

GOVERNMENT GAZETTE

OF THE

REPUBLIC OF NAMIBIA

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WINDHOEK - 22 September 2000

No.2412

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Government Notices

MINISTRY OF HOME AFFAIRS

No. 234

2000

COMMENCEMENT OF NAMIBIA REFUGEES (RECOGNITION AND CONTROL) ACT, 1999

Under the powers vested in me by section 33 of the Namibia Refugees (Recognition and Control) Act, 1999 (Act No. 2 of 1999), I hereby fix 22 September 2000 as the date on which that Act shall come into operation.

J. EKANDJO
MINISTER OF HOME AFFAIRS

Windhoek, 11 September 2000

MINISTRY OF HOME AFFAIRS

No. 235

2000

**NAMIBIA REFUGEES (RECOGNITION AND CONTROL) ACT, 1999: NAMIBIA
REFUGEES (RECOGNITION AND CONTROL) ACT, 1999
DECLARATION OF RECEPTION AREA FOR REFUGEES AND OTHERS**

Under the powers vested in me by subsection (1) of section 19 of the Namibia Refugees (Recognition and Control) Act, 1999 (Act No. 2 of 1999), I hereby declare Portion A of the farm Osire Sud No. 217 situated in the Otjozondjupa Region (the boundaries of which are represented by cadastral diagram SG. No. 222/26) as a reception area to be known as the Osire Refugee Camp for the reception and residence of -

- (a) recognized refugees and protected persons;
 - (b) persons who have applied for refugee status;
 - (c) members of the families of persons who have applied for refugee status,
- referred to respectively in paragraphs (a), (b) and (c) of the said subsection (1).

J. EKANDJO
MINISTER OF HOME AFFAIRS

Windhoek, 12 September 2000

MINISTRY OF HOME AFFAIRS

No. 236

2000

NAMIBIA REFUGEES (RECOGNITION AND CONTROL) REGULATIONS

The Minister of Home Affairs has under section 31 of the Namibia Refugees (Recognition and Control) Act, 1999 (Act No. 2 of 1999), made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates -

“the Act” means the Namibia Refugees (Recognition and Control) Act, 1999 (Act No. 2 of 1999).

Application for refugee status

2. An application for refugee status contemplated in section 13(1) of the Act shall be made to an authorized officer on a form similar to the form contained in Annexure A, and shall contain all the required information.

Loss of refugee status

3. Where a recognized refugee loses his or her refugee status in terms of section 5 of the Act, the Commissioner shall by written notice, served in accordance with the provisions of regulation 15, notify such recognized refugee of his or her loss of refugee status, and shall in particular specify in that notice the reasons for such loss of refugee status.

Temporary identification documents

4. (1) The Commissioner shall issue to each person who has applied in terms of section 13(1) of the Act for refugee status, and to every member of the family of such person, a temporary identification document substantially in the form as set out in the Annexure B.

(2) Every person to whom a temporary identification document has been issued in terms of subregulation (1), shall at all times carry on his or her person or have readily available in his or her immediate vicinity such identification document.

Identity cards

5. (1) The Commissioner shall issue to each person who has been granted refugee status in terms of section 13(4)(a) of the Act, and to every member of the family of such recognized refugee who has entered Namibia, an identity card substantially in the form as set out in Annexure C.

(2) Every person to whom an identity card has been issued in terms of subregulation (1), shall at all times carry on his or her person or have readily available in his or her immediate vicinity that identity card.

Travel documents

6. (1) Where a recognized refugee or protected person intends to travel outside Namibia, he or she shall in writing apply to the Commissioner for the issue to him or her of a United Nations Convention Travel Document.

(2) Upon receipt of an application in terms of subregulation (1), the Commissioner shall, if he or she is satisfied as to the purposes of the intended travelling outside Namibia, in writing recommend to the Permanent Secretary: Home Affairs that a United Nations Convention Travel Document be issued to the applicant concerned, whereupon such United Nations Convention Travel Document shall, subject to the provisions of Article 28 of the UN Convention on Refugees, 1951, be so issued.

(3) If the Commissioner is not satisfied as contemplated in subregulation (2), he or she shall in writing notify the applicant concerned accordingly.

