

Uganda: Control of Alien Refugees Act, Cap.64 of 1960

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Comments This is the official text as published in the "Laws of Uganda" 1964, Volume 2. This document includes only selected provisions.

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1. Short title

[Omitted - Acts of Parliament Act, section 12.]

2. Operation of Act

(1) Subject to the provisions of subsection (2) of section 26 of this Act, this Act shall not come into operation until brought into operation in the manner provided in subsection (2) of this section.

(2) The Minister may, whenever he considers it desirable, bring this Act or any part of it into operation by statutory instrument and may by such instrument or by a further instrument declare that it shall only have effect in respect of any class or classes of refugees.

(3) If at any time this Act or any part of it has been brought into operation, the Minister may at any time suspend such operation either wholly or in part or in respect of any class or classes of refugees.

3. Interpretation

(1) In this Act unless the context otherwise requires -

"alien" means a person who is not a citizen of Uganda or a Commonwealth citizen within the meaning of section 13 of the Constitution, or a protected person within the meaning of section 2 of the Uganda Citizenship Act, or a citizen of the Republic of Ireland;

"authorised officer" means any police officer of or above the rank of corporal, immigration officer, member of the Armed Forces of or above the rank of corporal, administrative officer or any other person whom the Minister appoints as an authorised officer;

"Director" means any person appointed by the Minister to be the Director of Refugees under the provisions of section 4 of this Act and shall be deemed to include any Assistant Director of Refugees appointed under such section;

"refugee" means any person being one of a class of aliens declared by the Minister by statutory instruments to be refugees for the purpose of this Act but shall not include -

- (a) any person ordinarily resident in Uganda;
- (b) any person with diplomatic immunity;
- (c) any agent or employee of any Government who enters Uganda in the course of his duty; or
- (d) any person or class of person declared by the Minister by statutory instrument not to be a refugee;

"veterinary officer" means any person appointed by the Commissioner of Veterinary Services and Animal Industry to be a veterinary officer for the purposes of this Act.

(2) If any question arises in any proceedings, or with reference to anything done or proposed to be done under this Act, whether any person is a refugee or not, or is a refugee of a particular class or not, the onus of proving that such person is not a refugee or, as the case may be, is not a refugee of a particular class, shall lie upon that person.

4. Director and Assistant Directors of Refugees

The Minister may, by notice published in the Gazette, appoint a Director of Refugees and such other persons to be Assistant Directors of Refugees as he may consider necessary for the proper carrying out of the provisions of this Act.

5. Director may appoint refugee settlements and commandants thereof

The Director may -

- (a) establish any place in Uganda to be a refugee settlement; and
- (b) appoint settlement commandants to be in charge of refugee settlements.

6. Refugees to obtain permits to remain in Uganda

(1) No refugee who enters Uganda on or after the date on which the provisions of this Act are made applicable to him shall remain in Uganda except in accordance with the terms of a permit issued by an authorised officer authorised by a Regional Police Commander to issue permits.

(2) An authorised officer may in his discretion without signifying any reason refuse to issue a permit:

Provided that a permit shall not be refused to a refugee if the authorised officer has reason to believe that the refugee on returning to the territory from which he came will be tried or punished for an offence of a political character or be subject to a physical attack.

7. Temporary orders by authorised officers

Subject to, and pending any order or orders made under the provisions of section 8, 9 or 10 of this Act, any authorised officer authorised to issue permits under the provisions of section 6 of this Act may as a condition of such permit require any refugee -

- (a) to reside in such place or area as may from time to time be specified by such officer and to proceed to such place or area by such route, at such times in such manner as shall be specified by such officer; or

(b)to comply with such directions as may from time to time be issued by such officer for the disposal or removal from Uganda of any animal imported by such refugee; or

(c)to keep any animal imported by him in such place or area as may be specified from time to time by such officer; or

(d)not to import any animal without the consent in writing of such officer.

8. Refugee may be ordered to reside in any place in Uganda

(1)It shall be lawful for the Minister, or any person appointed by the Minister for that purpose, by order in writing to direct any refugee or any class of refugee to reside in a refugee settlement or in such other place in Uganda as may be specified in the order.

(2)Any order made under the provisions of this section may contain such supplementary or incidental provisions for the purpose of controlling the movements of any refugee or class of refugee to whom or to which the order applies as the person making the order may deem necessary or expedient.

(3)Any refugee to whom an order made under this section applies may by a subsequent order be directed to move from a refugee settlement or other place in which he has been required to reside to any other refugee settlement or place.

(4)Every refugee to whom an order made under this section applies shall be informed of the nature and contents of such order and shall forthwith take steps to comply therewith.

(5)Any refugee who fails forthwith to comply with the terms of any order under this section shall be guilty of an offence.

