

**LEGAL AND PROTECTION POLICY
RESEARCH SERIES**

**African Regional Economic Communities:
The potential of free movement protocols in
enhancing refugees' access to rights and
advancing solutions**

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LIST OF ACRONYMS

| | |
|---------|--|
| AEC | African Economic Community |
| AMU | Arab Maghreb Union |
| AU | African Union |
| CAMES | Conseil Africain et Malgache pour l'Enseignement Supérieur |
| CEN-SAD | Community of Sahel-Saharan States |
| COMESA | Common Market for Eastern and Southern Africa |
| CMP | Common Market Protocol (East African Community) |
| CTD | Convention Travel Document |
| DPPC | Office of Prevention and Civil Protection |
| DRC | Democratic Republic of Congo |
| EAC | East African Community |
| EACJ | East African Court of Justice |
| ECCAS | Economic Community of Central African States |
| ECOWAS | Economic Community of West African States |
| EHAGL | East and Horn of Africa and the Great Lakes |
| EU | European Union |
| GCM | Global Compact for Migrants |
| GCR | Global Compact on Refugees |
| ID | Identity card |
| IDP | Internally Displaced Person |
| IGAD | Intergovernmental Agency for Development |
| ILO | International Labour Organization |
| IOM | International Organization for Migration |
| MoU | Memorandum of Understanding |
| MRA | Mutual Ratification Agreements |

| | |
|-------|--|
| OAU | Organisation of African Unity |
| OECD | Organisation for Economic Co-operation and Development |
| RiMAP | UNHCR's Rights Mapping and Analysis Platform |
| RteBA | Route-Based Approach |
| REC | Regional Economic Community |
| RECs | Regional Economic Communities |
| SADC | Southern African Development Community |
| SMS | Students Mobility Scholarship Scheme |
| SP | Supplementary Protocol |
| UN | United Nations |
| UNHCR | United Nations High Commissioner for Refugees |

TERMINOLOGY

The below key terms are primarily taken from the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment.¹

- "**Community citizenship**"² gives nationals the right to enter, reside, work, and establish businesses in other Member States.
- "**Free movement of persons**" means the right of nationals of a Member State to enter, move freely and reside in another Member State in accordance with the laws of the host Member State and to exit the host Member State in accordance with the laws and procedures for exiting that Member State.
- "**Member State**" refers to a country that is a member of a Regional Economic Community (REC). However, the EAC Common Market Protocol, refers to the countries that have been granted membership to the EAC as a "Partner State".
- "**Right of entry**" means the right of a national of a Member State to enter and move freely in another Member State in accordance with the laws of the host Member State.
- "**Right of establishment**" means the right of a national of a Member State to take up and pursue economic activities (a business, trade, profession, vocation; or an economic activity as a self-employed person), in the territory of another Member State and in accordance with the laws and policies of the host Member State.
- "**Right of residence**" means the right of a national of one Member State to reside and seek employment in another Member State other than their Member State of origin in accordance with the national law of the host Member State.
- "**Right to work**"³ includes the following key terms: Labour includes both "worker" (an employee) and "self-employed"; Self-employed person: Engages in economic activity without contract or supervision, earning a livelihood; Worker: Performs services *under the direction of another* in return for remuneration (i.e. an employee).
- "**Travel document**" means a passport which complies with the International Civil Aviation Organization standards for travel documents, or any other travel document identifying a person issued by or on behalf of a Member State or by the Commission which is recognized by the host Member State.

¹ African Union (AU), Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, 29 January 2018, <https://www.refworld.org/legal/agreements/au/2018/ar/150098>.

² The term "community citizenship" is not referenced in the Protocol to the Treaty Establishing the African Economic Community and therefore definition is taken from the ECOWAS and ECCAS Free Movement Protocols.

³ The term "right to work" is not referenced in the Protocol to the Treaty Establishing the African Economic Community and therefore this definition is taken from the EAC Common Market Protocol.

EXECUTIVE SUMMARY

The report provides a legal analysis of six free movement protocols adopted by Africa's Regional Economic Communities (RECs) and their implications for refugees. It begins by outlining the institutional and geographical context, followed by an overview of the protocols, distinguishing those currently in force from those pending ratification or implementation. The analysis first considers refugees' access to these protocols at the sub-regional level, focusing on legal references to refugees, requirements for travel documents and visas, and access to rights. It then examines the national legislation, comparing refugees' legal entitlements with those of REC citizens and other foreign nationals in selected countries. Based on this review, the report assesses the potential of leveraging free movement protocols to enhance refugees' access to rights and advance solutions. It then concludes by summarizing the key findings and recommendations for the way forward.

The comparative analysis finds that refugee laws often offer stronger protection than free movement protocols. Refugee laws guarantee key rights such as non-refoulement, legal status, access to services, and in some instances the right to work and move within host countries, grounded in international obligations and national legislation. In contrast, free movement protocols focus on economic integration and visa liberalization, providing limited benefits such as visa-free entry, residence, and establishment without addressing refugees' specific protection needs. Although refugees are not explicitly excluded, accessing these benefits requires proof of REC Member State nationality, which is a major barrier for those lacking civil documentation, conclusive proof of citizenship, or unable to use or obtain national passports. Furthermore, longer-term stay after entry under these free movement protocols typically depends on securing a formal work contract, study arrangement, or meeting the requirements for self-employment or to establish a business.

Despite these challenges, free movement protocols may offer opportunities for refugees in some contexts. With a view to enhancing refugees' access to rights, this study explores two regional approaches: one allowing co-existence of refugee status while accessing REC free movement benefits, and another requiring them to relinquish refugee status to gain these benefits, highlighting the legal and practical challenges of both options. In the context of cessation due to ceased circumstances in the country of origin, REC free movement protocols could provide for a possibility for refugees whose status will cease to remain in the host country if they do not wish to return. The potential of REC free movement protocols could also be further explored in the context of providing for sub-regional complementary pathways. And finally, for migrants and those who are found not to be in need of international protection, free movement protocols offer a pathway to access and reside in another Member State, as REC citizens, for purposes related to study, employment or establishment.

1. INTRODUCTION

1.1 Overview of forced displacement trends in Africa

Forced displacement in Africa is driven by multiple, interrelated factors, including persecution, conflict, violence, human rights violations, events seriously disturbing public order and climate change and disasters.⁴ In 2025, the continent faced major displacement crises in the Democratic Republic of the Congo (DRC),⁵ Sudan⁶ and South-Sudan,⁷ alongside rapidly evolving situations such as in Central Sahel.⁸

The available data shows notable variation in both the number of refugees and the proportion originating from Member States across the six RECs. The Common Market for Eastern and Southern Africa (COMESA) hosts the largest refugee population overall, with 5.4 million refugees, although only 51% originate from its Member States. The Intergovernmental Authority on Development (IGAD), with 4.7 million refugees, has the highest proportion from Member States at 85%, reflecting a large intra-regional displacement trend. The East African Community (EAC) also hosts a significant number of refugees, 3.7 million, of whom 77% are from Member States. By contrast, the Economic Community of Central African States (ECCAS) and the Southern African Development Community (SADC) report 47% and 48% of refugees originating from Member States respectively, indicating considerable displacement from outside their regions. The Economic Community of West African States (ECOWAS) has the smallest refugee population (72,548), and only 32% originate from Member States⁹. See Annex 4¹⁰ for data visualization.

⁴ UNHCR, Global Trends report 2024, June 2025, <https://www.unhcr.org/sites/default/files/2025-06/global-trends-report-2024.pdf>.

⁵ Since the end of 2024, the conflict in the eastern Democratic Republic of the Congo has led to rapidly deteriorating security and humanitarian conditions with 5.2 million displaced within the country, 1.3 million Congolese refugees and asylum-seekers, and a record 27.7 million people acutely food insecure. See UNHCR, *Mid-Year Trends 2025*, <https://www.unhcr.org/media/mid-year-trends-2025>.

⁶ More than two years after its onset, the conflict in Sudan remains the largest displacement situation globally, with 13.4 million Sudanese refugees, asylum-seekers and IDPs remaining displaced as of mid-2025. See UNHCR, *Mid-Year Trends 2025*, <https://www.unhcr.org/media/mid-year-trends-2025>.

⁷ Rising tensions and inter-communal conflicts, particularly in Upper Nile State, in South Sudan have displaced hundreds of thousands of people both within the country and into neighbouring countries. As a result, the South Sudanese refugee population increased by 41,900 to 655,000 in Sudan and grew by 41,200 to reach just over 1 million in Uganda. South-Sudanese still represents the largest refugee population in East and Horn of Africa. See UNHCR, *Mid-Year Trends 2025*, <https://www.unhcr.org/media/mid-year-trends-2025>.

⁸ Forced displacement from and within the Central Sahel grew to 3.5 million people due to intensifying conflicts in the region, an increase by 89 per cent from end-2020. Most refugees and asylum-seekers (70 per cent) remain within the region. UN High Commissioner for Refugees (UNHCR), Global Trends report 2024, June 2025, <https://www.unhcr.org/sites/default/files/2025-06/global-trends-report-2024.pdf>.

⁹ Data source: UNHCR Global Trends 2024. <https://www.unhcr.org/global-trends>.

¹⁰ Data analysis and visuals in Annex 4 prepared by UNHCR and World Bank.

Africa also hosts protracted refugee situations¹¹ in the East and Horn of Africa and the Great Lakes (EHAGL),¹² Southern Africa,¹³ and beyond.¹⁴ These include long-term displacement situations lasting 15 years to 30 years, such as South Sudanese refugees in Uganda, Sudanese and DRC refugees in Rwanda, Somali refugees in Kenya, Rwandan refugees in the Democratic Republic of the Congo (DRC), and Burundian refugees in Tanzania.¹⁵ Securing durable solutions for refugees at scale remains a global challenge¹⁶ and Africa¹⁷ is no exception, especially amid recent drastic funding cuts in the humanitarian sector.¹⁸ Sustainable return is often hindered by persistent instability and prolonged conflict (e.g. in South Sudan, Somalia, and certain parts of DRC), while local integration tends to prioritize socio-economic inclusion over legal integration. This limits refugees' access to essential documentation, such as birth certificates and residency permits, and ultimately to a durable solution.¹⁹

In response, there have been growing calls for “practical implementation of sustainable responses, emphasizing context-specific solutions”,²⁰ that foster self-reliance and support durable solutions from the outset in order to ease pressure on host countries and expand access to third-country solutions. Furthermore, as the ‘measuring the impact’ initiative²¹ demonstrated, granting refugees greater

¹¹ Protracted situations are defined as those where more than 25,000 refugees from the same country of origin have been in exile in a given low- or middle-income host country for at least five consecutive years. See p. 40 at UN High Commissioner for Refugees (UNHCR), Global Trends report 2024, June 2025, <https://www.unhcr.org/sites/default/files/2025-06/global-trends-report-2024.pdf>.

