Regulation of Asylum Act 1974

1. Title and commencement.

This Act may be cited as "The Regulation of Asylum Act 1974" and shall come into force upon signature.

2. Definition.

In this Act unless the context otherwise requires:

"Minister" means the Minister of Interior.

"Refugee" means any person who leaves the country of his nationality owing to fear of persecution or danger by reason of race, religion, or membership of any social or political group, or owing to fear of military operations, occupation, outside aggression, foreign domination or internal disturbances, is unable or is, owing to such fear, unwilling to return to his country, where he habitually resides by reason of such events and is unable, or is unwilling, by reason of fear, to return thereto. The term "refugee" includes also children who are not accompanied by adults, or who are war orphans, or whose guardians have disappeared and are outside the countries of their nationalities.

"Commissioner" means the Commissioner General for refugees and includes his assistants.

"Competent authority" means any person appointed by the Minister to be a competent authority.

"Assistant commissioner" means the person appointed under section 3(2) hereof.

3. Commissioner and registrars of refugees.

(1) The Minister shall appoint a Commissioner for Refugees responsible to him, whose main office shall be in Khartoum. We shall carry out the duties and perform the acts which are required to him by this Act and the regulations made under it, or by the Minister.

(2) The Minister may appoint a suitable person to perform the functions of the Commissioner in the Provinces.

4. The keeping of registers.

(1) Every Assistant Commissioner shall keep a register in which he shall register the applications for asylum and the names of all the refugees who enter his region.
(2) The register shall contain detailed particulars showing the name of the refugee, his nationality - if any - and the place of his permanent residence if he has no nationality. The reasons which prevented him, or made him unwilling to return to his country, shall be shown and his profession, religion, age description and any other matters the registration of which is necessary in the opinion of the Commissioner, shall be registered.

(3) The Assistant Commissioner shall keep a copy of his register and send two copies thereof to the Commissioner as soon as possible.

5. Granting permission of asylum.

The Minister shall have power to grant asylum in the Sudan, and he may delegate such power.

6. Presentation of the matter of asylum.

(1) After registration of applications for asylum - if any or the names of refugees and the particulars relating thereto, such matter shall be submitted to the Minister for the exercise of his powers in accordance with section 5 hereof and the Minister shall decide upon the application or the matter within an initial maximum period of one month. If he does not decide upon the application or the matter during such period, the permission of asylum in respect of the refugee who actually entered the Sudan shall be deemed as granted, and shall continue for an initial period of three months after which the matter may be reviewed.

(2) The residence of the refugee shall be renewed during the waiting period between the registration of the application for asylum and the decision or non-decision thereon, in the place specified by the Minister.

(3) If the application of the refugee is not approved, or if the period of three months granted to him under sub-section (1) hereof, lapses before a decision is made on his application, the Minister shall enable him to communicate with foreign missions or other countries for the purpose of submitting his application to them. If he does not find any country which approves his application, he shall be granted another period of three months, which may be renewed until a country which accepts him is found, or the Minister makes a decision in respect of him.

(4) If the application of the refugee is approved, he shall be registered as refugee for a period of five years which registration may be renewed for similar further periods.

7. Priority of application of treaties

The Minister, the Commissioner and any competent authority shall give due consideration in the exercise of his powers under this Act, to any treaty or convention regulating the subject of asylum to which the Sudan is a party, and such treaty or convention shall be given priority in the application of the provisions of this Act.
8. Registration of movables.

On the registration of the particulars of a refugee, there shall be registered particulars of all movables which he brings into the Sudan with him - if any - so as to permit him to take them away with him on his return to his original country, or when he takes asylum into another country. A copy of such register shall be kept with the customs officer or the other competent authorities to assist in the return of refugees to their country.


No refugee shall own lands or immovables in the Sudan.

10. Detention of the refugee and his subjection to the laws and prevention of political activity.

(1) The refugee shall be subject to the general laws which apply to all Sudanese. He may be detained if it is found necessary.

(2) No refugee shall exercise any political activity during his presence in the Sudan, and he shall not depart from any place of residence specified for him. The penalty for contravening this subsection, shall be imprisonment for not more than one year.

11. Expulsion refugees.

A refugee may be expelled in the following cases:

(a) if the reasons which made him seek asylum have ceased to apply and it is possible to return him to his original country;

(b) if he commits a serious non-political crime outside the Sudan before he is granted permission to enter as a refugee. In such case he may be extradited in accordance with the extradition Act, 1957;

(c) if he commits a crime against peace, a war crime or a crime against humanity;

(d) if he commits acts contrary to the purposes and principles of the United Nations or the Organisation of African Unity;

(e) if he commits a serious non-political crime outside the Sudan after being granted permission of asylum;

(f) if his presence in the Sudan constitutes a danger to the internal or external national security of the Sudan.
12. Issue of passports to refugees.

Subject to the Passports and Immigration Act, 1961, the Minister in his discretion, or any person he authorises may issue a passport to any refugee who requests the same. The Minister of Foreign Affairs may, in exceptional circumstances specified by him by an order, issue a diplomatic passport to a refugee.

13. Identity Cards.

(1) The Commissioner for Refugees shall, with the assistance of his assistants, issue an identity card to every refugee on his registration or at a subsequent time. The card shall bear the consecutive number found in the register of refugees.

(2) The card shall be issued for the period during which the refugee is granted permission to stay in the Sudan, and shall be renewed on the renewal of such period.

14. Permission for refugees to work.

(1) No refugee shall be permitted to work in any job, industry or business relating to the security of the country or national defence.

(2) A refugee shall be allowed to work in occupations other than those referred to in subsection (1) hereof after receiving permission therefor from the Department of Labour and the Department of Labour shall send a copy of the permission to the Ministry of Interior.

15. Regulations.

(1) The Minister may make any regulations he thinks necessary for the effective implementation of the provisions of this Act.

(2) Without prejudice to the generality of the foregoing such regulations may provide for:-

(a) counting of refugees in the Sudan and the issue of residence cards thereto;

(b) Control of refugees including the keep of order, peace, health, forces and the like.