

Refugees Act, 1991

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An Act to make provisions for refugees; to enable effect to be given within Belize to the Geneva Convention Relating to the Status of Refugees and the Protocol Relating to the Status of Refugees; and to provide for matters connected therewith or incidental thereto.

Be it enacted, by and with the advice and consent of the House of Representatives and the Senate of Belize and by the authority of the same, as follows:

1. Short title

This Act may be cited as the Refugees Act, 1991.

2. Interpretation

In this Act, unless the context otherwise requires -

(a)"the Committee" means the Refugee Eligibility Committee established under Section 6 of this Act;

(b)"the Convention" means the Convention Relating to the Status of Refugees done at Geneva on the 28th July, 1951, as set out in the Schedule to this Act;

(c)"country of nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

(d)"member of his family", in relation to a refugee, means -

(i)any spouse of the refugee; or

(ii)any unmarried child of the refugee under the age of eighteen years; or

(iii) any other person who is related to a refugee by blood or marriage and who is dependent upon the refugee;

(e) "Minister" means the Minister for the time being responsible for refugees;

(f) "protected person" means -

(i) a member of the family of a recognised refugee; or

(ii) a person who, in terms of sub-section (3) or (4) of Section 12, is permitted to continue to remain within Belize;

(g) "the Protocol" means the Protocol Relating to the Status of Refugees of the 31st January, 1967, as set out in the Schedule to this Act;

(h) "recognised refugee" means a refugee who has been recognised as a refugee in terms of Section 8;

(i) "refugee" means any person who is a refugee in terms of Section 4;

(j) "spouse" includes a common law spouse.

3. Convention and Protocol to have Force of Law

Subject to the provisions of this Act, the Convention and the Protocol shall have the force of law in Belize.

4. Meaning of "Refugee"

(1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if -

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

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

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

(2) A person shall not be a refugee for the purposes of this Act if -

(a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Belize is a party and which has been drawn up to make provision in respect of such crimes; or

(b) he has committed a serious non-political crime outside Belize prior to his admission to Belize as a refugee; or

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the

Organization of American States;

(d)having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of sub-section (1), for not having availed himself of its protection.

(3)A person shall cease to be a refugee for the purposes of this Act if -

(a)he voluntarily re-avails himself of the protection of the country of his nationality;or

(b)having lost his nationality, he voluntarily reacquires it;or

(c)he becomes a citizen of Belize or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or

(d)he voluntarily re-establishes himself in the country which he left, or outside which he remained owing to a reason referred to in paragraph (c) if sub-section (1), as the case may be; or

(e)he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist -

(i)continue de refuse to avail himself of the protection of his country of nationality; or

(ii)if he has lost his nationality, continue to refuse to return to the country of his former habitual residence.

5. Refugees Office and Director of Refugees

(1)There shall be established under the Ministry for the time being responsible for refugees an office to be known as the "Refugees Office" which shall be headed by a Director of Refugees.

(2)Subject to the provisions of this section, the functions of the Refugees Office shall be -

(a)to receive persons claiming refugee status and render them all necessary assistance, including assistance in applying for refugee status;

(b)to endeavour to ensure the provision of adequate facilities and services for the care of refugees within Belize;

(c)to house the Committee and provide secretarial assistance thereto; and

(d)to exercise any other powers and to perform any other duties that may be assigned to the Minister.

6. Establishment of Refugee Eligibility Committee

(1)There shall be established a committee, to be known as "the Refugee Eligibility Committee", which shall consist of nine persons appointed by the Minister and shall include -

(a)subject to the provisions of sub-section (3), the Director of Refugees, who shall be the chairman of the Committee;

(b)Legal Protection Officer, Refugees Office;

(c) a representative of the Ministry for the time being responsible for immigration;

(d) Senior Social Worker, Refugees Office;

(e) a representative of the United Nations High Commissioner for Refugees;

(f) a representative of the Commissioner of Police;

(g) a member of the clergy;

(h) a member of the Trade Union Congress; and

(i) a member of the Chamber of Commerce and Industry.

(2) For the purpose of discharging its functions under this Act, the Committee may, if it considers necessary, co-opt other social workers or persons who may be of assistance to the Committee:

Provided that any social worker or other person co-opted under this sub-section shall have no voting rights.

(3) Whenever the Director of Refugees is for any reason unable to perform the functions of Chairman of the Committee, such functions shall be performed by the Legal Protection Officer, Refugees Office.

(4) The decisions of the Committee shall be by a majority of votes and, in the event of equality of votes, the chairman shall have a casting vote in addition to his original vote.

(5) At any meeting of the Committee, four of its members shall form a quorum.

(6) Subject to the provisions of this Act, the Committee may regulate its own procedure.

7. Functions of the Committee

The functions of the Committee shall be -

(a) to receive and consider applications made to the Committee in terms of Section 8; and

(b) to exercise any other powers and to perform any other duties that may be assigned to the Committee by or in terms of this Act.