¹² Kenya, Uganda. See UNHCR, Regional update – East and Horn of Africa and the Great Lakes/Rev.1, ExCom Seventy-fifth session, 11 October 2024, <https://www.unhcr.org/media/regional-updates-east-and-horn-africa-and-great-lakes-2024-executive-committee-session>.

¹³ Angola, Botswana, the Congo (Republic of), Malawi, Namibia, South Africa, Zambia and Zimbabwe. See UNHCR, Regional update – Southern Africa, ExCom Seventy-fifth session, 27 September 2024, <https://www.unhcr.org/media/regional-updates-southern-africa-2024-executive-committee-session>.

¹⁴ Lake Chad Basin and CAR. See UNHCR, Regional trends: Forced displacement in West and Central Africa in 2025, June 2025, <https://www.unhcr.org/sites/default/files/2025-06/west-central-africa-regional-trends-forced-displacement-2025.pdf>.

¹⁵ ICGLR & UNHCR, Refugees from Generation to Generation: Preventing Statelessness by Advancing Durable Solutions in the Great Lakes Region, April 2023, available at: <https://www.refworld.org/docid/64b643374.html>.

¹⁶ For instance, only 1.6 million refugees returned to their countries of origin in 2024 while 188,800 were resettled. See p. 3 at UNHCR, Global Trends report 2024, June 2025, <https://www.unhcr.org/sites/default/files/2025-06/global-trends-report-2024.pdf>.

¹⁷ See p. 5 at UNHCR, Regional update – Southern Africa, ExCom Seventy-fifth session, 27 September 2024, <https://www.unhcr.org/media/regional-updates-southern-africa-2024-executive-committee-session>; See pp. 5-6 at UNHCR, Regional update – West and Central Africa, ExCom Seventy-fifth session, 3 October 2024, <https://www.unhcr.org/media/regional-updates-west-and-central-africa-2024-executive-committee-session>; See p. 5 UNHCR, Regional update – East and Horn of Africa and the Great Lakes/Rev.1, ExCom Seventy-fifth session, 11 October 2024, <https://www.unhcr.org/media/regional-updates-east-and-horn-africa-and-great-lakes-2024-executive-committee-session>.

¹⁸ UNHCR Briefing notes, UNHCR: Funding crunch increases risks of violence, danger and death for refugees, May 2025, <https://www.unhcr.org/news/briefing-notes/unhcr-funding-crunch-increases-risks-violence-danger-and-death-refugees>.

¹⁹ ICVA, Perspectives on refugee integration policies in East Africa, 8 April 2025, <https://www.icvanetwork.org/blog/refugee-perspectives-from-local-to-global/#:~:text=Barriers%20to%20Implementation:%20Bureaucracy%2C%20Security,inclusion%20rather%20than%20legal%20integration>.

²⁰ See para. 4 at ExCom Standing Committee, Sustainable Responses, Ninety-third meeting, EC/76/SC/CRP.17, 11 June 2025, <https://www.unhcr.org/sites/default/files/2025-06/CRP-17-Sustainable%20responses-93-SC-English.pdf>.

²¹ UNHCR, Measuring the impact of hosting, protecting and assisting refugees, <https://www.unhcr.org/what-we-do/reports-and-publications/measuring-impact-hosting-protecting-and-assisting-refugees>.

economic freedom not only reduces support costs but also amplifies their contributions to local economies and national services, including through income taxes.²² Against this backdrop, exploring the potential of REC free movement protocols is warranted to assess whether they offer a promising approach to enhance refugees' access to rights and solutions by supporting refugee mobility, socio-economic inclusion and legal integration.

1.2 Relevance of free movement protocols for refugees in Africa

REC free movement protocols in Africa were not designed with refugee protection in mind. They were primarily intended to promote economic integration at the regional and sub-regional level.²³

None of the protocols explicitly exclude refugees from their scope,²⁴ provided they are citizens of another REC Member State. On the contrary, their applicability to refugees has been confirmed by several RECs in Africa. For instance, ECOWAS and UNHCR acknowledged the applicability of the relevant ECOWAS protocols' provisions to refugees through a Memorandum²⁵ titled "Equality of treatment for refugees with other citizens of ECOWAS Member States in the exercise of Free Movement, Right of Residence and Establishment" adopted in 2007.

²² See para. 18 at ExCom Standing Committee, Sustainable Responses, Ninety-third meeting, EC/76/SC/CRP.17, 11 June 2025, <https://www.unhcr.org/sites/default/files/2025-06/CRP-17-Sustainable%20responses-93-SC-English.pdf>.

²³ T. Wood, The Role of Free Movement of Persons Agreements in Addressing Disaster Displacement – A Study of Africa, Platform on Disaster Displacement, May 2019, pp. 19-20, https://disasterdisplacement.org/wp-content/uploads/2019/06/52846_PDD_FreeMovement_web-single_compressed.pdf; G. Urso and A. Hakami, Regional Migration Governance in Africa: AU and RECs, JRC Technical Report, 2018, p. 22, <https://publications.jrc.ec.europa.eu/repository/handle/JRC112055>.

²⁴ It should however be noted that Article 124(40) of the Treaty establishing the EAC provides that "the Partner States undertake to establish common mechanisms for the management of refugees". Furthermore, the scope of application of Annex I to the Protocol (Freedom of movement of persons) fails to explicitly include refugees in its application. Therefore, suggests that the related protocols on free movement may not apply to refugees in that sub-region. See Treaty Establishing the East African Community, 30 November 1999, <https://www.wipo.int/wipolex/en/text/173330>.

²⁵ ECOWAS Commission, Memorandum on 'Equality of treatment for refugees with other citizens of ECOWAS Member States in the exercise of Free Movement, Right of residence and Establishment', Meeting of the Committee on Trade, of the Committee on Trade, of the Committee on Trade, Customs, Immigration Customs, Immigration Accra 25 Accra 25-27 September 2007, <https://www.unhcr.org/sites/default/files/legacy-pdf/49e47c8f0.pdf>.

The relevance of free movements protocols for refugees in Africa has long been acknowledged by UNHCR and its partners,²⁶ particularly in connection with Articles 5,²⁷ 17(3)²⁸ and 26²⁹ of the 1951 Convention. When combined with national legal provisions on residence and naturalisation, these instruments may offer a range of opportunities for refugees from the Member States of the concerned REC to access rights and basic services,³⁰ potentially paving the way for solutions either in the country of asylum or in another REC Member State.

REC free movement protocols may be particularly relevant in the following contexts:

- A. Refugees or asylum-seekers with a REC Member State nationality seeking to enhance their access to certain rights in the host country (that is another REC Member State);
- B. Refugees with a REC Member State nationality whose refugee status will cease due to “ceased circumstances”³¹ in the country of nationality and who want to remain in the host country (that is another REC Member State);
- C. Refugees with a REC Member State nationality, who are recognized by another REC Member, who want to access a migration pathway or short-term opportunities in a third REC Member State for the purposes of labour, education, or family reunification;
- D. Nationals from a REC Member State who are found not to be in need of international protection but want to access an alternative residence permit in that Member State;
- E. Nationals from a REC Member State not in need of international protection looking for opportunities in another REC Member State (i.e. migrants).

²⁶ See p. 26 at UNHCR and IOM, Protecting Refugees and Other Persons on the Move in the ECOWAS Space, January 2011, <https://publications.iom.int/system/files/pdf/iom-unhcrpublication.pdf>; See also A. Adepoju, A. Boulton & M. Levin, Promoting integration through mobility: free movement and the ECOWAS Protocol, Research Paper No. 150, UN High Commissioner for Refugees (UNHCR), December 2007, <https://www.refworld.org/reference/research/unhcr/2007/en/78362>.

²⁷ Article 5 provides that “nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention”. UN General Assembly, 1951 Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821>.

²⁸ Article 17(3) provides that “The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.” UN General Assembly, 1951 Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821>.

²⁹ Article 26 provides that “Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.” UN General Assembly, 1951 Convention Relating to the Status of Refugees, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821>.

³⁰ UNHCR and IFRC, Access to essential services for people on the move in the ECOWAS Region: A report on legal frameworks and barriers to freedom of movement, residence and establishment, and access to healthcare, education, employment, housing and legal assistance, January 2020, <https://ifrcgo.org/africa/img/Sahel/UNHCR-IFRC%20report%20v2.0%20-%20final%20web.pdf>.

³¹ 1951 Convention, Article 1C(5) and (6).

1.3 Scope, aims and methodology of the study

This study focuses on the free movement protocols³² adopted by six recognized RECs in Africa: ECOWAS, EAC, ECCAS, SADC, IGAD and COMESA.³³ It includes an analysis of the provisions contained in these instruments and a review of their implementation within immigration law and practice of a selected number of countries: Burundi, South Africa, Zambia, Malawi, DRC, Djibouti, Ethiopia, Nigeria, Côte d’Ivoire, Uganda, Tanzania, South Sudan and Kenya.³⁴ In addition, the report assesses whether and how refugees can access the benefits associated with the free movement protocols and the extent to which they complement international protection at the host-country level. The study also identifies gaps and challenges faced by refugees under national refugee legislation and practice in some of the selected countries reviewed.

This is a preliminary study which does not claim to provide an exhaustive analysis of all relevant sources and materials. In this regard, it should be noted that free movement protocols in Africa involve the combination of multiple legal regimes including refugee legislation, immigration, identification (including passports, travel document and other forms of legal ID credentials), labour and social protection legislation at the sub-regional and country levels. Moreover, these protocols are often complemented by a wide range of additional instruments, guidelines and policies.

