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<p>Is there a refugee protection program? Please describe it.</p>	<p>The Refugee Act established the Inter-ministerial Committee for the Determination of Refugee Status, composed of the Permanent Secretary of the Ministry (responsible for the Interior), the Commissioner for Refugees, a Legal Officer, Permanent Secretary of the Ministry (Foreign Affairs), Commissioner of Police, Principal Chief of the area where the refugee resides, and a representative of UNHCR in Lesotho.¹</p> <p>The Act also established the Refugee Coordination Unit to “administer and co-ordinate matters relating to refugees in the Kingdom of Lesotho.”² This Unit protects refugees and asylum seekers and uses UNHCR’s Population Registration and Identity Management EcoSystem (PRIMES).³</p> <p>According to the Act, a refugee who is lawfully present in Lesotho should apply for refugee status as soon as practicable. The Committee will consider that application, and once the person has been recognized as a refugee, they will be informed and issued with an identity card attesting to his/her refugee status and a resident permit. If the Committee does not recognize that person as a refugee, the applicant will be notified of the decision and reasons for so deciding. That person will have the right to re-apply for refugee status. The Minister for Interior and Chieftainship Affairs may, in his or her discretion, refer the matter to Lesotho’s Refugee Advisory Board. The Minister is not bound by the Board’s recommendation, but if the Minister again rejects the application, the applicant may seek relief from the High Court of the Kingdom of Lesotho. If the application is still rejected, the applicant will be given reasonable time to seek legal admission into another country.⁴</p> <p>Those who may be illegally present in Lesotho and who claim to be refugees may not be declared a prohibited immigrant, be detained, or be imprisoned or penalized in any other way for his or her illegal entry, pending determination of the application for refugee</p>
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¹ Lesotho: Refugee Act 1983, 15 January 1985, <https://www.refworld.org/docid/3ae6b4f024.html>.

² *Id.* at art. 10.

³ “The Kingdom of Lesotho welcomes PRIMES,” UNHCR Blogs (Nov. 2, 2018), <https://www.unhcr.org/blogs/lesotho-welcomes-primers/>.

⁴ Lesotho: Refugee Act 1983, *supra* n. 1, at art. 7.

	<p>recognition. However, they should report to an immigration officer (or other authorized officer) within 14 days of entry and may apply for recognition as a refugee. If the person is illegally present due to visa expiration, that individual will not be denied the opportunity to apply for recognition of refugee status merely on the grounds of illegal presence.⁵</p>
<p>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</p>	<p>The Inter-ministerial Committee for the Determination of Refugee Status determines which applicants qualify for refugee protection. The Committee also registers those persons recognized as refugees.⁶</p>
<p>Is the refugee protection program functional? For example, how long does it take for decisions to be issued?</p>	<p>Lesotho is home to 281 refugees and asylum-seekers.⁷ Last year, the U.S. State Department described the system for providing protection to refugees as “active and accessible” and noted Lesotho’s cooperation with UNHCR and other humanitarian organizations in providing protection and assistance to refugees and asylum-seekers.⁸</p> <p>In 2014, 100% of the refugees applying for recognition were granted refugee status.⁹ Since 2016, Lesotho has not rejected a single asylum application.¹⁰ However, not all applications are processed and accepted within the year of applying; for example, in 2020, Lesotho received 174 applications and granted 68 persons recognition.¹¹</p>

⁵ Lesotho: Refugee Act 1983, *supra* n. 1, at art. 9.

⁶ Lesotho: Refugee Act 1983, *supra* n. 1.

⁷ “Refugee population by country or territory of asylum – Lesotho,” The World Bank Data (2020), <https://data.worldbank.org/indicator/SM.POP.REFG?locations=LS>; UN High Commissioner for Refugees (UNHCR), UNHCR Submission for the Universal Periodic Review – Lesotho – UPR 35th Session (July 2019), <https://www.refworld.org/docid/5e1732e00.html>.

⁸ U.S. DEPARTMENT OF STATE, 2020 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: LESOTHO (2020), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/lesotho/>.

⁹ “Lesotho,” Global Detention Project, <https://www.globaldetentionproject.org/countries/africa/lesotho#statistics-data> (last visited July 19, 2021).

¹⁰ UNHCR, “Lesotho Asylum Applications,” UNHCR Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/download/?url=8b1tzV> (last visited July 15, 2021).

