

Refugee Act, 1993

AN ACT TO MAKE PROVISION FOR REFUGEES AND TO ESTABLISH THE LIBERIA REFUGEE REPATRIATION AND RESETTLEMENT COMMISSION

PREAMBLE

WHEREAS, the Republic of Liberia is party to the Convention relating to the Status of Refugees, done at Geneva on the 28th of July, 1951; the Protocol thereto of the 31st of January 1967; and the Convention Governing the Specific Aspects of Refugee Problems in Africa, done at Addis Ababa on the 10th of September, 1969; and

WHEREAS, the Republic of Liberia is desirous to have the said Conventions apply as though they were part of the Laws of the Republic of Liberia; and

WHEREAS, the Republic of Liberia has been and continues to be a safe haven for refugees fleeing persecution and other conditions that cause persons to flee their countries and to seek refuge, notwithstanding the fact that the Republic of Liberia, itself, has been severely affected by a civil war since December 24, 1989; and

WHEREAS, the said civil war has brought upon Liberia and its people, as well as foreign nationals and sojourners residing in the Republic, such hardships and sufferings, as well as destruction of life and property; and.

WHEREAS, hundreds of Liberians, including men, women and children, themselves also fled their country in order to seek refuge in neighbouring countries, as a result of that war; and

WHEREAS, the foregoing circumstances motivated the sympathy of the international community, in particular the Economic Community of West African States (ECOWAS) that led to their intervention and that of the Organization of African Unity (OAU) and the United Nations Organization, to create conditions for the establishment of a democratically elected government through free and fair elections under international supervision with a view also to enabling the return of those who left the country in search of safety and also enabling those who became displaced throughout the country to return to their places of origin and choice in the country without let or hindrance; thereby reuniting families, relatives and friends, once more; and

WHEREAS, the Republic of Liberia is desirous of according protection to those who may flee to Liberia in search of safety; and to assist persons in those circumstances to find durable solutions to their problems;

NOW, THEREFORE

It is enacted by the Interim Legislative Assembly of the Republic of Liberia, in Legislature assembled:

SECTION 1: SHORT TITLE AND ARRANGEMENT OF SECTIONS

This Act may be cited as the Refugee Act, 1993.

SECTION 2: INTERPRETATION OF TERMS

In this Act

"authorized officer" means a person who is an authorized officer in terms of section seventeen;

"Executive Director" means the commissioner referred to in subsection (1) and (2) of section six responsible for directing the affairs of the Secretariat for the Commission Refugee, Repatriation and Resettlement;

"Commission" means the Liberian Refugee, Repatriation and Resettlement Commission established by subsection (1) of section four ;

"Country of nationality" in relation to a person who has more than one nationality, means each of the countries of which that person is a national ;

"Member of his family" in relation to a refugee, means

(a)any spouse of the refugee; or

(b)any unmarried child of the refugee under the age of eighteen years; or

(c)any person who is related to the refugee by blood or marriage and who is dependent upon the refugee ;

"protected person" means

(a)a member of the family of a recognized refugee; or

(b)a person who, in terms of subsection (3) or (4) of section eleven, is permitted to continue to remain within Liberia;

"recognized refugee" means a refugee who

(a)has been recognized as a refugee in terms, of section seven; or

(b)is a member of a class of persons declared to be refugees in terms of subsection (2) of section three;

"refugee" means any person who is a refugee in terms of section three.

SECTION 3 : MEANING OF "REFUGEE"

(1) Subject to the provisions of this section, a person shall be a refugee for the purposes of this Act if

(a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

(b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

(c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another Place outside his country of origin or nationality; or

(d) he has been considered a refugee under the Arrangements of the 12th May, 1926, and the 30th June, 1928, or under the Conventions of the 28th October, 1933, and the 10th February, 1938, the Protocol of the 14th September, 1939, or the Constitution of the International Refugee Organization; or

(e) he is a member of a class of persons declared in terms of subsection (2) to be refugees.