9. Detention of refugees

(1)If the Minister is satisfied that any refugee is acting in a manner prejudicial to peace and good order in Uganda or is prejudicing relations between the Government and any other Government, he may by order under his hand direct that such refugee be detained in prison. Any such order shall be sufficient authority for a proper officer to hold such refugee in custody pending and during his transportation to a prison and for the officer in charge of such prison to hold such refugee in custody as an unconvicted prisoner.

(2)If any refugee has been ordered to be detained in a prison under the provisions of subsection (1) of this section, the Minister may by a subsequent order direct that he be detained in another prison, or, under the provisions of subsection (1) of section 8 of this Act, may direct that he reside in a refugee settlement specified in the order. Any such order shall be sufficient authority for a proper officer to hold such refugee in custody pending and during his transportation to such prison or refugee settlement.

(3)For the purposes of this section, "proper officer" means a police officer, prisons officer or any other person authorised to be a proper officer by the Director.

10. Disposal of animals belonging to refugees

(1)It shall be lawful for the Minister, or any person appointed by the Minister for that purpose, by order in writing to direct that any animal imported by any refugee shall be kept in such place as he shall direct, or shall be slaughtered or otherwise disposed of.

(2)If any animal or its carcass is sold as a result of any order made under the provisions of subsection

(1) of this section, the Minister or the other person ordering the sale, as the case may be, shall use his best endeavours to ensure that the person owning such animal shall be paid the proceeds of the sale less any expenses incurred in such sale.

(3) The proceeds of a sale ordered under the provisions of subsection (1) of this section, less any expenses incurred in such sale, shall, if they are not paid to the owner of the animal sold, be paid into a fund which shall be used for the benefit of refugees.

(4) Notwithstanding any other provisions in this section contained, if a veterinary officer is of the opinion that in order to prevent the spread of disease it is necessary to slaughter any animal belonging to refugees, such animal shall thereupon be slaughtered and disposed of as the veterinary officer directs and no compensation shall be paid in respect of such animal.

11. Offences

Any refugee who -

(a) is found in Uganda, other than in a refugee settlement, without a permit issued under section 6 of this Act; or

(b) contravenes any of the conditions of a permit issued under section 6 of this Act; or

(c) contravenes the terms of an order made under the provisions of section 8, 9 or 10 of this Act; or

(d) in any way obstructs the carrying out of any order made under the provisions of section 10 of this Act,

shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

12. Surrender of arms

(1) Every refugee who brings any firearm or ammunition into Uganda shall immediately surrender such firearm or ammunition to an authorised officer;

(2) Any refugee who fails to surrender any firearm or ammunition in his possession on arrival in Uganda, or who after such arrival is found in possession of any firearm or ammunition without the written permission of the Director shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding five years.

(3) The provisions of this section shall be additional to, and not in derogation of, or in substitution for, the provisions of the Firearms Act.

13. Powers of Director to make orders and issue directions

(1) The Director may make orders and issue directions necessary for the proper management of refugee settlements and without prejudice to the generality of the foregoing may make orders and issue directions in respect of all or any of the following matters -

(a) the organisation, safety, discipline and administration of such settlements;

(b) the reception, treatment, health and well-being of refugees;

(c) the manner of inquiring into disciplinary offences and the payment of fines;

(d)the establishment and regulation of settlement lock-ups and the custody of persons therein; and

(e)the powers of settlement commandants and the delegation of such powers.

(2)A settlement commandant may give such orders or directions, either orally or in writing, to any refugee as may be necessary or expedient for the following purposes, that is to say -

(a)to ensure that the settlement is administered in an orderly and efficient manner;

(b)to ensure the performance of any work or duty necessary for the maintenance of essential services in the settlement or for the general welfare of the refugees;

(c)to ensure that all proper precautions are taken to preserve the health and well-being of the refugees;

(d)to preserve orderly conduct and discipline in the settlement.

(3)Notwithstanding any other provision in this Act, it shall not be lawful for any person to harbour a refugee save with the consent in writing of the Director.

(4)Any person who contravenes the provisions of the immediately preceding subsection, commits an offence and shall be liable on conviction to a fine not exceeding five hundred pounds or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(5)A person convicted of an offence under the last two preceding provisions of this section, shall be liable to deportation.

13A. Harboursing refugees

(1)Notwithstanding any other provision in this Act, it shall not be lawful for any person to harbour a refugee save with the consent in writing of the Director.

(2)Any person who contravenes the provisions of the immediately preceding subsection commits an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(3)A person convicted of an offence under this section, shall be liable to deportation.

14. Control of entry into refugee settlements

It shall be an offence for any person other than a refugee residing in, or a person employed in, a refugee settlement to enter or be within the refugee settlement except with the general or special permission of the Director or the settlement commandant.

15. Employment of refugees

Arrangements may be made for offering employment to refugees who shall be paid for such employment at the appropriate rate of wages prevailing in Uganda for the performance of similar work:

Provided that -

(a)it shall not be obligatory to pay a refugee for any employment in connection with the administration, internal arrangement or maintenance of refugee settlements; or

(b)no refugee shall be employed on work for which he is physically unsuited, or on unhealthy or

dangerous work.

