

## LEGAL NOTICE NO. 58 OF 1986

*Refugee Regulations, 1986*

In exercise of the powers conferred by Section 17 of the Refugee Act, 1983, I,

Mathealira Seeiso

Minister of the Interior, make the following regulations:

1. These regulations may be cited as the Refugee Regulations 1986, and shall come into operation on the date of publication in the gazette. Citation and Commencement
2. In these regulations, unless the context otherwise requires; Interpretation
  - “Committee” means the Interministerial committee for the Determination of refugee status established under section 5 of the Act;
  - “Counselling unit” means the counselling unit of the Ministry of Interior and Chieftainship Affairs.
3. (1) A person seeking asylum in Lesotho shall make an application to the authorized officer in Form 1 as set out in the Schedule to these regulations, accompanied by any documents containing information in support of his application. Application for refugee status.
  - (2) The authorised officer shall inform the Secretary of the Committee about the application.
  - (3) The Secretary of the Committee shall,
    - (a) render assistance to the applicant in filling the application form;
    - (b) provide an interpreter where necessary;
    - (c) inform the applicant of his right to communicate with a representative of the United Nations High Commission for Refugee; and
    - (d) within 7 days of the application, forward a copy of the application form duly filled, to each member of the Committee.
  - (4) Where the application form has been completed on behalf of the person seeking asylum the contents thereof shall be read to him before he signs it.
  - (5) The applicant shall then sign the application form in the presence of the secretary of the Committee who shall countersign it.
4. (1) Notwithstanding anything contained in any other law, a person arriving at a frontier in Lesotho or who is already residing in Lesotho and who has made an application for refugee status shall have the right to remain in Lesotho until all the Asylum-seeker to seek temporary permit.

formal process of determining his status has been decided.

(2) Pending the decision of the Minister, the applicant shall apply for a temporary residence permit from the Department of Immigration.

(3) While his application is under consideration, the applicant may remain at the reception centre for asylum seekers under the care of the Ministry of the Interior and Chieftainship Affairs.

Meetings  
of the  
Committee.

5. (1) The Committee shall meet as often as circumstances may require but in any case not less than once every fortnight.

(2) The Committee shall, within 30 days from the date of receipt of the application, consider every application referred to it to determine the status of applicants in terms of section 3(1) of the Act and may, either within that period or thereafter, make such inquiry or investigation as it thinks necessary concerning such application.

(3) The Committee may invite any person with special knowledge or experience at its meetings.

(4) The Committee shall interview the applicant in respect of his application for refugee status.

Register

6. (1) The Secretary of the Committee shall maintain in a confidential register all records of applications, showing in respect of the applicant,

- (a) his full name;
- (b) the date of arrival in Lesotho;
- (c) the date of making the application;
- (d) the date of the Committee's recommendations to the Minister and reasons therefor.

(2) The Committee shall forward its recommendations on the application to the Minister in Form 2 as set out in the Schedule.

(3) Where the Minister ratifies the recommendations of the Committee he shall sign Form 2.

(4) The Secretary of the Committee shall be responsible for the keeping of the records of applications of persons seeking asylum and for the registration of persons who have been granted refugee status.

Procedure  
where  
application  
is rejected.

7. (1) Where the Minister rejects the application,  
(a) his decision shall be on Form 2 as set out in the Schedule; and

(b) the applicant may, in terms of section 7(7) of the Act, within 14 days of being notified of the Minister's decision, re-apply to the Minister.

(2) Where the Minister rejects the second application made under subregulation (1) (b),

- (a) he shall inform the applicant in Form 3 as set out in the Schedule; and
- (b) the applicant shall be allowed to remain in Lesotho for at least 3 months to enable him to apply for asylum to another country.

8. An application for resettlement to another country shall be made in Form 4 as set out in the Schedule and shall be forwarded to the United Nations High Commission for Refugees. Application for resettlement.