(2) Subject to the provisions of subsection (3), if the Executive Director as defined in this Act considers that any class of persons are refugees as defined in Paragraph (a), (b), (c) or (d) of subsection, (1), he may after consulting, and obtaining the written concurrence of the Representative of the United Nations High Commissioner for Refugees declare such class of persons to be refugees, and may again subject to the written concurrence of the Representative of the United Nations High Commissioner for refugees, at any time amend or revoke such declaration:

Provided that no such amendment or revocation shall affect the right of any person

(a) who is a member of the class of persons concerned and who entered Liberia before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act; or

(b) who is a person such as is referred to in paragraph (a), (b), (c) or (d) of subsection (1), to be recognized as a refugee for the purposes of this Act.

(3) The Executive Director shall cause any declaration in terms of subsection (2), and any amendment or revocation thereof, to be published in the Gazette and in such other manner as he

considers will best ensure that it is brought to the attention of authorized officers and persons to whom it relates.

(4)A person shall not be a refugee for the purposes of this Act if

(a)he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Liberia is a party and which has been drawn up to make provision in respect of such crimes; or

(b)he has committed a serious non-political crime outside Liberia prior to his admission to Liberia as a refugee; or

(c)he has been guilty of acts contrary to the purposes and principals of the United Nations Organization or the Organization of African Unity; or

(d)having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5)A person shall cease to be a refugee for the purposes of this Act if

(a)he voluntarily re-avails himself of the protection of the country of his nationality; or

(b)having lost his nationality, he voluntarily re-acquires it; or

(c)he becomes a citizen of Liberia or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or

(d)he voluntarily re-establishes himself in the country which he left, of outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or

(e)he can no longer, because the circumstances in connection with which he was recognized as a refugee have ceased to exist

(i)continue to refuse to avail himself of the Protection of his country of nationality; or

(ii)he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that the provisions of this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Executive Director and the Representative of the United Nations High Commissioner for Refugees that he has compelling reasons, arising out of previous Persecution, for refusing so to avail himself or so to return, as the case may be; or

(f)he is a Person referred to in paragraph (c) of subsection or is a member of a class of persons declared in terms of subsection (2) to be refugees on the ground that they are refugees as described in paragraph (c) of subsection (1), and

(i)he has committed a serious non-political crime outside Liberia after his admission into Liberia as a refugee; or

(ii)he has seriously infringed the purposes and objectives of the Convention Governing the Specific Aspects of Refugee Problems in Africa, signed at Addis Ababa on the 10th September, 1969.

SECTION 4: ESTABLISHMENT OF LIBERIA REFUGEE, REPATRIATION AND RESETTLEMENT COMMISSION

(1)There shall be a Commission, to be known as the Liberia Refugee, Repatriation and Resettlement Commission, which shall consist of:

(a)The Minister responsible for Internal Affairs of the State, who shall be the Chairperson;

(b)the Minister responsible for Planning and Economic Affairs;

(c)the Executive Director, who shall serve as Secretary of the commission;

(d)a representative of the Ministry responsible for Foreign Affairs;

(e)a representative of the Ministry responsible for the administration of the Police and the Immigration,

(f)The Representative of the United Nations High Commissioner for Refugees or his/her designated representative, who shall not be a voting member.

(2)Except for the Representative of the United Nations High Commissioner for Refugees, a member of the Commission Shall hold office for such period as the President may in his/her case fix.

(3)Whenever the Minister, in terms of subsection (a) of this section is for any reason unable to perform the functions of Chairperson of the Commission, such functions shall be performed by the Minister responsible for the Planning and Economics of the State, who shall also be the Vice Chairperson of the Commission. In the absence of the Vice Chairman, that function shall be performed by any person to whom, in terms of subsections (5) and (6) of section six, such functions have been assigned as though, for that purpose, reference to the Executive Director were reference to the Chairperson.

