

This Undermines Basic Protections For Refugees and Represents a Regression From the Legal Status Quo

An in-depth analysis of the Egyptian government's
draft asylum law



Prepared, edited, and reviewed by The Refugee Platform in
Egypt and the Egyptian Initiative for Individual Rights

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Introduction

In a surprising and alarming move, and in the context of major legislative changes taking place in Egypt, the Egyptian Parliament's Defense and National Security Committee (1) approved, on October 23rd of this year, a draft law regulating foreign asylum submitted by the government. This comes almost a year and a half after the issuance of Cabinet Decision No. 243 of 22023, which carried the council's approval of the draft law on foreign asylum, without details about the draft law submitted except for the establishment of a government committee that would dominate the refugee registration process. The Defense Committee approved the first version of the detailed bill in the presence of the Ministry of Parliamentary and Legal Affairs and Political Communication, (3) members of the Human Rights Committee, and the Legislative and Constitutional Committee of the House of Representatives, with little participation from any civil society organizations, international bodies working on refugee issues, or human rights and migration workers. The draft was not even presented to all members of the Legislative Committee, which is responsible for discussing and proposing legislation, reflecting the continuation of policies that restrict civil society participation and perpetuate the dominant security apparatus of the Egyptian government's approach to human rights issues, specifically refugee and migrant issues in Egypt, which have recently received special attention from the government.

Since the Egyptian Council of Ministers issued a statement on June 7th, 2023 approving the draft law on asylum for foreigners, local and international human rights organizations have sought to obtain a copy of the bill or access the draft, by requesting a copy from the executive authorities and members of the House of Representatives and the Senate. This is done with the aim of

participating in the discussion and preparing a draft consistent with the international standards to which Egypt is committed to through the international treaties and conventions Egypt has signed and ratified. Nonetheless, all these attempts were unsuccessful, and the draft law was kept secret as if it were a matter of national security or defense. In April 2024, the refugee platform issued a position paper titled ‘Ten Months of Obfuscation and Ignorance’ in which the paper addressed the brief decision issued by the Council of Ministers No. 243 of 2023, which merely stated that the government had approved the draft asylum law, and that none of the draft’s details were known at the time.

The refugee platform focused on the main demands of relevant stakeholders at the time, which included providing access to the draft law submitted by the government, allowed debate in parliament, which includes receiving proposals, complaints and comments, permitting adequate time for discussion of the draft, and entrusting the initial drafting process to specialized experts in this regard. Since then, parliament has not revealed any details or information about the draft law, except for one article in the cabinet's announcement that confirmed the formation of a ‘permanent national committee’ for refugee affairs in Egypt. This committee would be tasked with registering and considering asylum applications and controlling all information and data on refugees.

The draft law approved by the Parliament's Defense and National Security Committee cannot be separated from the ongoing partnership agreements with the European Union and the EU’s member states since 2014. From the Khartoum Agreement to the agreements related to the alleged ‘supporting of migration governance and border control’, to the upgrading of relations with the EU to a level of strategic partnership which amounted to 7.4 billion euros where more than 200 million euros of which are dedicated to migration control, no details regarding the nature and terms of these agreements and the scale of human rights risks were made public. The Refugee Platform in Egypt has previously described these agreements as ‘complicity in and complications due to an asinine, faulty, and deadly partnership.’

While the issuance of domestic legislation to regulate the registration and presence of refugees within the territory of the Arab Republic of Egypt was one of the topics of discussion and negotiation presently and in recent years prior, the Egyptian government did not involve any stakeholders or specialists in the discussion, analysis, and basic drafting of domestic legislation. This indicates a rigid security outlook that has resulted in many issues, fear, and concerns about the future of the rights and stability of refugees and asylum seekers in Egypt.

The draft law follows decades-long expectations for national legislation that would fill gaps in the current system of legal protection and regulation of refugees' rights in Egypt. Rather, in conjunction with the announcement of the draft law in June 2023, official rhetoric was exported that, intentionally or unintentionally, ignored the fact that refugees, migrants, and asylum seekers in Egypt do not exist or live in a legal vacuum. Indeed, they face and suffer from protection gaps and loopholes through an already existing legal system for registering refugees which adjudicates

⁴[10 months of Concealment and Neglect – A Position Paper on Prime Ministerial Decree No. 243 of 2023](#)

⁵[Worth Billions: Ramifications of a Failed and Deadly Partnership between the European Union and Sisi’s Dictatorial Regime](#)

their claims and regularizes their status. This existing legal system's framework is overseen by UNHCR Egypt on behalf of, and in cooperation with, the Egyptian authorities.

The official statements repeatedly conflated refugees, who are forcibly displaced people burdened by circumstances beyond their control to seek protection from the host country, with foreigners and expatriates in general, whether they are visitors, residents, or non-coercive migrants. The provisions of the draft reflect a disturbing trend that moves away from providing more international protection for refugees, which is the main goal of any domestic refugee legislation, and focuses on the profitable and utilitarian aspect. Additionally, the new draft law raises a number of issues in dealing with refugee issues in a way that is characterized by security control and punitive solutions.

In this paper, we analyze the proposed draft legislation, of which parliament made eight articles available for public participation. The rest of the draft was withheld from publication, including from stakeholders, where the full draft was then allowed to be published on November 2nd. The legal team based this analysis on the relevant legislative bases, mainly the international conventions signed and ratified by Egypt in this regard, as well as the Egyptian constitution and any related domestic legislation. This analysis was done in light of the complexity of the Egyptian legal system and the rapid developments of the system's amendments in the last ten years, which directly affects the legal statuses and positions related to cases the legal team worked on in recent years.

To achieve this analysis' results, researchers studied legal and procedural issues and challenges that caused refugees, migrants, and asylum seekers to be deprived of their rights. This was implemented by reviewing the archive of cases that were documented and worked on during recent years. Along with the arcane announcement of the approved legislation, which will be put to a vote before the plenary session of parliament, in a form that caused dismay, disapproval, and alarm among refugees, migrants, and asylum seekers in Egypt, the Refugee Platform in Egypt received many questions and qualms from key stakeholders, including from refugees, migrants, and asylum seekers themselves, to community leaders and organizations working to provide services to refugees, migrants, forcibly displaced people, and asylum seekers in Egypt.

Researchers held meetings with community leaders of different nationalities to present the approved draft as well as to understand the concerns of the targeted communities and the dimensions of these concerns on their rights and daily lives through the Egyptian legislative framework. The Refugee Platform also sought the perspectives of other stakeholders from international organizations, civil society organizations, and self-organized initiatives.

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⁹الموافقة على الاتفاقية المعقودة بين الحكومة المصرية ومكتب الأمم المتحدة لشؤون اللاجئين

I: Legislative Background

Egypt participated in the drafting of the Universal Declaration of Human Rights, then approved and signed the declaration on December 10th, 1948 during a vote at the United Nations General Assembly then acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol.

The first application of this convention was the establishment of a UNHCR office in Egypt, which began its work in 1954 based on a memorandum of understanding with the Egyptian government, represented by the Ministry of Foreign Affairs, to provide various services to asylum seekers, including registration, refugee status determination, protection, resettlement, assistance in voluntary return to their country of origin, and other services. The first domestic legal form for refugees appeared when the Egyptian People's Assembly approved the Convention relating to the Status of Refugees and its Protocol, as well as the 1969 Organization of African Unity Convention governing the various aspects of refugee issues in Africa, which expanded the concept of a refugee or asylum seeker to better understand the nature of conflicts and the causes of forced displacement and refugees on the African continent, as was the philosophy behind the convention. Presidential decrees 331, 332 and 333 of 1980 were issued in this regard.

With these decisions, the conventions became part of Egypt's domestic law in accordance with Article 151 of the 1971 Constitution, which states that the President of the Republic shall conclude treaties and report them to the People's Assembly, where they shall have the force of law after ratification and publication. This incorporation made the 1951 Convention relating to the Status of Refugees and its successor conventions part of Egypt's national legislation as well as enforceable, despite the lack of specific legislation regulating the rights of refugees in detail. The 2014 constitution reaffirmed this same legislative status, giving international treaties ratified by the state the force of law.

In a related context, over the past decade, the Egyptian authorities adopted a legislative approach that is based on and reinforces a policy of militarizing borders as well as strengthening security control over migration. All while the authorities ignore humanitarian expectations that distinguish between refugees and unlawful migrants, which include the requirements of international law and special protection for the most vulnerable groups.

The first of which is Presidential Decree No. 444 of 2014, which classified border areas and their proximity as military zones subject to the jurisdiction of judicial law and military justice, without any regard for the humanitarian implications of this. The Presidency of the Council of Ministers, the General Secretariat, unwittingly omitted the specification of rules governing these areas since the decision was issued, then published a remedy in the Official Gazette No. 8 bis (c) on February 22nd, 2015, explaining that the Presidential Decree defining the zones had 'inadvertently' omitted to publish legislation related to the rules governing the zones. Based on this decision, this ongoing policy began and included an amendment to Decree 420 of 2021, making unauthorized presence or crossing from these areas a crime to be prosecuted by

¹⁰ إن رئيس الجمهورية بالمرقة على اتفاقية اللاجئين لعام 1980
 10 Ensure that human rights are at the center of efforts to address migration in all its phases, including responses to large and mixed movements.' Principle 1 [Principles and guidelines on the human rights protection of migrants in vulnerable situations](#)

¹¹ From Sudan to Egypt: Egyptian Decisions Spark High-Risk Irregular Migration Movement

¹⁴ المفوضية المصرية للحقوق والحريات تقرير طرق الموت "هجرة الموت" بين مصر والسودان
 14 The Sudanese Under Fire: Armed Conflict, Closed Borders, & Deadly Heat

¹⁵ The Sudanese Under Fire: Armed Conflict, Closed Borders, & Deadly Heat

military courts. This exposed refugees, migrants, and asylum seekers to high risks of arbitrary detention and military trial without the opportunity to seek legal protection or asylum.