The study is based on a desk review of relevant sources at both sub-regional and national levels across selected countries, including UNHCR publications, secondary literature, relevant legislations as well as UNHCR’s Rights Mapping and Analysis Platform (RiMAP).³⁵ While some references to the State practice are included in the report on the gaps concerning the implementation of refugee law and immigration law, it was not possible to conduct a detailed review of the implementation of refugee law and the free movement protocols. As a result, the study focuses on some of the fundamental rights of refugees which are at the core of the majority of free movement protocols (right to enter, right of residence, right of establishment, access to employment, right to education, recognition of credentials and qualifications and right to social protection) and implications for the protection of refugees (e.g. non-refoulement and expulsion safeguards). Therefore, the special rights for refugees recognized under the 1951 Convention, such as the right to administrative assistance, is not covered. The study aims to:

³² For the purpose of this study, “free movement protocols” refer to the protocols on free movement of persons, right of residence and right of establishment adopted by the recognized RECs and the related instruments. While ECOWAS, ECCAS, IGAD, SADC and COMESA adopted specific free movement protocols, the EAC adopted a broader protocol on the Establishment of the East African Community Common Market which includes provisions about the free movement of persons, right of residence and right of establishment (Parts D and E) and related annexes to operationalise these provisions.

³³ See Annex 1 for more details.

³⁴ General criteria for the selection of countries included the number of refugees originating from RECs Member States, implementation of relevant standards in national legislations.

³⁵ UNHCR, Rights Mapping and Analysis Platform, <https://rimap.unhcr.org/home>.

- Clarify the eligibility conditions and the rights provided for by the free movement protocols of the recognized RECs in Africa;
- Determine whether and how refugees may be able to access provisions of the free movement protocols considering the specific risks and challenges they face and the safeguards they need in this context;
- Assess how these protocols have been implemented in a selected number of countries;
- Identify good practices at the sub-regional and country level.

The findings on the above issues are synthesized into the conclusion including key findings and proposed recommendations to further inform leveraging free movement protocols in enhancing refugees' access to rights and advancing solutions.

2. BACKGROUND AND CONTEXT

2.1 The AU, the AEC and the recognized RECs

The free movement of persons has been a key goal of the African Economic Community (AEC) since its establishment by the Abuja Treaty³⁶ in 1991 under the auspices of the Organisation of African Unity (OAU), which became the African Union (AU) in 2002,³⁷ and the adoption of a free movement protocol in 2018.³⁸ To date, however, progress on free movement in Africa has occurred primarily at the sub-regional level, within African RECs, which constitute the building blocks of the AU towards greater economic integration.

There are eight recognized RECs in Africa, namely the Arab-Maghreb Union (AMU), the Community of Sahel Saharan States (CEN-SAD), COMESA, EAC, ECCAS, ECOWAS, IGAD and SADC characterised by overlapping State membership (see maps below in Section 2.2.). The fact that many countries are Member States to at least two RECs has become known as the “spaghetti bowl of overlapping REC memberships”³⁹ in Africa, obstructing regional and sub-regional integration and slowing down implementation as well as creating duplicative frameworks.

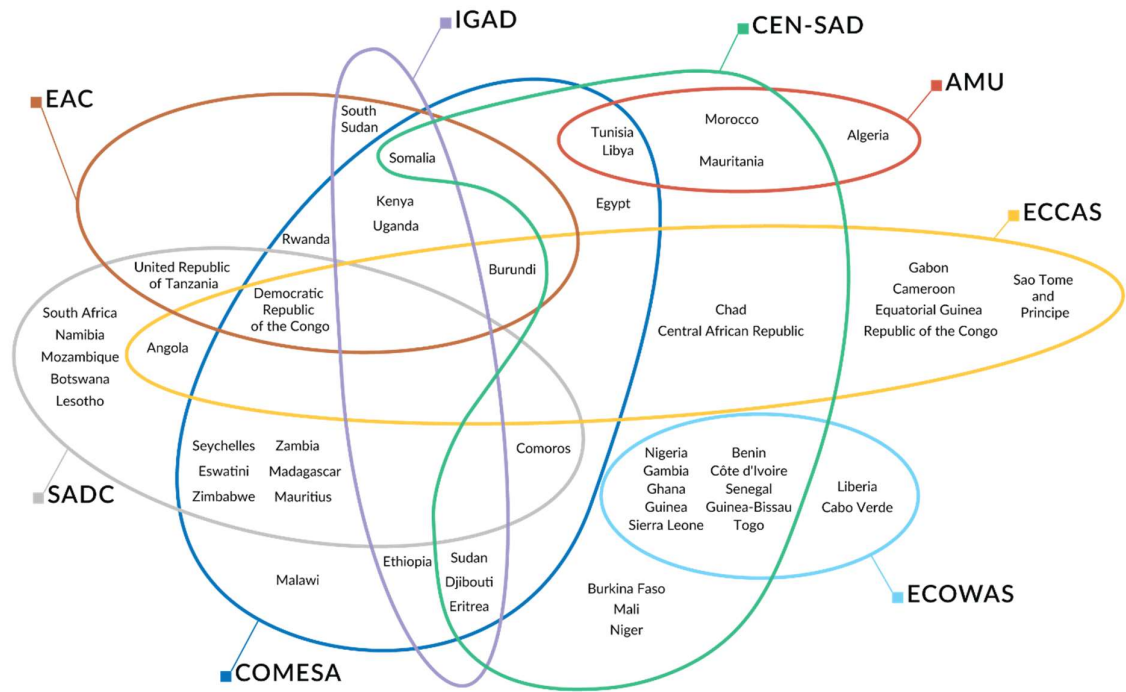
³⁶ African Union, Treaty Establishing The African Economic Community (1991) and entered into force (1994), [37636-treaty-TREATY ESTABLISHING THE AEC-compressed.pdf](#).

³⁷ For more details on this see G. Urso and A. Hakami, Regional Migration Governance in Africa: AU and RECs, JRC Technical Report, 2018, p. 22 at <https://publications.jrc.ec.europa.eu/repository/handle/JRC112055>.

³⁸ African Union (AU), Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment, 29 January 2018, <https://www.refworld.org/legal/agreements/au/2018/ar/150098>.

³⁹ See p. 51 at Economic Commission for Africa and the African Union, Assessing Regional Integration in Africa II: Rationalizing Regional Economic Communities, May 2006, https://archive.uneca.org/sites/default/files/PublicationFiles/aria2_eng.pdf.

UNHCR has signed Memoranda of Understanding (MoU) with most of the RECs including COMESA⁴⁰, ECOWAS⁴¹, IGAD⁴², EAC⁴³, SADC⁴⁴ and ECCAS. The revised MoU between UNHCR and EAC⁴⁵ identifies freedom of movement and the right of establishment as specific areas of collaboration.



⁴⁰ UNHCR and COMESA forge strategic partnership to enhance support to displaced populations in Southern and Eastern Africa, 13 May 2025, <https://www.unhcr.org/africa/news/press-releases/unhcr-and-comesa-forge-strategic-partnership-enhance-support-displaced>

⁴¹ ECOWAS and UNHCR signed an agreement to strengthen refugee protection and address internal displacements in West Africa, 24 October 2023, <https://www.unhcr.org/ng/news/press-releases/ecowas-and-unhcr-signed-agreement-strengthen-refugee-protection-and-address>

⁴² IGAD and UNHCR Signed a PR-SR Grant Agreement of US \$1,738,528 - IGAD; IGAD and UNHCR Signed a PR-SR Grant Agreement, 15 August 2022, <https://igad.int/igad-and-unhcr-signed-a-pr-sr-grant-agreement-of-us-1738528/> and IGAD conducts Workshop on Implementing the Signed MoU and Migration and Displacement Data Sharing Protocol, 28 August 2025, <https://igad.int/igad-conducts-workshop-on-implementing-the-signed-mou-and-migration-and-displacement-data-sharing-protocol-in-ethiopia/>.

⁴³ EAC and UNHCR sign MoU renewing cooperation in addressing refugee and asylum seekers issues in the region, 17 April 2023, <https://www.eac.int/press-releases/148-immigration-and-labour/2776-eac-and-unhcr-sign-mou-renewing-cooperation-in-addressing-refugee-and-asylum-seekers-issues-in-the-region>.

⁴⁴ SADC and UNHCR commit to strengthen cooperation based on shared priorities, values and strategies, 09 March 2023, <https://www.sadc.int/latest-news/sadc-and-unhcr-commit-strengthen-cooperation-based-shared-priorities-values-and>.

⁴⁵ Revised MoU between EAC and UNHCR, Article II (6): collaborating on freedom of movement, the right to establishment and other relevant elements of the EAC Common Market Protocol to ensure the economic productivity of refugee and host communities. The MoU is a follow-up to another one that was signed between the two organizations in 2010.

2.2 Maps of recognized RECs in Africa⁴⁶

Arab Maghreb Union (AMU)



Community of Sahel - Saharan States (CEN-SAD)



Common Market for Eastern and Southern Africa (COMESA)



East African Community (EAC)



Economic Community of Central African States (ECCAS)



Economic Community of West African States (ECOWAS)



Intergovernmental Authority on Development (IGAD)



Southern African Development Community (SADC)



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

⁴⁶ Map by UNHCR Global Data Service.

3. OVERVIEW OF RECOGNIZED REC FREE MOVEMENT PROTOCOLS IN AFRICA

The free movement protocols of the recognized RECs consist not only of the protocol(s) on free movement of persons, residence and establishment to the REC treaties or REC common market protocols, but also of a myriad of other related instruments including thematic conventions (e.g. ECOWAS General Convention on Social Security), policy documents, workplans and guidelines. Given its limited scope, this study focuses primarily on the free movement protocols. It is noteworthy that six of the eight recognized RECs adopted such protocols (ECOWAS, IGAD, SADC, COMESA, ECCAS, EAC). However, only three out of these six protocols have entered into force to date (ECCAS, EAC and ECOWAS).

3.1 REC free movement protocols entered into force

The protocols on free movement of persons, workers, residence and establishment of ECOWAS and ECCAS and the common market protocol of EAC have several important features in common:

- Exemption of entry visa for REC citizens for short stay;
- Right of residence under certain conditions for a certain period;
- Certain limitations, notably in relation to public order, national security and public health;
- Access to employment;
- Right of establishment.