(4)Meetings of the Commission shall

(a) be held regularly and whenever necessary, but in any case not less than one time every 30 days from the date of Presidential assent to this Act; and

(b) keep its records in accordance with such directions as may from time to time be given to it by the President.

(5) At any meeting of the Commission three quarters of its membership shall constitute a quorum.

(6) Except for the Secretariat established in terms of section six, members of the Commission shall not receive any remuneration by reason of their being members of the Commission.

SECTION 5: FUNCTIONS OF THE COMMISSION

(1) The functions of the Commission shall be :

(a) to formulate policy on matter in the country.

(b) to exercise any other powers and to perform any other duties that may be assigned to the Commission by or in terms of this Act or by Executive directive.

(c) to assist the Secretariat in soliciting local and international assistance for refugee related activities in the country.

(2) There shall also be an Asylum Committee of the Commission.

(3) The Asylum Committee shall consist of seconded representatives of the Commission established under sub-section (1) of Section four.

(4) The Asylum Committee shall be chaired by the Executive Director or in his absence, his deputy or any person to whom in terms of sub-sections (5) and (6) of section six such functions have been assigned. The deputy to the Executive Director shall function as Secretary to the Asylum Committee. In any case, the Executive Director or his deputy when functioning as the Executive Director, shall be free to appoint one of the staff from the office of the Executive Director to perform the functions of Secretary to the Asylum Committee.

(5) The functions of the Asylum Committee shall be:

(a) to receive and consider applications referred to the Asylum Committee in terms of section seven and the decisions of the Asylum Committee on the applications shall be as though the decisions of the commission.

(b) to exercise any other powers and to perform any other duties that may be assigned to the Asylum Committee by or in terms of this Act.

SECTION 6: THE SECRETARIAT OF THE COMMISSION FOR REFUGEES REPATRIATION AND RESETTLEMENT

(1) There shall be a Secretariat of the Refugee, Repatriation and Resettlement Commission comprising the office of the Executive Director, his deputy and such support Staff as may be necessary, to perform the implementation functions of the Commission. The Secretariat shall also perform such secretarial and administrative functions in connection with the Commission as may be necessary.

(2) There shall be an Executive Director responsible for directing the affairs of the Refugee, Repatriation and Resettlement Commission, assisted by a deputy. The office of the Executive Director shall be a public office and part of the Public Service.

(3) Subject to the provisions of this section, the functions of the Executive Director shall be:

(a) to assist the Asylum Committee in terms of subsection (4) of Section Seven to reach a decision to recognize persons as refugees for the purposes of this Act;

(b) to endeavour to ensure the provision of adequate facilities and services for the reception and care of refugees within Liberia;

(c) to assist UNHCR in finding durable solutions for refugees, including voluntary repatriation, local integration and resettlement where applicable;

(d) to exercise any other powers and to perform any other duties that may be assigned to the Executive Director by or in terms of this Act.

(4) In the performance of his functions in terms of this Act, the Executive Director shall comply with any general directions or instructions that the President may give him.

(5) The President may assign to officers or employees in the Public Service, either absolutely or subject to conditions, any of the powers and duties conferred or imposed upon the Executive Director by or in terms of this Act, and may at any time amend or withdraw any such assignment.

(6) Where the President has assigned any power or duty to an officer or employee, in terms of subsection (5), subject to any conditions fixed by the President, the officer or employee may exercise the power or, as the case may be, shall perform the duty, in all respects as if he were the Executive Director.

Provided sub-section (5) and (6) shall be invoked only if the substantive Executive Director and his deputy are either absent from the country or indisposed or unable to perform by reason of having been relieved of duty.

SECTION 7: RECOGNITION OF REFUGEES

(1) Any person who is within Liberia, whether he has entered Liberia lawfully or otherwise and who wishes to remain within Liberia as a refugee in terms of this Act shall apply for recognition of his status as a refugee. Such application shall be submitted through the Representative of the United Nations High Commissioner for Refugees to the Executive Director or any person performing the functions of the Executive Director in terms of subsection (5) and (6) of section six.