(4) The Commissioner shall maintain a register of all recognized refugees and protected persons who have, in accordance with the provisions of subregulation (2), been issued with a United Nations Convention Travel Document.

Register of recognized refugees and protected persons

7. (1) The Commissioner shall keep proper record, or cause proper record to be kept, of all applications for the granting of refugee status transmitted to him or her in terms of section 13(2)(c) of the Act, including particulars as to how every application was disposed of.

(2) The Commissioner shall maintain a register in which shall, in respect of every recognized refugee and protected person, be entered the following particulars:

- (a) Full names and address;
- (b) registration number;
- (c) nationality or citizenship;
- (d) sex;
- (e) marital status;

- (f) date of birth;
- (g) occupation, trade or profession;
- (h) names of dependants (where applicable);
- (i) date of entry into Namibia;
- (j) date of becoming a recognized refugee or protected person; and
- (k) such additional particulars relating to the registration of recognized refugees and protected persons as the Commissioner may consider necessary.

Withdrawal of refugee status

8. A notice of intention to withdraw a person's refugee status, as contemplated in section 23(2)(b) of the Act, shall be substantially in the form as set out in Annexure D.

Detention or expulsion of recognized refugees and protected persons

9. (1) A notice of intention to detain or expel a recognized refugee or protected person, as contemplated in section 24(3)(b) of the Act, shall be substantially in the form as set out in Annexure E.

(2) An order -

- (a) for the detention of a recognized refugee or protected person, as contemplated in section 24(7)(a) of the Act, shall be substantially in the form as set out in the Annexure F;
- (b) for the expulsion of a recognized refugee or protected person, as contemplated in the said section 24(7)(a), shall be substantially in the form as set out in the Annexure G.

(3) Notwithstanding the provisions of regulation 15, an order of detention or expulsion referred to in subregulation (2) shall be served personally on the recognized refugee or protected person concerned.

Other functions of Committee

10. In addition to any other powers conferred or duties imposed upon the Committee by or under the Act, the Committee shall be responsible for -

- (a) creating or providing, with the concurrence of the Minister, suitable temporary reception centres and facilities at which refugees would be accommodated before being transferred to the reception area or refugee settlement in which they are pursuant to an order made under section 20(1) of the Act required to reside;
- (b) ensuring that adequate provision is made to feed, accommodate and provide health and sanitary care to refugees;
- (c) investigating complaints regarding any ill-treatment of refugees by governmental authorities;
- (d) assisting skilled recognized refugees and protected persons in seeking gainful employment in Namibia;
- (e) promoting gainful agricultural activity and other income generating activities by recognized refugees and protected persons in reception areas and refugee settlements; and

- (f) promoting education and training skills among recognized refugees and protected persons in reception areas and refugee settlements.

Subcommittees of Committee

11. (1) A subcommittee appointed under section 11(1) of the Act shall consist of-

- (a) at least one member of the Committee, nominated by the Committee for that purpose; and
- (b) one or more other persons, not being a member or members of the Committee, appointed by the Committee:

Provided that, if a member of the Committee appointed as such in terms of section 7(2)(f) of the Act is nominated as a member of a subcommittee, he or she shall hold observer status with no voting right and act only in an advisory capacity.

(2) The Committee shall designate one of the members of the subcommittee as chairperson thereof.

(3) A subcommittee shall meet at such intervals as determined by its activities and the dates for the completion of its tasks.

(4) The Committee may direct a subcommittee to call an urgent meeting to resolve any matter determined by the Committee.

(5) The majority of the members of a subcommittee shall constitute a quorum for any meeting of the subcommittee.

(6) The chairperson of the Committee may attend any meeting of a subcommittee and shall be entitled to take part in the proceedings at such meeting.

(7) If consensus cannot be reached on any matter under consideration by any subcommittee, the matter shall be referred to the Committee for decision.

(8) A subcommittee shall cause proper record to be kept of the proceedings at its meetings, and the Committee may at any time request that such record be submitted to it by the subcommittee for inspection.

