

SIGNED this 11th day of September, 1980.

7

SIAKA STEVENS,
President.

LS

No. 7



Sierra Leone

1980

**The Non-Citizens (Registration, Immigration and
Expulsion) (Amendment) Act, 1980**

Short title.

Being an Act to amend the Non-Citizens (Registration, Immigration and Expulsion) Act 1965 in order to give effect to the 1951 Convention relating to the status of Refugees; And for matters connected therewith or incidental thereto

11st October 1980 Date of

Amendment
of Section 4
of Act No. 14
of 1965.

1. Section 4 of the Non-Citizens (Registration, Immigration and Expulsion) Act 1965, hereinafter referred to as the principal Act, is hereby amended by inserting the following new paragraph immediately after paragraph (e)—

“(f) Any person who is deemed to be a refugee under the convention relating to Status of Refugees signed on 28th July, 1951 at Geneva and Protocol relating to the Status of Refugees signed on 31st January, 1967 at New York, as defined in the Third Schedule to this Act, to which Sierra Leone is a party, and any convention on Refugees to which Sierra Leone becomes a party by ratification or accession in the manner provided under Section 21 (2) of the Constitution.”

Insertion of
a new Schedule
Act No. 14
of 1965.

2. The following new Schedule is hereby inserted immediately after the Second Schedule and shall have effect as the Third Schedule of the Principal Act—

“THE THIRD SCHEDULE

(Section 4 (f))

1951 CONVENTION RELATING TO THE STATUS OF REFUGEES

ARTICLE I—Definition of the Term “Refugees”

A. For the purposes of the present Convention, the term “refugees” shall apply to any person who:

(1) Has been considered a refugee under the Arrangements of 12th May, 1926 and 30th June, 1928 or under the Convention of 28th October, 1933 and 10th February, 1938, the Protocol of 14th September, 1939 or the Constitution of the International Refugee Organisation,

Decisions of non-eligibility taken by the International Refugee Organisation during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section:

(2) As a result of events occurring before 1st January, 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, 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 who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it

In the case of a person who has more than one nationality, the term "the country of his nationality" shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words "event occurring before 1st January, 1951" in Article 1, Section A, shall be understood to mean either

(a) "events occurring in Europe before 1st January, 1951".

or

(b) "events occurring in Europe or elsewhere before 1st January, 1951", and

each Contracting State shall make a declaration at the time of signature, ratification or accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

(2) Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

(1) He has voluntarily re-availed himself of the protection of the country of his nationality; or

(2) Having lost his nationality, he has voluntarily re-acquired it, or

(3) He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or

(4) He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or

(5) He can no longer, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this Article who is able to invoke compelling reasons arising out of previous persecutions for refusing to avail himself of the protection of the country of his nationality;

(6) Being a person who has no nationality he is, because the circumstances in connexion with which he has been recognised as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A(1) of this Article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

D. This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall *ipso facto* be entitled to the benefits of this Convention.

E. This Convention shall not apply to a person who is recognised by the competent authorities of the country in which he has taken residence as having rights and obligations which are attached to the possession of the nationality of that country.

F. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that;

(a) he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

(c) he has been guilty of acts contrary to the purposes and principles of the United Nations.

1967 PROTOCOL RELATING TO THE STATUS OF
REFUGEES

ARTICLE I

GENERAL PROVISION

2. For the purpose of the present Protocol, the term "refugee" shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article 1 of the Convention as if the words "as a result of events", occurring before 1st January, 1951 and . . ." and words ". . . as a result of such events", in article 1 A (2) were omitted.

3. The present Protocol shall be applied by the State Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article 1 B (1) (a) of the Convention shall, unless extended under article 1 B (2) thereof, apply also under the present Protocol."

Passed in Parliament this 22nd day of *August*, in the year of our Lord one thousand nine hundred and eighty.

J. W. E. DAVIES
Clerk of Parliament,

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correctly printed copy of the said Bill.

J. W. E. DAVIES
Clerk of Parliament,