(2) Where the application is made to or the intention to submit such application is made known to an authorized officer in terms of subsection (1) for whatever reason, the authorized officer concerned shall-

(a) if he is not himself an immigration officer, as soon as possible notify an immigration officer that the applicant is within Liberia and has made his intention to submit the application; and

(b) immediately notify the Representative of the United Nations High Commissioner for Refugees of the presence of the applicant in the country and forward notice of the application, together with any documents or other information which the applicant is able to provide in support thereof, to the Representative of the United Nations High Commissioner for Refugees, who shall without delay refer it to the Executive Director in terms of subsection (1) of this section for the consideration of the Asylum Committee.

(3) Unless it is impossible or inexpedient to do so, the Asylum Committee shall consider every application referred to it in terms of subsection (2) of this section within thirty days of the application being so referred, and may either within such period of thirty days or there after, make such inquiry or investigation as the Asylum Committee thinks necessary into any such application.

(4) After considering any application submitted in terms of subsection (2) of this section, the Asylum Committee:

(a) may recognize or refuse to recognize the applicant concerned as a refugee and

(b) shall cause the applicant concerned to be notified of the decision.

(5) Any person who is aggrieved by a refusal by the Asylum Committee to recognize him as a refugee may, within fourteen (14) days of being notified of such refusal, appeal in writing to the Appeal Committee of the Commission which shall consist:

(a) the representatives of the Minister responsible for the Internal Affairs of the State;

(b) the representative of the Minister responsible for Foreign Affairs, who shall be the Chairperson;

(c)the representative of the Minister responsible for the administration of the Immigration Act;
and

(d)the Representative of the United Nations High Commissioner for Refugee or his designated representative.

Such appeal shall be submitted through the Representative of the United Nations High Commissioner for Refugees or his designated representative.

(6)In any appeal in terms of subsection (5), the Appeal Committee shall, after consulting the Representative of the United Nations High Commissioner for Refugees and obtaining his opinion in writing, confirm or set aside the decision of the Asylum Committee and shall cause the appellants concerned to be notified of his decision in the matter.

Before reaching a decision in an appeal, in the terms of subsection (5), the Appeal Committee shall do all or any, of the following

(a)invite the representative in Liberia of the United Nations High Commissioner for Refugees to make oral or written representations in the matter; in which case the applicant in question shall be accorded the right to be heard by the Appeal Committee;

(b)refer the matter back to the Asylum Committee for further inquiry and investigation to be made;

(7)Any person who is aggrieved by the decision of the Appeal Committee in terms of subsection (6) of this section not to recognize him as a refugee may within twenty-one (21) days file an appeal in the Court. The Court of Competence shall be the Supreme Court. The decision of the Court shall be final.

(8)If the Executive Director, in terms of subsection (2) of section three, expressly excludes or excepts any person from a declaration that a class of persons of which he is a member are refugees, such exclusion or exception shall not preclude the person concerned from applying in terms of subsection (1) for recognition of his status as a refugee.

SECTION 8: RESIDENCE IN LIBERIA PENDING RECOGNITION AS REFUGEE OR AFTER REFUSAL OF RECOGNITION

(1)Notwithstanding the provisions of any other law, any person who has applied in terms of section seven for recognition of his status as a refugee and every member of his family, shall have the right to remain within Liberia

(a)until such person has been recognized as a refugee in terms of that section; or

(b)in the event of the application of such person being unsuccessful, until such person has had an opportunity to exhaust his right of appeal in terms of subsection (5) and (6) of that section; or

(c)where such person has appealed in terms of subsection (5) and (6) of that section and his appeal has been unsuccessful until such person has been allowed a reasonable time, and in any case not less than ninety days, and if he is in detent on, has in addition been afforded reasonable facilities, to seek admission to a country of his choice.