9. (1) A person who has been granted refugee status may apply to the Committee for members of his family to join him in Lesotho. Re-unification with family members.

(2) An application for re-unification with members of the family of the refugee shall be made on Form 5 as set out in the Schedule.

(3) The completed form shall be forwarded to the United Nations High Commission for Refugees to determine whether,

- (a) the applicant is a registered refugee;
- (b) the appropriate process to obtain visas and travel documents for the members of the family of the refugee have been complied with; and
- (c) assistance of the United Nations High Commission for Refugees is required for the purposes of —
  - (i) obtaining visas and entry documents in terms of paragraph (b); or
  - (ii) financing the travel requested.

(4) Where the assistance of the United Nations High Commission for Refugees is requested, a copy of Form 5 together with the authority of the Ministry of Interior and Chieftainship Affairs allowing the members of the family to enter Lesotho shall be forwarded to the United Nations High Commission for Refugees for appropriate action.

(5) On arrival in Lesotho, the family members shall be granted entry visas and shall forthwith proceed to be re-united with the refugee and be registered as refugees without going through the full procedure for application as refugees.

10. (1) The following persons shall be required to carry with them identification papers issued by the Immigration Department through the Refugee Co-ordination Unit: Identification on documents.

- (a) applicants for refugee status;
- (b) recognized refugees who have been registered; and
- (c) dependants of registered refugees.

(2) An application for an identity card shall be made on Form 6 as set out in the Schedule.

11. (1) A registered refugee who wishes to travel outside Lesotho shall apply to the United Nations High Commission for Refugees for a travel document on Form 7 of the Schedule. Issuance of travel documents

(2) The form, duly completed, shall be forwarded to the Secretary to the Committee who shall,

- (a) obtain security clearance for the intended journey; and
- (b) ensure that the reason given for undertaking the journey are consistent with the regulations regarding the status, rights and obligations of the applicant.

(3) Information relating to the decision to grant or to refuse to grant the travel document shall be entered on Form 7 as set out in the Schedule and where the travel document is issued, particulars thereof shall be entered on the form.

(4) Where the application is successful, a United Nations Convention Travel Document shall be issued by the Director of Immigration.

(5) The Commissioner for Refugees shall ensure that an up to date register of all such travel documents is well kept.

(6) A travel document issued under this regulation shall, for security reasons, be kept by the Refugee Co-ordination Unit after the journey for which it was issued has been undertaken.

(7) The United Nations High Commission for Refugees shall provide blank travel documents to the Director of Immigration.

Refugee  
Co-ordina-  
tion Unit.

12.(1) The Refugee Co-ordination Unit shall be responsible for —

- (a) the administration and co-ordination of matters relating to refugees; and
- (b) the initial counselling and registration of asylum seekers.

(2) The Commissioner for Refugees shall, through the counselling unit, make recommendations to the Refugee Co-ordination Unit for assistance in Form 8 of the Schedule, regarding payments towards implementation of the recommended assistance.

(3) Payments under subregulation (2) shall be made only on recommendation of the counselling unit and strictly within the terms and conditions stipulated in the agreement governing the implementation of the Refugee Assistance Programmes signed between the Government of Lesotho and the United Nations High Commission for Refugees.

(4) The Refugee Co-ordination Unit shall maintain a correct record of accounts and shall comply with the general specification of the agreements referred to in subregulation (3).

Withdrawal  
of recogni-  
tion of  
refugee  
status.

13. (1) If, at any time, the Minister thinks there are reasonable grounds for invoking one or more of the cessation clauses in terms of section 4 of the Act, the case shall be referred to the Committee.

(2) The Committee shall notify in writing the person whose status as a refugee is under re-consideration by the Minister, informing him of all the facts of the case, and inviting him to make written representations to the Committee within 14 days from the date of the notification.

(3) The Committee shall consider every case referred to it and may make any inquiry or investigation it thinks necessary in any such case.