However, major differences also distinguish these three protocols, underpinning their own specificities and particular considerations which influenced their elaboration at the sub-regional level.

The ECOWAS protocol and supplementary protocols (SP) stand out for the following reasons:

- Extensive provisions on expulsions and related procedural safeguards (Article 13-15 of the 1986 SP);
- The right of ECOWAS citizens to live in the territory of a Member State after having held employment there (Article 3(4) of the 1986 SP).

The EAC protocol contains the following specific features:

- Annexes (to the Protocol on the Establishment of the EAC Common Market) that detail implementation of specific provisions such as those on the free movement of persons, workers and on the right of residence and establishment;
- Absence of explicit safeguards against deportation (apart from the requirements to ensure that the expulsion decision is in line with national law and that the person concerned is given a reasonable time to leave the country);

- A provision that the movement of refugees within the community shall be governed by the relevant international conventions.

The ECCAS protocol presents the following specificities:

- Absence of any provisions on expulsion;
- Classification of REC citizens in three categories, namely “tourists”, “businessmen” and “independent workers” (Article 2(2)).

3.2 REC free movement protocols not entered into force

The protocols on free movement of persons, residence and establishment of IGAD, SADC and COMESA have several important features in common (see Annex 2 for more details):

- Exemption of entry visa for REC citizens for short stays;
- Right of residence under certain conditions for a certain period;
- Certain limitations, notably in relation to public order, national security and public health;
- Access to employment;
- Right of establishment.

These three protocols also present some specificities of relevance for this analysis.

The IGAD protocol contains specific provisions on access to education and social protection as well as on recognition of credentials. This instrument also includes provisions on non-refoulement, protection against mass expulsion and procedural safeguards against expulsion as well as commitments to admit and extend the stay of people moving in the context of disasters and climate-related displacement (Article 16).

The COMESA protocol provides very limited safeguards in relation to expulsion. The only explicit protection, found in Article 28, concerns the property, assets, and interests of the person being expelled, ensuring these are not arbitrarily confiscated or affected.

The SADC protocol contains a specific provision on expulsion safeguards in Articles 24 and 25, prohibiting mass or collective expulsions and requiring individual assessments based on lawful grounds. It also guarantees procedural rights, including notification of reasons, access to appeal or review, and adherence to due process, non-discrimination, and human rights standards. These measures aim to ensure fairness and prevent arbitrary removals within the region.

For the protocols to enter into force, the following ratifications are needed:

- The IGAD free movement protocol will enter into force when four States have ratified⁴⁷. Of the nine IGAD Member States, none have ratified the protocol, but five have signed, including Sudan, South Sudan, Somalia, Ethiopia, and Uganda.

⁴⁷IGAD free movement protocol, Article 38(1), <https://environmentalmigration.iom.int/sites/g/files/tmzbd1411/files/event/file/Final%20IGAD%20PRO...>

- The COMESA protocol⁴⁸ has been signed by Burundi, Kenya, Rwanda, and Zimbabwe and ratified by Burundi and Rwanda. A total of seven ratifications are needed for the protocol to enter into force⁴⁹.
- The SADC protocol⁵⁰ has been signed by Botswana, Eswatini, Mozambique, and South Africa. A minimum of 11 countries (two-thirds of all Member States) need to ratify the protocol before it can enter into force. To date, only four countries have ratified including Botswana, Eswatini, Mozambique, and South Africa.

4. ANALYSIS OF REC FREE MOVEMENT PROTOCOLS AT SUB-REGIONAL LEVEL

4.1. Reference to refugees in REC free movement protocols

RECs in Africa have developed free movement protocols as part of broader efforts to promote regional integration. These instruments were primarily designed as sub-regional immigration frameworks to facilitate the movement, residence, and establishment of citizens of Member States across borders. Rooted in economic and political cooperation objectives, these protocols are not humanitarian in nature. They were not conceived with refugees in mind and therefore do not adequately address the distinct legal status, vulnerabilities, and international protection needs of refugees and asylum-seekers, whose movement is compelled by conflict, persecution, or other serious threats rather than voluntary mobility. To illustrate this point, the below outlines the extent to which refugees are referenced or omitted in the free movement protocols.

SADC Protocol (Article 28): State Parties reaffirm their obligations under international agreements relating to refugees. Refugee management within the region shall be governed by a dedicated MoU between State Parties. State Parties commit to cooperation with UNHCR, International Organisation for Migration (IOM), and other international organizations.

COMESA Protocol (Article 7): Member States may temporarily suspend visa provisions (Articles 3 and 4) in cases of public security concerns or refugee influxes due to disturbances in another Member State. Member States commit to cooperation with relevant non-governmental and intergovernmental organizations for refugee assistance and management.

EAC Common Market Protocol (Article 7(8)): The movement of refugees within the community shall be governed by the relevant international conventions.

IGAD Protocol: Initial drafts included references to refugees in Articles 1(8) and 15, but these were removed during final negotiations.

⁴⁸ COMESA Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence. <https://comesacourt.org/wp-content/uploads/2020/01/COMESA-Protocol-on-the-Free-Movement-of-Persons-Labour-Services-Right-of-Establishment-and-Residence-29-June-1998.pdf>.

⁴⁹ Important Facts to Know about the COMESA Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence, <https://www.sammproject.org/wp-content/uploads/download-manager-files/REVISED-FINAL-FLYER-ON-THE-COMESA-FREE-MOVMENT-PROTOCOL.pdf>.

⁵⁰ SADC Protocol on the Facilitation of Movement of Persons, Article 36, https://www.sadc.int/sites/default/files/2021-11/Protocol_on_Facilitation_of_Movement_of_Persons2005.pdf.

ECCAS and ECOWAS Protocols: Neither protocol contains specific provisions or references to refugees.

4.2. Reference to refugees in REC migration policies and frameworks

While the original free movement protocols developed by RECs in Africa were not designed with refugees in mind, several RECs have since taken steps, some more progressively than others, to integrate refugee protection into broader migration governance frameworks. Outlining the distinction between these two instruments is essential, as they serve different legal and policy purposes.

Free movement protocols are binding legal instruments that facilitate the mobility of citizens of Member States across borders. Their primary focus is on (1) visa-free entry; (2) right of residence; (3) right of establishment (e.g. to work or start a business). These protocols are typically reciprocal in nature and apply exclusively to nationals of Member States.

In contrast, migration policies and frameworks are non-binding frameworks or strategic documents that guide national and sub-regional approaches to managing the movement of a broader range of people including migrants, refugees, and asylum-seekers. These policies often incorporate humanitarian, security, and development dimensions and are frequently aligned with international and continental frameworks such as the Global Compact on Refugees⁵¹ and the Global Compact for Migration⁵² and the Kampala Convention.⁵³ While they may lead to the development of binding instruments, their primary function is to provide a coordinated and principled approach to migration governance at the sub-regional level. As outlined above, this study primarily focuses on free movement protocols, but these broader frameworks are important to bear in mind as they suggest that refugee matters have often been addressed through distinct arrangements separated from free movement protocols. Examples in practice include:

- SADC has developed a Common Regional Policy Framework on Refugees and Asylum Seekers (2019)⁵⁴ that aims to harmonize refugee protection standards across Member States and align with international and continental instruments. It is supported by the SADC-UNHCR Action Plan (2020–2024)⁵⁵, which promotes durable solutions and inclusion of refugees in national systems.
- IGAD has adopted a Refugee Policy Framework⁵⁶ in collaboration with UNHCR, addressing the specific needs of refugees, and promoting durable solutions. It reflects a comprehensive approach to refugee inclusion, particularly in the context of the Nairobi Declaration, the Action Plan on Durable Solutions for Somali Refugees and the other IGAD sectoral

⁵¹ UN General Assembly, 2018 Global Compact on Refugees, 2018, <https://www.refworld.org/legal/agreements/unga/2018/124198>.

⁵² UN General Assembly, Global Compact for Safe, Orderly and Regular Migration, A/RES/73/195, 19 December 2019, <https://www.refworld.org/legal/resolution/unga/2019/en/147186>.

⁵³ African Union (AU), 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa ("Kampala Convention"), 23 October 2009, <https://www.refworld.org/legal/agreements/au/2009/en/70509>.

⁵⁴ Policy not publicly available online.

⁵⁵ Action plan not publicly available online.

⁵⁶ IGAD, Policy Framework on Refugee Protection, 31 January 2024, <https://data.unhcr.org/en/documents/details/107018>.

declarations (e.g. on Education or on Jobs, Livelihood and Self-Reliance) as well as related action plans.

- ECOWAS has developed a Common Approach on Migration (2008)⁵⁷ that includes references to refugee protection and outlines guiding principles for managing mixed movements. ECOWAS is also currently developing a Regional Asylum Policy.
- EAC is in the process of finalising a draft Regional Refugee Management Policy. Key elements include digital identity documentation, family unity provisions, and socioeconomic inclusion. Developed under an MoU with UNHCR, the policy represents a step forward in harmonized refugee management in the region and along key mixed movement route.⁵⁸ The establishment of sub-regional capacity to address issues related to refugees and internally displaced persons is aligned with and reflected in the EAC Vision 2050.⁵⁹ On migration management, EAC adopted the Labour Migration Policy in November 2024 to work more closely together to realise the benefits of migration.⁶⁰ The policy, supported by a 2025–2030 Action Plan, aims to enhance the protection of migrant workers, strengthen labour migration governance, and maximize the benefits of sub-regional labour mobility.⁶¹ However, the Action Plan does not specifically reference refugees.
- COMESA has established a migration governance mechanism known as the Migration Dialogue for Eastern and Southern Africa Member States (MIDCOM).⁶² This platform serves as a non-binding, informal forum for dialogue on migration-related issues among COMESA Member States. MIDCOM promotes sub-regional cooperation to strengthen migration governance through (1) harmonized data collection; (2) policy alignment; and (3) capacity building for managing displacement. Importantly, forced migration-including refugees and asylum seekers-is explicitly recognized as one of MIDCOM’s core thematic areas. As of July 2025, the UNHCR-COMESA Action Plan remains in draft form, signalling ongoing efforts to formalize collaboration on refugee protection and inclusion within the region.
- ECCAS is in the process of developing a community migration policy. While no formal document exists yet, the region is actively engaging in consultations, partnerships, and policy alignment efforts that include refugees and asylum-seekers as key stakeholders. The ECCAS-UNHCR MoU signed in 2022 established a framework for collaboration to support protection and solutions for forcibly displaced and stateless persons. Under this agreement, ECCAS will

⁵⁷ ECOWAS Commission, ECOWAS Common Approach on Migration, 33rd 3ordinary Session of the Head of State and Government Ouagadougou, 18 January 2008, <https://www.unhcr.org/sites/default/files/legacy-pdf/49e47c8f11.pdf>.

