



**SUBMISSION OF MEMORANDUM**

**TO**

**THE COMMITTEE ON LEGAL AFFAIRS, HUMAN RIGHTS AND  
GOVERNANCE**

**ON**

**THE STATE OF REFUGEES AND ASYLUM SEEKERS IN ZAMBIA**

**By**

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## **1. Introduction**

This memorandum was prepared by Caritas Zambia in response to a request made by the Committee on Legal Affairs, Human Rights and Governance of the National Assembly of Zambia. The request was for Caritas Zambia to prepare and submit a memorandum commenting on the following;

- a) The adequacy of the policy and legal framework governing refugees and asylum seekers in Zambia
- b) The administration and implementation of refugees and asylum seekers in Zambia
- c) The efficacy of institutions involved in refugees and asylum seekers in Zambia, and
- d) The challenges, if any, faced by institutions mandated to deal with refugees and asylum seekers in Zambia and make recommendations on the way forward.

The memorandum is structured as follows: the first section under each head provides an overview of the State of Refugees and Asylum Seekers in Zambia, the adequacy of the policy and legal framework governing refugees and asylum seekers, the efficacy of institutions involved in refugees and asylum seekers and the challenges faced by institutions mandated to deal with refugees and asylum seekers in Zambia. The last section provides recommendations on the way forward and conclusion.

Honorable Chairperson, guided by the Committee's request and with due regard to the issues outlined, this memorandum sets forth our comments and recommendations on the subject.

## **2. Background**

Zambia has long been recognized for its hospitality toward asylum seekers, refugees, and former refugees. The country serves not only as a transit country but also as a host to many migrants from across the region, including labour migrants, asylum seekers, and refugees. Honorable Chairperson, Zambia's commitment to hosting asylum seekers and refugees' dates back to the 1940s when the country hosted asylum seekers from Poland who had been displaced during World War II.

As of September 2025, Zambia is hosting a total of 113,054 forcibly displaced and stateless persons, including 82,535 refugees (73%), 12,366 asylum seekers (11%), and 18,153 former refugees, as well as others of concern (16%). Meheba refugee settlement hosts the largest population in the country with 46,794 individuals (41%), followed by the urban population with

28,899 individuals (26%). Mayukwayukwa refugee settlement hosts 27,217 individuals (24%), while the Mantapala refugee settlement in Luapula Province has 10,435 individuals (9%). Approximately 75% of refugees and asylum-seekers reside in settlements, and the rest are in urban locations.

### **3. Presentation of Submissions on the State of Refugees and Asylum Seekers in Zambia**

#### ***3.1 Adequacy of the Policy and Legal Framework***

Honorable Chairperson, Zambia's geographic position as both a transit and host country makes it a focal point for mixed migration flows in Southern Africa. The country has historically been recognized for its progressive and humanitarian approach to refugee protection. Its policy and legal framework governing refugees and asylum seekers is firmly anchored in domestic legislation, notably the Refugees Act No. 1 of 2017, and complemented by international and regional instruments to which Zambia is a State Party.

Zambia is party to the 1951 UN Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention Governing Refugee Problems in Africa. These instruments establish global and regional standards for refugee protection, which Zambia has domesticated through the Refugees Act No. 1 of 2017. It integrates international and regional refugee standards into national law by adopting both the UN definition of refugees fleeing persecution and the broader African definition covering those displaced by war, foreign occupation, or serious public disorder.

#### **Constitutional Framework**

The Constitution of Zambia provides the overarching framework for rights and freedoms in the country. While it does not contain a dedicated section on refugees, it establishes fundamental rights and freedoms that apply to "every person" within Zambia's jurisdiction. The Constitution of Zambia guarantees fundamental rights and freedoms applicable to every person within the Republic, including refugees and asylum seekers. These include protection from discrimination, inhuman treatment, and arbitrary deprivation of liberty. However, the Constitution does not expressly recognize refugees or asylum seekers as a distinct category of persons requiring specific legal protection, which limits clarity on their status and entitlements.

## **Refugees Act No. 1 of 2017**

The Refugees Act No. 1 of 2017 provides for the establishment of the Commissioner for Refugees (COR) and its functions; the recognition, protection and control of refugees; and the rights and responsibilities of refugees, among others. The COR keeps records of all registered asylum seekers and refugees in the country and has a comprehensive database of all such persons in the country at any given time. Although no policy has been developed to operationalise the new Refugees Act, it is progressive and offers opportunities for the improvement of asylum in Zambia, specifically relating to livelihood and self-reliance opportunities.

Honorable Chairperson, the Refugees Act No. 1 of 2017 presents a significant advancement in aligning Zambia's domestic law with international refugee protection standards. It incorporates key principles such as non-refoulement, provides for refugee status determination procedures, and recognizes both individual and group refugee status. Notwithstanding these strengths, the Act largely maintains a restrictive, encampment-based approach that limits refugees' freedom of movement, access to formal employment, and opportunities for self-reliance. These restrictions are less responsive to protracted refugee situations and place long-term pressure on humanitarian systems.

The Refugees Act No. 1 of 2017 incorporates the principle of non-refoulement. Section 23 states that a person shall not be refused entry into Zambia or be expelled, extradited, or returned from Zambia to another country if that refusal, expulsion, or return would compel that person to return to or remain in a country where they may be subjected to persecution or that person's life, physical well-being or liberty is threatened by external aggression, occupation, foreign domination or event seriously disrupting public order in part or the whole of that country. In terms of section 23(3) of the Refugees Act 2017, an asylum seeker or refugee will not benefit from this provision where there are reasonable grounds to believe that the asylum seeker or refugee is a danger or threat to national security.