Reception areas and refugee settlements

12. The authorized officer or any other person in charge of a reception area or refugee settlement shall -

- (a) maintain a register of all persons who have pursuant to an order or a permit made or issued under section 20 of the Act been admitted to the reception area or refugee settlement under his or her control; and
- (b) submit monthly returns to the Commissioner containing such information relating to the reception area or refugee settlement under his or her control as the Commissioner may consider necessary to effectively perform his or her functions under the Act or these regulations.

Employment of recognized refugees and protected persons

13. In the employment of persons who are not Namibian citizens, every employer shall, with due regard to efficiency, economy and practicability, give preference to applicants who -

- (a) are recognized refugees or protected persons; and

- (b) possess the qualifications, expertise and experience required for such employment.

Provided that those recognized refugees or protected persons have, except to the extent otherwise provided in paragraph 2 of Article 17 of UN Convention on Refugees, 1951, complied with the requirements of Part V of the Immigration Control Act in so far as those requirements relate to employment in Namibia.

Offences and penalties

14. Any person who -

- (a) contravenes or fails to comply with a provision of regulation 4(2), 5(2) or 13; or
- (b) for the purposes of being granted refugee status in terms of the Act, whether for himself or herself or for any other person, makes a false statement or representation, or furnishes any false information, to an authorized officer or any other person knowing such statement, representation or information to be false or misleading in any material respect or not believing it to be true,

shall be guilty of an offence and on conviction be liable to a fine not exceeding N\$2 000 or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

Serving of documents

15. Unless otherwise provided in the Act, a notice, order or other document which is required in terms of the Act or these regulations to be served on or delivered to a person, will have been properly served or delivered if it has been either -

- (a) served on or delivered to that person personally; or
- (b) sent by registered post to that person's last known address; or
- (c) published in the *Gazette*.

Compliance with Article 35 of the UN Convention on Refugees, 1951, and Article II of the Protocol on Refugees, 1967.

16. The Commissioner shall periodically or otherwise and before the dates or within the period determined by the Minister furnish the representative in Namibia of the United Nations High Commissioner for Refugees with information relating to -

- (a) applications for the granting of refugee status;
- (b) persons who have been granted refugee status;
- (c) members of the families of recognized refugees;
- (d) the withdrawal of refugee status;
- (e) the detention or expulsion of recognized refugees and protected persons;
- (f) the treatment and welfare of refugees;
- (g) the implementation of the Conventions; and
- (h) such additional information as the Minister may determine or as such representative may reasonably require.

Short title

17. These regulations shall be called the Namibia Refugees (Recognition and Control) Regulations, 2000.

ANNEXURE A

**APPLICATION FORM FOR REFUGE STATUS
(Regulation 2)**

SECTION A: PERSONAL PARTICULARS OF APPLICANT

Family name

Maiden name (if any)

Forename(s)

Date of birth

Country of birth Place of birth

Marital Status

Nationality/Citizenship at birth

Nationality/Citizenship now+

Country of habitual residence

Religion

Ethnic group to which you belong

Date of entry into Namibia

When and how did you leave your home country?

Why did you leave your home country?

Place of entry into Namibia

Method of entry e.g. walking, by train, road, by air etc.

In what manner did you enter? (clandestinely, with authorization, did you have a passport, travel document, visa or work permit?)

Have you got a fixed place of abode in Namibia? Yes/No*

If yes, state full address and telephone number

Have you been recognized as a refugee in some other country before? Yes/No*

If yes, give details and reasons for changing

.....

SECTION E: NEXT OF KIN/RELATIONS

Immediate next of kin:

(a) In Namibia
Address (if any)
.....

(a) Outside Namibia
Address (if any)
.....

If not accepted in Namibia, where would you want to go?
.....

.....
Date

.....
Signature of Applicant

*Delete whichever is inapplicable.

+ Indicate if more than one nationality/citizenship.

ANNEXURE B

TEMPORARY IDENTIFICATION DOCUMENT

(Regulation 4(1))

Name of applicant

Date of application

Nationality/Citizenship*

Place where application was made

.....

Reference of application

.....

Marital status

Name of spouse

MEMBERS OF FAMILY OF APPLICANT

Name	Date of birth	Sex	Relationship to applicant	Nationality/ citizenship+	Professional qualifications
.....
.....
.....
.....
.....
.....
.....

