the Commissioner.

(4) Where a refugee or protected person whose detention or expulsion is being considered elects to make an oral representations to the Committee, he or she shall have the right —

- (a) to be personally present at the inquiry, to be assisted or represented by a legal practitioner or any other person of his or her choice and to give or submit oral or documentary evidence; and
- (b) to have an interpreter assigned to him or her by the Committee, if the inquiry is conducted in a language that he or she does not understand.

(5) The provisions of section 22 shall apply to a refugee or protected person who is aggrieved by the decision of the Commissioner to cause his or her detention or his or her expulsion from Botswana, except that the appeal shall be lodged with the Appeals Board within seven days from the date on which the order for his or her detention or his or her expulsion from Botswana was served on him or her.

Detention
pending

35. (1) An authorised officer may arrest and detain any refugee or expulsionprotected person whose expulsion has been ordered under section 34 (1) pending the completion of arrangements for his or her expulsion from Botswana.

(2) A refugee or protected person who is detained under subsection (1) shall, if he or she so requests the Commissioner in writing, be allowed a reasonable time, but not exceeding 90 days, and in addition be afforded reasonable facilities, to seek admission to a country other than the country to which he or she is to be expelled.

(3) The Minister responsible for labour and home affairs may at any time, whether before or after the expiry of the period of 90 days referred to in subsection (2), upon a written application being made to him or her by a refugee or protected person concerned, extend that period of 90 days, if he or she is satisfied that there is a reasonable likelihood of such refugee or protected person being admitted, within the extended period, to a country other than the country to which he or she is to be expelled.

PART IX — *Appeals Board*

36. (1) There is hereby established a board to be known as the Botswana Refugees Appeals Board for the hearing of appeals provided for under this Act.

Establishment
of Appeals
Board

(2) The Appeals Board shall consist of the following three members appointed by the Minister —

- (a) a legal practitioner of not less than 10 years standing as a legal practitioner and admitted to practice in the courts of Botswana; and
- (b) two persons who, in the opinion of the Minister, possess the necessary knowledge of human rights to make a substantial contribution towards the functions of the Appeals Board.

(3) The Minister shall designate one of the members appointed in terms of subsection (2) as presiding officer of the Appeals Board (hereinafter in this section referred to as the “presiding officer”).

(4) A member of the Appeals Board may —

- (a) hold office for such period as the Minister may determine and shall be eligible for re-appointment upon the expiry of his or her term of office; and
- (b) at any time, after having been afforded an opportunity to be heard, be removed from office by the Minister, if the Minister is of the opinion that there are sufficient reasons for doing so.

(5) A person appointed as a member of the Appeals Board in terms of subsection (2) shall be paid such remuneration and allowances as the Minister may determine.

(6) Meetings of the Appeals Board shall be held at such times and places as the presiding officer may direct.

(7) The presiding officer may at any time, and shall when requested in writing by the Commissioner, convene a special meeting of the Appeals Board to be held at such time and place as the presiding officer may direct.

(8) For the purposes of hearing an appeal in terms of this section, the presiding officer shall by notice in writing, served in a prescribed manner, summon the appellant to appear before the Appeals Board at the time and place specified in that notice —

- (a) to be examined; or
- (b) to produce any document in his or her possession, custody or under his or her control which the presiding officer reasonably believes to have a bearing on the subject matter of the appeal.

(9) The appellant under subsection (8) shall have the right to —

- (a) be personally present at the hearing;
- (b) be assisted or represented by a legal practitioner or any other person of his or her choice;
- (c) give or submit oral or documentary evidence; and
- (d) have an interpreter assigned to him or her by the Commissioner, if the hearing is conducted in a language that the appellant does not understand.

(10) The Appeals Board hearing an appeal in terms of this section may—

- (a) subject to the provisions of subsections (8) and (9) deal with the appeal with due regard to —
 - (i) the circumstances which were considered in taking the decision appealed against,
 - (ii) the grounds of appeal,
 - (iii) any oral or documentary evidence given or submitted by any person at the request or with the permission of the Appeal Board, and
 - (iv) any other information at the disposal of the Appeal Board; and
- (b) confirm, vary or set aside the decision to which the appeal relates.

(11) The Appeals Board may, after hearing an appeal in terms of this section but before giving a decision on the appeal —

- (a) refer the matter back to the Committee for further investigation or inquiry; or
- (b) carry out such investigations or conduct such inquiries into the matter as it may deem necessary.

(12) The Appeals Board shall, in writing, notify an appellant of its decision.

(13) The Appeals Board shall keep proper record of its proceedings.

(14) The decision of a majority of the members of the Appeals Board shall be the decision of such Board.

(15) The Appeals Board shall determine its own rules of procedure, not inconsistent with the provisions of this Act.

(16) The provisions of sections 16 and 17 shall apply to members of the Appeals Board.

PART X — *Authorised Officers*

37. (1) For the purposes of this Act, the following shall be authorised officers —

Authorised
officers

- (a) a member of the Botswana Police Service; and
- (b) an immigration officer.