According to border guard data published between 2016 and 2021, more than 90,000 people of different nationalities were detained, with reports of military headquarters being used as secret detention centers where refugees are forcibly detained and then deported to conflict zones. Simultaneously, civil society is denied access to provide humanitarian support which is in clear violation of international obligations to protect refugees. This legislative trend has increased humanitarian risks and narrowed legal protections for refugees, migrants, and asylum seekers in Egypt.

The lack of humanitarian search and rescue operations at border points also compounds the danger. The treatment of migrants, refugees, and asylum seekers within a purely security-based framework leads to the neglect of any and all humanitarian aspects; which in turn leads to some people losing their lives due to the difficult conditions in the desert or as a result of the lack of first responder, emergency, and ambulance services. This is particularly evident in the hundreds of cases of Sudanese citizens who were forcibly displaced fleeing a devastating proxy war in Sudan. These Sudanese people were then forced to travel long distances to reach the nearest point where emergency services are available inside Egyptian territory. This legislative framework presents Egypt with legal and humanitarian challenges, as this policy jeopardizes the rights of refugees and reduces their access to the legal protections guaranteed by international human rights treaties that Egypt has already signed and ratified. All of which oblige Egypt to protect the most vulnerable groups, including refugees, migrants, and asylum seekers.

At the end of 2016, Law No. 82 of 2016 on Combating Unlawful Migration and Migrant Smuggling was published in the Official Gazette, followed by the executive regulations issued by Prime Minister's Decision No. 983 of 2018 that was subsequently amended in April 2022 by Law No. 22 of 2022. This amendment increased penalties for 'anyone involved in attempting, mediating, facilitating, or participating' in unlawful migration. The amendment also imposed penalties that criminalize persons or groups that provide services or assistance to smuggled migrants. While the law does not provide any clear protection for refugees, asylum seekers, and migrants in the context of unlawful migration operations, the law still exposes thousands of refugees to criminalization without evidence. In the law's articles, the rhetoric removed any criminal responsibility from the smuggled migrant, whom the law considered a 'victim'.

While it was expected at the time that the law's issues would be addressed by subsequent executive regulations or committees and funds that could be established through the law, the Official Gazette in its January 22nd, 2023 issue published Prime Ministerial Decision No. 369 of 2023 on the establishment and organization of the 'Fund for Combating Unlawful Migration and Protecting Migrants and Witnesses' which is the fund stipulated in Article 32 of the Law on Combating Unlawful Migration and Migrant Smuggling (LCIMS). For more details on the

¹⁷ قانون مكافحة الهجرة غير الشرعية وتهريب المهاجرين رقم 82 لسنة 2016
¹⁸ اللائحة التنفيذية لقانون مكافحة الهجرة غير الشرعية وتهريب المهاجرين رقم 82 لسنة 2016
¹⁹ القانون رقم 22 لسنة 2022

²⁰ Harsher Penalties and (Undocumented) Migration: Legal Crossroads and Everyday Problems

²¹ <https://www.scribd.com/document/621808059/%D8%A7%D9%84%D8%AC%D8%B1%D9%8A%D8%AF%D8%A9-%D8%A7%D9%84%D8%B1%D8%B3%D9%85%D9%8A%D8%A9>

²² (No Protection Under Legislative Inertia and Discrepancy) – Legal Analysis Paper On Prime Ministerial Decree No. 369 of 2023 Establishing a Protection Fund for Victims, Whistleblowers, and Witnesses

²³ النائب محمد عبد العليم دادود: القضاة هم من أوصل شباب مصر للإقدام على (الموت) متملاً في الهجرة غير-الشرعية، منشور عبر فيس بوك

²⁴ أي. أي. سي. عربي: كيف تعاني أسر 40 صبيداً بعد حيلهم احتياطياً لسنوات

²⁵ بعد مئات الشكاوى من تلفيق قضايا وإعادة تدوير المتهمين فيها ... النائب العام يأمر بفحص قضايا الهجرة غير النظامية على مستوى الجمهورية، منصة اللاجئين في مصر، فبراير/شباط 2022

decision, see the Refugee Platform's paper 'No Protection in the Shadow of Legislative Deficiencies and Inconsistencies.'

Expanded definitions of unlawful migration such as 'smuggling' and 'migrant assistance providers' led to extensive arbitrary detentions of hundreds of both Egyptian and non-Egyptian people in many documented cases. The detentions included procedural violations, enforced disappearance, torture, arbitrary detention, and violations of fair trial requirements. These people were subjected to exceeding the legally prescribed periods of pre-trial detention, without evidence or the opportunity for a fair trial through independent investigations. This later led to the defendants being rotated in new cases with the same charges. This prompted parliamentarian Abdel Aleem Daoud to submit a parliamentary question about the hundreds of people from his constituency who were subjected to these violations.

On September 30th, 2021, the public prosecutor issued a statement ordering the establishment of prosecutions specialized in investigating 'crimes against human trafficking and unlawful migration' at the headquarters of appeal prosecutions. The decision however did not include any details about the scope of work of these prosecutions, the laws and procedures followed in relation to them, as well as the need for this type of prosecution and the limits of their jurisdiction in the case of investigating incidents that occurred in areas to which Presidential Decree 444 of 2014 applies.

No further decisions were issued until February 16th, 2022, when the Attorney General issued a statement ordering these prosecutions to investigate unlawful migration cases, after hundreds of families from different governorates published testimonies showing that their relatives had been arrested and charged in unlawful migration cases and subjected to human rights violations, including torture, enforced disappearance, and rotating cases using the same charges without providing fair trial conditions. The families' grievances included their relatives' arrests without evidence while charging them with unlawful migration cases. If the arrested family members receive a decision from the prosecution to release them, security authorities would refuse to implement this decision, and subject them to further enforced disappearance then charge them in new cases with the same charges. This is in violation of Egypt's Criminal Procedure Code which prohibits punishing a person for the same crime twice. The testimonies also demonstrated that detainees in these cases were subjected to torture.

Although Egypt has ratified these international conventions on refugees, they have not been translated into special legislation that independently regulates the rights of refugees. This treats refugees legally as foreigners without a specific definition. Official statements made about the number of refugees by the Egyptian government differ from the numbers documented and published periodically by the UNHCR. And without a dedicated commitment to providing basic protection conditions, this allows violators of the rights of refugees, migrants, and asylum seekers the opportunity to escape punishment.

The absence of national legislation meant that their rights and status were not defined in detail in a dedicated law, as required by the Convention. The registration process has remained in the hands of the UNHCR for decades, while the Egyptian authorities are responsible for regularizing their status after the UNHCR makes a decision on their applications. This responsibility is divided between the Ministry of Foreign Affairs, which is responsible for issuing reference numbers, and the Interior Ministry, which is responsible for issuing residency permits for foreigners residing on Egyptian territory using the obtained, aforementioned reference numbers. As this responsibility for protection is shared between the UN agency and the Interior and Foreign Affairs Ministries, part of the procedural process governing refugee rights in Egypt is effectively immune from review with no real opportunities provided to challenge the decisions of these administrative bodies.

Frequent detentions, forced deportations, and the use of deportation decisions are usually implemented before the administrative courts consider appeals from those affected by the decision, as those are made separately from the UNHCR, and whose designation as a refugee, migrant, or asylum seeker is sometimes ignored by local authorities. These legislative gaps and voids have deprived many people who meet the definition of ‘refugee, migrant, or asylum seeker’ of civil status procedures, as well as basic rights that should be exercised by anyone residing on Egyptian territory.

The expectation was for national legislation, which is now decades overdue, to fill these protection gaps and regulate the rights of refugees in Egypt. Nevertheless, the Prime Minister's Decision No. 3326 of 2023 on legalizing the status of foreigners residing on Egyptian territory for 1,000 euros/dollars was suddenly issued, with no exception for refugees, migrants, and asylum seekers in the first version of the decision. Later, the decision was amended to exclude refugees, migrants, and asylum seekers, and finally was extended for a year on September 12th, 2024 when the Cabinet issued Decision No. 3004 of 2024 to extend the deadline for legalization for a year from the date of the last decision. In a previous report, the refugee platform described this decision as ‘exploitation from a punitive perspective, which violates the law and does not achieve its purpose.’

Against the backdrop of this decision, human rights organizations documented arrests and detention of people from different nationalities. These people are brought before the Public Prosecution on charges of unlawful presence, despite the fact that many of them have valid residence permits and others are registered with UNHCR. Despite the Public Prosecution's decisions to release them, they are detained based on the decisions of the security authorities. They are given three options to either legalize their circumstances in exchange for paying a thousand euros/dollars as well as the applicable fines, remain detained, or be forcibly deported.

The manner in which the draft law was secretively and briefly announced by the Council of Ministers almost a year and a half ago, followed by the government's and parliament's disregard for stakeholders' demands continuously for more than a year and a half, and then the appearance

²⁷[Home About Us Refugee Context in Egypt](#)

of the disastrous draft law approved by the National Defense and Security Committee, all raise many concerns that the Egyptian authorities will continue their approach of legalizing systemic violence and human rights violations while protecting perpetrators and supporting impunity. This legislation violates Egypt's own obligations as authorities even attempt to roll back the limited protection and few rights that refugees, migrants, and asylum seekers receive from the Egyptian government.