(2)The Minister responsible may, on application being made to him by a person concerned, extend the period referred to in paragraph (c) of subsection (1) if he is satisfied that there is a reasonable likelihood of the person being admitted to a country of his choice within such extended period.

SECTION 9: CESSATION OR STAY OF PROCEEDINGS IN RESPECT OF ILLEGAL ENTRY BY REFUGEES AND PROTECTED PERSONS.

Notwithstanding the provisions of the immigration Act, or any other relevant law, no proceedings shall be instituted or continued against any person or any member of his family in respect of his unlawful entry into or unlawful presence within Liberia

(a)if such person applies in terms of section seven for recognition of his status as a refugee, until a decision has been made on the application and such person has had an opportunity to exhaust his right of appeal in terms of that section; or

(b)if such person has become a recognized refugee.

SECTION 10: RESIDENCE IN LIBERIA OF RECOGNIZED REFUGEES

Every recognized refugee shall, subject to the provisions of this Act

(a)be issued with an identity card in the form prescribed; and

(b)be permitted to remain within Liberia in accordance with the provisions of this Act.

SECTION 11: FAMILY OF RECOGNIZED REFUGEES

(1)The Minister responsible for the administration of, the Immigration Act shall endeavour to ensure that members of the family of a recognized refugee are permitted to enter Liberia and, subject to the provisions of this section, to remain therein.

(2) A member of the family of a recognized refugee who has entered Liberia shall, subject to the provisions of this Act

(a) be issued with an identity card in the form prescribed; and

(b) subject to the provisions of subsections (3) and (4), be permitted to remain within Liberia for as long as the recognized refugee concerned is permitted so to remain.

(3) Where a member of the family of a recognized refugee is within Liberia in terms of this section and ceases to be a member of such family by reason of his marriage, his attaining the age of eighteen years or the cessation of his dependence upon the recognized refugee, as the case may be, he shall be permitted to continue to remain within Liberia in accordance with the provisions of this Act.

(4) Upon the death of a recognized refugee or upon his divorce or legal separation from any spouse, every person who, immediately before such death, divorce or legal separation, was within Liberia in terms of this section as a member of the family of such recognized refugee shall be permitted to continue to remain within Liberia in accordance with the provisions of this Act.

(5) Nothing in this section shall prevent a member of the family of a recognized refugee or a person who has, in terms of subsection (3) or (4), been permitted to continue to remain in Liberia from himself applying for recognition and being recognized as a refugee in terms of section seven.

SECTION 12: RIGHTS AND DUTIES OF RECOGNIZED REFUGEES AND PROTECTED PERSONS WITHIN LIBERIA

(1) Subject to the provisions of this Act, every recognized refugee and every protected person within Liberia-

(a) shall be entitled to the rights and be subject to the duties contained in

(i) the Articles of the Convention Relating to the Status of Refugees of the 28th July, 1951, which are set out in Part of the schedule; and

(ii) the Articles of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa of the 10th September, 1969 which are set out in Part II of the Schedule;

as if the references therein to refugees were references to recognized refugees and protected persons; and

(b) shall be subject to all compatible laws in force within Liberia.

(2)The Executive Director may, by notice in the gazette, designate places and areas in Liberia within which all

(a)recognized refugees and protected persons; and

(b)persons who have applied in terms of section seven for recognition as refugees; and

(c)members of the families of persons referred to in paragraph (b);

or any classes thereof, as may be specified in the notice; shall live. This subsection shall however, not preclude the right of any refugee to live in any place of his choice within the Republic of Liberia.

(3)Subject to the provisions of this Act, every recognized refugee and protected person within Liberia shall, in respect of wage-earning employment, be entitled to the same rights and be subject to the same restrictions, if any, are conferred or imposed generally on persons who are not citizens of Liberia:

Provided that no recognized refugee or protected person shall be subject to any such restriction imposed for the protection of the national labour market.