¹¹ UNHCR, “Lesotho Accepted Applications,” UNHCR Refugee Data Finder, <https://www.unhcr.org/refugee-statistics/download/?url=8el6Z3> (last visited July 15, 2021).

<p>What percentage of applications are granted?</p>	
<p>Do refugees have a right to work? A right to education? A right to medical care? Please describe.</p>	<p>Refugees enjoy the rights of the 1951 Convention and the 1967 Protocol relating to the Status of Refugees and the 1969 OAU Convention governing aspects of the refugee topic in Africa.¹² This includes access to basic health care and assistance to access basic education. Refugees also have the right to work, provided they obtain work permits; if they are unemployed, they may receive a grant from the government amounting to approximately USD \$28.</p> <p>The Government has taken a number of measure to provide housing for refugees; water and electricity are ensured free of costs¹³</p> <p>This includes, for wage-earning employment, the “most favorable treatment accorded to nationals of a foreign country in the same circumstances” and “sympathetic consideration to assimilating the rights of refugees with regard to wage-earning employment to those of nationals.”¹⁴ Obtaining work permits may be difficult, however. Foreigners must obtain such a permit from the Labour Commissioner, and before such a permit can be issued to non-Basotho, the National Employment Service must certify that no citizen of Lesotho is qualified and available for the employment in question.¹⁵ For elementary education, refugees should receive the same treatment as is accorded to nationals. For education other than elementary education, refugees should be accorded treatment as favorable as possible – and not less favorable than that accorded to noncitizens in the same circumstances.¹⁶ UNHCR has noted, however, refugee children have been unable to access education.¹⁷</p> <p>Relevant to medical care, refugees are accorded the same treatment with respect to public relief and assistance as is accorded to their</p>

¹² Lesotho: Refugee Act 1983, *supra* n. 1, at art. 13 cl. 2.

¹³ UN High Commissioner for Refugees (UNHCR), UNHCR Submission for the Universal Periodic Review – Lesotho – UPR 35th Session (July 2019), <https://www.refworld.org/docid/5e1732e00.html>.

¹⁴ The Refugee Convention art. 17 (1951), <https://www.unhcr.org/4ca34be29.pdf>.

¹⁵ International Organization for Migration (IOM) & UN Migration, “Migration Governance Snapshot: the Kingdom of Lesotho” (September 2018), <https://migrationdataportal.org/sites/default/files/2018-09/Migration%20Governance%20Snapshot-The%20Kingdom%20Republic%20of%20Lesotho.pdf>.

¹⁶ The Refugee Convention, *supra* n. 14, at art. 22.

¹⁷ UN High Commissioner for Refugees (UNHCR), UNHCR Submission for the Universal Periodic Review – Lesotho – UPR 35th Session (July 2019), <https://www.refworld.org/docid/5e1732e00.html>.

	<p>nationals.¹⁸ Health centers in Lesotho do not require immigrants or refugees to present specific documentation to gain access to services, but immigrants have to pay higher fees than nationals for certain procedures requiring payment.¹⁹</p> <p>Travel documentation enabling refugees to travel to other neighboring countries, such as South Africa, remains problematic to acquire. Some refugees allegedly suffered discriminatory treatment compared to Lesotho nationals when crossing the border into South Africa.²⁰</p>
<p>Are those seeking refugee protection free to live freely or forced to reside in camps?</p>	<p>UNHCR noted that the government of Lesotho has taken measures to provide housing for refugees and to ensure that water and electricity are available free of cost.²¹ However, there is not much detail available about the type of housing available, and if refugees are forced to reside there or may choose to live elsewhere.</p>
<p>Does a grant of refugee protection result in a pathway to permanent status? In other words, can a refugee eventually become a citizen? Is there another form of legal</p>	<p>Refugees may become citizens of Lesotho, upon approval of the Minister after applying, paying fees (which the government has waived), and demonstrating they qualify.²² To qualify for naturalization, the refugee must: reside in Lesotho for twelve months immediately preceding the application, reside in Lesotho for periods amounting in the aggregate of no less than 5 years prior to those twelve months; have an adequate knowledge of Sesotho or English; be of good character; demonstrate he or she would be a suitable citizen of Lesotho, and intends, if naturalized, to reside permanently in Lesotho.²³</p> <p>Lesotho recently amended its Constitution to allow for dual-citizenship.²⁴ Additionally, its overhaul immigration policy aims to establish new types of visas to attract highly skilled immigrants to Lesotho. The Immigration and Citizenship Bill of 2018 relaxed citizenship procedures for those intending to establish a business, if</p>

¹⁸ The Refugee Convention, *supra* n. 14, at art. 13.