8. Recognition of refugees

(1) Any person who is within Belize, whether he has entered Belize lawfully or otherwise, and who wishes to remain within Belize as a refugee in terms of this Act shall within fourteen days of his arrival in Belize apply to the Committee for recognition of his status as a refugee.

(2) Unless it is impossible or inexpedient to do so, the committee shall consider every application made to it in terms of sub-section (1) within thirty days of the application being so made, and may, either within such period of thirty days or thereafter, make such inquiry or investigation as the Committee thinks necessary into any such application.

(3) After considering any application made to it under this section, the Committee -

(a) may, subject to confirmation by the Minister, recognize the applicant concerned as a refugee; or

(b) may refuse to recognize the applicant as a refugee; and

(c) shall cause the applicant concerned to be notified of its decision within seven days.

(4) Every determination of the Committee to recognize an applicant as a refugee shall be subject to confirmation by the Minister.

(5) Any person who is aggrieved by a refusal by the Committee to recognize him as a refugee may, within fourteen days of being notified of such refusal, appeal in writing to the Minister.

(6) In any appeal in terms of sub-section (4), the Minister may confirm or set aside the decision of the Committee and shall cause the appellant concerned to be notified of his decision in the matter, and the decision of the Minister shall be final:

Provided that, before reaching a decision in an appeal, the Minister may do all or any of the following -

(a) invite the representative in Belize of the United Nations High Commissioner for Refugees to make oral or written representations in the matter;

(b) refer the matter back to the committee for further inquiry and investigation to be made;

(c) himself, make such further inquiry and investigation into the matter as he thinks fit.

9. Residence in Belize pending recognition as refugee or after refusal of recognition

(1) Notwithstanding the provisions of any other law, any person who has applied in terms of Section 8 for recognition of his status as a refugee, and every member of his family, shall have the right to remain within Belize:

(a) until such person has been recognised as a refugee in terms of that section; or

(b) in the event of the application of such person being unsuccessful, until such person has had an opportunity to exhaust his right of appeal in terms of sub-section (4) of that section; or

(c) where such person has appealed in terms of sub-section (4) of that section and his appeal has been unsuccessful, until such person has been allowed a reasonable time, not exceeding three months, and, if he is in detention, has in addition been afforded reasonable facilities, to seek admission to a country of his choice.

(2) The Minister may, on application being made to him by the person concerned, extend the three month period referred to in paragraph (c) of sub-section (1) if he is satisfied that there is a reasonable likelihood of the person being admitted to a country of his choice within such extended period.

10. Saving in respect of illegal entry by refugees

(1) Notwithstanding the provisions of the Immigration Act, a person or any member of his family shall be deemed not to have committed the offence of illegal entry under that Act or any regulations made thereunder:

(a) if such person applies in terms of Section 8 for recognition of his status as a refugee, until a decision has been made on the application and, where appropriate, such person has had an opportunity to exhaust his right of appeal in terms of that section; or

(b) if such person has become a recognised refugee.

(2) An immigration officer or a police officer who is apprised of facts indicating that a person in Belize may be eligible, and intends to apply, for recognition of his status as a refugee pursuant to Section 8 shall refer that person to the Refugees Office.

11. Residence in Belize of recognized refugees

Every recognized refugee shall, subject to the provisions of this Act -

(a) be issued with an identity card in the form prescribed; and

(b) be permitted to remain within Belize in accordance with the provisions of this Act.

12. Family of recognised refugees

(1) The Minister shall endeavour to ensure that members of the family of a recognized refugee are permitted to enter Belize and, subject to the provisions of this section, to remain therein.

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

(a) be issued with an identity card in the form prescribed; and

(b) subject to the provisions of sub-sections (3) and (4), be permitted to remain within Belize for as long as the recognized refugee concerned is permitted so to remain.

(3) Where a member of the family of a recognized refugee is within Belize in terms of this section and ceases to be a member of such family by reason of his marriage, his attaining the age of eighteen years or the cessation of his dependence upon the recognized refugee, as the case may be, he shall be permitted to continue to remain within Belize in accordance with the provisions of this Act.

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

(5) Nothing in this section shall prevent a member of the family of a recognized refugee or a person who has, in terms of sub-section (3) or (4), been permitted to continue to remain in Belize from himself applying for recognition and being recognized as a refugee in terms of Section 8.

13. Rights and duties of recognised refugees in Belize

Subject to the provisions of this Act, every recognized refugee within Belize -

(a) shall be entitled to the rights and be subject to the duties contained in the Convention as if the references therein to refugees were references to recognized refugees;

(b) shall be subject to all laws in force within Belize; and

(c) shall be afforded a reasonable opportunity to work and contribute to the development of Belize.

14. Non-return of refugees, their families or other persons

(1) Notwithstanding the provisions of any other law, no person shall be refused entry into Belize, expelled, extradited or returned from Belize to any other country or be subjected to any similar measure if, as a result of such refusal, expulsion, return or other measure, such person is compelled to return to or remain in a country where -

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

(b) his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in part or the whole of that country.