SECTION 13: NON-RETURN OF REFUGEES, THEIR FAMILIES OR OTHER PERSONS

(1)Notwithstanding the provisions of any other law, no person shall be refused entry into Liberia, expelled, extradited or returned from Liberia to any other country or be subjected to any similar measure if, as a result of such refusal, expulsion, return or other measure, such person is compelled to return to or remain in a country where

(a)he may be subjected to persecution on account of his race, religion, nationality, membership of a particular social group or political opinion; or

(b)his life, physical integrity or liberty would be threatened on account of external aggression, occupation, foreign domination or events seriously disrupting public order in part or the whole of that country.

(2)The Executive Director shall take such steps as he considers necessary to ensure that the provisions of subsection (1) are applied in respect of persons to whom the subsection relates.

SECTION 14: WITHDRAWAL OF RECOGNITION OF REFUGEES

(1)If at any time the Executive Director considers that there are reasonable grounds for believing that a person who has been recognized as a refugees for the purposes of this Act-

(a) should not have been so recognized; or

(b) has ceased to be a refugee for the purposes of this Act;

the Executive Director shall refer the case to the Asylum Committee.

(2) Where a case has been referred to it in terms of subsection (1), the Asylum Committee shall cause a written notice to be served upon the person whose status as a refugee is under reconsideration

(a) informing such person of the fact that his status as a refugee is to be reconsidered and for such person to appear before it; and

(b) inviting such person to make written representations to the Asylum Committee within a period of fourteen days from the date of service of the notice, regarding his status as a refugee.

(3) The Asylum Committee shall consider every case referred to it in terms of subsection (1) and may make any inquiry or investigation it thinks necessary into any such case.

(4) After considering such case referred to it in terms of subsection (1), the Asylum Committee:

(a) may withdraw the recognition of the person concerned as a refugee; and

(b) shall cause the person concerned to be notified of the decision of the Asylum Committee in the matter.

(5) Any person who is aggrieved by a decision of the Asylum Committee to withdraw the recognition of such person as a refugee may, within fourteen (14) days of being notified of such withdrawal, appeal in writing to the Appeal Committee created in terms of subsection (5) of section seven.

(6) In any appeal in terms of subsection (5), the Appeal Committee shall, after consulting and obtaining the opinion of the Representative of the United Nations High Commissioner for Refugees in writing, confirm or set aside the decision of the Asylum Committee and shall cause the Asylum Committee to be informed of its decision in the matter.

Provided that, before reaching a decision in an appeal, the Appeal Committee shall do all or any of the following-

(a) invite the representative in Liberia of the United Nations High Commissioner for Refugees to make oral or written representations in the matter;

(b) refer the matter back to the Asylum Committee for further inquiry and investigation to be made;

(7)The person aggrieved by a negative decision of the Appeal Committee shall have the right of appeal to the Competent Court of Law. The decision of the Court shall be final.

(8)Where the Asylum Committee has in terms of this section, withdrawn the recognition of any person as a refugee, that person, shall cease to be a recognized refugee in Liberia, and any persons who became protected persons as a result of being members of his family shall cease to be protected persons, with effect from

(a)fourteen (14) days after the date on Which the Asylum Committee notifies the person concerned that his recognition has been withdrawn; or

(b)where the person concerned has appealed to the Appeal Committee in terms of subsection (5), the date on which the Appeal Committee notifies him that the Appeal Committee confirms the decision of the Asylum Committee; or

(c)where the person concerned has filed an appeal in the Court of Law in terms of subsection (7), the date on which the Court pronounces its finding on the appeal.

Provided that nothing in this subsection shall prevent a protected person who became such as a result of being a member of the family of the person concerned from himself applying for recognition and being recognized as a refugee in terms of section seven.