(4) The Minister shall, on recommendation by the Committee, give his decision concerning withdrawal of recognition of refugee status on Form 9 as set out in the Schedule.

(5) A person whose refugee status has been withdrawn may, within 14 days from the date of notification of such withdrawal, make written representations to the Minister.

(6) The Minister may, before withdrawing recognition of refugee status,

- (a) invite the representative of the United Nations High Commission for Refugees to Lesotho;
- (b) refer the matter back to the Committee for further inquiry and investigation to be made; or
- (c) make such further inquiry and investigation as he thinks fit.

(7) The Minister shall cause his final decision to be communicated to the person whose refugee status has been withdrawn on Form 9 as set out in the Schedule, and shall sign the form.

(8) Where the Minister has withdrawn the refugee status of a person in terms of section 4 of the Act, that person shall cease to be a recognized refugee and any person who became a protected person as a result of being a member of the family of the first-mentioned person shall cease to be a protected person,

- (a) 14 days after the date on which the Minister notifies that person that his refugee status has been withdrawn; or
- (b) where the person made representations to the Minister to reconsider his application, 7 days after the Minister notifies him that he confirms his earlier decision.

(9) A person who was recognized as a refugee as a result of being a member of the family of the person whose refugee status has been withdrawn may apply for recognition as a refugee independently.

14. (1) Before making an expulsion order, the Minister shall serve a written notice upon the refugee informing him of the Minister's intention to expel him, the grounds for the expulsion and the country to which the Minister proposes to expel him.

Expulsion  
of  
refugees.

(2) The notice of expulsion shall be delivered in person to the refugee who shall sign and date the notice as proof of having received it.

(3) A refugee upon whom a notice has been served under this regulation may, either by himself or through a legal practitioner practising in Lesotho, within 14 days after receiving the expulsion order, make representations to the Minister to reconsider his decision.

(4) The Minister shall, on the advice of the Board, reconsider the application and determine whether to enforce or revoke the expulsion order.

(5) An expulsion order shall be in Form 10 as set out in the Schedule.

Forms

15. The forms set out in the Schedule shall be completed in respect of the matters respectively described thereon.

Mathealira Seeiso,  
Minister of the Interior and Chieftainship Affairs.

SCHEDULE

FORMS

FORM 1 (Regulation 3 (1))

**Application for Refugee Status**

1. (a) Full names of applicant: .....
- (b) Maiden name if married: .....
- (c) Marital Status: .....
- (d) Parents (names in full): .....
- Father: .....
- Mother: .....
- (e) Present Address (es) of parents: .....
2. (a) Place and date of birth: .....
- (b) Nationality: .....
- (c) Any change of nationality (if yes state reasons): .....
- (d) Religion: .....
3. Last mailing Address: .....
- .....
- .....
4. (a) Present mailing address: .....
- .....
- .....
- (b) Residential Address: .....
- .....
- .....
5. Educational background:

Schools attended	Year	Class or courses
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

6. Profession, Occupation or manual skills: .....
7. Languages Spoken/Written: .....
8. If ever employed please mention your employment record by year (please describe): .....
9. Please state where you have been within the last ten years: .....
10. Passport Particulars: (a) Nationality: .....  
 (b) Number: .....  
 (c) Date and place of issue: .....  
 (d) Date of expiry: .....
11. Have you been in Lesotho before: .....  
 If so give (a) Dates: .....  
 (b) Reason for visit: .....
12. State any other countries you have visited: (By dates/years): .....
13. Reasons for leaving your country of origin: .....
14. (a) Have you applied for refugee status before? .....  
 State where: ..... Date: .....  
 Result: .....  
 (b) Have you resided in other countries since leaving your country of origin: .....  
 If yes give name: ..... and date .....  
 (c) Why did you leave: .....
15. Why have you come to Lesotho (Give full details) .....
16. State organizations or movements you are a member of: .....
17. (a) Have you ever appeared in an ycourt of law either as a witness, an accused, respondent or applicant: .....