Draft Law: Articles, Comments, and Concerns

The draft law consists of 3 articles of promulgation, which are the articles regulating the issuance of the law, as well as its effective date and the addressees of its provisions, then 39 articles of the law itself, which are the articles introduced by the law. These articles completely replace the existing legal status quo, in which the UNHCR performed all the functions described in this paper. These articles define a refugee, outline the procedures for applying for and organizing asylum, and the penalties for violating the provisions of the proposed law.

The drafting process, the expansive definitions, and the broad powers to extract the rights of refugees by the committee to be established, all illustrate the security dimension and perspective from which the provisions of the draft law originated. Some of the provisions contravene basic international and legal obligations imposed on Egypt in the context of protection, and the definitions introduce other issues, completely ignoring the issues that have become evident in the past years through the existing legal system so far. The draft law does not elaborate on important and crucial issues, including the details, duration, and policies of the transfer of the registration function and services, the protection alternatives guaranteed by the UNHCR office in Egypt, and the status of asylum seekers in this new legal system.

1. Articles of Promulgation

The three articles of promulgation in the draft law highlight several key legal issues that could lead to very serious legal implications for the rights of refugees, migrants, and asylum seekers already registered with the United Nations High Commissioner for Refugees (UNHCR) in Egypt, as well as result in social disruption that could last for several years. Although the preamble of the draft law states that it respects international conventions signed by Egypt, its provisions apply immediately to refugees, migrants, and asylum seekers on Egyptian territory, whether they acquired refugee status before or after the law passed. The draft law does not clarify what procedures apply to people who are already registered or recognized, and what happens to their data stored in the databases of the UNHCR, which has been primarily responsible for regulating refugee status in Egypt since the last century.

More importantly, these texts do not clarify the fate of people who are temporarily registered today and are awaiting or going through the refugee status determination process, meaning they are already engaged in a legal procedure that has not yet been completed. Although the legal framework governing the status quo is relatively weak, it was clear to these people when they

²⁸[OAU Convention Governing the Specific Aspects of Refugee Problems in Africa](#)

submitted their applications, and the UNHCR was performing the RSD function on behalf of the government.

The draft law also did not clarify the status of the documents held by these people. With the generalization of refugee status in the text of Article 1, there are now 792,783 refugees and asylum seekers registered with UNHCR at the last count. The draft law stipulates that the committee to be established must consider and decide on asylum applications within six months to a year, but the law will enter into force the day after its publication, and the committee, which is expected to issue a decision, will be formed within three months of the law's promulgation. This situation will create a legal vacuum between the effective period of the law, once it is passed, and the formation of the committee and the issuance of rules regulating the law and interpreting its provisions. This will exacerbate the backlog of cases awaiting registration or decision on their applications on top of the backlog that has occurred since the relative increase in the number of asylum seekers since 2022. All of this points to the need to ensure a transition period commensurate with the magnitude and difficulty of the task.

The regulation does not specify a transition period for the transfer of powers and files managed and supervised by the UNHCR to the governmental committee formed to carry out the work of the UNHCR. Additionally, the fate of refugees with exceptional cases, such as those whose asylum applications have been rejected and are in the process of being appealed or who are waiting for registration interviews, is unclear if the law is issued in the middle of the process or procedures. Those who have registered but have not been issued documents face the same issue. The proposed law does not regulate these exceptions, and the regulation that could address them will not be issued for six months, thereby risking the loss of rights for these groups during that time.

2. Organizational materials

Definitions

The first article of the draft law stipulates definitions and terms of reference. The article stipulates that the relevant ministry is the Interior Ministry, and its executive relevance will be mentioned later in implementing the decisions of the relevant committee (the committee in charge of carrying out the legal functions that were previously carried out by the High Commission). This text and this hierarchy reflect the security dimension of the government's expected implementation of this law, while the draft law defines the relevant committee as the 'Standing Committee for Refugee Affairs.' Some of the details of the committee's establishment and functioning are clarified in later articles.

The definition process facilitates the identification of legal statuses and attributes. The legislator neglected to mention many subsequent definitions such as lawful and unlawful entry and presence, deportation, 'serious' reasons, necessary measures and procedures, and considerations of protecting national security and public order. All while Egyptian laws continue to include the

²⁹UNHCR, "Procedural Criteria for Determining Refugee Status under UNHCR's Mandate", August 2020 [UNHCR RSD Procedural Standards Unit 7: Appeal of Negative RSD Decisions](#)

³⁰ "Individuals who are outside the State of origin, but who do not qualify as refugees under regional or international law, may need protection from return on a temporary or long-term basis in order to realize their human rights, such as in the case of cross-border migration as a result of disasters, climate change or other environmental factors. In some circumstances, temporary protection or adapted accommodation arrangements may be necessary to enable flexible and rapid responses to protection needs." For more, see: Guidelines on Temporary Protection or Accommodation Arrangements, February 2024 [Guidelines on Temporary Protection or Stay Arrangements](#)

definition of ‘illegal’ in relation to the presence/entry of unlawful/unofficial people, and the draft law describes the persons themselves as ‘illegal’.

The draft law also describes people as ‘illegal.’ This terminology is outdated and has been replaced by international laws and conventions, as this terminology creates a criminalized narrative surrounding migrants, asylum seekers, and refugees as well as ignores the specific reasons that lead forcibly displaced people to be unlawfully present in neighboring or host countries. While removing the legitimacy and humanity that international treaties and conventions recognize for human beings without distinction, the draft law legitimizes punishment based on the criminalization and demonization of acts that people were forced to do, and for which international treaties and domestic laws have lifted any form of responsibility and obligated states not to punish them.

As for the definition of a refugee in the proposed law, the definition is consistent with the definition set forth in Article 1 of the 1951 Refugee Convention. In fact, the definition positively expands to include ‘stateless people’ in the categories subject to protection according to the definition. The definition is also consistent with what is included in the definition stipulated in the African Charter on Human Rights, as well as the expanded definition contained in the Organization of African Unity Convention, as the second paragraph of the refugee definition in the Convention includes ‘external aggression, occupation and events that seriously threaten public order’ among the reasons for fleeing.

Thus, the first national legislative definition of a refugee incorporated all the obligations stipulated in the international conventions ratified by Egypt (1951 and 1969) into a single paragraph. Nonetheless, after a careful reading, several issues and loopholes in the definition emerge that need to be filled. The definition of a refugee is the most important text in the conventions on the international protection of asylum seekers, as only those who fall within the scope of the definition can exercise all the rights granted by national asylum laws and international conventions.

The text that defines a refugee or person entitled to asylum in the draft law adds the term ‘serious’ in the paragraph that defines the reasons for being outside the country of origin or habitual residence, so that the text in the draft law becomes as follows: ‘Whoever is outside the state of their nationality or their state of habitual residence for a reasonable reason based on a ‘serious’ and justified fear of persecution.’

The addition of this term to the definition, which is an unwarranted departure from the 1951 Convention, may cause abuse against asylum seekers, as the term unnecessarily increases the burden on the asylum seeker to prove their entitlement to protection and does not objectively add to the existence of a well-founded fear, except to suggest that the burden of proof must be high. While international jurisprudence minimizes the burden of proof on refugees, the threshold that asylum seekers need to pass in order to determine their legal status should not be exaggerated,

³¹Effective processing of asylum claims: Practical Considerations and Practices, UNHCR, Office of the United Nations High Commissioner for Refugees. March 2020, [Effective processing of asylum applications: Practical considerations and practices](#)

³²The Egyptian government does not explain the criteria it used to arrive at this figure, nor the categories of people who entered Egypt, whether legally or unlawfully, those with residency (of various types), those who were sent back to Sudan or relocated to another country, and so on, making it impossible to acknowledge the figure without knowing the means and criteria for arriving at it.

and it is sufficient to retain the original wording of the 1951 Convention, ‘a reason based on a well-founded fear.’

The legislature then decided to add more vague expressions, the logic of which we do not understand, at the end of the definition, making the definition of a refugee contingent not only on proving that they are in need of protection, but also on the competent committee attributing that status to them, as the article states ‘to whom the competent committee has conferred that status in accordance with the provisions of this law.’ Some may consider this addition to be a mere restatement of the obvious, but a category of legal experts consider that this addition, which is certainly not arbitrary, can be interpreted as an additional condition that must be verified before receiving protection, a condition that goes beyond the definition provided in the 1951 Convention and the 1969 AU Convention.

Unlike the recognition and inclusion of the virtual refugee approach, the definition of asylum seeker in the proposed draft law is limited to ‘an alien who has applied to the Commission’ depriving ‘virtual asylum seekers’ of international protection and access to services. More gravely, the text explicitly omits the granting of temporary protection to asylum seekers and does not equate them with refugees who have already been identified (the draft law differs from the 1951 Convention in that the draft law begins by defining the two categories differently and then differentiates between them in terms of rights). This wording deprives people of protection in many cases. The wording also completely removes protection from people who qualify as refugees under Article 1 according to the prima facie approach to interpreting the text, even if they cannot apply to the competent committee. The failure to provide for the right to ‘temporary protection’ will have serious implications for ‘asylum seekers’, including the denial of rights and services.

The Standing Committee for Refugee Affairs (Articles 2 through 6)

Articles 2 and 3 of the draft law establish a ‘Permanent Committee for Refugee Affairs’ which has legal personality and is subordinate to the Prime Minister, with its headquarters in Cairo. The committee is responsible for managing all refugee affairs, including statistics and information, adjudicating asylum applications, coordinating with the United Nations High Commissioner for Refugees (UNHCR) and other relevant international organizations, as well as issuing identification documents.

The Standing Committee for Refugee Affairs, under the Prime Minister's Office, is made up of representatives from the Interior, Finance, Justice, and Foreign Affairs Ministries, with the possibility of adding members from other relevant agencies and ministries by decision of the Prime Minister. Asylum applications can be submitted to this committee by the refugee themselves or their legal representative, and the committee must decide on the applications within six months ‘if the entry was legal, or within a year if the entry was ~~illegal~~’ according to the article.