SECTION 15: EXPULSION OF RECOGNIZED REFUGEES AND PROTECTED PERSONS

(1)Subject to the provisions of this section and of section thirteen, and provided the Representative of the United Nations High Commissioner for Refugees is consulted and renders his opinion in writing, the Minister to whom the administration of the Immigration Act has been assigned, after consultation with Executive Director, may order the expulsion from Liberia of any recognized refugee or protected person if he considers the expulsion to be necessary or desirable on the grounds of national security or public order. Provided the Representative of the United Nations High Commissioner for Refugees is informed and written reply received. In any case, the Representative of the United Nations High Commissioner for Refugees shall be informed of the decision to expel the refugee or protected person not less than fourteen (14) days before such order is effected.

(2)Before making an order in terms of subsection (1), the Executive Director shall cause a written notice to be served upon every recognized refugee or protected persons who is the subject of the expulsion, informing such recognized refugee or protected person-

(a)of the Minister's intention to expel him, the grounds for expelling him and the country to which it is proposed to expel him; and

(b)of his right to make representations to the Appeal Committee in terms of subsection (3).

(3) A recognized refugee or protected person, upon whom a notice has been served in terms of subsection (2) may, through the Representative of the United Nations High Commissioner for Refugees, within a period of fourteen days from the date of such service, make written representations to the Executive Director in respect of either or both of the following matters

(a) the necessity or desirability, on the grounds of national security or public order, of expelling him from Liberia; or

(b) the possibility of his being persecuted or of his life or freedom being threatened in the country to which it is proposed to expel him on account of his race, religion, nationality, membership or a particular social group or political opinion, or on account of external aggression, occupation, foreign domination or events seriously disrupting public order in part or the whole of that country.

(4) Before ordering the expulsion from Liberia of any recognized refugee or protected person in terms of subsection (1), the Minister shall give due consideration to any representations made to the Executive Director in terms of subsection (3).

(5) The execution of any order for the expulsion of a recognized refugee or protected person made in terms of Subsection (1) shall, if such recognized refugee or protected person so requests, be delayed for a reasonable period to enable such recognized refugee or protected person to seek admission to a country other than the country to which he is to be expelled.

SECTION 16: DETENTION OF RECOGNIZED REFUGEES AND PROTECTED PERSONS PENDING EXPULSION

(1) Subject to the provisions of this section, an authorized officer may arrest and detain any recognized refugee or protected person whose expulsion has been ordered in terms of section fifteen, pending the completion of arrangements for his expulsion from Liberia.

(2) A recognized refugee or protected person may be detained in terms of subsection (1) in a prison, police cell or other convenient place, provided such person shall be accorded access to all reasonable amenities necessary for his/her comfortable living in the circumstances.

(3) An officer in charge of a prison or police cell shall receive into custody and shall retain in custody any recognized refugee or protected person detained or to be detained in terms of subsection (1) when required in writing by an authorized officer to do so, and any recognized refugee or protected person detained in a prison solely by virtue of the provisions of section shall, subject to the provisions of subsection (4) and of regulations made in terms of section eighteen be treated as a person awaiting trial.

(4) A recognized refugee or protected person who is detained in terms of this section shall, if he so requests, be allowed a reasonable time, in any case not less than ninety (90) days, and

afforded reasonable facilities to seek admission to a country other than the country to which he is to be expelled.

(5)The Executive Director may, on application being made to him by the recognized refugee or protected person concerned, extend the period referred to in subsection (4) if he is satisfied that there is a reasonable likelihood of the recognized refugee or protected person being admitted to a country of his choice within such extended period.

(6)The Representative of the United Nations High Commissioner for Refugees shall have unhindered right of access to any person professing a claim to refugee status, at anytime, anywhere. The state shall see to it that such access is facilitated.

SECTION 17: AUTHORIZED OFFICERS

(1)Every police officer and every immigration officer shall be an authorized officer for the purposes of this Act.