16. Requisition of vehicles

(1)The Director, an administrative officer or a settlement commandant may take possession of any vehicle in which any refugee arrives in Uganda and may authorise its use in Uganda for the purpose of moving refugees or any stores or equipment for their use.

(2)No action shall be brought against any person who takes possession of or uses a vehicle pursuant to the provisions of subsection (1) of this section either for the taking or use thereof or for any damage done thereto or for any loss occasioned thereby.

17. Refugees leaving Uganda

(1)No refugee shall leave Uganda for any destination without informing an authorised officer.

(2)No refugee shall leave Uganda and proceed to a territory other than the territory in which he resided prior to entering Uganda without the permission of the Director or the Principal Immigration Officer.

(3)Nothing in this section shall be deemed to permit a refugee residing within a refugee settlement to leave such settlement without the permission of the settlement commandant.

(4)Any refugee contravening the provisions of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

18. Provisions regarding immigration and citizenship

(1)The Minister may by statutory order declare that any law or any part of any law for the time being in force relating to extradition, deportation or immigration shall not apply to any refugee or any class of refugee.

(2)For the purposes of the Immigration (Control) Act and the Uganda Citizenship Act no period spent in Uganda as a refugee shall be deemed to be residence in Uganda.

19. Suspected refugees may be detained in prison

If it is made to appear to the Minister or to the Director that it is likely that any refugee has committed an offence in any other territory which, if committed in Uganda would be punishable with imprisonment, the Minister or the Director may in his discretion, by writing under his hand, direct that such refugee shall be detained in custody and any such direction shall be authority for any police or prison officer to arrest and detain such refugee in custody as an unconvicted prisoner.

20. Return and deportation of refugees

(1)The Director may at any time order any refugee or class of refugee to return by such means or route as he shall direct, to the territory from which he or they, as the case may be, entered Uganda, or to return to the country of which he or they is a national or are nationals.

(2)A court convicting any refugee of an offence under the provisions of this Act may order the deportation of such refugee to the territory from which he entered Uganda.

(3)No order shall be made under the provisions of subsection (1) or (2) of this section in respect of a

refugee if the Director or the court, as the case may be, is of the opinion that such a refugee will be tried or punished for an offence of a political character after arrival in the territory from which he came or is likely to be the subject of physical attack in such territory.

(4) Any refugee failing to comply with an order made under the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

21. Penalties and discipline

(1) Any person who contravenes any of the provisions of this Act for which no penalty is specifically provided, and any refugee who fails to obey any lawful order of the Director or of a settlement commandant shall be guilty of an offence and shall be liable on conviction to imprisonment for a period not exceeding three months.

(2) Notwithstanding the provisions of subsection (1) of this section the Director or a settlement commandant may inquire into any disciplinary offence and if he finds that a refugee has been guilty of such disciplinary offence may punish him by -

(a) ordering his confinement in a settlement lock-up for a period not exceeding thirty days; or

(b) fining him a sum not exceeding two hundred shillings.

(3) Any refugee who -

(a) without permission of the settlement commandant leaves or attempts to leave a refugee settlement in he has been ordered to reside; or

(b) disobeys any order or direction of the Director or of a settlement commandant; or

(c) conducts himself in a manner prejudicial to good order and discipline, shall be deemed to have committed a disciplinary offence.

(4) Any refugee convicted of a disciplinary offence and sentenced by a settlement commandant to confinement for a period exceeding fourteen days or to a fine exceeding one hundred shillings may appeal to the Director whose decision shall be final.

22. Settlement commandant or authorised officer may arrest without warrant

A settlement commandant or an authorised officer may arrest without warrant any person whom he has reasonable grounds for suspecting has committed an offence or a disciplinary offence under this Act and such person may be detained in custody at a refugee settlement or in any prison or police station pending the institution of proceedings for the offence.

23. Powers to enforce orders

A settlement commandant or an authorised officer or any person acting with the authority of a settlement commandant or authorised officer may use such force, including the use of firearms, as may be necessary to compel any refugee to comply with any order or direction, whether oral or in writing, given pursuant to the provisions of this Act.

24. Protection for bona fide act

No act or thing done or omitted to be done by any person shall, if the act or omission was done or

omitted bona fide while acting in the execution of his duty under this Act subject him personally to any liability, action, claim or demand whatever.

25. Publication of notices, orders and directions

Subject to any express provision in this Act and notwithstanding the provisions of the Interpretation Act, any notice, order or direction made or given under the provisions of this Act may be published in such manner as the person making such notice, order or direction shall see fit.

26. Saving

(1)[Control of Refugees from the Sudan Ordinance, 1955 repealed].

(2)Any orders made under the Ordinance hereby repealed shall be deemed to have been made under this Act and shall remain in force until revoked under this Act.

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