

# REFUGEES AND ASYLUM SEEKERS IN NAMIBIA



There are approximately 4000 refugees and asylum seekers in Namibia. A refugee is someone who has received refugee status (see page 2) and an asylum seeker is someone who has applied for refugee status but has not been granted refugee status yet. Most refugees living in Namibia currently have fled conflicts in the Democratic Republic of Congo, the Central African Republic, Burundi, Chad, and Mali.

All refugees and asylum seekers in Namibia live in Osire Refugee Settlement. The Settlement is located in Osire, in between Otjiwarongo and Gobabis. Those living in the Settlement need to obtain an exit permit to leave, for example to go to the hospital in Otjiwarongo. Some refugees have left Osire Refugee Settlement without a permit, but information about their living conditions is lacking.

The Settlement has its own police station, health clinic, primary and secondary school, and women's centre. The Settlement is managed by the Ministry of Home Affairs and Integration and a local NGO. Some asylum seekers and refugees do casual jobs for the settlement administration, or work at the agricultural project. Others have small shops or do casual work to survive.

# WHAT IS THE LEGAL DEFINITION OF A REFUGEE?

According to the Namibian Refugee (Recognition and Control) Act of 1999, people can only get refugee status if they:

- a) *Have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion and are unable to get protection from own country*
- b) *Do not have a nationality and are unwilling to return to their country of residence because of a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion*
- c) *Were forced to leave their country because of external aggression, occupation, foreign domination or events seriously disturbing public order*

This definition of a refugee comes from the 1951 UN Refugee Convention, the 1967 Protocol relating to the status of Refugees and the 1969 OAU Convention governing the specific aspects of Refugee problems in Africa.

An asylum seeker is someone who has applied for refugee status and is waiting for a decision in his or her case. Following Art. 14 of the Refugee Act of 1999, asylum seekers have a legal right to stay in Namibia while their application is being processed.

An immigrant is someone who comes to Namibia from another country for other reasons. For example to work in Namibia or to live together with their Namibian partner. In these cases, the Immigration Control Act 7 of 1993 applies.

# THE HUMAN RIGHTS SITUATION OF REFUGEES AND ASYLUM SEEKERS IN NAMIBIA

Refugees and asylum seekers in Namibia have, among others, the following rights:

- Right to life, dignity and liberty
- Rights to fundamental freedoms (freedom of expression, freedom from discrimination, freedom of religion)
- Right to privacy
- Right to marry
- Right to housing (at the minimum, the same treatment as granted to other foreigners)
- Right to health care
- Right to education
- Right of association
- Right to access to justice

Refugees also have the following rights:

- Right to engage in wage-earning employment (refugees should at least get the same treatment as other foreigners)
- Right to identity papers

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The Legal Assistance Centre provides legal services to refugees and asylum seekers residing in Osire Refugee Settlement. It receives many cases from the Settlement and has observed that many refugees and asylum seekers struggle with the following human rights issues:

- A lack of freedom of movement
- Insufficient health care within the Settlement
- Gender based violence
- Delayed refugee status determination
- Lack of access to justice
- Right to family and/or to marry denied

# FREQUENTLY ASKED QUESTIONS

## Why does Namibia host refugees?

Namibia signed the Refugee Conventions of the United Nations and the OAU. Because of this, it has an obligation to receive people who have fled their countries because of conflict and/or persecution they face. If these situations would occur in Namibia, other countries who signed the Refugee Conventions will host refugees from Namibia.

## Will refugees stay in Namibia for the rest of their lives?

After someone has received refugee status, they have a legal right to stay in Namibia. Some refugees are resettled to third countries by the United Nations High Commissioner for Refugees (UNHCR). This only happens in special circumstances determined by the UNHCR, for example when someone is not safe in Namibia.

If the country of origin becomes safe again, the refugee status of people from that country may be ended. In that case, refugees will be given the option to return home **voluntarily** or to be locally integrated in Namibia. Sometimes they can also be resettled to a third country.

## How do asylum seekers travel to Namibia?

People who come to Namibia to apply for refugee status travel to Namibia in different ways. Most travel over land - by foot, car, or truck. In some cases, they fly to Namibia and apply for refugee status at the airport.



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