¹⁹ IOM & UN Migration, *supra* n. 15.

²⁰ UN High Commissioner for Refugees (UNHCR), UNHCR Submission for the Universal Periodic Review – Lesotho – UPR 35th Session (July 2019), <https://www.refworld.org/docid/5e1732e00.html>.

²¹ *Id.*

²² Lesotho: Refugee Act 1983, *supra* n. 1.

²³ Lesotho: Refugee Act 1983, *supra* n. 1, at art. 14 cl. 1,

²⁴ Rorisang Kgosana, “Lesotho amends constitution to allow for dual citizenship,” *the Citizen* (Dec. 2, 2018), <https://citizen.co.za/news/news-world/news-africa/2044388/lesotho-amends-constitution-to-allow-for-dual-citizenship/>.

<p>permanent status available for people with refugee status?</p>	<p>they meet minimum capital requirements or possess high-demand labor skills.²⁵</p> <p>The Minister of Home Affairs in Lesotho announced a critical initiative to amend the National Identity Card Act of 2011, to formalize the issuance of national ID cards to refugees and minimize fees for naturalized citizens.²⁶</p>
<p>Does the country offer temporary protections available other than refugee status? If so, what are they?</p>	<p>In 2019, Lesotho granted 5 individuals “complementary protection,”²⁷ which protects individuals who may not meet the legal definition of a refugee but have been displaced from their homes, complementing the 1951 Refugee Convention.²⁸ Generally, these individuals are persons fleeing armed conflict, serious internal disorder or other forms of serious harm, with no link to a specific Convention ground. Generally these people fall within the broader definition of a refugee contained in the OAU Convention, to which Lesotho is a party.²⁹</p>
<p>What, if any, penalties are there for people without status or people who are denied refugee protection?</p>	<p>For those without refugee status, the Refugee Act protects individuals claiming to be a refugee from being declared a prohibited immigrant, being detained, or being imprisoned or penalized in any other way; however this only applies during the pending determination of the person’s recognition as a refugee.³⁰</p> <p>After being denied refugee protection, the refugee will be given “reasonable time” to seek legal admission into another country.³¹</p> <p>In the interest of national security or public order, the Minister may issue an order for the expulsion of a refugee. The refugee may apply for reconsideration in writing against the expulsion order. If the request for reconsideration is still rejected, the refugee may remain in Lesotho until his or her application for legal admission into a country other than Lesotho is accepted.³²</p>

²⁵ IOM & UN Migration, *supra* n. 15.

²⁶ “Lesotho Commemorates World Refugee Day,” Government of Lesotho (July 2, 2021), <https://www.gov.ls/lesotho-commemorates-world-refugee-day/>.

²⁷ UNHCR, *supra* n. 11.

²⁸ Jane McAdam, Complementary Protection in International Refugee Law, Oxford Scholarship Online (Mar. 2012), <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199203062.001.0001/acprof-9780199203062?rsk=4qnd06&result=7>.

²⁹ UNHCR & Inter-Parliamentary Union, “Refugee Protection: A Guide to International Refugee Law” (2001), http://archive.ipu.org/pdf/publications/refugee_en.pdf (last visited July 20, 2021).

³⁰ Lesotho: Refugee Act 1983, *supra* n. 1, at art. 9.

³¹ Lesotho: Refugee Act 1983, *supra* n. 1.

³² Lesotho: Refugee Act 1983, *supra* n. 1, at art. 12.