³³From Sudan to Egypt: Egyptian Decisions Spark High-Risk Irregular Migration Movement

³⁴The Committee considers the terminology of ‘illegal’ or ‘undocumented’ to be correct terms when referring to their situation. ‘The use of the term ‘illegal’ to describe migrant workers in an unlawful situation is inappropriate and should be avoided, as this narrative tends to stigmatize migrants by associating them with criminality.’ Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, General Comment No. 2 on the rights of migrant workers in an irregular situation and members of their families /CMW/C/GC/2/ August 28th, 2013 [General comment No. 2 on the rights of migrant workers in an irregular situation and members of their families](#)

The establishment of the Commission with this description, body, scope of work and broad mandate, which replaces practically the entire administrative and procedural framework through which asylum applications were decided over the past decades, raises many concerns about this Commission and its ability to provide effective protection that adheres to international standards and obligations. These concerns arise from the following: The Commission's main mandate includes 'receiving, examining, studying, and making decisions' on asylum claims. As the process of examining and considering asylum claims is pivotal and has the effect of determining a person's legal status and future rights to which the host state will be bound in light of international and domestic law, which will affect all aspects of a person's life thereafter, these inadequate and unclear definitions and terms of reference for the committee undertaking this task cannot be sufficiently clarified.

The draft law does not adequately clarify the criteria and mechanism for selecting the committee's staff and employees, nor how they will be trained, qualified, and tested before they are allowed to carry out this task. The text does not specify any timelines associated with equipping these employees so that they can manage this process with the most appropriate level of knowledge, which includes a deep understanding of local and international laws, building internal policies that will determine the mechanisms of the process, through the stages of rapid and appropriate reception, prioritization of files, registration, preservation, study, examination, decision-making, best interest determination, and identification of the most vulnerable groups.

The draft law completely fails to define a logical and clear legal and temporal framework on which to build the regulations, internal policies, and various systems to manage the process, whether as a framework for the formation and organization of the committee, which the prime minister must select within three months of the law's promulgation, or for subsequent committees, which will change every four years. The draft does not specify a reasonable period of time to ensure a robust reception and registration system to replace the current system, which, despite the current system's shortcomings, receives and registers hundreds of protection seekers in Egypt every month. This requires that the proposed law also include the provision of 'sufficiently trained human resources, technological resources, and digital systems' through which to ensure the fluidity of the registration process and that no errors occur during the process, which could have serious repercussions on people's lives.

This comes as Egyptian authorities reported receiving 1.26 million Sudanese citizens and asylum seekers since the start of the conflict in mid-April 2023 until October 25th, 2024. The UNHCR reported an eightfold increase in the registration of Sudanese expatriates, with a majority being children and women, until September 2024. This highlights the importance of designing a robust system and giving enough time and space to prepare the legal infrastructure of the registration and processing system, before granting legislative powers to this committee to manage the fates and lives of thousands of people.

Considering the vital role that UNHCR plays in protecting the rights and interests of refugees and asylum seekers, and reviewing the composition of the committee, we find that the UNHCR reports to the Prime Minister, who defines the UNHCR's tasks, names their chairman, determines the financial treatment of their chairman and members, and has the right to add members from relevant entities and ministries, but the nature of these entities or their roles are not clearly defined.

The aim of establishing this committee is to be the main body responsible for organizing and coordinating all refugee affairs inside Egypt, instead of the UNHCR office, which does so on behalf of the Egyptian state. This shift could have fundamental implications, especially since the law does not specify any mechanism or duration for the transition from the UNHCR office in Egypt to the planned 'permanent committee'. This raises questions about the status and data of the current refugee, migrant, and asylum-seeker community after the law, which is estimated to number 792,783 refugees, migrants, and asylum seekers (the total number registered with the UNHCR).

This raises serious concerns about data transfer policies, applications from these registrants, and different protocols for registration, screening, and case management. These procedures were clear while the UNHCR office was operating under this mandate. The lack of clarity in the new commission heightens the concerns of the refugee communities with whom researchers spoke. The UNHCR also does not provide answers to questions posed by people registered with them about the changes that will be instituted under the new draft law if passed, reflecting a complete blackout of key stakeholders and those directly affected by the law. The mechanism, duration, and criteria for the transition process should have been made very clear in the text of the bill.

The draft should also more clearly stipulate the legal status and position of the UNHCR office, after the legal structure for registering and processing asylum applications has been localized. This situation will completely change after the enactment of the law compared to the situation that was based on the memorandum of understanding signed between Egypt and UNHCR. Passing the proposed draft law without specifying the time frame and procedural frameworks governing the transition process in a specific and detailed manner will have very grave repercussions on the rights and stability of refugees and asylum seekers, and on Egypt's relationship with UN institutions especially those concerned with humanitarian relief, migration, and asylum. Officials should not underestimate the difficulty of the transition and the establishment of an integrated infrastructure that replicates or surpasses the existing one, which is fully supervised by the UNHCR. The Egyptian government could benefit from learning from the experiences of similarly situated countries that have collaborated with the UNHCR in transitional periods, sometimes lasting more than half a decade.

The lack of details about the transition process raises other, more sensitive questions that could have significant implications for the protection conditions of people, as those registered with the UNHCR at the time of their application have agreed to share this data with the UNHCR only.

While the text of the proposed law does not specify UNHCR's legal status and the form of information sharing and cooperation with the governmental committee, concerns about the legality of the transitional information sharing process, as well as the risk that the transitional process could expose people to criminalization, arise for those especially whose asylum claims are based on grounds criminalized by the Egyptian authorities.

Giving the local committee this full role also raises concerns about the absence of any laws or regulations regarding the confidentiality of refugee information. It must be noted that refugees are people who are often threatened in the country from which they are seeking asylum or protection. The UNHCR used to adhere to protection protocols that included independent and confidential standards and procedures, ensuring that decisions on asylum claims were impartial, especially since the UNHCR is an international body that operates according to standards that are not subject to local pressures. As the management of applications becomes localized, the adjudication process may be influenced by local political factors and pressures, putting asylum seekers and refugees in an uncertain and risky position in terms of impartiality and fairness. These changes could have a significant impact on the acceptance or rejection of applications.

The text of the draft law states that the commission is 'the entity concerned with refugee affairs, including the collection of information, data, and statistics on the number of refugees' but the text does not establish any framework or controls to protect this data, or to determine how the data is managed, maintained, and shared.

The law also provides for the establishment of a headquarters in Cairo, while the law does not specify any information about the presence of the committee or their reception and registration units at ports, crossings, airports or border points. People use these areas as unofficial corridors to cross into the country, which have become imperative due to the resulting humanitarian crisis from the influx of thousands fleeing the proxy war in Sudan through southern border crossings.

Although the draft law stipulates 'cooperation with the UNHCR and other relevant international organizations and bodies' as one of the matters to be handled by the Standing Committee, the law does not specify the nature of the cooperation with UNHCR in any way, whether in the text of the Committee's articles or subsequent procedures. In the previous paragraph, we have outlined just one aspect of the complexity of the transition process that requires close cooperation with UNHCR, which all countries that have successfully completed the replacement, resettlement, registration, and adjudication process have done. The proposal also equates UNHCR's status with all other international entities and bodies, which raises the question of recognizing UNHCR's larger, more influential and unique role in the refugee situation in Egypt as opposed to any other UN body or international organization, as UNHCR is not only a donor, but also acts on behalf of the government in everything related to the legal aspect of the lives of asylum seekers in Egypt.

The draft law authorizes the Standing Committee to ‘coordinate’ with state administrative bodies to ensure ‘the provision of support, care and services’ but limits this guarantee to persons with ‘refugee’ status only, excluding ‘asylum seekers’ who, under international conventions, currently receive in Egypt the basic protections afforded by the Convention relating to the Status of Refugees. The most important of which is protection from expulsion or refoulement until the claim is decided (these categories are known in Egypt as holders of yellow, or temporary, cards issued by the UNHCR). In the draft law’s current form, the legal text deprives all of them of any such guarantees and omits any support or care for them during the asylum process.

Article 4 provides for the establishment of a specialized technical secretariat for the committee stipulated in Article 2, leaving the secretariat to the Prime Minister to issue a decree defining the secretariat terms of reference and working system, appointing the secretariat’s head and their term of office, and determining their financial treatment and competencies. The head of the technical secretariat is assisted by a sufficient number of employees seconded from state administrative bodies with their approval.

Although the general provisions in proposed Article 4 hint at a vital and technical role for the secretariat within the mandate of the Standing Committee, the draft law does not clarify the nature of the technical work to be done by this secretariat, the scope of the secretariat’s mandate, the secretariat’s working system, the composition of the secretariat’s staff, and ensuring adequate training. The text of the article gives authority to the prime minister to form the secretariat, with the requirement to appoint staff ‘after the approval of the concerned authorities’ without specifying these authorities. Although these details can be clarified in the executive regulations, from a legislative and procedural standpoint, the law ideally should and needs to at least specify the general framework of the role and competencies of the committee and the mechanism for selecting the committee’s staff. This would ensure the application of international standards and promote transparency and accountability, while clarifying terminology and limiting the expansion of roles and executive decisions.

The Committee's Resources and Deposit Mechanism

Article 5 states that the Committee's resources come from two sources: The first is the state's general budget, and the second includes grants, donations, subsidies, and loans the committee may receive or enter into. Although this text seems familiar and similar to other legal articles that sought to regulate unlawful migration, such as Article 33 of the ‘Combating Unlawful Migration’ law and Article 4 of Prime Ministerial Decree No. 369 of 2023 establishing the ‘Fund for Combating Unlawful Migration’ the text may contribute to reinforcing a discourse that views refugees as a financial burden on the state, a discourse adopted by some individuals associated with the authority, and promotes the idea that the state bears the costs of refugees' stay.

