

## 1984 Refugee Status Law as applied in Somaliland

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The Republic of Somaliland has as yet not promulgated a law on the determination of refugee status and therefore uses, as allowed under Article 130(5) of the Somaliland Constitution, pre 1991 laws which are not in conflict with the Constitution and particularly with fundamental rights and freedoms and Islamic Sharia. In this area, the last Law was Law No. 25 of 2 June 1984 which is available at this webpage in Somali. I have an unofficial English translation of the Law, which is available at the UNCHR website [[UNCHR Refworld](#)] against the original Somali version and set out below with annotations setting out the modification to the law required to bring it in line with Article 130(5) of the Somaliland Constitution and other Somaliland Laws. For a start, all references in this Law to the SDR should be read as referring to the Republic of Somaliland.

The Somaliland Committee that deals with refugee status (under Article 2 of this Law) is called the **Refugee Eligibility Committee** and is chaired by the Ministry of Interior. The determination of Refugee status is also currently undertaken by the UNCHR as a stop gap measure pending capacity building of the Committee and its staff.

An [information leaflet](#) setting out the asylum application procedures in Somaliland is available at this link.

Editor, [www.somalilandlaw.com](http://www.somalilandlaw.com)

March 2012

### The 1984 Refugee Status as applied in Somaliland

#### Presidential Decree No. 25 of 2 June 1984, Law on the Determination of Refugee Status

#### The President of the SDR

Having Seen: Article 82 of the Constitution

Having Seen: SDR Presidential Law No. 47 of 15 July 1979 relating to the procedures determination of refugee status on the basis of the UN Convention 1951 and the OAU Convention Governing the Specific Aspects of Refugees

Satisfied: Of the need for revising the legal and administrative procedures for the determination of refugee status

HAS PROMULGATED THE FOLLOWING LAW

#### Article 1 Requirements for recognition of refugee status

1. Recognition of refugee status may be granted to a person who applies to the Committee referred to in Article 2 of this Law and fulfills the requirements provided in Article 1 of the United Nations Convention relating to the Status of Refugees of 1951, the Protocol relating to the Status of Refugees of 1967 or Article 1 of the OAU Convention governing the specific aspects of refugee status in Africa.

2. The preceding provision is not applicable to the numerous individuals to whom the Government has accorded refugee status under special circumstances.

### Article 2 The Committee for Determination of Refugee Status

1. A special committee which has the power to determine refugee status shall be formed and shall consist of the following:

(a) Representative from National Refugee Commission - Chairman.

(b) Representative from the Ministry of External Affairs - Member

(c) Representative from the Somali Police Force – Member

***(The composition of the Committee is different in Somaliland and it is the Ministry of Interior that in charge of all immigration and asylum issues)- Editor***

2. The representative of UNHCR in the ~~SDR~~ [Republic of Somaliland] or his delegate may participate as an observer at the meetings of the Committee and shall have the right to express his views and to provide the Committee with any particulars concerning the persons who have submitted applications.

***(The UNCHR plays a much more pivotal role in the applications and assessment stages and recommendations as to refugee status) - Editor***

3. The Committee shall lay down the procedures and the ways in which it will discharge its duties.

### Article 3 Admission of the person seeking asylum

1. Unless prevented by special circumstances, every person seeking asylum shall present himself at the Security Force present at a place nearest to the border that he entered.

2. The Security Force that has been contacted shall conduct preliminary enquiries and shall submit a report to the Regional Security Committees of the District and of the Region that they come under.

3. The Security Committees shall grant the person temporary asylum pending the decision of the Refugee Status Determination Committee.

### Article 4 Procedure for submitting applications

Notwithstanding the provisions in the preceding Article, the person seeking asylum may apply directly to the Secretariat of Refugee Status Determination Committee.

### Article 5 Review

1. If the Committee referred to in Article 2 rejects an application for refugee status, the applicant can request the Committee to review its decision.

2. The request for a review of a decision by the applicant must be reasoned and must be accompanied by evidence that may form the basis of the request.

***(There is currently no review process in Somaliland but there is an appeal process under Article 6)***

### Article 6 Complaint

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1. If the Committee confirms again its negative decision, the applicant may submit a plaint to the Supreme Court of the ~~Somali Democratic Republic~~ [Republic of Somaliland].  
(The time limit for such appeals is 30 days from the date of the determination of the status – i.e the final decision of the Committee).
2. The decision of the Supreme Court shall be final and its considerations shall be confined to the legal issues only.
3. The Supreme Court shall also have the power to consider plaints relating to the matters referred to In **Articles 31, 32 and 33 of the United Nations Convention of 1951.**

### **(Article 31 Refugees unlawfully in the country of refugee**

1. *The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.*
2. *The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.*

### **Article 32 expulsion**

1. *The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.*
2. *The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.*
3. *The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.*

### **Article 33 prohibition of expulsion or return (“refoulement”)**

1. *No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.*
2. *The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country.)* **Editor**

### **Article 7 (No heading)**

When a person is recognised as a refugee, he shall be entitled to issuance of identity cards and the documents referred to in the conventions relating to the status of refugees.

### **Article 8 Repeals**

Law No. 47 of 15 July 1975 relating to the determination of refugee status is repealed.

### **Article 9 Coming into force**

## 1984 Refugee Status Law as applied in Somaliland

This Law shall come into force on its signature by the President of the SDR and shall be published in the Official bulletin of the Republic.

Mogadishu 2 July 1984

President of the SDR

### PROCEDURES APPLICABLE IN SOMALILAND