	<p>The Global Detention Project noted there was a detention center in northwestern Lesotho, but its last documented use was in 2016.³³</p>
<p>What organizations exist in-country that can help displaced people seek available protections? What other organizations in the country may be able to help displaced people access services and rights, even if their mission is not to specifically work with refugees and displaced people?</p>	<p>The International Organization for Migration has a branch in South Africa, offering assistance to asylum seekers and other migrants in Lesotho.³⁴ Their contact information is ROPretoria@iom.int or http://ropretoria.iom.int.</p> <p>The Community Legal Resource and Advice Centre (Lesotho), the National University of Lesotho Legal Aid Clinic, and the Federation of Women Lawyers Clinic seem to offer legal services for those in need, though there is not much detail available online for these organizations nor their asylum-related capabilities.³⁵</p> <p>The Lesotho Red Cross Society offers health and social services, in addition to disaster relief and food security.³⁶ Partners in Health is also active in Lesotho, offering services in maternal health, child health, drug-resistant TB, mental health, non-communicable diseases, and more – working to transform healthcare in the country.³⁷ Care International, through its local branch (Care for the Basotho), runs programs in healthcare, HIV, economic empowerment and food security.³⁸</p> <p>Habitat for Humanity’s Lesotho branch may also be helpful in finding a place to live.³⁹</p> <p>Caritas Lesotho is a social welfare and development arm of the Catholic Church in Lesotho, focusing on food security, microfinance, education, and child rights and protection.⁴⁰</p> <p>Educare Fund supports families in need in Lesotho by ensuring that young girls can access higher education and improved job opportunities. Educare Fund pays half of the student’s school fees,</p>

³³ “Lesotho,” Global Detention Project, <https://www.globaldetentionproject.org/countries/africa/lesotho#statistics-data> (last visited July 19, 2021).

³⁴ “Lesotho,” International Organization for Migration, <https://www.iom.int/countries/lesotho> (last visited July 20, 2021).

³⁵ “National University of Lesotho Legal Aid Clinic,” Namati, <https://namati.org/network/organization/national-university-of-lesotho-legal-aid-clinic-nullac/> (last visited July 20, 2021); “Services,” FIDA Lesotho, <https://www.redcross.org.ls/programs/> (last visited July 20, 2021).

³⁶ “Services,” FIDA Lesotho, <https://www.redcross.org.ls/programs/> (last visited July 20, 2021).

³⁷ “Operations Management Strategies/Programs,” Lesotho Red Cross Society, <https://www.pih.org/country/lesotho> (last visited July 20, 2021).

³⁸ “Lesotho,” Care International, <https://www.careinternational.org.uk/countries/lesotho> (last visited July 20, 2021).

³⁹ “Lesotho,” Habitat for Humanity, <https://www.habitat.org/where-we-build/lesotho> (last visited July 20, 2021).

⁴⁰ “Lesotho,” Caritas, <https://www.caritas.org/where-caritas-work/africa/lesotho/> (last visited July 20, 2021).

	<p>allowing families to still have a stake and reinforcing local self-determination.⁴¹ The Boiteko Women Association Lesotho unites women and provides them with training and life skills for economic empowerment.⁴² The Lesotho Women’s Institute offers similar services.⁴³</p> <p>Other helpful organizations include eKopano ke Matla Toant’song ea Bofuma Lesotho (Joining Hands Against Hunger),⁴⁴ Lesotho Association for Non-Formal Education,⁴⁵ Lesotho National Council of Women,⁴⁶ Save the Children Lesotho, Skillshare Lesotho,⁴⁷ SOS Children’s Village (Maseru⁴⁸ or Quthing⁴⁹), UNDP,⁵⁰ UNICEF, WFP, and World Vision Lesotho.⁵¹</p>
<p>Is there other information that might be valuable for displaced people arriving in that country</p>	<p>Those traveling from Afghanistan to Lesotho must have an e-visa.⁵² Visitors with a single-entry visa to Lesotho may remain for a maximum of 44 days.⁵³ To reach Lesotho, one must travel or transit through South Africa.⁵⁴</p> <p>Those entering Lesotho must present a negative COVID-19 test not older than 72 hours from the time of departure.⁵⁵ Health screenings are in place at airports and other ports of entry.</p>

⁴¹ EDUCARE FUND, <https://www.educarefund.org.uk/> (last visited July 20, 2021).

⁴² “Boiteko Women’s Association,” Trickle Out Project, https://trickleout.net/index.php/directory-pilot/Lesotho_/boiteko-womens-association (last visited July 20, 2021).

⁴³ “Lesotho Women’s Institute,” Trickle Out Project, https://www.trickleout.net/index.php/directory-pilot/Lesotho_/lesotho-womens-institute (last visited July 20, 2021).

⁴⁴ “Kopano ke Matla Toantsong ea Bofuma Lesotho Network,” Trickle Out Project, https://www.trickleout.net/index.php/druppel-aan-databasis/Lesotho_/kopano-ke-matla-toantsong-ea-bofuma-lesotho-network (last visited July 20, 2021).