⁵⁸ UNHCR, From Strategy to Action: Implementing the Route-Based Approach (internal), April-June 2025, <https://data.unhcr.org/en/documents/download/118550>.

⁵⁹ EAC, Vision 2050: Regional Vision for Socio-Economic Transformation and Development, February 2016, https://www.planning.go.ke/wp-content/uploads/2025/07/eac_vision_2050- web.pdf.

⁶⁰ IOM , East Africa Community Regional Bloc, Adopts 5 Year Migration ‘Action Plan’ With Support of IOM, 29 November 2024,

<https://eastandhornofafrica.iom.int/news/east-africa-community-regional-bloc-adopts-5-year-migration-action-plan-support-iom>.

⁶¹ EAC, Regional Labour Migration Policy, October 2019, <https://www.eac.int/immigration/labour-and-employment/regional-labour-migration-policy>.

⁶² IOM, Migration Dialogue from COMESA Member States (MIDCOM, formerly COMESA RCP), <https://www.iom.int/migration-dialogue-comesa-member-states-midcom-formerly-comesa-rcp>.

use its convening, normative, and decision-making powers to advance these goals, aligned with the Global Compact on Refugees (GCR) and UNHCR’s campaign to end statelessness in Central Africa. A list of priority actions is outlined in the UNHCR–ECCAS Action Plan (2022–2025).

Some REC development strategies and plans also refer to refugees and free movement of persons (EAC,⁶³ SADC,⁶⁴ COMESA,⁶⁵ IGAD,⁶⁶ ECOWAS).⁶⁷

4.3. Requirements for travel documents and visa policies

The RECs have adopted varying approaches to travel documentation and visa policies as part of their broader free movement frameworks. While visa-free access is a common feature aimed at facilitating short-term mobility among Member States, the definition and use of travel documents have slight variation across RECs and serve as essential tools for enabling cross-border movement and accessing rights within the region. The table below outlines how each REC defines travel documents and applies visa policies, highlighting both harmonized practices and areas of limited implementation.

Table 1: Travel Document Definition and Entrance Visa Policy

| RECs | Travel Document Definition | Entrance Visa Policy |
|--------|---|--|
| COMESA | <u>Art. 1:</u> Passport or equivalent identity document issued by a Member State; includes laissez-passer for COMESA officials. | Visa-free entry for up to 90 days; visa on arrival permitted for business and official travel; some Member States have waived visa requirements for all COMESA citizens. |
| EAC | <u>Art. 1:</u> Passport or national ID (machine-readable/electronic); includes inter-state passes. | Visa-free entry for up to six months, renewable upon provision of justification, not exceeding the validity of the travel document; implementation varies across Partner States. |

⁶³ EAC, 6th EAC Development Strategy 2021/22 - 2025/26, <https://www.eac.int/documents/category/strategy>.

⁶⁴ SADC, Regional Indicative Strategic Development Plan (R I S D P) 2020–2030, October 2020, https://www.sadc.int/sites/default/files/2021-08/RISDP_2020-2030.pdf.

⁶⁵ COMESA, Medium Term Strategic Plan 2021-2025. Not publicly available online.

⁶⁶ IGAD, Regional Strategy 2021 - 2025, July 2023, <https://igad.int/download/regional-strategy-2021-2025-popular-version/>.

⁶⁷ ECOWAS, 2050 Vision - ECOWAS of the Peoples: Peace and Prosperity for all, October 2021, https://ecowap.ecowas.int/media/ecowap/file_document/2021_ECOWAS_2050_Vision_EN.pdf.

| | | |
|--------|--|--|
| ECCAS | <u>Art. 3:</u> National identity card, a valid passport or a laissez-passer and an international health certificate. | Limited implementation; visa required in most Member States; some offer visa on arrival. |
| ECOWAS | ECOWAS Travel Certificate and ECOWAS Passport; includes laissez-passer for officials. ⁶⁸ | Visa-free entry for 90 days for ECOWAS citizens entering through official entry points. |
| IGAD | <u>Art. 1:</u> Passport (ICAO-compliant), national ID, or high-integrity document issued by Member State or recognized entity. | Protocol signed by several Member States; visa-free movement planned but not yet implemented. |
| SADC | <u>Art. 1:</u> Passport or ID with photo and personal details; includes laissez-passer and permit/border pass as approved by the Ministerial Committee of the Organ. | Visa-free entry for up to 90 days; not fully operational due to limited ratification; bilateral exemptions common. |

Electronic Passports (e-passports)

Member States of ECOWAS and EAC have adopted harmonized e-passport systems to promote regional mobility and integration. While each Member State remains responsible for issuing passports to its own citizens, the design and branding are standardized across the region. The e-passports comply with the core International Civil Aviation Organization (ICAO) global standards as outlined in ICAO Document 9303.⁶⁹ These core standards ensure that travel documents are secure, interoperable, and machine-readable with biometric data and digital signatures. While both ECOWAS and EAC e-passports meet the ICAO's baseline requirements, EAC e-passports implement advanced cryptographic protections, such as Extended Access Control and Supplemental Access Control.⁷⁰ These features enhance the security of sensitive biometric data by ensuring only authorized inspection systems can access it. In contrast, most ECOWAS e-passports rely instead on Basic Access

⁶⁸ The ECOWAS travel certificate and passport are not mentioned in the ECOWAS protocol as they were created by decisions of the ECOWAS Authority of Heads of States respectively in July 1985 (Decision No. A/DEC 1/7/85 at <https://www.unhcr.org/sites/default/files/legacy-pdf/49e47c8c11.pdf>) and in May 200 (Decision No. A/DEC.1/5/2000 at <https://archive.gazettes.africa/archive/aa-ecowas/2000/aa-ecowas-official-journal-dated-2000-12-01-vol-38.pdf>).

⁶⁹ ICAO, Doc 9303 on Machine Readable Travel Documents, 2021, 8th Edition, https://www.icao.int/sites/default/files/publications/DocSeries/9303_p1_cons_en.pdf.

⁷⁰ For more details see the relevant section of the EAC website at <https://www.eac.int/immigration/migration-management/ea-e-passport>.

Control (BAC) and Passive Authentication.⁷¹ These mechanisms meet ICAO’s minimum compliance standards but offer less robust protection against unauthorized access and cloning.

4.4. Access to rights under the free movement protocols

While the exemption from short term entry visa for REC citizens have been generally applied within the RECs where free movement protocols have entered into force (ECOWAS, EAC, ECCAS), obtaining permission to reside in the country beyond the visa free stay and to the rights attached is more challenging. This is not only due to a different degree of implementation but also to the gaps regarding the rights contained in these frameworks. None of the free movement protocols provide for a distinct status (understood as a comprehensive set of rights) for REC citizens in the host Member State. As shown below, only a limited number of rights derive from the REC residence, and they vary among RECs.

It is important to note that the actual granting and administration of residency are managed by national immigration authorities. As a result, the implementation of these rights varies across Member States, depending on national legal frameworks, administrative capacity, and political will. The analysis of how the rights of these free movement protocols are applied at the national level is provided in Section 5.

4.4.1. Right of residence and establishment in free movement protocols

A key common feature of the free movement protocols adopted by recognized RECs is the recognition of the right of residence. The table below compares how each REC outlines residency.

Table 2: Reference to Residency in Free Movement Protocols

| RECs | Reference to Residency in Free Movement Protocols |
|--------|---|
| COMESA | <ul style="list-style-type: none"> • Art. 2 references temporary residency • Part 5, Art. 12 outlines rights to residency, the period to be determined by the Council. |
| EAC | <ul style="list-style-type: none"> • Art.14 of the EAC Common Market Protocol guarantees the right of residence under Article 10 (freedom of movement of workers)⁷² • Permanent Residency recognized under the Common Market Protocol, Article 14 (7); will be governed by national laws and policies. |
| ECOWAS | <ul style="list-style-type: none"> • Art. 2 and Art. 3 of the Supplementary Protocol on Phase II of the protocol grants residence rights with a permit. |

⁷¹ The BAC mechanism is being phased out. From 2027, all new eMRTDs will require Password Authenticated Connection Establishment and in 2028, new eMRTDs must not have BAC implemented.

⁷² Annex IV specifies that residence permits must align with the duration of work permits and cannot exceed the validity of the travel document. Additionally, Annex I states that student passes are issued for up to one year and may be renewed annually for the duration of study.

| | |
|-------|---|
| IGAD | <ul style="list-style-type: none"> • Part 5, Act.11 Right of residence included in the protocol; dependent on national legislation. |
| ECCAS | Chapter V, Art. 40 outlines residence and right of establishment |
| SADC | <ul style="list-style-type: none"> • Art.3: Temporary and permanent residency referenced • Art. 16-17 define “residence,” conditions for temporary residence permits, and procedures for employment permits |

Right of Establishment

Across the RECs, the right of establishment generally entails the freedom of REC citizens to set up and manage economic activities, including self-employment and business enterprises, in other Member States under conditions equivalent to those accorded to nationals. This right is closely linked to freedom of movement and residence and is underpinned by the principle of non-discrimination. While the scope and enforcement mechanisms vary across RECs, most adopt a phased or progressive approach to implementation, often in three phases (right of entry → right of residence → right of establishment).

The right of residence and the right of establishment in African free movement protocols are closely linked. The right of residence is broader in scope and may include the right to access employment. By contrast, the right of establishment is more specific and consists of the right to take up and manage economic activities in the host Member State either as a self-employed person or as a business owner. Therefore, the right of establishment may be a ground for residence and may entail the right to settle in another Member States (e.g. Article 1 of the ECOWAS Supplementary Protocol of 1990).