(2) The Minister may appoint any staff member of the Ministry responsible for the recognition and management of refugees or member of the services, or any category of the staff members or members of the services, to be authorised officers for the purposes of this Act:

Provided that the Minister shall not appoint —

- (i) a staff member of any Ministry other than the Ministry responsible for the recognition and management of refugees or of any office or any category of such staff members, except with the approval of the Minister or other authority responsible for the Ministry responsible for the recognition and management of refugees or the office or agency in which such staff member or category of staff members are employed;
- (ii) a member of the Botswana Defence Force, except with the approval of the Commander of the Botswana Defence Force; or
- (iii) a member of the Prison Service, except with the approval of the Commissioner of Prisons.

(3) In performing his or her functions in terms of this Act, an authorised officer may —

- (a) subject to the provisions of subsections (4) and (5), search any person, premises or property;
- (b) take the fingerprints, palm prints or photograph of any refugee, protected person or any person who claims to be a refugee in terms of this Act or any member of the family of such a person; or
- (c) question any refugee, protected person or any person who claims to be a refugee in terms of this Act or any member of the family of such a person.

(4) Subject to the provisions of subsection (6), no search of a person, premises or property shall be made under subsection (3) (a) unless the search is authorised by a search warrant issued by a magistrate or judge upon information on oath that there are reasonable grounds for believing that the search is necessary to prevent, investigate or detect —

- (a) a contravention of any provision of this Act; or
- (b) a fraudulent misstatement or concealment by any refugee or protected person or any person who claims to be a refugee in terms of this Act or any member of the family of such last mentioned person of any fact relevant to his or her identity or status.

(5) Whenever it is desired to search the body of a female under subsection (3) (a), such search shall only be made by a female who is an authorised officer and shall be conducted with strict regard to decency and, if there is no female available who is an authorised officer, the search may be made by any other female specially authorised thereto by an authorised officer.

(6) The provisions of subsection (4) shall not be construed so as to prohibit the making of a search without a search warrant in circumstances of emergency, where immediate action is necessary.

Offences
in connection
with authorised
officers

38. Any person who —

- (a) obstructs, hinders, opposes, resists or interferes with an authorised officer in the performance of his or her duties or the exercise of his or her powers under this Act or who without just cause refuses or fails to comply with a requirement by an authorised officer under this Act;
- (b) compels an authorised officer to perform or neglect an act in connection with the performance of his or her duties or the exercise of his or her powers under this Act; or
- (c) pretends to be an authorised officer,

commits an offence and is liable to a fine not exceeding P 25 000 or to imprisonment for a term not exceeding two years or, to both.

PART XI — *Miscellaneous Provisions*

Regulations

39.(1) The Minister may make regulations prescribing anything under this Act which is to be prescribed or which is necessary or convenient to be prescribed for the better carrying out of the objects and purposes of this Act, or to give force and effect to its provisions.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations —

- (a) assigning to the Committee, functions relating to the reception, treatment and welfare of refugees;
- (b) prescribing the procedure to be observed in the granting recognition of refugee status and the form and manner in which applications for recognition as a refugee are to be made;
- (c) relating to the lodging and hearing of appeals in terms of this Act;
- (d) relating to the issue of refugee identification documents to persons who have applied in terms of this Act for recognition as refugee and to members of the families of such persons;
- (e) subject to the provisions of the UN Convention on Refugees, 1951 referred to in this Act, prescribing the form and the issue of identification and travel documents to refugees and protected persons;
- (f) relating to the management and regulation of persons who are required to reside in reception or refugee settlements areas;

- (g) prescribing the form of any order or notice required to be served on any person in terms of this Act and the manner in which such order or notice is to be served;
- (h) prescribing the facilities to be afforded to persons who are detained in terms of this Act and who are seeking admission to other countries; and
- (i) relating to any matter which is required to be prescribed in terms of this Act.

40. The Refugees (Recognition and Control) Act (hereinafter referred to as "the repealed Act") is hereby repealed.

Repeal of
Cap. 25:01

41. Notwithstanding the repeal effected under section 40 any —

Transitional
and savings
provision

- (a) any subsidiary legislation made under the repealed Act and in force prior to the coming into effect of this Act shall in so far as such legislation is consistent with the provisions of this Act, continue to be in force as if made under this Act;
- (b) any application or process commenced under the repealed Act shall be dealt with in accordance with the provisions of the repealed Act;
- (c) any recognition of refugee status granted under the repealed Act shall continue to be valid as though granted in terms of this Act;
- (d) any legal proceedings which, before the coming into operation of this Act, were pending shall be continued or enforced in the same manner as they would have been continued or enforced before the coming into operation of this Act;
- (e) any determination, order or other ruling made, under the repealed Act, immediately before the coming into operation of this Act, shall be dealt with in accordance with the provisions of the repealed Act; and
- (f) the Refugee Advisory Committee established under the repealed Act shall continue to be in effect until a new Committee is established under this Act.