(2)The President, after consulting with the Executive Director, may, by notice in the Gazette, appoint any person in the employment of the State, or any class of such persons, to be authorized officers for the purposes of this Act :

Provided that the President shall not appoint any persons or class of persons to be authorized officers if those persons or the members of that class, as the case may be, are:

(a)members of the Regular Force of the Defence Forces; or

(b)members of the Prison Service; or

(c)members of the Public Service; or

(d)members of any other branch of the law enforcement service, apart from the Police and Immigration.

(3)An authorized officer may, for the purposes of exercising his powers and carrying out his duties in terms of this Act-

(a)subject to the provisions of subsections (4) and (5), search any person or property;

(b)take, the finger-prints, palm-prints and photograph of any recognized refugee for the purposes of this Act or any member of the family of such person;

(c)question any recognized refugee for the purposes of this Act or any member of the family of such person.

(4)No search of any person or property shall be conducted in the terms of paragraph (a) of subsection (3) unless the authorized officer concerned has obtained a search warrant and has

stated therein reasonable grounds for believing that the search is necessary for the prevention, investigation or detection of-

(a) a contravention of the provisions of this Act; or

(b) a fraudulent misstatement or concealment, by a recognized refugee, protected person or persons claiming to be a refugee for the purposes of this Act or any member of the family of such a person, of any fact relevant to his identity or status

(5) Whenever it is desired to search the body of a woman in terms of paragraph (a) of subsection (3), such search shall only be made by a medical practitioner or a woman; in any case, any such searches, regardless of the sex of the person being searched, shall be conducted with strict regard for decency and, if there is no woman available who is an authorized officer, such search in the case of a woman shall be made by any woman specially named for the purpose by an authorized officer

SECTION 18: REGULATIONS

(1) The Executive Director may after consultations with and obtaining the written concurrence of the Representative of the United Nations High Commissioner for Refugees, make regulations prescribing all matters which by this Act are required or permitted to be prescribed or which, in the opinion of the Executive Director, are necessary or convenient to be prescribed for the better carrying out of or giving effect to the provisions of this Act. Provided such regulations shall not be prejudicial to the ability of the United Nations High Commissioner for Refugees to perform his functions efficiently and effectively.

(2) Regulations made in terms of subsection (1) may provide for-

(a) the assignment to the Asylum Committee of functions relating to the investigation, inspection and supervision of the reception, treatment and welfare of refugees;

(b) the formation of Sub Committees and the assignment to such Sub-Committees of functions to be exercised, subject to the direction and control of the Commission, in relation to the reception, treatment and welfare of refugees;

(c) the procedure at meetings of the Asylum Committee and Sub-Committees referred to in paragraph (b).

(d) the issue of identification documents to persons who have applied for recognition of their refugee status, and to members of their families;

(e) the form and issue of identification and travel documents to recognized refugees and protected persons;

(f)the control and regulation of persons who are required to live within a place or area designated in a notice made in terms of subsection (2) of section twelve, and the circumstances in which such persons may reside outside such place or area;

(g)the form of any order or notice required to be served on any person in terms of section fourteen or fifteen and the manner in which such order or notice may be served;

(h)the affording, to persons who are detained in terms of section seven or who are detained in terms of section sixteen, of facilities for them to seek admission to a country of their choice;

(i)requiring employers, when considering applications for employment made by persons who are not citizens of Liberia, to give preference to applicants who are recognized refugees or protected persons;

SECTION 19: DATE OF COMING INTO EFFECT

(1)This Act shall take effect immediately upon publication of it in hand-bills; law to the contrary notwithstanding.

SCHEDULE TO SECTION 12 OF THIS ACT - ARTICLES OF CONVENTIONS APPLICABLE TO RECOGNIZED REFUGEES AND PROTECTED PERSONS

PART I - ARTICLES OF THE CONVENTION RELATING TO THE STATUS OF REFUGEES OF THE 28TH JULY, 1951

[Articles 2-5, 7-9, 12-23, 25-36 and the Schedule: text not reproduced here]

ANNEX - SPECIMEN TRAVEL DOCUMENT

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