4.4.2. Other key rights in free movement protocols

As outlined in Table 3 below, the number and types of rights contained in the recognized RECs’ free movement protocols and attached to the residence of a REC citizen in another Member State vary. Another main commonality of all the free movement protocols of the recognized RECs is that they all recognize the right to work.

With respect to expulsion, there is significant split between the protocols which provide for this possibility on various grounds (including public order, national security and public health) without explicit safeguards (COMESA, EAC and ECCAS) and those which contain detailed safeguards including in terms of procedural guarantees (ECOWAS, SADC and IGAD).

For the purpose of this study, the right to work, education, protection from expulsion, access to social protection, and recognition of credentials and qualifications were reviewed, and the table below outlines the extent they are referenced in the free movement protocols. Section 5.1 further elaborates on these rights at the country level.

Table 3: Comparison of rights included in Free Movement Protocols

| Rights | COMESA | EAC | ECCAS | ECOWAS | IGAD | SADC |
|--|--|---|--|---|--|--|
| Right to work | Yes Art. 2 and 9 | Yes CMP Art. 10 (workers), Art. 13 (establishment) | Yes Art. 4 | Yes Art. 2 (1986 SP) | Yes Art. 8(1) & (2) | Yes Art. 18, 19, 20 |
| Right to education | No mention | Yes CMP Art. 39(3)(f) | No mention | No mention | Yes Art. 10(1)(a) | No mention |
| Protection from expulsion | Partial Art. 6(2) but only safeguard for property/interests | No mention | Partial Art. 4(3) but only safeguard for property/interests | Yes Art. 3 (1985 SP), Art. 13–15 (1986 SP) | Yes Art. 18–21 (expulsion), Art. 16 (disasters) | Yes Art. 22–25 (expulsion), Art. 28 (refugee law commit.) |
| Recognition of credentials/ qualifications | No mention | Yes Art. 11 | No mention | No mention | Yes Art. 10 | No mention |
| Access to social protection | Yes Art. 9(4) | Yes CMP Art. 10(3)(h) | No mention | No mention | Yes Art. 8(3), 9(2)(e) | No mention |

4.4.3. Challenges for refugees to access rights

Refugees in Africa encounter a range of legal, practical barriers, which may be systemic, when attempting to exercise rights under REC free movement protocols. These challenges arise both from the structural design of the protocols themselves and from gaps in their implementation across Member States. While refugees from these RECs are, in principle, eligible to benefit from the free movement protocols in the selected research countries, they often face significant challenges in meeting the related requirements including, in particular, in relation to demonstrating their citizenship of a Member State of the concerned REC.

For example, refugees face significant barriers to obtaining valid civil, identity, nationality documentation, particularly passports, due to their distinct legal status and international protection needs.⁷³ They have fled their countries of origin because of persecution, conflict, or serious human rights violations, making it generally unsafe and/or impossible to approach national authorities for official documents. Obtaining a national passport from the country of origin may undermine their asylum claims or expose refugees to the cessation of their status under Article 1(C)(1) of the 1951 Convention, as it may be interpreted, but only under certain conditions,⁷⁴ as re-availing themselves of the protection of the country they fled.⁷⁵ Furthermore, retention of a national passport, in the absence of knowledge of an obligation under national law to surrender it to the authorities of the country of asylum, should not be seen as evidence of an intention to maintain ties with the country of origin.⁷⁶ Refugees also face challenges to obtain a Machine-readable Convention Travel Document (CTD) either because some countries still do not issue such CTDs or because some countries only do so for certain purposes (like resettlement, education, medical or employment reasons).⁷⁷

As outlined in Section 4.3 of this report, free movement protocols under African RECs generally define travel documents as national passports or national identity cards (IDs), with few exceptions. None explicitly recognize CTDs.⁷⁸ In addition, it is recommended by UNHCR and ICAO⁷⁹ that

⁷³ S. Davidoff-Gore, *The Mobility Key Realizing the Potential of Refugee Travel Documents*, MPI Policy Brief, February 2024, <https://www.migrationpolicy.org/sites/default/files/publications/migration-policy-brief-refugee-travel-documents-2024-final.pdf>.

⁷⁴ According to UNHCR, the application of Article 1(C)(1) of the 1951 Convention implies three requirements to be satisfied that the refugee re-avail himself/herself of the protection of his/her country of nationality: (a) voluntariness: the refugee must act voluntarily; (b) intention: the refugee must intend by his action to re-avail himself/herself of the protection of the country of his nationality; (c) re-availment: the refugee must actually obtain such protection. UN High Commissioner for Refugees (UNHCR), *The Cessation Clauses: Guidelines on Their Application*, 26 April 1999, <https://www.refworld.org/policy/legalguidance/unhcr/1999/en/39942>.

⁷⁵ See paras 118-125 of the UNHCR Handbook at UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, HCR/1P/4/ENG/REV. 4, April 2019, <https://www.refworld.org/policy/legalguidance/unhcr/2019/en/123881>.

⁷⁶ UNHCR, Reply by the Office of the United Nations High Commissioner for Refugees (UNHCR) to request for guidance on the applicability of Article 1C (1) of the Convention relating to the Status of Refugees by legal counsel in case number X, 30 January 2025, <https://www.refworld.org/jurisprudence/amicus/unhcr/2025/en/149542>.

⁷⁷ UNHCR, 2025 Stocktaking report: Machine readable travel documents for refugees and stateless persons, 22 September 2025, <https://www.refworld.org/reference/reports/unhcr/2025/15048>.

⁷⁸ The Specimen Travel Document annexed to the 1951 and 1954 Conventions does not list the nationality of the holder of the document, to protect the individual from potentially being returned to the country of origin. See paras. 28 and 55 at UNHCR, *Summary Conclusions of the Expert Roundtable on travel documents for persons in need of international protection and stateless persons*, 22 October 2024, <https://www.refworld.org/reference/confdoc/unhcr/2024/en/150109>.

⁷⁹ *Guide for Issuing Machine Readable Convention Travel Documents for Refugees and Stateless Persons*, jointly published by UNHCR and the ICAO, February 2017, <https://www.refworld.org/policy/opguidance/unhcr/2017/96252>.

nationality is not specified in a CTD⁸⁰ for protection related reasons, including protection against refoulement to country of origin. Given the challenges refugees face in obtaining national passports or national IDs, coupled with the fact that CTDs should not specify nationality, these document-related obstacles will need to be overcome for refugees to access pathways through the free movement protocols.

All the researched countries require nationals of these RECs Member States to demonstrate community citizenship and to do so either with a national passport (Tanzania, Nigeria, South Sudan), a REC passport/travel certificate (Nigeria and Côte d'Ivoire accepting ECOWAS passport) or a national ID (Uganda; Kenya and Rwanda for their respective nationals⁸¹ and Côte d'Ivoire for ECOWAS citizens).⁸² Importantly, none of these countries accept the CTD as proof of nationality⁸³ or any other alternative means of nationality documentation for the purpose of demonstrating community citizenship for claiming the benefits derived from free movement protocols.

If a refugee is in possession of a valid passport or national ID that would allow them to travel, some national laws expressly state that refugees are prohibited from using alternative documents to CTDs. For example, South Africa's Refugee Act (Act No. 130 of 1998, last updated 04 Jan 2023)⁸⁴ and the accompanying 2019 Refugee Regulations,⁸⁵ provide that refugee status may be ceased if a refugee uses alternative documents, such as a national passport, instead of a CTD issued under section 31 of the Act.⁸⁶ In some countries such as Kenya (DRS Directive of 2024),⁸⁷ using a passport from the country of origin by individuals granted refugee status may lead to the cancellation of the refugee status. Refugees are urged to obtain CTDs as per Article 28 of the 1951 Convention and surrender their national passports. Failure to comply may result in legal consequences, including cancellation of refugee status and expulsion, as outlined in Section 17 of the Refugees Act.⁸⁸ However, the application of this Directive of the Department of Refugee Services of 30 September 2024 has been suspended by the High Court on 29 October 2024, as an interim measure, pending the resolution of the case on the

⁸⁰ Summary Conclusions of the Expert Roundtable on travel documents for persons in need of international protection and stateless persons, 22 October 2024, <https://www.refworld.org/reference/confdoc/unhcr/2024/en/150109>.

⁸¹ Uganda Directorate of Citizenship and Immigration Control, <https://www.immigration.go.ug/services/interstate-pass>. Uganda Directorate of Citizenship and Immigration Control, <https://www.immigration.go.ug/services/interstate-pass>.

⁸² Arti. 2 of the Presidential order n° 2007-604 of 8 November 2007 on the abrogation of residence card in Cote d'Ivoire, <https://compliance-ci.com/wp-content/uploads/2023/02/Ordonnance-2007-portant-suppression-de-la-carte-de-dejour.pdf>.

⁸³ All researched countries issue CTD to refugees under their jurisdiction and some of them Recognize CTD issued by other States for the purpose of accessing their territory as refugees (e.g. Kenya, Uganda).

⁸⁴ South Africa Refugee Act (Act No. 130 of 1998) <https://www.refworld.org/legal/legislation/natlegbod/1998/en/105119>.

⁸⁵ South Africa Refugee Act, Refugee Regulations (2019), https://www.gov.za/sites/default/files/gcis_document/202001/42932rg11024gon1707.pdf.

⁸⁶ According to UNHCR, the application of Article 1(C)(1) of the 1951 Convention implies three requirements to be satisfied that the refugee re-avail himself/herself of the protection of his/her country of nationality: (a) voluntariness: the refugee must act voluntarily; (b) intention: the refugee must intend by his action to re-avail himself/herself of the protection of the country of his nationality; (c) re-availment: the refugee must actually obtain such protection. See paras. 118-125 at UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, HCR/IP/4/ENG/REV. 4, April 2019, <https://www.refworld.org/policy/legalguidance/unhcr/2019/en/123881> and <https://www.refworld.org/jurisprudence/amicus/unhcr/2025/en/149542>.

⁸⁷ Kenya: The Refugees (General) Regulations, 2024, 20 February 2024, <https://www.refworld.org/legal/decrees/natlegbod/2024/147929>.