This is while international organizations are usually responsible for providing financial support to refugees without being a burden on the state budget, unlike the financial burden borne by the refugees themselves, in the absence of good job opportunities. This situation allows for an influx

³⁵UNHCR, “Procedural Criteria for Determining Refugee Status under UNHCR’s Mandate”, August 2020 [UNHCR RSD Procedural Standards Unit 7: Appeal of Negative RSD Decisions](#)

of family aid from abroad, which some argue positively contributes to alleviating the financial crises associated with the scarcity of foreign currency.

Article 6 of the draft stipulates that the committee's resources shall be placed in a special account within the unified treasury account at the Central Bank of Egypt, and shall be spent on the committee's purposes according to the rules and procedures issued by a decision of the Prime Minister. This is based on the proposal of the relevant committee, and the surplus of the committee's own resources carried forward from one fiscal year to the next, where the committee's funds shall be subject to oversight by the Central Auditing Organization.

3. Procedural materials

Submitting An Application For Asylum

In Article 7 of the draft law, the committee clarifies the process of accepting applications for 'asylum' from a refugee or their legal representative. Nonetheless, the legislator made an explicit distinction in the time limit for deciding on applications by the committee, as in the case of unlawful entry, which the legislator called 'illegal entry' where the time limit is one year. In the case of lawful entry, the time limit is six months. The only difference between a refugee who entered in a lawful or unlawful manner in some cases may not be more than the difference between the intensity and nature of the conflict in the country of origin and the nature of the transit procedures imposed by the host state, as is the case with Sudanese citizens and migrants who had to cross into Egypt in recent months due to being affected by the humanitarian disaster and armed conflict in their country of origin.

The label 'legal and illegal entry' is in stark contrast to the reasons why people seeking protection or asylum are in another country in the first place. Therefore, legislative practice should ideally and predictably avoid terms that are loaded with negative connotations and do not fit the reality of asylum and forced displacement in most countries around the world, as well as the reasons that in practice push asylum seekers to be forced to flee to neighboring countries in an informal or unlawful manner.

Although setting time limits is important for the committee studying, examining, evaluating and making a decision, in some cases, due to the complexity of individuals' files and to build an understanding of the contexts from which people come from, the committee may need additional time to consider the file. Nevertheless, the draft law does not give the committee the authority to establish a mechanism for files that exceed the mentioned periods, nor does the draft mention the situation for files that the committee may not be able to evaluate within the periods stipulated in this draft, which may expose individuals to decisions on their files being made hastily and without due consideration.

³⁵UNHCR, "Procedural Criteria for Determining Refugee Status under UNHCR's Mandate", August 2020 [UNHCR RSD Procedural Standards](#)
[Unit 7: Appeal of Negative RSD Decisions](#)

The legislature gave a welcome priority in studying and examining the cases of some of the most vulnerable groups such as ‘persons with disabilities, the elderly, pregnant women, unaccompanied children, and victims of human trafficking, torture, and sexual violence.’

Although this distinction is positive in some respects, this distinction excludes other categories or groups that may need to be prioritized due to their critical situation, dangerous conditions, potential for double jeopardy, or need for urgent protection, such as but not limited to: The chronically ill, the wounded in wars and armed conflicts, and others who may appear to the committee to be in need of this priority. The legislator, who used very general terms elsewhere in the law, should have generalized the term in the text of the law, while giving the relevant committee powers to define the exact definition and include those the committee deems deserving of priority consideration, in order to identify a larger number of categories that may need this priority.

The draft law puts the committee's decisions in front of only two options: either accepting the application and granting the asylum seeker refugee status, or rejecting the application, while in many cases the committee may need to issue a preliminary decision requesting additional information or clarification. This provision restricts the right to do so, while in this case the provision may force the committee to reject the asylum application.

The draft does not clarify any details about the legal status of asylum seekers while their claims are being processed, and what system will replace the yellow card system that grants temporary protection while asylum claims are being processed, which is currently in place in Egypt, raising significant concerns about the potential protection risks that asylum seekers may be exposed to while waiting to be processed. These concerns are heightened by the huge powers granted to the committee and the country's security authorities.

The existence of legal guarantees for asylum seekers, including access to basic services such as education, healthcare, decent livelihoods, and the right to work during the processing process, are key issues that should be included in the text of the law. The law should also include clarification on the social measures the government will take to provide a minimum living allowance for those unable to work or find suitable employment, in line with international standards and commitments, and no less than the situation that already exists.

Although the draft law considers the committee's decisions to be administrative decisions that can be appealed before the State Council courts, the draft law does not regulate the procedures for asylum seekers to remain in the country while appealing the decision to reject their asylum application or deport them before the relevant courts, which is the minimum basic standards of legal procedures and basic protection guarantees that must be included in the law.

This provision clearly violates due process standards to promote the integrity of the asylum system and deprives asylum seekers of the right to appeal the committee's decisions, as stipulated in UNHCR guidelines, and is contrary to Egypt's obligations to protect the right to seek and

³⁶Executive Committee Meetings, UNHCR, Memorandum on Exclusion Clauses, EC/47/SC/CRP.29/30 May 1997. [Note on the Exclusion Clauses EC/47/SC/CRP.29](#)

exercise asylum and protection from refoulement. Allowing deportation or removal in this case is a legal violation of Egypt's core obligations and represents a regression from the legal system that has existed in Egypt for decades.

The draft law does not clarify the issue of publicizing the rejection of an asylum application and the extent to which such decisions are mandatory, while the draft law should have stipulated the mechanism for publicizing both positive and negative decisions of the committee, as in many cases people do not know the status of their applications and processing decisions until a long time after they are issued. This exposes people to the denial of appealing the decisions issued by the committee within the legally mandated timeframe.

The draft law expands the powers of the committee and gives the committee the right to take 'such measures and procedures as the committee deems necessary against the asylum seeker for considerations of protecting national security and order.' Such powers granted to the committee undermine people's access to asylum, and in light of the militarization of borders and criminalization of movement that the Egyptian authorities are expanding, this provision raises serious concerns about the provision's use as a legal cover for forced deportations, arbitrary detention, and restrictions on movement and residency for asylum seekers.

While the draft law narrowly prioritizes certain categories of beneficiaries, the draft law does not clarify or take any effective measures or protections for people who apply for asylum on grounds that are criminalized in law or practice in Egypt, such as sexual and gender orientations and identities, political activity in countries whose governments have partnerships with Egypt, freedom of religious or spiritual expression, as well as other considerations that could put them at risk on these bases.

Denial of Refugee Status (Article 8)

Article 8 specifies the grounds for depriving an asylum seeker from acquiring the legal status of 'refugee', despite the fact that these grounds are exclusively defined in international law in the 1951 Convention, which is limited to three cases that the legislator adhered to in the first and third cases stipulated in the draft, namely 'serious reasons to believe that they have committed a crime against peace or humanity or a war crime' and 'engaging in acts contrary to the purposes and principles of the United Nations.' In the second case stipulated by the legislator, they deleted the 'non-political' clause stipulated in the convention to be 'committing a crime before entering Egypt' which exposes those accused in political cases before entering Egypt to deprivation of refugee status, contrary to the original text of the convention.

The draft law adds two new cases: inclusion on the lists of terrorist entities inside the Arab Republic of Egypt in accordance with the provisions of Law No. 8 of 2015, which can be interpreted as contradicting the 1951 Convention, which defines deprivation of refugee status in the event of committing a crime 'outside the country of asylum ... before the refugee's admission.' Then comes the second case that the draft introduces in clear violation of the

³⁶Executive Committee Meetings, UNHCR, Memorandum on Exclusion Clauses, EC/47/SC/CRP.29/30 May 1997. [Note on the Exclusion Clauses EC/47/SC/CRP.29](#)

convention, while using broad definitions that can be misused, namely: ‘if they commit any acts that are likely to cause harm’ and ‘if they commit any acts that may jeopardize national security or public order.’

This text empties all legal protections and guarantees for refugees of their content. The process of exclusion and denial of refugee status is important within the asylum system, so the right to asylum must be protected from being exploited and privileged to people who have committed gross human rights violations. Exclusion clauses form part of the definition of internationally protected persons. The basic principles governing the application of the decision-making process and the implementation of exclusion and denial must include specific international obligations and requirements, as well as practical safeguards that minimize the possibility of abuse to the detriment of the rights of refugees and asylum seekers. The exception should not become the rule allowing for refoulement, and the international protection status of people should not be affected as long as they have not committed any of the offenses set forth in the three clauses of the Convention.

Revocation of Refugee Status: (Article 9)

In this text, the legislature unjustifiably expanded the committee's powers to revoke the refugee status of individuals, without establishing a legal framework and mechanism for this process. In light of the expanded powers to ‘take the measures the committee deems appropriate’ and ‘deport people out of the country in coordination with the Interior Ministry’, the weak or non-existent appeals procedures within the Standing Committee on Refugee Status Determination, and the unnecessary emphasis on deportation in the text of Article 9, there are grave concerns about this text and the text’s usage which may result in violations such as arbitrary detention and forced deportation. These violations are contrary to the main principles of the 1951 Convention, and undermine the right to appeal before the courts against such a decision.