⁴⁵ “Lesotho Association of Non-Formal Education,” Commonwealth Network, https://www.commonwealthofnations.org/organisations/lesotho_association_of_non_formal_education/ (last visited July 20, 2021).

⁴⁶ “Lesotho National Council of Women,” Child Rights International Network, <https://archive.crin.org/en/library/organisations/lesotho-national-council-women.html> (last visited July 20, 2021).

⁴⁷ “About Us,” Skillshare Lesotho, <https://skillshare.org.ls/about/> (last visited July 20, 2021).

⁴⁸ “SOS Children’s Village Maseru,” SOS Children’s Villages, <https://www.sos-childrensvillages.org/where-we-help/africa/lesotho/maseru> (last visited July 20, 2021).

⁴⁹ “SOS Children’s Village Quthing,” SOS Children’s Villages, <https://www.sos-childrensvillages.org/where-we-help/africa/lesotho/quthing> (last visited July 20, 2021).

⁵⁰ “Lesotho,” UN Development Program, <https://www.ls.undp.org/> (last visited July 20, 2021).

⁵¹ “Lesotho,” World Vision International, <https://www.wvi.org/lesotho> (last visited July 20, 2021).

⁵² Kingdom of Lesotho, “Visa Exemptions,” E-Visa, <http://evisalesotho.com/visa-exemptions/> (last visited July 20, 2021).

⁵³ Kingdom of Lesotho, “Visa Categories,” E-Visa, <http://evisalesotho.com/visa-categories/> (last visited July 20, 2021).

⁵⁴ This memoranda focuses solely on Lesotho’s entry requirements and refugee program. This memoranda does not include research on the entry requirements, if any, for Afghans traveling or transiting through South Africa.

⁵⁵ “COVID-19 Information,” U.S. Embassy in Lesotho (July 9, 2021), <https://ls.usembassy.gov/lesothos-new-directive-on-coronavirus-international-arrivals-now-asked-to-self-isolate-for-14-days/>.

<p>to know?</p>	<p>UNHCR has praised Lesotho’s cooperation with the organization and the country’s offer to locally integrate refugees uprooted in the region on account of xenophobic attacks or political reasons. Lesotho ensures refugees’ integration into local Basotho communities and strives for inclusivity and acceptance.⁵⁶</p> <p>Lesotho’s geography, being completely surrounded by South Africa (one of the largest economies in Africa), is unique, but Lesotho has high poverty levels, strong economic inequalities, and lack of employment opportunities and basic services.⁵⁷</p> <p>The majority of non-governmental organizations in Lesotho are committed to mitigating the HIV epidemic through testing programs, awareness campaigns for youth, and offering healthcare. The country currently has a 22.8% rate of HIV/AIDS among adults.⁵⁸</p> <p>Lesotho has a high crime rate, and foreigners are frequently targeted and robbed, especially in urban areas and downtown Maseru.⁵⁹ Travelers should also be cautious to avoid theft from their baggage at O.R. Tambo International Airport in Johannesburg, a required transit point for air travel to Lesotho.⁶⁰</p>
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Research Guidance

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⁵⁶ Fidellis Swai, “Local integration – A success story in Lesotho,” UNHCR (Sept. 18, 2002), <https://www.unhcr.org/en-us/news/latest/2002/9/3d8849614/local-integration-success-story-lesotho.html>; Emily Chazen, “10 Important Facts About Refugees in Lesotho,” The Borgen Project (July 7, 2017), <https://borgenproject.org/10-facts-about-refugees-in-lesotho/>.

⁵⁷ International Organization for Migration (IOM) & UN Migration, “Migration Governance Snapshot: the Kingdom of Lesotho” (September 2018), <https://migrationdataportal.org/sites/default/files/2018-09/Migration%20Governance%20Snapshot-The%20Kingdom%20Republic%20of%20Lesotho.pdf>.

⁵⁸ “HIV and AIDS in Lesotho,” Avert (June 16, 2021), <https://www.avert.org/professionals/hiv-around-world/sub-saharan-africa/lesotho>.

⁵⁹ “Kingdom of Lesotho,” U.S. Department of State – Bureau of Consular Affairs (June 16, 2021), <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Lesotho.html#:~:text=U.S.%20citizens%20entering%20Lesotho%20must,is%20five%2C%20totaling%20180%20days>.

⁶⁰ *Id.*

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