(b) Have you ever been convicted of a crime? .....  
If yes state the sentence: .....

(c) Have you ever been arrested, detained, restricted or  
ordered to report periodically by your own country's  
police: .....

(d) Have you served in your country's armed forces or in  
any Government office? .....  
Please give details to your answer:  
.....  
.....

- (i) .....
- (ii) .....
- (iii) .....

18. Do you belong to any organization recognized either by the  
UN, the OAU or Non-Aligned movement? .....

19. (a) When did you arrive in Lesotho: .....  
.....  
.....

(b) State dependants who arrived with you e.g. wife, child-  
ren:

Name	Relationship	Date of Birth
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

(c) State close dependants left behind in your country of  
origin e.g. wife, children, dependants parents:

Name	Relationship	Date of Birth
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

20. (a) Are you or the dependants you have brought with you  
ill or handicapped: .....

(b) If yes state fully the medical history: .....  
.....  
.....

21. Do you have any reason that makes you suspect application  
to stay here would not be successful: .....  
.....



22. Mention any private organizations and government offices or Ministries you have visited to introduce yourself since your arrival in Lesotho: .....
23. (a) What would you like to do while in Lesotho: .....
- (b) Do you have any relatives working in Lesotho: .....
- (c) Do you have any relatives working for any Government .....
24. Give any other information that you wish known to support your Application: .....
- .....
- .....
- .....

### AFFIDAVIT

I .....  
of .....  
do solemnly and sincerely declare that I am a political refugee and that I am seeking political asylum in Lesotho. Were I to return to my country of origin, or to any country neighbouring Lesotho, I would be liable to arrest for political offences in terms of the laws of one or other of these countries, or liable to restrictions, because of my political faith, of a kind not applicable to the generality of citizens in one or other of these countries.

.....  
*Signature of Declarant*

The deponent acknowledges that he/she knows and understands the contents of this affidavit and also swears that information given on his/her application is true.

Sworn to before me at ..... Lesotho, on this ..... day of .....  
..... 19 .....

.....  
*Commissioner of Oaths*

Form 2 (Reg. 6(2))

#### *Notification of decision of ICDRS concerning application for Refugee Status*

1. Full names of applicant .....
2. Date of arrival in Lesotho .....
3. Date of Application for Refugee Status .....
4. Date Applicant was Interviewed by the Interministerial Committee for the Determination of Refugee Status .....

5. Decision .....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

6. Date: ..... Signature: .....

To be filled in Triplicate cc. 1 UNHCR  
1 The Applicant  
1 Retained at Ministry of Interior

For 3 (Reg. 7(2) )

**Notification of Decision of the Minister on Re-application  
for Refugee Status.**

- 1. Full Names of Applicant .....
- 2. Date of Arrival in Lesotho .....
- 3. Date of Application for Refugee Status .....
- 4. Date of Interview .....
- 5. Grounds of re-application .....
- (a) .....
- (b) .....
- (c) .....
- (d) .....
- (e) .....

6. Decision on re-application .....  
.....  
.....

Date: ..... Signature of Minister .....  
of Interior

To be completed in Triplicate cc: Applicant  
UNHCR  
To be retained at Ministry of  
Interior

Form 4 (Reg. (8) )

**RESETTLEMENT REGISTRATION FORM**

Country of asylum .....

## I. Applicant

(a) Family name:

(b) First name(s)

(c) Place of birth:

(d) Date of birth, or presumed age:

(e) Nationality/country of former habitual residence

(f) Ethnic origin:

(g) Marital status:

(h) Religion

(i) Present address:

(j) Name of parents  
Father:  
Mother:

2. Basic data on all family members and dependants:

No.	Name	Relationship to applicant	Place of birth	Date of Birth or presumed age	Planning to resettle with applicant*
1.	Applicant	_____	_____	_____	_____
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

\*If any family member dependant lives at address different from that of applicant, please indicate so under item 12, "additional remarks".