Among the cases where the legislator used very general descriptions in the draft law is the case of granting the Commission the power to revoke the refugee status of recognized individuals for the mere ‘omission of essential data or information’. Apart from the fact that this penalty is disproportionate to the gravity of the error or legal offense, and reflects, again, an overly punitive and skeptical approach to asylum seekers, which contradicts the foundations of international refugee protection conventions and the Egyptian constitution, this provision ignores the fact that most asylum seekers are people who have been or are still at risk of being subjected to serious human rights violations. In most cases, people who were forced to flee in exceptional circumstances have thus lost contact with a large part of their previous lives, which naturally leads to deep psychological trauma in addition to losing documents, personal papers, and everything that reminds people of their previous lives.

These traumas also may naturally result in forgetting some basic details or information, according to medical and psychological studies. Therefore, setting a standard for revocation of

³⁷Revocation of Refugee Status - United Nations High Commissioner for Refugees (UNHCR), March 2003 [Cancellation of Refugee Status](#)

asylum status based on the omission of such information, without taking into account the psychological and practical aspects, may be unfair.

Among the cases of revocation of refugee status are violations of Article 28, which includes ‘taking into account’ what is referred to as ‘the values of Egyptian society’ and respecting what is referred to as ‘the traditions of Egyptian society.’ The expansion of the definition caused many Egyptians to be criminalized for expressing their opinion on social media, for reasons unrelated to this status, in violation of the international obligations imposed on Egypt. The legislature expands the Commission's power to revoke and deny asylum based on overly broad definitions that can be used for any form of human action or behavior. This does not take into account the natural difference between cultures and societies in customs and traditions, which may expose people to criminalization for their natural actions or expressions of their culture if a member of the Standing Committee or an officer of the Interior Ministry decides that the act fits the general description offered by the draft law. Not to mention that this contradicts the articles that protect refugees from discrimination in the 1951 Convention and supplementary conventions, as the commission of a legal offense by a refugee, migrant, or asylum seeker should not subject them to greater punishment than citizens of the host country, nor should that result in the complete deprivation of legal capacity and protection by revocation of refugee status.

Articles 29 and 30 of the draft law criminalize many forms of activity that can be carried out by a refugee, even if the form is an expression of their opinion regarding the policies of their country or an institution of which Egypt is a member, or participating in trade unions that are sometimes essential for practicing professional work. Additionally, some trade unions accept non-Egyptians as members, making it legal and customary for foreigners, whether refugees or non-refugees, to join trade unions. Preventing refugees specifically from joining and accepting others is discrimination that increases the suffering of refugees and prevents their integration into society.

According to these two articles, the commission can revoke people's right to asylum on flimsy grounds and seek to deport them out of the country. The provision to revoke the right to asylum is in clear violation of Egypt's international obligations, chief among them enabling the right to asylum and the exercising of other rights such as freedom of opinion and expression, freedom of religion and spirituality, and respect for cultural diversity. This is tantamount to imposing the maximum possible punishment on a person for any violation of local laws, which is unconstitutional and inconsistent with the international laws and conventions that Egypt has ratified.

Expanded Measures and Procedures for the Committee Without Clear Oversight in Violation of International Conventions

Article 10 of Egypt's draft asylum law grants the relevant committee the authority to request ‘whatever measures and procedures the committee deems necessary’ towards refugees in times of war or in ‘the context of taking legally prescribed measures to combat terrorism’, or any other exceptional or dangerous circumstances. The article cites national security and public order

considerations without any legal controls while referring to the executive regulations. This article is perhaps one of the most dangerous articles in the entire bill.

Article 10 stipulates that ‘whatever measures the [committee] deems necessary to take against a refugee’ in cases such as ‘combating terrorism, wars, dangerous or exceptional circumstances’ or on the basis of ‘considerations of national security and public order,’ without setting any legal limits or clear definitions. These broad expressions open the door to wide and divergent interpretations that are of an executive rather than judicial nature, and the text does not restrict these expressions to the minimum legal protections imposed by international conventions on the refugee-hosting state. In the final analysis, this text in its current form undermines, if not completely empties, the law of any real obligation to provide due process protections for refugees and asylum seekers. There is also no proposed regulation of appeals against such dangerous measures, nor any other safeguards.

Relying on executive regulations, which have yet to be issued, for the fundamental rights and guarantees of the people covered by the law is not sufficient or appropriate. This may lead to greater ambiguity in application. Thus, legal texts need to be clear and procedures that affect the rights of the people addressed by them need to be very straightforward. Additionally, a procedure of such gravity should not be left to a regulation that can be amended by a decision, unlike legislation that needs parliamentary approval, therefore tightening procedures for issuing and amending basic texts is important to increase guarantees.

The absence of a balance between national security and the civil and human rights of individuals allows and establishes legislation that lacks precision and does not allow for any form of accountability. This absence calls for the restoring of a disciplined balance between the rights of individuals and the responsibilities of the state and national security; in order to avoid rights violations and to ensure consistency with the Egyptian constitution as well as international conventions.

Issuance of Documents

The text in Article 11 clarifies that the relevant committee will issue a document to the refugee proving their status as a refugee. The executive regulations of the law specify the data contained in the document, the validity period of the document, and the procedures for issuing and renewing the document.

The text does not address the issue of residency, whether the document issued by the committee will replace the documents issued by the UNHCR in Egypt, after which the refugee needs to obtain a residence permit according to the rules applicable to foreigners and expatriates in Egypt, or whether the document issued by the committee will replace both the UNHCR documents and the residence permit.

Article 12 of the draft allows the relevant ministry to grant refugees a travel document by requiring the committee to approve the document’s issuance. The article also gives the relevant

³⁸ Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, UNHCR <https://www.unhcr.org/sites/default/files/legacy-pdf/4aa661809.pdf>

committee the right to prevent the issuance of a travel document ‘for reasons of national security or public order.’ Nonetheless, there is a lack of clarity on what these reasons are or the specific criteria for making such decisions. More clarity and transparency are needed to ensure that this power is not abused arbitrarily. The text could allow for an unjustified restriction of a fundamental refugee right if abused, which is to be expected given the Egyptian context, as the Egyptian context witnessed cases of forced deportation of refugees with a blue card, the UNHCR card given to refugees who were granted asylum in Egypt. Therefore, it is essential to ensure that such powers are only exercised when necessary and blatantly justified.

It should be noted that the 1951 Refugee Convention recognizes the right of refugees to freedom of movement, and obliges signatory states to guarantee and safeguard this right even in exceptional circumstances. The Convention permits the imposition of specific measures if there is a threat to national security, provided that these measures are minimal and based on clear justifications, which the legislator should have taken into account in the law and stipulated that the ban must be based on significant reasons.

Breach of the Non-Refoulement Obligation

While the draft law explicitly prohibits the extradition of a refugee to their state of nationality or country of habitual residence in Article 13, the law in Article 9 provides for the possibility of immediate deportation in coordination between the Permanent Committee and the Interior Ministry without establishing real protection for people that adhere to international standards to prohibit extradition. The legal provision that prohibits extradition has no legal value in comparison to many provisions where the draft law gives the committee the authority to ‘revoke the right to asylum or refuse to grant refugee status’ and then coordinate for removal outside the country; without giving enough time for the asylum seeker to submit an appeal for consideration as well as take all necessary steps to ensure that the refugee's status is respected. Unlike the current legal situation in which the UNHCR conducts the refugee status determination (RSD), the draft law does not yet have an appeal or grievance mechanism.

The prohibition of expulsion or refoulement of refugees, migrants, and asylum seekers is the cornerstone of the international conventions on the right to asylum (Article 33 of the 1951 Convention) and is considered by international law scholars to be the backbone of international protection for refugees. This prohibition must be explicitly stated in the preamble of the law and in the introduction to the articles defining the responsibilities of the Standing Committee and the rights of refugees, migrants, and asylum seekers. The prohibition of expulsion to any country where the protection seeker's life may be threatened or endangered, not just the country of origin, must be stipulated in accordance with Article 33 of the 1951 Convention.

Freedom of Religious Belief

Article 14 of the draft law defines the rights of refugees regarding religious worship and belief, but limits the practice of religious rituals inside houses of worship to followers of the monotheistic religions (Judaism, Christianity, and Islam), while other religions and beliefs are

³⁸ Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, UNHCR <https://www.unhcr.org/sites/default/files/legacy-pdf/4aa661809.pdf>

denied this right. This discrimination may be due to the fact that the Egyptian constitution and law do not recognize polytheistic religions, in addition to the prohibition on building houses of worship for others.

This text lacks the inclusiveness of freedom of religion and belief for all refugees, leading to inequality between different religions and beliefs, and is in violation of the international conventions to which Egypt is committed. The text also lacks any mechanism to protect refugees from discrimination or violations, an essential element to ensure the protection of refugees' rights within a fair and comprehensive legal framework, especially in light of the continued delay in implementing the constitutional entitlement stipulated in the 2014 Constitution to establish a national commission to combat all forms of discrimination.

Individual Status

Article 15 affirms a refugee's right to be subject to the law of their country of origin in matters of individual status, such as marriage, inheritance, and endowment, or to the law of their country of residence if they have no domicile, provided that this does not conflict with public order in the host state. The article also stipulates that this does not prejudice the rights that the refugee has acquired before obtaining refugee status, with the completion of the procedures related to them in accordance with the laws in force in Egypt.

The legislature's reliance on the guarantees in the Geneva Convention can be seen as a positive step, but the use of the term 'public order' in the first paragraph may open the door to wide interpretations by judges. Does the legislature mean that legal rules cannot be contravened, such as rules on the jurisdiction of courts, restrictions on arbitration in non-civil and commercial matters, and other peremptory norms? Ideally, the text should include a clarification of what constitutes 'public order' to avoid any ambiguity that could give judges wide discretion in interpreting the rhetoric, which could affect the protection of refugees' rights in individual status matters.