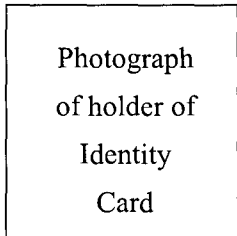
Date issued

Signature

**Commissioner for Refugees
(Official Stamp)**

* Indicate if more than one nationality/citizenship.

ANNEXURE C
IDENTITY CARD
(Regulation 5(1))



Registration number
Name of recognized refugee/protected person*
.....
Nationality/Citizenship+
Date of birth
Marital status

Date issued

Signature

Commissioner for Refugees
(Official Stamp)

* Delete whichever is inapplicable.

+ Indicate if more than one nationality/citizenship.

ANNEXURE D

NOTICE OF INTENTION TO WITHDRAW REFUGEE STATUS

(Regulation 8)

Registration number

Name of recognized refugee

Address

.....

Date of recognition as a refugee

Number of dependants

You are hereby notified that your refugee status is in terms of section 23(1) of the Namibia Refugees (Recognition and Control) Act, 1999, under reconsideration for the following reasons:

.....
.....
.....
.....

You are hereby called upon to make oral or written representations with regard to the intended withdrawal of your refugee status to the Namibia Refugees Committee within 14 days from the date of service of this notice.

Should you elect to make oral representations to the Committee, you 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 your choice and to give or submit oral or documentary evidence; and

(b) to have an interpreter assigned to you by the Committee, if the inquiry is conducted in a language that you do not understand.

Date

Signature

Chairperson of Committee

Date

Signature

Recognized Refugee

ANNEXURE E

**NOTICE OF INTENTION TO DETAIN OR EXPEL
RECOGNIZED REFUGEE/PROTECTED PERSON***

(Regulation 9(1))

Registration number

Name of recognized refugee/protected person*

Address

Date of becoming a recognized refugee/protected person*

You are hereby notified that the Minister of Home Affairs has under section 24(1) of the Namibia Refugees (Recognition and Control) Act, 1999, requested your detention/expulsion from Namibia to*
for the following reasons:

.....
.....
.....
.....

You are hereby called upon to make oral or written representations with regard to the intended detention or expulsion to the Namibia Refugees Committee within 7 days from the date of service of this notice.

Should you elect to make oral representations to the Committee, you 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 your choice and to give or submit oral or documentary evidence; and
- (b) to have an interpreter assigned to you by the Committee, if the inquiry is conducted in a language that you do not understand.

Date **Signature**
Chairperson of Committee

Date **Signature**
Recognized Refugee/Protected Person*

* Delete whichever is inapplicable.

ANNEXURE F

ORDER OF DETENTION

(Regulation 9(2)(a))

Registration number

Name of recognized refugee/protected person*

Address

.....

Date of becoming a recognized refugee/protected person*

Date of notice of intended detention

Date of representations (if any)

I,, being the Commissioner for Refugees, hereby under section 24(5) of the Namibia Refugees (Recognition and Control) Act, 1999, order that you be detained until/pending * for the following reasons:

.....
.....
.....

You have the right to appeal within 7 days from the date of service of this order to the Namibia Refugees Appeal Board against the decision to order your detention.

Date

Signature

Commissioner for Refugees

Date

Signature

Recognized Refugee/Protected Person*

* Delete whichever is inapplicable.

ANNEXURE G

ORDER OF EXPULSION

(Regulation 9(2)(a))

Registration number

Name of recognized refugee/protected person*

Address

.....

Date of becoming a recognized refugee/protected person*

Date of notice of intended expulsion

Date of representations (if any)

I,, being the Commissioner for Refugees, hereby under section 24(5) of the Namibia Refugees (Recognition and Control) Act, 1999, order that you be expelled from Namibia to for the following reasons:

.....

.....

.....

You have the right to appeal within 7 days from the date of service of this order to the Namibia Refugees Appeal Board against the decision to order your expulsion from Namibia.

Date

Signature

Commissioner for Refugees

Date

Signature

Recognized Refugee/Protected Person*

* Delete whichever is inapplicable.
