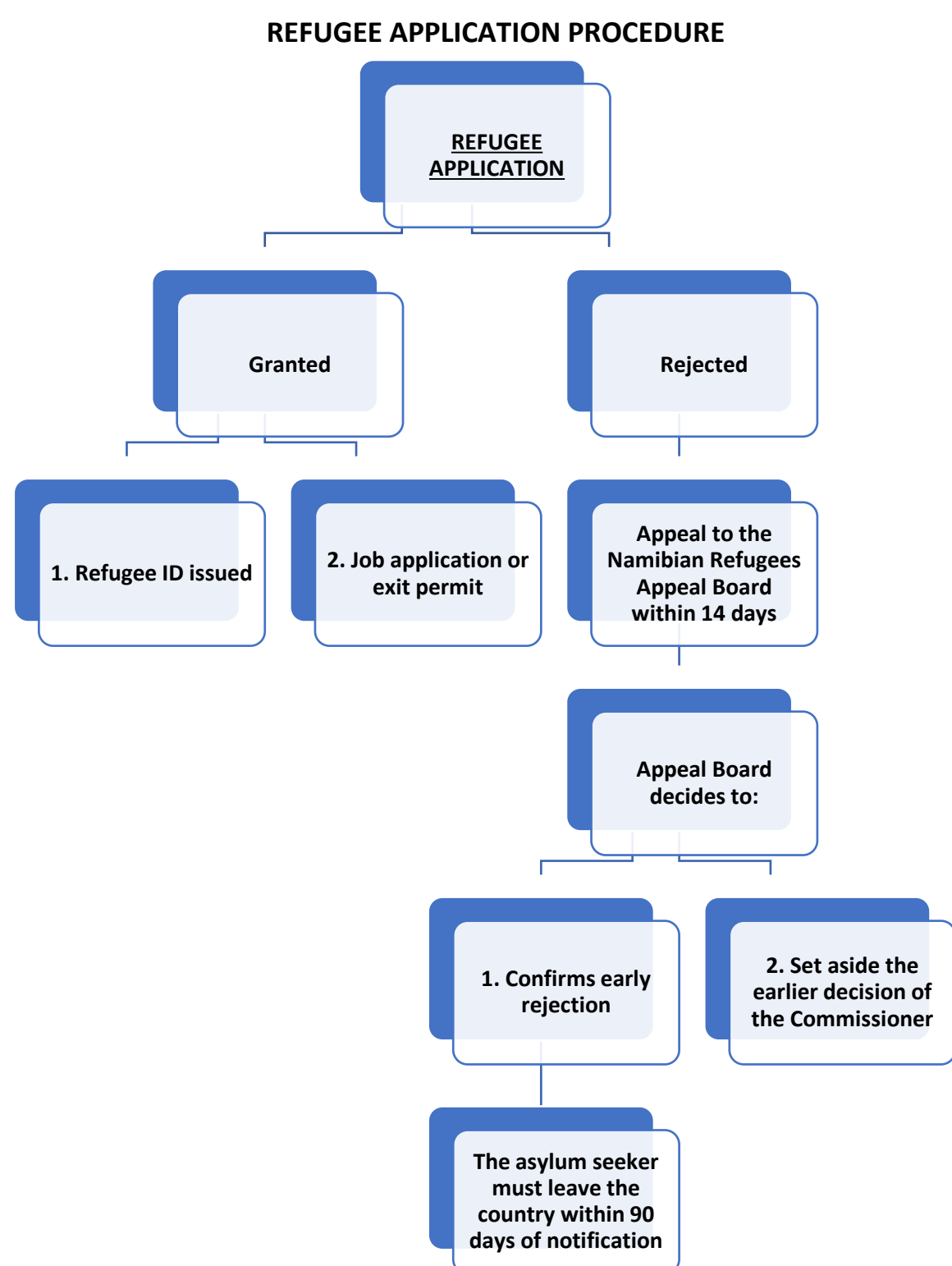


REFUGEE	ASYLUM SEEKER
<p><b>WHAT IS THE LEGAL INTERPRETATION OF “REFUGEE”?</b> A refugee is a person who has fled war, violence, conflict or persecution and have crossed an international border to find safety in another country.</p> <p><b>WHAT RIGHTS DOES A RECOGNIZED REFUGEE HAVE IN NAMIBIA?</b></p> <ul style="list-style-type: none"> <li>✓ Right to life, dignity and liberty</li> <li>✓ Right to freedom of expression</li> <li>✓ Right to freedom from discrimination</li> <li>✓ Right to freedom of culture</li> <li>✓ Right to freedom of religion</li> <li>✓ Right to freedom of association</li> <li>✓ Right to education</li> <li>✓ Right to housing Right to health care</li> <li>✓ Right to privacy</li> <li>✓ Right to access to justice</li> </ul> <p><b>Additional Rights:</b></p> <ul style="list-style-type: none"> <li>✓ <b>Right to engage in wage-earning employment</b></li> <li>✓ <b>Right to identity papers</b></li> <li>✓ <b>The right to marry</b></li> </ul>	<p><b>WHAT IS THE LEGAL INTERPRETATION OF “ASYLUM SEEKER”?</b> An asylum seeker is a person who has applied for refugee status and whose request has yet to be processed.</p> <p><b>WHAT RIGHTS DOES AN ASYLUM SEEKER HAVE IN NAMIBIA?</b></p> <ul style="list-style-type: none"> <li>✓ Right to life, dignity and liberty</li> <li>✓ Right to freedom of expression</li> <li>✓ Right to freedom from discrimination</li> <li>✓ Right to freedom of culture</li> <li>✓ Right to freedom of religion</li> <li>✓ Right to freedom of association</li> <li>✓ Right to education</li> <li>✓ Right to housing</li> <li>✓ Right to health care</li> <li>✓ Right to privacy</li> <li>✓ Right to access to justice</li> </ul>



**To be granted refugee status an individual has to prove that they:**

- 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;
- 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; and
- Were forced to leave their country because of external aggression, occupation, foreign domination or events seriously disturbing public order.

**A person shall not be granted refugee status if:**

- they have more than one nationality and has protection in one of their countries
- before their admission to Namibia as a refugee, committed- a war crime, a crime against humanity or a crime against peace
- before their admission to Namibia as a refugee, committed a serious non-political crime
- before their admission to Namibia as a refugee, acts contrary to the aim and principles of the United Nations Organization or the Organization of African Unity
- the Minister, by notice in a *Government Gazette*, declared them not entitled to refugee status.

**A person can lose their refugee status if:**

- they voluntarily return to their country of nationality or the country where they were a habitually resident
- they have voluntarily re-availed themselves of the protection of the country of his or her nationality
- they acquire a new nationality and enjoy the protection of the country of their new nationality
- the circumstances in connection with which they were granted refugee status have ceased to exist and they refuse to avail themselves of the protection of the country of their nationality
- if the Commissioner is of the opinion that there are reasonable grounds to believe that a person who has been granted refugee status should not have been granted refugee status, has ceased to be a refugee for the purposes of the Refugee Act or has become a member of a category of persons who are not entitled to refugee status.

**Loss/withdrawal of refugee status usually occurs if:**

- the applicant committed fraud to affect their eligibility for protection
- the applicant committed any misconduct to affect their eligibility for protection e.g. threats/bribery
- the exclusion clause is applied, with or without fraud on the part of the applicant
- the determining authority committed an error of law and/or fact relating to the inclusion or exclusion criteria



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