

Refugee Regulations, 1990

Date of entry into force: 08 June 1990

1. Citation

These Regulations may be cited as the Refugee Regulations, 1990.

2. Procedure on application for refugees status in Malawi

(1) Subject to subregulation (3), a person seeking refugee status in Malawi shall make his application therefor in Form I set out in the Schedule.

(2) An applicant for refugee status shall provide the Committee with any further information that the Committee may require in his particular case.

(3) Subregulation (1) shall not apply to any group of foreign nationals seeking refugee status in Malawi, in respect of whom the Minister has, under section 7(3) of the Act, directed that a group determination procedure shall apply.

3. Processing of application

(1) On receipt of an application for refugee status, the Committee shall, within thirty days of the date on which the application is received by the Committee, consider the application and make such inquiry or investigation respecting the applicant as the Committee considers necessary and thereafter grant refugee status or deny the grant of refugee status to the applicant and, without undue delay, notify the applicant of its decision in writing.

(2) The Committee shall not make a decision denying the grant of refugee status to any applicant without first giving to the applicant an opportunity of being heard and of presenting evidence.

(3) Where the Committee has decided to deny a grant of refugee status it shall forthwith inform the applicant of the right of appeal to the Minister against the decision of the Committee.

4. Cancellation or revocation of decision granting refugee status

(1) The Committee shall not cancel or revoke its decision granting refugee status to any person without first giving that person an opportunity of being heard and of presenting evidence.

(2) Where the Committee has decided to cancel or revoke its decision granting refugee status to any person, it shall forthwith inform that person of the right of appeal to the Minister against the decision of the Committee.

5. Procedure for appeal to the Minister

(1) An appeal to the Minister against a decision of the Committee shall be brought by giving notice of appeal in Form II set out in the Schedule;

(2) On receipt of the notice of appeal against a decision of the Committee, the Minister shall-

(a) consider and determine the appeal; or

(b) require the attendance of the person making the appeal before the Minister or order such person to provide to the Minister in writing such further information as the Minister may require and thereafter determine the appeal.

6. Quorum and decisions at meetings at the Committee

At any meeting of the Committee:

(a) a quorum shall be formed by any four members; and

(b) a decision of the Committee on any matter shall be that of the majority of the members present and voting and in the event of an equality of vote, the Chairman or the Vice-Chairman, as the case may be, shall have a casting vote in addition to his deliberative vote.

7. Convention travel document

(1) A person enjoying refugee status in Malawi, who desires to travel abroad, may apply in writing in Form III set out in the Schedule to the Chief Immigration Officer for a convention travel document to be issued to him.

(2) On receipt of an application for a convention travel document, the Chief Immigration Officer may, after consulting the Representative of the United Nations High Commissioner for Refugees in Malawi, issue to the applicant a convention travel document in Form IV set out in the Schedule.

8. Assistance to applicants for refugee status in Malawi

(1) The immigration officer or other competent officer shall, at a place and time a person crosses the border into Malawi, for the purpose of seeking refugee status, inform that person of the right to approach the Representative of the United Nations High Commissioner for Refugees in Malawi for assistance.

(2) Subject to subregulation (3), the Committee shall inform the Representative of the United Nations High Commissioner for Refugees in Malawi of the persons who have entered Malawi and have submitted applications for refugee status and the Committee shall do so within thirty days of the date of receipt of each application.

(3) In case of persons who have entered Malawi as refugees in accordance with a group determination procedure, the Committee and the Representative of the United Nations High Commissioner for Refugees shall jointly ascertain the numbers and particulars of such persons in accordance with a procedure thereof to be determined by the Committee.

SCHEDULE

[The schedule is omitted here. It provides samples of administrative forms.]