3. Education and training of applicant and family members/ dependants:

No.*	Name and location of school or training institute	Period		Degrees, diplomas, training certificates/skills and other competencies acquired
		From	To	

4. Languages

No.*	Language**	Understand		Speak		Read		Write	
		easily	not easily	fluently	not fluently	easily	not easily	easily	not easily

5. Employment record of applicant and all family members/dependants over 15 years of age

No.*	Name and address of employer	Type of work	Period	
			From	To

\*Use the number (1-12) corresponding to the specific member of family in item 2. \*\*List mother tongue first.

6. Is the applicant considered as a refugee by the country of asylum? By UNHCR? If not, has he applied for refugee status? (Specify date and result if available.) Also give information on special situations such as "refugee in transit."

7. Travel and/or identity documents; documentary evidence of refugee status:

Type	Number	Issuing Authority	Valid	
			From	To

8. Countries in which applicant has resided since leaving country of origin, by dates, ending with date of entry in present country of asylum:

Country	From	To	Country	From	To

9. Relatives or friends abroad (Indicate, if possible, whether they might be able/are willing to support the applicant's efforts to resettle):

Name	Address	Relationship
1.		
2.		
3.		

10. State of health of applicant and all members of family planning to resettle. (Please give clear description of ailment and handicaps — if any — and how these affect normal capacities. Attach medical certificates if available.)

11. Concise history of events which led applicant to flee his country of origin or habitual residence:

12. Additional remarks:

Place and date

Signature of applicant and certification of correctness of above data

Form 5 (Reg. 9(2))

**Request for the Re-Unification of a Refugee Family****Information on Applicant**

1. Full names .....
2. Date of Birth .....
3. Country of Birth .....
4. Postal Address .....
5. Residential Address .....
6. Date of Arrival in Lesotho .....
7. Date granted Refugee Status .....
8. Profession .....
9. Present Occupation .....

**Information on family to join applicant**

- | 10. Names of Dependants | Date and Place of Birth | Relationship to Applicant |
|-------------------------|-------------------------|---------------------------|
| (a) .....               | .....                   | .....                     |
| (b) .....               | .....                   | .....                     |
| (c) .....               | .....                   | .....                     |
| (d) .....               | .....                   | .....                     |
| (e) .....               | .....                   | .....                     |
| (f) .....               | .....                   | .....                     |

To be filled in Duplicate: 1 Copy for Ministry of Interior  
1 Copy for UNHCR

- | 11. Present Address | Country of Birth | Present Occupation |
|---------------------|------------------|--------------------|
| (a) .....           | .....            | .....              |
| (b) .....           | .....            | .....              |
| (c) .....           | .....            | .....              |
| (d) .....           | .....            | .....              |
| (e) .....           | .....            | .....              |
| (f) .....           | .....            | .....              |

12. Mode of Transportation to Lesotho .....

13. Who is responsible to cover Travel Expense? .....

14. Are Family members in possession of valid travel Documents? .....

15. If Yes, specify what type of travel documents

Names of Dependants	Type of Travel Document	Expiry Date of Validity
.....	.....	.....
.....	.....	.....
.....	.....	.....

Date: ..... Signature: .....

Place: .....

Form 6 (Reg. 10 (2))

**Application for Issuance of Refugee Identity Card**

1. (a) Family Name .....
- (b) Maiden Name if married .....
- (c) Forename(s) .....
- (d) Any other names .....

- 2. (a) Date of arrival in Lesotho .....
- (b) Date granted Refugee Status .....
- 3. Present Address
  - (a) Postal .....
  - (b) Residential .....
- 4. Date and Place of Birth .....
- 5. Religion .....
- 6. Occupation .....
- 7. Family Status (single, married, widow/er) .....