SCHEDULE

PART I (*section 27 (a) (i)*)

PROVISIONS OF CONVENTIONS APPLICABLE TO RECOGNISED REFUGEES AND PROTECTED PERSONS HAVING THE FORCE AND EFFECT OF LAW IN BOTSWANA

UNITED NATIONS CONVENTION RELATING TO THE STATUS OF REFUGEES OF 28 JULY 1951

Article 2 General obligations

Every refugee has duties to the country in which he or she finds himself or herself, which require in particular that he or she conforms to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3 Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4 Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 8 Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this Article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9
Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his or her case in the interest of national security.

Article 10
Continuity of residence

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.

2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence, the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

Article 13
Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14
Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trademarks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he or she has his or her habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he or she shall be accorded the same protection as is accorded in that territory to nationals of the country in which he or she has his or her habitual residence.

Article 15
Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances

Article 16
Access to courts

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.

2. A refugee shall enjoy in the Contracting State in which he or she has his or her habitual residence the same treatment as a national in matters pertaining to access to the Courts, including legal assistance and exemption from *cautio judicatum solvi*.

3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he or she has his or her habitual residence the treatment granted to a national of the country of his or her habitual residence.

Article 18
Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his or her own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19
Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognised by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

2. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Article 20
Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21

Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22

Public education

1. The Contracting State shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.

2. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, 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 scholarships.

Article 25

Administrative assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he or she cannot have recourse, the Contracting States in whose territory he or she is residing shall arrange that such assistance be afforded to him or her by their own authorities or by an international authority.

2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.

4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

5. The provisions of this Article shall be without prejudice to Articles 27 and 28.

Article 27

Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28
Travel documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.

2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognised and treated by the Contracting States in the same way as if they had been issued pursuant to this Article.

Article 29
Fiscal charges

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.

2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30
Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.

2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

SCHEDULE TO CONVENTION
Travel Document

Paragraph 1

1. The travel document referred to in Article 28 of this Convention shall be similar to the specimen annexed hereto.

2. The documents shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the document shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of either one or two years, at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.

2. Diplomatic or consular authorities, specially authorised for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.

3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of Article 28 of this Convention.

Paragraph 8

The competent authorities of the country to which the refugee desires to proceed shall, if they are prepared to admit him or her and if a visa is required, affix a visa on the document of which he or she is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.
2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of Article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue, if it is stated in the document that it should be so returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with Article 28 of this Convention shall be re-admitted to its territory at any time during the period of its validity.
2. Subject to the provisions of the preceding subparagraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.
3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorised for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way may affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in, and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX TO SCHEDULE TO CONVENTION

Specimen Travel Document: The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)
TRAVEL DOCUMENT

(Convention of 28 July 1951)

No.:.....

(1)

TRAVEL DOCUMENT
(Convention of 28 July 1951)

This document expires on.....unless its
validity is extended or renewed.

Name.....

Forename(s)

Accompanied by.....child (children)

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorised to return to [state here the country whose authorities are issuing the document] on or before unless some later date is hereafter specified. [The period during which the holder is allowed to return must not be less than three months].

3. Should the holder take up residence in a country other than that which issued the present document, he or she must, if he or she wishes to travel again, apply to the competent authorities of his or her country of residence for a new document. [The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it].

(This document contains pages, exclusive of cover.)

The sentence in brackets to be inserted by Governments which so desire.

(2)

Place and date of birth

Occupation

Present residence

*Maiden name and forename(s) of wife

*Name and forename(s) of husband

Description

Height

Hair

Colour of eyes

Nose

Shape of face

Complexion

Special peculiarities

Children accompanying holder

Name	Forename(s)	Place and date of birth	Sex
.....			
.....			
.....			
.....			

*Strike out whichever does not apply.

(This document contains pages, exclusive of cover.)

(3)

Photograph of holder and stamp of issuing authority
Fingerprints of holder (if required)

Signature of holder.....

(This document contains pages, exclusive of cover.)

(4)

1. This document is valid for the following countries:

.....
.....

2. Document or documents on the basis of which the present document is issued:

.....
.....

Issued at

Date

Signature and
stamp of authority
issuing the
document:

Fee paid:

(This document contains pages, exclusive of cover.)

(5)

Extension or renewal of validity

Fee paid:

From:

To:

Done at

Date:

Signature and
stamp of authority
issuing the
document:

Extension or renewal of validity

Fee paid:

From:

To:

Done at

Date:

Signature and
stamp of authority
issuing the
document:

(This document contains pages, exclusive of cover.)

(7-32)

Visas

The name of the holder of the document must be repeated in each visa.

(This document contains pages, exclusive of cover.)

PART II
(*section 27 (a) (ii)*)

ORGANIZATION OF AFRICAN UNITY CONVENTION GOVERNING THE
SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN
AFRICA OF 10 SEPTEMBER 1969

Article III
Prohibition of Subversive Activities

1. Every refugee has duties to the country in which he or she finds himself or herself, which require in particular that he or she conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He or she shall also abstain from any subversive activities against any Member State of the OAU.

2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio.

Article V
Voluntary Repatriation

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his or her will.

2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangements for the safe return of refugees who request repatriation.

3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.

4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the OAU, inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.

5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and international and intergovernmental organizations, to facilitate their return.

PASSED by the National Assembly this 22nd day of August, 2024.

BARBARA N. DITHAPO,
Clerk of the National Assembly.