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Is there a refugee protection program? Please describe it.

Yes, there is a refugee protection program in Zambia. The refugee protection program is governed by Zambia's Refugees Act No. 1 of 2017, and it is run by the Office of the Commissioner of Refugees.

Applying for Refugee Protection

To apply for protection as a refugee, a person must, within 7 days of arriving in Zambia, apply for recognition as a refugee to the Commissioner for Refugees or to an authorized officer.¹ The application must then be submitted to the Refugee Status Determination Committee. If the application is submitted to the Commissioner, the Commissioner must submit the application to the Committee within 30 days.² If the application is submitted to an authorized officer, it must be submitted to the Commissioner within 30 days, who then must submit it to the Committee after determining that the application should be referred to the Committee.³

Within 60 days of receiving an application, the Committee must consider the application and determine whether to recommend the person receive refugee status.⁴ If the Commissioner accepts the Committee's recommendation, the Commissioner must

¹ Refugees Act No. 1 of 2017 § 11.

² *Id.* § 11(2).

³ *Id.* § 11(3).

⁴ *Id.* § 12(1).

	<p>inform the applicant within seven days.⁵</p> <p>If a person’s application is denied, he may appeal the decision within 14 days to the Minister.⁶</p> <p>A person has the right to remain in Zambia while his application is pending or while his appeal is pending. An applicant for asylum may remain in Zambia for up to three months after his appeal is denied, and a person may apply for an extension of time. Zambia will not institute proceedings for unlawful entry or presence in Zambia if the person timely applied for recognition as a refugee or has obtained refugee status.⁷</p> <p><u>After Obtaining Refugee Status</u></p> <p>The Refugees Act affords refugees certain rights and duties, many of which are described below.⁸ Refugees and dependents will be issued with an identity card, which they should keep with them at all times.⁹</p>
<p>Who runs any available refugee protection program? Who determines which applicants qualify for refugee protection?</p>	<p>The Zambian government runs a refugee protection program. The Refugees Act established an Officer of the Commissioner of Refugees within the ministry responsible for home affairs.¹⁰ Additionally, the Civil Service Commission appoints a Commissioner for Refugees, Deputy Commissioner for Refugees, refugee officers, and other staff.¹¹ The Commissioner is responsible for the recognition of refugees, as well as ensuring</p>

⁵ *Id.* § 13.

⁶ *Id.* § 15.

⁷ *Id.* § 46.

⁸ *Id.*, Part IV (“Rights and Duties of Recognised Refugees”)

⁹ *Id.* § 45(1)-(3).

¹⁰ *Id.* § 3.

¹¹ *Id.*

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	<p>that refugees are provided with adequate facilities and care, but the Commissioner may delegate his duties to the Deputy Officer or a refugee officer.¹²</p> <p>The Refugees Act also established a Refugee Status Determination Committee, which considers applications for the recognition of refugees.¹³ The Committee’s members include a Chairperson, who must be a person with expertise in refugee matters, and one representative each of the Attorney General, Zambia Police Service, Ministry responsible for foreign affairs, Immigration Department, Special Division of the Office of the President, Department of National Registration, Passport and Citizenship, and the United Nations High Commissioner for Refugees (as <i>ex-officio</i> member).¹⁴</p>
<p>Is the refugee protection program functional? For example, how long does it take for decisions to be issued? What percentage of applications are granted?</p>	<p>By all accounts, Zambia’s refugee program is functional. In 2019, the Zambian government provided protection to 4,179 persons. As of October 2020, approximately 5,000 persons awaited refugee status determination.¹⁵</p>
<p>Do refugees have a right to work? A right to education? A right to medical care? Please describe.</p>	<p>The Refugees Act lays out a number of rights and duties afforded to refugees.¹⁶</p> <p><u>Right to Work:</u> A refugee may be issued a work permit upon the producing the refugee’s identity card.¹⁷ Issuance of a work permit is subject to normal immigration procedures, including a</p>

¹² *Id.* § 4.

¹³ *Id.* §§ 5, 6.

¹⁴ *Id.* § 5.

¹⁵ U.S. Dept. of State, “2020 Country Reports on Human Rights Practices: Zambia,” available at <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/zambia/> (“U.S. State Dept. Country Conditions Report”).

¹⁶ *See* Refugees Act, Part IV.

¹⁷ *Id.* § 41(1).