## **Immigration and Deportation Act No. 18 of 2010**

The Immigration and Deportation Act No. 18 of 2010 is Zambia's principal legislation governing the entry, stay, and removal of foreign nationals. It establishes the legal framework for regulating immigration, including permits, visas, residence, and deportation procedures. While the Act is

not refugee-specific, it directly affects refugees and asylum seekers because they are legally considered foreign nationals.

While we acknowledge that the Immigration and Deportation Act No. 18 of 2010 provides a robust framework for regulating migration, its application to refugees highlights the need for harmonization between immigration law and refugee-specific legislation. Without such alignment, refugees will continue to face barriers to fully realizing rights guaranteed under Zambia's Constitution and Refugees Act.

### ***3.2 Administration and Implementation***

The Office of the Commissioner for Refugees (COR), under the Ministry of Home Affairs and Internal Security (MHA-IS), has the formal mandate to oversee refugee and asylum seeker affairs in Zambia, with United Nations High Commissioner for Refugees (UNHCR) and other partners providing complementary support. Established under the Refugees Act No. 1 of 2017, COR is responsible for refugee status determination, management of settlements, and overall coordination of refugee affairs. Furthermore, it oversees implementation of Zambia's obligations under international and regional refugee instruments. UNHCR provides technical assistance, funding, and operational support in settlements and urban refugee programs.

### ***3.3 Efficacy of Institutions Involved***

Several key institutions play key roles in refugee protection and management in Zambia. The office of the Commissioner for Refugees handles policy and administration, while UNHCR provides protection, coordination, and funding. Non-Governmental Organisations and Faith-based organizations contribute through service delivery and advocacy, and local authorities support community-level engagement. Although these institutions demonstrate commitment, they face capacity constraints that limit their effectiveness. Coordination mechanisms exist but are inconsistently applied, and civil society's critical role is often under-recognized.

### ***3.4 Challenges Faced by Institutions***

Honourable Chairperson, while Zambia has marked a significant step forward in aligning its refugee protection framework with international and regional standards, practical challenges persist in the implementation of refugee rights. Notably, issues relating to access to education, freedom of movement, and access to employment continue to undermine the full realization of

the rights guaranteed under the Refugees Act No. 1 of 2017 and Zambia's constitutional commitments. These challenges highlight the gap between legislative provisions and operational practice, underscoring the need for harmonization of policies and the strengthening of institutional mechanisms to ensure that refugees and asylum seekers can effectively enjoy the protections to which they are entitled.

### **Operational Capacity**

Institutions mandated to deal with refugees and asylum seekers struggle to track mixed migration flows, urban refugee populations, and stateless persons, reducing the effectiveness of policy responses. Limited human and financial resources within the Office of the Commissioner for Refugees and the Department of Immigration constrain effective service delivery. Furthermore, Institutions continue to face difficulties in managing the growing number of refugees and asylum seekers who require support within and outside settlements. Coordination gaps among institutions and line ministries still persist and hinder refugees' access to national systems.

## **4. Recommendations**

### **i. Harmonise Immigration and Refugee Procedures**

The Immigration and Deportation Act plays an essential role in migration management. However, insufficient harmonization with the Refugees Act may expose asylum seekers to risks of arrest, detention, or deportation, particularly where documentation delays arise during refugee status determination. Clearer legal and operational safeguards are required to ensure protection-sensitive application of immigration law.

### **ii. Clarify Asylum Seeker Rights Pending Determination**

The Refugees Act defines an asylum seeker as someone whose claim is not yet determined, but does not explicitly enumerate the rights they enjoy pending determination, such as basic protection from arbitrary detention or access to essential services. We further recommend that the Refugees Act should be amended to include a dedicated section on the rights of asylum seekers pending determination. These rights should include protection from arbitrary detention, access to basic healthcare, education, and procedural fairness during status determination.

### **iii. Enhance Labor and Socio-economic Rights**

The Refugees Act recognises that a recognised refugee may be issued a work permit and treated “in the same way as nationals of a foreign country” regarding employment and study permits (section 41), and may engage in self-employment (section 42). However, the linking of work rights to separate permit issuance under the Immigration and Deportation Act creates procedural hurdles and uncertainty.

Chair, we recommend legislative alignment or a statutory directive ensuring that recognized refugees automatically enjoy work rights without undue reliance on immigration permits, unless justified for public interest. This could include modifying section 41 of the Refugees Act to expressly allow refugees to work and pursue self-employment without secondary immigration approvals.

### **iv. Access to Education**

Honorable Chairperson, in our analysis we noted that while the legislative foundation is robust, its impact is shaped by how policies are operationalized. Under Zambia’s Refugees Act No. 1 of 2017, refugees are entitled to access education, however, the Immigration and Deportation Act No. 18 of 2010 and related operational policies require foreign nationals to obtain Study Permits if they wish to pursue formal education beyond primary school. While the law does not explicitly exempt refugees from these fees, it also does not clearly mandate them to pay creating a grey area that is often interpreted inconsistently.

We trust, Chair, that these recommendations will support the Committee’s important oversight role on the State of refugees and asylum seekers in Zambia.

## **5. Conclusion**

Honourable Chairperson, Zambia has made commendable progress in aligning its refugee policy with international standards. However, challenges remain in implementation, institutional capacity, and socio-economic integration. Our submission underscores that addressing these gaps requires stronger coordination, resource mobilization, and inclusive policies that recognize refugees not only as beneficiaries of aid but as contributors to national development.