To be filled in duplicate cc: 1 UNHCR 1 Ministry of Interior

8. State no. of Dependants

Names	Place & date of Birth	Relationship
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....
.....	.....	.....

- 9. Attach 3 passport size photographs
- 10. In case of change of Address Postal or Residential please inform the Ministry of Interior/UNHCR
- 11. Place ..... Signature .....
- Date .....

*For Official Use Only*

Identity Card Number: .....

Date of Issue: .....

Issuing Officer: Name: ..... Signature: .....

Authorising Officer: Name: ..... Signature: .....

Request for Issuance of Convention Travel Document.

*Form 7 (Reg. 11 )*

- 1. (a) Family Name of Applicant in Block Letters .....
- (b) In the case of Married Women, Maiden Name .....
- (c) Forename (s) .....
- (d) Any other names used .....
- 2. Present Address .....
- 3. (a) Date of Birth (day, month, year) .....
- (b) Place of birth (Country and locality) .....
- 4. State Purpose for application of UNCTD .....
- .....
- .....
- .....

5. Names of family members to be included on UNCTD:

	Family Name	Forename(s)	Relationship with Applicant	Date of Birth
(a)	.....	.....	.....	.....
(b)	.....	.....	.....	.....
(c)	.....	.....	.....	.....
(d)	.....	.....	.....	.....
(e)	.....	.....	.....	.....



6. Date: ..... Signature .....

Place .....

Kindly attach supporting documents e.g. medical report, vaccination certificate etc., if available.

To be filled in duplicate (1) UNHCR  
(1) Ministry of Interior

### For Official Use Only

Decision: .....

.....

.....

.....

UNCTD Number: .....

Valid: FROM: ..... TO: .....

Return Clause: Valid for .....

Issuing Officer: .....

Authorising Officer: .....

FORM 8 (Reg. 12 (2) )

### Recommendation for Assistance Form

To: The Principal Secretary  
Ministry of Interior  
MASERU

Subject: Referral for Assistance

Name: .....

It would be highly appreciated if you would assist the above named who is registered as a refugee in Lesotho. Please charge this against project .....

(a) Subsistence allowance for ..... months  
at ..... Maloti.....

- (b) Medical Treatment
- (c) Optical Treatment/Spectacles
- (d) Dental Treatment
- (e) Travel expenses (by) road)
- (f) Installation/Clothing grant
- (g) Funeral and related expenses.

Yours faithfully

### FORM 9 (Reg. 13 (4) )

Notification concerning withdrawal of Refugee Status.

1. (a) Family name of applicant: .....
- (b) Forename(s): .....
2. Present Address (a) Postal .....
- (b) Residential .....
3. (a) Date of Arrival in Lesotho .....
- (b) Date granted Refugee Status .....

4. Notice and grounds of withdrawal of Refugee Status:

.....  
.....  
.....  
.....  
.....

Date ..... Signature .....

Place .....

Date ..... Minister's Signature .....

Place .....

To be filled in Triplicate: cc: Individual Refugee  
ICDRS  
UNHCR

FORM 10

(Reg. 14 (5) )

EXPULSION ORDER  
THE REFUGEE ACT 1983  
GOVERNMENT OF LESOTHO

TO: .....

WHEREAS (Name) .....  
(Description) .....

of .....  
has rendered himself/herself liable to expulsion from Lesotho  
by reasons that in terms of section 12 of the Refugee Act 1983  
the said .....

.....  
presence within Lesotho is inimical to national Security/Public  
Order.

YOU ARE HEREBY AUTHORISED AND REQUIRED to  
cause the said person to be removed from Lesotho in accordance  
with the provisions of the said Act.

Dated at ..... this ..... day of ..... 19.....

.....  
**Minister of the Interior.**

To be filled in triplicate  
1 Copy to Refugee Concerned  
1 Copy to UNHCR  
1 Copy to be retained at Ministry of Interior