	<p>government policy that “requires the immigration department to ascertain that there is no qualified and available citizen to perform the job.”¹⁸</p> <p>The work permit allows the refugee to “engage in gainful employment” and to be “treated in the same way as nationals of a foreign country in the same circumstances.”¹⁹ Additionally, a refugee can engage in certain self-employment, found companies, or engage in a profession should the refugee have qualifications recognized by the relevant authorities.²⁰</p> <p><u>Right to an Education:</u> A refugee may be issued a study permit upon producing the refugee’s identity card.²¹ The study permit allows the refugee to “undertake studies at an educational institution or higher education institution” and to be “treated in the same way as nationals of a foreign country in the same circumstances.”²² Additionally, a refugee or his dependent may attend primary school without a study permit.²³ Payment of school fees is also required.²⁴</p> <p><u>Medical Care:</u> The government provides health care to refugees.²⁵</p>
<p>Are those seeking refugee protection free to live freely or forced to reside in camps?</p>	<p>Refugees must live in one of three designated refugee settlements, except for refugees who have received a permit for</p>

¹⁸ U.S. State Dept. Country Conditions Report.

¹⁹ *Id.* § 41(2).

²⁰ *Id.* §§ 42-43.

²¹ *Id.* § 41(1).

²² *Id.* § 41(2).

²³ *Id.* § 41(3).

²⁴ U.S. State Dept. Country Conditions Report.

²⁵ *Id.*; see also UNHCR, “Guide for Refugees and Asylum Seekers Zambia,” available at <https://www.unhcr.org/50a6464d9.pdf> (“UNHCR Guide”).

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	<p>work, study, health, or protection.²⁶ Refugees with such permits may reside in urban areas if approval is given by the Urban Residency Committee.²⁷ Residing outside of a refugee settlement without authority is an offense under the Refugees Act.²⁸</p> <p>Refugees in settlements may obtain passes to leave the settlements for up to 60 days, but police officers are not always familiar with the permits and passes.²⁹ During the COVID-19 pandemic, exit and entry restrictions were put in place at refugee settlements.³⁰</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 permanent status available for people with refugee status?</p>	<p>Yes, a refugee can eventually become a Zambian citizen, though it is unclear what steps a refugee must take to obtain citizenship. The Refugees Act provides that a refugee will cease to be a refugee if he “becomes a citizen of Zambia,” and the Commissioner must assist a person who is no longer recognized as a refugee but who has met Zambian citizenship requirements, to acquire citizenship.³¹</p> <p>The Zambian government has issued residence permits to Angolan and Rwandan refugees, and has provided refugees from the Democratic Republic of the Congo residing in certain refugee camps the opportunity to permanently settle in those camps.³²</p>

²⁶ U.S. State Dept. Country Conditions Report.

²⁷ *Id.*; see also UNHCR Guide.

²⁸ Refugees Act § 63.

²⁹ U.S. State Dept. Country Conditions Report.

³⁰ *Id.*

³¹ *Id.* §§ 20(1)(c), 49(2).

³² U.S. State Dept. Country Conditions Report.

<p>Does the country offer temporary protections available other than refugee status? If so, what are they?</p>	<p>Zambia issues Asylum Seeker's permits to persons seeking asylum in Zambia, which are valid for 30 days from the date of issue. They are given to allow for refugee status determination.³³</p>
<p>What, if any, penalties are there for people without status or people who are denied refugee protection?</p>	<p>A person seeking refugee status has no right to remain in Zambia once the person's application for recognition as a refugee has been denied and the person has exhausted his right to appeal.³⁴ A person remaining in Zambia illegally may be deported and detained prior to deportation.³⁵</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>	<ul style="list-style-type: none"> • Legal Resources Foundation, Zambia: http://www.lrf.org.zm/ • Zambia Red Cross Society: http://www.zamcross.org.zm/ • Action Africa Help: https://www.actionafricahelp.org/contacts/ • Africa IDP Voice: www.africaidp.org • Plan International: https://plan-international.org/zambia • World Vision International: https://www.wvi.org/zambia • CARE International: https://www.care-international.org/where-we-work/zambia • Caritas Zambia: https://www.caritas.org/where-caritas-work/africa/zambia/
<p>Is there other information that might be valuable for displaced people arriving in that country to know?</p>	<p>In 2020, the UNHCR reported no cases of abuse (including cases of sexual abuse or gender-based violence) against refugees.³⁶</p>

³³ Zambia Dept. of Immigration, "Immigration Permit Types," available at: <https://www.zambiaimmigration.gov.zm/permit-types/#1558184670991-7a5f6a67-8bf7>; see also Immigration and Deportation Act § 31.

³⁴ Refugees Act § 11(4).

³⁵ Immigration and Deportation Act §§ 17, 18.

³⁶ *Id.*

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	Afghan nationals must obtain a visa prior to traveling to Zambia. ³⁷
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³⁷ Zambia Dept. of Immigration, “Nationals Requiring Visa Prior to Travel,” available at: <https://www.zambiaimmigration.gov.zm/nationals-requiring-visa-prior-to-travel/>.