Exercising The Rights Accorded to Foreigners and Expatriates

Article 16 stipulates that refugees hold the same rights as foreigners and expatriates in Egypt with regard to rights in rem ownership, utilization, use and easement and rights in rem mortgage and concession over fixed and movable assets and associated rights. Refugees have the same rights as foreigners with regard to intellectual property, as well as the right of refugees to transfer their property brought to Egypt for the purpose of residence, provided this does not pose a threat to national security.

The vagueness of phrases such as 'unless it does not jeopardize national security or public order' needs clear and specific definitions to avoid any misinterpretation or arbitrary application. Nevertheless, the approach adopted by the legislator, which appears in more than one place, clearly makes many of the restrictions placed on refugees dependent on national security and public order considerations. This means that all these guarantees and rights are permanently

³⁸ Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, UNHCR <https://www.unhcr.org/sites/default/files/legacy-pdf/4aa661809.pdf>

threatened and subject to the whims of the individual arbiters concerned with applying the provisions of the law.

Right to Litigation

Article 17 stipulates a refugee's right to litigation, noting that refugees can be exempted from judicial fees only when necessary. Nonetheless, the text offers nothing new compared to existing Egyptian legislation, as current laws give foreigners equal treatment to Egyptians with regard to judicial fees.

The text was expected to address the material challenges refugees face in accessing justice, such as the high judicial fees that many refugees may not be able to pay, even if the amounts are equal to that of nationals. Therefore, the legislator should have considered exempting them from certain fees in cases related to personal status and labor cases, as those are most relevant to their daily lives. The text also fails to address other obstacles that affect refugees' ability to access justice, such as language barriers that hinder communication within courts and state agencies, the refusal of some legal service providers to provide support to refugees, and the reluctance of some police stations to register reports or respond to distress calls because of refugees' identity.

Basic Rights: Labor, Education, and Health

Labor

The proposed law places severe restrictions on the employment of asylum seekers, requiring employers to notify their police station when hiring refugees, complicating the hiring process and limiting their chances of obtaining stable employment. Violation of these regulations results in penalties of up to six months in prison and a fine of at least 50,000 Egyptian pounds. This system creates anxiety among employers when dealing with refugees, migrants, and asylum seekers for fear of being subjected to these penalties.

Regarding refugees, article 18 of the draft law affirms the right of refugees to work and practice liberal professions, provided they hold a recognized certificate and obtain a temporary permit from the competent authorities. Although these provisions seem positive, especially when compared to the existing legal system, they actually present real challenges for refugees and do not effectively close existing gaps, especially for those seeking to practice self-employment.

The law makes refugees' employment in liberal professions contingent on these two conditions, creating bureaucratic barriers that can hinder rapid integration into the labor market. The requirement for recognized certificates is an obstacle for many refugees, many of whom lack official documents or academic degrees due to the circumstances that led them to seek refuge in the first place. Some refugees were forced to flee urgently, or lost their documents due to home demolitions or raids, or on the journey out of their country.

Requiring refugees to obtain a temporary work permit in accordance with the governing laws also creates complex administrative procedures that require refugees to submit multiple

³⁹[Egypt: Sexually Abused Refugees Find No Justice](#)

documents and pay fees that can be exorbitant. For example, refugees working as lawyers will need a temporary permit from the Bar Association for each case they take on. This permit requires a certificate of admission to their home country's bar association and details of the specific case. This permit is limited to that case only and does not allow refugee lawyers to work in the profession in general in Egypt, which limits their freedom to practice their profession and negatively affects their professional and economic stability.

The text does not mention any legal articles related to social protection rights such as health insurance or unemployment, which are important elements to ensure the stability and safety of refugees in a host society. They cannot be overlooked in any national legislation regulating the asylum process, as the legislation is supposed to increase the rights and guarantees granted to refugees, specifically after decades of comprehensive, national legislation's absence while only working under the cover of a memorandum of understanding with UN institutions.

Article 19 of the draft law grants refugees the right to be self-employed and to establish companies or join existing companies, which is a positive development given the importance of empowering refugees, migrants, and asylum seekers economically and socially while promoting their integration into society.

Nevertheless, they may face legal and administrative obstacles, such as obtaining the required licenses and permits, including security clearance which can be denied without reason, thereby hindering their ability to establish or join companies where these procedures require considerable time, effort, and costs. Conversely, while the law equates refugees with citizens in terms of taxes and fees, the law does not make any distinction between them in terms of the rights granted to refugees, especially the right to work, or to place additional obstacles on refugees so that they can find a job with a decent wage and thus comply with tax obligations.

Education

Article 20 of the draft law recognizes the right of refugee children to basic education, which is a positive step to support the rights of refugee children and an implicit reversal of Egypt's reservation to the first paragraph of Article 22 of the 1951 Convention, which stipulates that refugee students are equal to Egyptians in terms of free primary education. Nonetheless, the new law omits the right of refugees to enroll in public university education, creating an evident gap in the educational system dedicated to them and violating the text of the aforementioned article. This shortcoming deprives them of the opportunities provided by higher education, which is necessary to improve their economic and social conditions and so that they can effectively and positively contribute to the local economy.

The Egyptian authorities should remove the bureaucratic obstacles that refugees face when applying to Egyptian schools, as well as lift the ban and facilitate the issuance of licenses for community schools instead of restricting and closing them. Additionally, non-Arabic-speaking refugees should be considered and given additional support, as well as assisted with the

⁴⁰متى يتوقف خطاب الكراهية في مصر ضد السودانيين؟
⁴¹المدارس المجتمعية السودانية في مصر.. ما قصتها؟ ولماذا أغلقت؟

challenges of accessing university education due to the high fees because they are treated as foreigners which impacts the idea of integrating refugees into society and empowering them.

Health

Article 21 of the proposed law stipulates the right of refugees to receive appropriate health care, but does not specify what constitutes appropriate care. Simultaneously, the article does not stipulate their right to access government hospitals, nor does the article guarantee them equality with nationals in receiving health services. Instead, the article defers the regulation of this to the regulations of this draft law and decisions by the relevant minister.

Right to Movement

Article 22 affirms the right of refugees to move and choose their place of residence. The article requires refugees to notify the relevant committee of their permanent place of residence and any change in their residence; as well as refers the regulation of notification to the relevant laws and the executive regulations of the law. The article excludes from this right the conditions regulated in Article 10 of the same law, which was mentioned earlier, meaning that, in practice, the right to move is subject to the conditions and exceptions loosely defined in Article 10, which can be applied arbitrarily. The fight against terrorism, for example, is not an exceptional context with a known beginning and end like wars or pandemics.

This is a regression from the status quo, as Egypt is one of the countries that guarantees full freedom of movement and residence for refugees. It must be ensured that the executive regulations do not impose unnecessary restrictions on freedom of movement and remain within reasonable standards that ensure security without compromising freedom. The right of movement is an inherent human right that may only be restricted by specific controls and for specific periods of time. Grievances and appeals against these exceptional measures must be made available in easy ways, while ensuring that these grievances and appeals are adjudicated quickly and fairly.

Tax Burdens and Fees

Article 23 of the draft law stipulates that refugees cannot be charged taxes or fees differently from those imposed on citizens. Nevertheless, this raises the issue of refugees contributing to the tax system without receiving the rights and social services that citizens exercise in exchange for those taxes, such as university education, social security, and subsidized health care. Although refugees are obligated to contribute financially, they remain ineligible to benefit from these services, creating a legal imbalance and a lack of social justice.

Prohibition on Practicing Syndicate Work and Joining Unions

Article 24 of the draft asylum law stipulates that refugees have the right to join associations or their boards of directors, but does not grant them the right to establish them, thereby restricting their ability to organize themselves. This article also limits refugees' civil society organization

⁴²Read the statement issued by the Refugee Platform and 29 other organizations in July regarding a relevant case: [29 NGO in a joint statement Egyptian Authorities Must Halt These Measures Immediately and Release the Refugee Detained Without Legal Basis](#) July 17th 2024

rights to the ‘Law Organizing Civil Work and Executive Regulations’, a law that is notorious and widely criticized by civil society due to the restrictions that allow the state to exert control over the institutions subject to it.

Article 29 prohibits refugees from carrying out any activity that may compromise national security or public order, or contradicts the objectives of the United Nations, the African Union, the Arab League, or any international organization of which Egypt is a member. The article also prohibits committing hostile acts against the refugee's country of origin or any other state, reflecting ongoing concerns about fundamental rights and freedoms. This article is based on broad terms such as ‘public order, national security, hostile acts, and UN objectives’, which again is the legislator's approach in this law, raising concerns that this article could be used arbitrarily to restrict the rights of refugees; specifically if they criticize their country of origin or international institutions which have good relations with Egypt.

Article 30 prohibits refugees from engaging in any political, syndicate, or trade union activity. The text imposes sweeping restrictions that may be considered an excessive restriction on the fundamental rights of refugees, especially with regard to freedom of expression and peaceful organization. The law's ban on trade union activities may reduce opportunities for refugees to integrate into society, especially if they work in jobs that share rights and interests with local workers. This restriction violates Egypt's obligation under Article 15 of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol supplementing it.

Voluntary Return

Article 25 affirms a refugee's right to voluntary return to their state of nationality or habitual residence at any time. The article grants the commission the authority to coordinate with the UNHCR and their origin state of nationality or habitual residence to take any necessary measures for voluntary return, as regulated by the executive regulations.

Nonetheless, the executive authorities' history of dealing with refugees should prompt the inclusion of additional safeguards in the text to prevent forcing refugees to sign a voluntary return form to legalize the deportation of refugees. It is imperative that the governing body that receives requests for voluntary return is completely independent of the executive authority to ensure the transparency and legitimacy of the process, especially in light of Egypt's poor history of forcing refugees to sign voluntary return requests.