(2) The Minister shall take steps as he considers necessary to ensure that the provisions of sub-section (1) are applied in respect of persons to whom the sub-section related.

15. Withdrawal of recognition of refugees

(1) If at any time the Director of Refugees considers that there are reasonable grounds for believing that a person who has been recognized as a refugee for the purposes of this Act -

(a) should not have been so recognized; or

(b) has ceased to be a refugee for the purposes of this Act;

the Director shall refer the case to the Committee.

(2) Where a case has been referred to it in terms of sub-section (1), the Committee shall cause a written notice to be served upon the person whose status as a refugee is under reconsideration -

(a) informing such person of the fact that his status as a refugee is to be reconsidered; and

(b) inviting such person to make written representations to the Committee within a period of fourteen days from the date of service of the notice, regarding his status as a refugee.

(3) The Committee shall consider every case referred to it in terms of sub-section (1) and may make any inquiry or investigation it thinks necessary into any such case.

(4) After considering all the evidence, the Committee:

(a) may withdraw the recognition of the person concerned as a refugee; and

(b) shall cause the person concerned to be notified of its decision in the matter within seven days.

(5) Any person who is aggrieved by a decision of the Committee to withdraw the recognition of such person as a refugee may, within fourteen days of being notified of such withdrawal, appeal in writing to the Minister.

(6) In any appeal in terms of sub-section (5), the Minister may confirm or set aside the decision of the Committee and shall cause the Committee and the person concerned to be informed of his decision in the matter:

Provided that, before reaching a decision in an appeal, the Minister may do all or any of the following:

(a) invite the representative in Belize of the United Nations High Commissioner for refugees to make oral or written representations in the matter;

(b) refer the matter back to the Committee for further inquiry and investigation to be made;

(c) himself, make such further inquiry and investigation into the matter as he thinks fit.

(7) Where the Committee has in terms of this section withdrawn the recognition of any person as a refugee, that person shall cease to be a recognized refugee, and any persons who became protected persons as a result of being members of his family shall cease to be protected persons, with effect from -

(a) fourteen days after the date on which the Committee notifies the person concerned that his recognition has been withdrawn; or

(b) where the person concerned has appealed to the Minister in terms of sub-section (5), the date on which the Minister notifies him that he confirms the decision of the Committee:

Provided that nothing in this sub-section shall prevent a protected person who became such as a result of being a member of the family of the person concerned from himself applying for recognition and being recognized as a refugee in terms of Section 8.

16. Expulsion of recognised refugees and protected persons

(1) Subject to Section 14, nothing contained in this Act shall affect the power of the Minister or the court to order the detention or deportation of undesirable persons (including recognised refugees and protected persons) under the provisions of the Aliens Act or the Deportation (British Subjects) Act.

(2) Every refugee or protected person who is the subject of a detention or deportation order pursuant to sub-section (1) shall have the right of appeal as provided in the Acts mentioned therein.

17. Regulations

(1) The Minister may make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which, in the opinion of the Minister, are necessary or convenient to be prescribed for the better carrying out of or giving effect to the provisions of this Act.

(2) Without prejudice to the generality of the foregoing, regulations made in terms of sub-section (1) may provide for -

(a) the procedure to be followed in applications for recognition of refugee status and the form in which such applications shall be made;

(b) the manner and form in which appeals may be made to the Minister in terms of Sections 8 and 15;

(c) the issue of identification documents to persons who have applied for recognition of their refugee status, and to members of their families;

(d) the form and issue of identification and travel documents to recognized refugees and protected persons;

(e) the form of any order or notice required to be served on any person on terms of Section 15 and the manner in which such order or notice may be served;

(f)the affording, to persons who are detained after appealing unsuccessfully in terms of Section 8 or 15, of facilities for them to seek admission to a country of their choice;

(g)co-operation and consultation with the United Nations High Commissioner for Refugees concerning applicants for refugee status, the making of representations by the High Commissioner in relation to any persons for the purposes of this Act, and the services and assistance that may be rendered by the High Commissioner for or on behalf of any persons for the purposes of this Act; and

(h)the form and manner in which effect shall be given to Article 35 of the Convention and Article 11 of the Protocol, concerning cooperation of the national authorities with the United Nations.

(3)All regulations made by the Minister under this Act shall be laid before the National Assembly as soon as may be after the making thereof and shall be subject to negative resolution.

18. Reports

(1)The Director of Refugees shall prepare a quarterly report containing the number of persons granted refugee status during that quarter and their places of origin, and every such report shall be published in the **Gazette** within one month of the end of the quarter to which it relates;

(2)Within three months of the close of each Calendar Year, the Director of Refugees shall prepare and submit a report dealing generally with the operations of the Refugees Office during the preceding Calendar Year and containing information on the number of persons granted refugee status and such other information as may be considered necessary.

(3)The Minister shall cause a copy of the annual report contained in sub-section (2) to be laid on the table of the Houses of the National Assembly as soon as practicable.

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