⁸⁸ Commissioner for Refugee Affairs, <https://refugee.go.ke/sites/default/files/NOTICE%20-%20PASSPORTS%20FROM%20COO.pdf>.

merits. Further legal nuances will be examined in the analysis of national law in Section 5 of this report.

5. ANALYSIS OF FREE MOVEMENT PROTOCOLS AT NATIONAL LEVEL

Before assessing whether and how refugees can access the rights derived from the free movement protocols at the country level and their potential to be used to access pathways in a third country of a REC (5.3.), this section starts by comparing some of the rights⁸⁹ of refugees under refugee law with those of REC citizens and/or other foreigners⁹⁰ under immigration law (5.1.) and some of the challenges refugees are faced with in practice (5.2.). The objective of this section is to provide a basic legal analysis to determine whether the level of benefits provided under the free movement protocols in national law is higher than the level of rights refugees are provided with.

The review of the relevant legislation in the selected countries reveals that in many instances, in law at least, refugees enjoy similar or sometimes even greater rights under national refugee or asylum laws as compared to REC citizens or foreigners under immigration law. However, refugees often face major challenges in accessing their rights in practice.

5.1. Rights of refugees under refugee laws compared to REC citizens and other foreigners

5.1.1. *Non-refoulement vs. prohibition of entry/deportation*

The principle of non-refoulement is the core principle of international refugee and human rights law that prohibits States from returning (whether directly or indirectly) individuals in any manner whatsoever to territories where they may be at risk of persecution, torture, or other forms of serious or irreparable harm.⁹¹ National refugee and asylum laws of the selected countries generally provide for protection from refoulement. By contrast, the immigration laws governing the entry and residence of REC citizens and other foreigners, contain prohibitions from entry and/or provisions for deportation on several grounds without proper safeguards.

For instance, South Africa's Immigration Act (No. 13 of 2002)⁹² outlines clear criteria for excluding prohibited and undesirable individuals from entering or residing in the country. These include persons with serious criminal records, infectious diseases, fraudulent documents, or affiliations with

⁸⁹ An exhaustive assessment of all the rights granted to refugees in all the selected countries goes beyond the limited scope of this preliminary analysis. This section therefore focuses on the rights which are particularly important to refugees and also relevant to free movement protocols.

⁹⁰ This is the case in States where free movement protocols have not entered into force yet and therefore no specific provisions for RECs citizens have been adopted.

⁹¹ 1951 Convention, Article 33(1). Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984) 1465 UNTS 85 (CAT), Article 3, www.refworld.org/docid/3ae6b3a94.html. International Convention for the Protection of All Persons from Enforced Disappearance (23 December 2010) 2716 UNTS 3, Article 16(1), www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-protection-all-persons-enforced. UN Human Rights Committee (HRC), CCPR General Comment No. 20: Article 7 (Prohibition of Torture, or Other Cruel, Inhuman or Degrading Treatment or Punishment), 10 March 1992, para. 9, www.refworld.org/docid/453883fb0.html.

⁹² South Africa Immigration Act (No. 13 of 2002), <https://www.refworld.org/legal/legislation/natlegbod/2002/en/147140>.

violent or extremist groups.⁹³ Zambia's Immigration and Deportation Act (No. 18 of 2010)⁹⁴ similarly excludes individuals considered threats to public order, national security, or economic stability. Prohibited immigrants include those who are destitute, mentally ill, convicted of serious crimes, or involved in human trafficking or terrorism or using fraudulent documentation.⁹⁵ The Immigration and Deportation Act also provide for the detention and deportation of illegal immigrants (Sections 17 and 18), noting that expulsion decisions are not subject to appeal (Section 10(1)). Malawi's Immigration Act (Chapter 15:03)⁹⁶ provides a broad list of exclusion categories, including undesirable persons based on lifestyle or economic grounds, illiterate individuals, persons with disabilities or prescribed diseases, convicted criminals, sex workers, and homosexuals. Deportation procedures are legally defined, allowing for identification, detention, and removal of those deemed undesirable or prohibited, with limited rights to appeal or challenge such decisions.

Kenya's Citizenship and Immigration Act of 2011 (Article 33) provides a long list of prohibited and inadmissible persons including persons with serious criminal records, persons considered a threat to national security, individuals who are or were involved in human trafficking, terrorism, or war crimes, persons who are destitute or mentally ill, and likely to become a public charge, persons who have previously been deported and individuals who use false documents or provide false information to immigration officers.⁹⁷ The lists in Tanzania under the 2016 Immigration Act (section 23), Rwanda (Article 9 of the Immigration and Emigration Law),⁹⁸ Burundi (Article 38 and 41 of the Law no 1/25 on the regulation of migration)⁹⁹ and in Uganda under the Citizenship and Immigration Control Act (Section 52)¹⁰⁰ are even longer. In the case of Burundi, the appeal against the expulsion order has to be exercised within five days after the notification of the decision and has no suspensive effect.¹⁰¹ Similar provisions on prohibited immigrants are found in South Sudan (See the 2011 Passports and Immigration Act, section 15 & 27),¹⁰² Ethiopia (Article 5 and 8 of the Immigration

⁹³ The Director-General of Home Affairs may waive exclusions for compelling reasons. Deportation procedures are detailed in Sections 32 to 34 of the South Africa Immigration Act (No. 13 of 2002), allowing immigration officers to detain and remove illegal foreigners, such as those who overstay visas or enter unlawfully, without a warrant, subject to legal safeguards and time limits. <https://www.refworld.org/legal/legislation/natlegbod/2002/en/147140>.

⁹⁴ Zambia Immigration and Deportation Act (2010), <https://www.refworld.org/legal/legislation/natlegbod/2010/en/90994>.

⁹⁵ Sections 35–39 of the Zambia Immigration and Deportation Act (2010) outlines prohibited immigrants and authorizes the Director-General of Immigration to detain and deport such individuals, with provisions for legal representation and appeals, <https://www.refworld.org/legal/legislation/natlegbod/2010/en/90994>.

⁹⁶ Malawi Immigration Act (Chapter 15:03), <https://malawilii.org/akn/mw/act/1963/41/eng%402014-12-31>.

⁹⁷ Kenya: The Kenya Citizenship and Immigration Act, 2011, Act No. 11 of 2011, 30 August 2011, <https://www.refworld.org/legal/legislation/natlegbod/2011/en/123212>.

⁹⁸ Rwanda: Law N°57/2018 of 13/08/2018 on Immigration and Emigration in Rwanda, 20 September 2018, <https://www.refworld.org/legal/legislation/natlegbod/2018/en/113261>. However, Article 9 of the Law Governing Refugees and Applicants for Refugee Status states that a person who is living lawfully in Rwanda and who is unable to return to his or her country may apply for refugee status before expiration of his or her residence permit. Rwanda: Law No. 13 ter/2014 of 21/05/2014 relating to refugees [REPEALED], Law No. 13 ter/2014 of 21/05/2014, 30 June 2014, <https://www.refworld.org/legal/legislation/natlegbod/2014/en/101192>.

⁹⁹ Burundi: Loi No. 1/25 du 05 Novembre 2021 portant reglementation des migrations au Burundi, 1/25, 5 November 2021, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁰⁰ Uganda: Citizenship and Immigration Control Act 1999, as amended until 2015, Chapter 66, 1999, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/74932>.

¹⁰¹ Burundi: Loi No. 1/25 du 05 Novembre 2021 portant reglementation des migrations au Burundi, 1/25, 5 November 2021, Article 44, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁰² South Sudan Passport and Immigration Act (2011), <https://www.refworld.org/legal/legislation/natlegbod/2011/en/82947>.

Proclamation no. 354/2003),¹⁰³ Djibouti (See Article 4 of the 2019 Law 40/AN/19/8)¹⁰⁴ and Nigeria (See Sections 10 and 17 of the 2015 Immigration Act).¹⁰⁵ Some countries expressly exempt refugees from expulsion measures applicable to irregular immigrants (See Article 17 of the Law 2004-303 on the identification of persons and the sojourn of foreigners in Côte d'Ivoire).¹⁰⁶

Considering the above, although everyone is protected from refoulement under international and regional refugee and human rights law as well as customary international law,¹⁰⁷ persons in need of international protection who lack refugee status and are in the country as REC citizens, may be at risk of refoulement. Upon expiration of the legal residence, they may not always be in a position to apply for asylum or challenge the deportation order.¹⁰⁸ Furthermore, even if allowed to apply for asylum, they may be required to justify any delay in doing so, as national laws often demand timely application.

5.1.2. *Visa and entry*

Refugees generally have access to the territories of the selected countries to seek international protection.¹⁰⁹ Among the RECs with a free movement protocol in force, ECOWAS stands out as the only community with generalized visa exemptions for the citizens of all Member States. By contrast, in EAC a few exceptions remain including South Sudan which still requires visa from all EAC citizens and Rwanda requesting visa for Somali nationals. Furthermore, some States may limit free movement of persons based on political considerations, public order or public health (e.g. Burundi).¹¹⁰ The visa liberalisation policy is even less advanced in ECCAS where most of the Member States still apply visa requirements towards many ECCAS citizens including Angola, Cameroon, Central African Republic (CAR), Chad, DRC, Equatorial Guinea, Gabon and Congo.

In RECs where protocols are still not in force (IGAD, COMESA, SADC), many Member States have already applied visa exemptions for REC citizens. For instance, COMESA has a Visa Protocol¹¹¹ aimed at gradually relaxing and eventually eliminating visa requirements among its Member States. However, implementation varies across the region. For example, Burundi, Mauritius, Rwanda and

¹⁰³ Ethiopia: Immigration Proclamation No. 354/2003 of 2003, 3 July 2003, <https://www.refworld.org/legal/decrees/natlegbod/2003/en/88593>.

¹⁰⁴ Law No. 40/AN/19/8th L on the conditions of entry and residence of foreigners in the Republic of Djibouti, <https://www.journalofficiel.dj/texte-juridique/loi-n40-an-19-8eme-l-relative-aux-conditions-dentree-et-de-sejour-des-etrangers-en-republique-de-djibouti/>.

¹⁰⁵ Chapter 171, Nigeria Immigration Act 1963, <https://www.refworld.org/sites/default/files/attachments/54f977a24.pdf>.