Resettlement

Article 26 of the law grants the committee the decision to resettle refugees, in coordination with the relevant international authorities, outside of the country they left and refers the regulation of these procedures to the executive regulations.

The text as it stands does not provide clear criteria on how the resettlement decision will be made or the receiving country, which may leave room for ambiguity and selectivity in application. The

⁴²Read the statement issued by the Refugee Platform and 29 other organizations in July regarding a relevant case: [29 NGO in a joint statement Egyptian Authorities Must Halt These Measures Immediately and Release the Refugee Detained Without Legal Basis](#) July 17th 2024

executive regulations must specify the conditions and controls, and the text ignores the role of the refugee in the resettlement process and their right to approve or reject the country of resettlement.

Naturalization

Article 27 of the law grants refugees the right to apply for citizenship from the Arab Republic of Egypt in accordance with the pertinent laws. This provision is a legislative precedent as, for the first time, a legal text offers the possibility of granting citizenship to refugees, making Egypt a country of settlement after being considered a country of transit only. Nonetheless, the text does not clarify the conditions or criteria that a refugee must meet to be eligible to apply for citizenship, instead referring this to the relevant laws.

It would be preferable for the article to include the conditions and criteria required for obtaining Egyptian nationality, as well as the time required to acquire it. In the absence of such regulation, the text as currently drafted may lead to confusion and ambiguity about who is actually entitled to benefit from this right. These safeguards are all the more necessary given the difficulty of acquiring citizenship for foreigners residing in Egypt for long periods of time, regardless of their legal status, as nationality laws contain the same articles that subject the decision to approve naturalization to the discretion of the authorities, even if all the conditions required for citizenship are met.

Unlawful Entry

Article 31 of the draft law stipulates that anyone who entered Egypt ‘unlawfully’ and meets the requirements to seek asylum must submit their application to the relevant committee within 45 days from their date of entry. The law’s requirement of 45 days to apply for asylum is a strict time limit that could pose an obstacle for refugees who may not be able to apply for asylum within this time frame, as they may face physical, psychological, or security obstacles that impede their ability to apply within this limited time.

Additionally, this opens the door for executive authorities to determine the date of entry, which, logically, is unknown, which could lead to the abuse of power and arbitrariness against this category of refugees. This time limit may lead to the exclusion of many vulnerable groups, such as children, women, and people with special needs, who may need more time to organize their affairs or access appropriate information about their right to asylum.

Article 39 of the bill imposes penalties of imprisonment or fines on those who violate the provision of Article 31, which is a clear violation of Article 31 of the 1951 Refugee Convention that prohibits states from imposing penalties on refugees for unlawful entry or presence if they prove that their entry was due to the need to seek a safe haven. The article also explicitly conflicts with anti-trafficking laws and conventions, including Egypt’s anti-trafficking law.

The existence of criminal penalties for late filers reinforces refugees’ fear of applying for asylum, which may lead them to remain in hiding for fear of penalties, deprives them of necessary

protection, and ignores the contexts in which the need for asylum usually arises. These contexts often end in forced flight and entry into neighboring countries, often unlawfully.

Moreover, Article 31 of the draft law contradicts the Anti-Human Trafficking Law No. 64 of 2010, which aims to protect those most vulnerable to exploitation and abuse, particularly migrants who arrive unlawfully and are under-resourced and under-protected. The Palermo Protocol to the United Nations Convention against Transnational Organized Crime states that victims of human trafficking should be supported and not punished for their unlawful entry. Furthermore, the Palermo Protocol to the United Nations Convention against Transnational Organized Crime states that victims of human trafficking should be supported and not punished for their unlawful entry.

Without adequate protection, refugees may be vulnerable to further exploitation by trafficking networks, forcing them into experiencing inhumane conditions or working in exploitative circumstances without the effective ability to defend their rights.

Designating the Administrative Judiciary as the Avenue for Appeals

The text of the proposed law gives the Standing Committee the right to choose only one of two options when deciding on asylum seekers' applications: acceptance or rejection, with no opportunity to request additional information and in the case of rejection leads to deportation. The text in its current form infringes on the right of refugees, migrants, and asylum seekers to appeal, as the text only allows appealing the administrative decision issued by the committee to the administrative judiciary in Article 35.

Nonetheless, the nature of the committee's work requires the existence of similar mechanisms for asylum status determination, grievance, and appeal before resorting to the administrative judiciary, as is the case in the current system operated by the UNHCR. Automatic deportation in the event of a rejected application makes even the administrative judicial process only a theoretical safeguard. There is a documented history of the Egyptian Interior Ministry's failure to comply with administrative court decisions, especially in refugee cases and forced deportation decisions which demonstrates the inadequacy of this safeguard. Even in previous cases where the administrative judiciary has ruled to halt an administrative deportation decision, the judiciary often hears the appeal and issues the ruling long after the decision has been implemented. The same system that forcibly deports refugees with blue asylum cards or yellow refugee cards will be responsible for determining their fate in terms of accepting or rejecting asylum.

Moreover, the vagueness of some articles of the draft law exacerbates these challenges. The legislator should emphasize that the decisions issued by the committee should not be enforced until all available appeals under Article 35 are exhausted. The draft law should also create and provide for appeal and grievance mechanisms within the supreme court itself, so that the law does not become a project to diminish the rights of refugees in the existing legal status quo.

Criminalizing Assistance to Asylum Seekers

Article 37 of the draft law stipulates penalties that include imprisonment for at least six months and a fine between 50,000 and 100,000 Egyptian pounds for anyone who employs or harbors an asylum seeker, refugee, or migrant without notifying the relevant police department. This article is one of the most dangerous and absurd articles in the draft law, and, in its current form, the article is unconstitutional and potentially illegal in addition to being inhumane.

The article increases penalties for individuals who provide employment or ‘shelter’ to asylum seekers, migrants, and refugees making individuals more reluctant to hire or support them. This exacerbates the situation of refugees, making it more difficult for them to integrate into society while hindering their basic rights to work and housing. There is no legal or constitutional basis for criminalizing an act such as ‘sheltering’ a refugee or helping them obtain housing.

In fact, the term ‘shelter’ itself is used in the Egyptian legal heritage to refer to hiding and harboring criminals, giving the impression that the refugee is a criminal or a wanted person. This extremely dangerous provision contradicts the legal foundations of international refugee protection stipulated in international conventions, particularly Article 31 of the 1951 Refugee Convention.

The article is also characterized by a lack of balance between security and human rights. The emphasis on the need to notify the authorities reflects an exaggerated concern for security at the expense of individual civil and human rights, as there is no legal basis to compel any citizen to notify the authorities of any person hosted by the people addressed in this article. This provision infringes on asylum seekers' right to assistance and shelter.

It should be noted that many asylum seekers are fleeing dangerous circumstances, and suspending accommodation or working with them without notification may push them into worse circumstances rather than offering them protection. Additionally, this text establishes complex procedures that may lead to citizens' reluctance to provide support or employment opportunities for these people, which runs counter to the goals of humanitarian protection.

Basic Rights Missing in Egypt's Draft Refugee Law

The draft law omits many of the basic rights of refugees recognized by international law and the 1951 Convention. The draft law does not provide for the right to family reunification for refugees, which is vital to ensure their psychological and social stability under the difficult conditions imposed by refugees. The right to family reunification is protected by the Convention on the Rights of the Child and other international agreements to which Egypt is a signatory. The right to housing is a fundamental right that promotes the dignity of individuals, especially refugees who are exposed to harsh conditions. The absence of adequate housing can lead to widespread poverty, jeopardizing their ability to integrate into society and lead a normal life again. Egypt's draft law reflects a disregard for this basic need, failing to clearly define the state's obligations to provide adequate housing for refugees.

⁴³UNHCR, “Procedural Criteria for Determining Refugee Status under UNHCR's Mandate”, August 2020 [UNHCR RSD Procedural Standards Unit 7: Appeal of Negative RSD Decisions](#)

The draft law does not include any protections for asylum seekers, with protections limited to those who have been granted asylum. The bill also did not include any rights for asylum seekers, such as the right to education, healthcare, and work, despite the fact that the law specifies a period between six months to a year for the consideration of asylum applications. Despite the fact that practical experience proves that this time limit may be optimistic and will be exceeded in many cases, this also demonstrates the lack of a humanitarian perspective towards their basic needs.

The absence of legal provisions on social guarantees and government subsidies for refugees in the proposed legislation reflects a clear contradiction with states' obligations under the 1951 Geneva Convention. Although the Convention stipulates that lawfully residing refugees should be granted the same treatment as nationals in the areas of social security, the proposed legislation does not address any of these rights, thereby reflecting the marginalization of refugees.

Moreover, the law stipulates that refugees are obliged to pay taxes, making it imperative that the legislation also includes social guarantees and public rights to ensure that refugees receive necessary protection and care. It is nonsensical to impose financial obligations on refugees without granting them their social rights to ensure they lead a dignified life while meeting their basic needs.

Recommendation

The Refugee Platform in Egypt and the Egyptian Initiative for Personal Rights recommend postponing the discussion of the draft law in the General Committee of the House of Representatives, so that the draft law is subject to a broader discussion with the participation of all stakeholders and institutions that have already been performing these tasks in Egypt for decades. Specifically, the UNHCR's contribution which uses the experience of the UNHCR in similar contexts, in which states worked in a transitional manner in parallel with the UNHCR, until an integrated legal infrastructure was established. This allows for the replacement of the framework in which the UNHCR undertakes the registration and determination of refugees' status. This is also to ensure that the new law guarantees and even strengthens the basic and fundamental rights of refugees in Egypt, and does not contradict the Egyptian Constitution and Egypt's legal obligations to Egypt's international partners in multiple human rights conventions including those governing the rights of migrants, asylum seekers, and refugees.