¹⁰⁶ Côte d'Ivoire: Décision No. 2005-05/Pr du 2005 relative à l'identification des personnes et au séjour des étrangers en Côte d'Ivoire, 15 July 2005, <https://www.refworld.org/legal/decrees/natlegbod/2005/fr/75359>.

¹⁰⁷ UNHCR, UNHCR intervention before the Court of Final Appeal of the Hong Kong Special Administrative Region in the case between C, KMF, BF (Applicants) and Director of Immigration, Secretary for Security (Respondents), Civil Appeals Nos. 18, 19 & 20 of 2011, 31 January 2013, www.refworld.org/jurisprudence/amicus/unhcr/2013/en/90431.

¹⁰⁸ See Article 44 of the Migration Law in Burundi providing that a person to be expelled has only 5 days as of the date of notification of the deportation decision to appeal. Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁰⁹ UNHCR, <https://www.unhcr.org/media/regional-updates-east-and-horn-africa-and-great-lakes-2025-executive-committee-session>, and <https://www.unhcr.org/sites/default/files/2025-09/southern-africa-76-excom-english.pdf>, and <https://www.unhcr.org/media/regional-updates-west-and-central-africa-2025-executive-committee-session> regional updates at the 2025 EXCOM plenary session.

¹¹⁰ Burundi: Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 9, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹¹¹ COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements, <https://www.comesa.int/programme-activities-immigration-and-free-movement-of-persons/>.

the Seychelles have fully waived visa requirements for COMESA citizens while Kenya, Madagascar, Malawi, Eswatini, Uganda, Zambia¹¹² and Zimbabwe provide a 90-day visa-free access or visa-on-arrival to at least half of the COMESA Member States. SADC Member States have made notable progress in promoting visa-free travel amongst SADC Member State. Mauritius, Seychelles, and Zimbabwe offer visa-free access to all SADC nationals, while others such as Botswana, Namibia, South Africa, Mozambique, Malawi, and Tanzania provide broad exemptions or visa-on-arrival options. Bilateral arrangements also exist, for example, Botswana and Namibia allow travel using national ID cards instead of passports. Additional bilateral agreements between IGAD Member States also provided for some visa exemptions for instance Eritrea towards Kenya and Uganda nationals and Ethiopia towards Djibouti and Kenya nationals.

The above findings are reflected in the data of the Africa Visa Openness Report of 2024¹¹³ which notably measure the visa-free reciprocity within RECs, i.e. how aligned the visa exemptions of individual Member States within a REC are with respect to one another. In this regard, ECOWAS stands out as the leader in visa-free reciprocity (99%) while EAC (54%, mainly due to Somalia requiring a visa on arrival from all travellers) and ECCAS (33%) have low reciprocity scores despite their free movement protocols being in force. By contrast, SADC, where the free movement protocol is still not applied, is scoring relatively high (60%) while COMESA (17%) and IGAD (14%) are still characterised by important disparities.

However, the free movement protocols of most RECs, i.e. COMESA, EAC, ECOWAS, and SADC require entry through official border points. While ECCAS and IGAD frameworks are less clearly defined, EAC and SADC promote improved access through One-Stop Border Posts and SADC desks while IGAD aims to formalize informal cross-border movement. As lawful entry is a specified requirement in the free movement protocols this would pose a challenge for a refugee to regularize themselves as a REC resident if they have crossed into a Member State through unofficial border points. However, it is important to note that through the non-penalization clause¹¹⁴ for illegal entry, an asylum-seeker can still access asylum procedures regardless of irregular entry.

For SADC, in addition to lawful entry requirement, the free movement protocol also outlines the need for proof of sufficient means of support for the duration of the visit. If refugees were to make use of free movement protocols, this requirement would present a significant barrier for refugees, who often flee their countries under urgent and distressing circumstances, leaving behind financial resources and documentation. Many lack access to formal banking records and employment verification, as well as formal/traditional support networks that could help demonstrate their financial self-sufficiency.

¹¹² Zambia has waived visas and visa fees for COMESA citizens on official business.

¹¹³ African Union, Africa Visa Openness Report (2024),

https://www.visaopenness.org/fileadmin/uploads/afdb/Documents/2024_AVOI_final_R3_20nov24_2.pdf.

¹¹⁴ See Article 31 of the 1951 Convention and UNHCR, Guidelines on International Protection No. 14: Non-penalization of refugees on account of their irregular entry or presence and restrictions on their movements in accordance with Article 31 of the 1951 Convention relating to the Status of Refugees, HCR/GIP/24/14, 23 September 2024,

<https://www.refworld.org/policy/legalguidance/unhcr/2024/en/148632>.

5.1.3. *Right to stay, residence and naturalization*

When comparing the grounds for residence permits for refugees versus REC nationals and other foreigners, the residence of the latter is always dependent on employment, education or family reason (with the notable exception of Burundi where EAC nationals seem to enjoy a general authorization to reside).¹¹⁵ By contrast, refugees' stay is not linked to any of these factors under the respective refugee and asylum laws.

Regarding the duration of the residence, the situation of refugees and REC citizens or other foreign nationals is not always comparable. South Africa grants refugees a renewable Section 24 permit valid for two years under the Refugees Act. After five continuous years of holding refugee status, individuals may apply for permanent residence under Section 27(c), subject to approval by the Standing Committee for Refugee Affairs. Foreign nationals can apply for various temporary residence permits (e.g., work, study, business), typically valid for 3–5 years and may qualify for permanent residence based on duration of stay, critical skills, or family ties. Zambia regulates refugee status under the Refugees Act of 2017.¹¹⁶ Recognized refugees and their dependents are permitted to remain in Zambia and are issued identity cards. Foreign nationals may apply for various immigration permits including residence, employment, investor, and spouse permits, with eligibility and renewal governed by specific legal provisions. In Tanzania, refugees are usually granted a permit C of a maximum duration of 2 years, but which is renewable indefinitely, while the residence permit of EAC citizens and foreigners is valid for up to three years, renewable for up to two additional years, with a maximum total validity of five years.¹¹⁷

In Kenya, refugees and EAC nationals are granted distinct residence permits; the refugee identity card expires after 5 years but is renewable¹¹⁸, while the law provides for foreign nationals (including EAC citizens) that no permit shall be issued or renewed for a period exceeding five years from the date of issue or renewal¹¹⁹. In Côte d'Ivoire, refugees are granted a 5-year renewable permit while ECOWAS citizens can reside based on their national ID card without applying for a specific permit.

¹²⁰ In Nigeria, refugees are granted a 2-year renewable permit while ECOWAS citizens receive a

¹¹⁵ Burundi: Loi No. 1/25 du 05 Novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 29, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹¹⁶ Zambia: The Refugees Act, 2017, Act No. 1 of 2017, 13 April 2017, <https://www.refworld.org/legal/legislation/natlegbod/2017/120426>.

¹¹⁷ Part IV (Sections 20–31) of the Immigration Act, Cap. 54, <https://procedures.tiseza.go.tz/media/IMMIGRATION%20ACT%20CAP%2054%202016.pdf> and detailed in Part IV (Regulations 31–41) of the Immigration Regulations, 1997 as amended by the Immigration (Amendment) Regulations, 2023 (G.N. No. 428 of 2023), <https://citizenshiprightsfrance.org/wp-content/uploads/Tanzania-Immigration-Amendment-Regulations-2023.pdf>.

¹¹⁸ UNHCR Help Kenya, <https://help.unhcr.org/kenya/applying-for-asylum-in-kenya/what-happens-after-i-apply/#:~:text=Once%20the%20review%20process%20is,5%20years%20but%20is%20renewable>.

¹¹⁹ Kenya Citizenship and Immigration Regulations, 2012, Article 24(2), [Kenya: Citizenship and Immigration Regulations, 2012 | Refworld](https://www.refworld.org/docid/5d4d4d4d.html).

¹²⁰ The ECOWAS resident card established by the Law No98-448 of 4 August 1998 has been abrogated by the Immigration Law 2002-03 of 2002. See also the Presidential order n° 2007-604 of 8 November 2007 on the abrogation of residence card in Cote d'Ivoire at <https://compliance-ci.com/wp-content/uploads/2023/02/Ordonnance-2007-portant-suppression-de-la-carte-de-dejour.pdf>. In practice, the ECOWAS residence card is still required to access employment and certain other rights, but it is not requested by the police in the context of immigration or ID controls.

residence permit which cannot be extended beyond 5 years.¹²¹ In South Sudan and DRC, general immigration rules regarding residence apply to EAC nationals without any preferential treatment.¹²² In Ethiopia and Djibouti, the residence permit for refugees is not timebound while foreigners receive a 1-year renewable permit.

Regarding the residence permit fees, refugees usually benefit, for their specific permits, from the same exemptions (Rwanda, Kenya,¹²³ Uganda where only nationals from Kenya and Rwanda are exempted from payment of immigration fees)¹²⁴ or reduced fees (Tanzania)¹²⁵ as REC nationals while foreigners are usually subject to fees (Ethiopia, Djibouti).

Although RECs have made commitments to regional integration, free movement, and refugee protection, the process of naturalization remains solely governed by national laws. All countries reviewed in this study have national legal frameworks that outline pathways to citizenship for refugees and/or foreign nationals. However, in practice, these pathways are often difficult to access due to unclear legal provisions regarding refugee eligibility, as well as discretionary and non-transparent procedures.

All countries examined are parties to both the 1951 Convention and the 1969 OAU Refugee Convention, which affirm their commitment to refugee protection and durable solutions. Notably, Article 34 of the 1951 Convention addresses naturalization:

“The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.”

¹²¹ Section 37 (13) of the 2015 Immigration Act at <https://www.refworld.org/sites/default/files/attachments/54f977a24.pdf>. See also and Immigration Regulation SI-3-2017 (paras 5(9) and 11(4) at <https://citizenshiprightsafrika.org/wp-content/uploads/2017/03/Nigeria-Immigration-Regulations-SI-3-2017.pdf>. ECOWAS nationals are only required to apply for the ECOWAS Residence Card.

¹²² South Sudan: Passports and Immigration Act of 2011, 7 July 2011, <https://www.refworld.org/legal/legislation/natlegbod/2011/en/82947>. For DRC, see Ordinance N° 83-033 of 12 September 1983 at <https://www.leganet.cd/Legislation/Droit%20administratif/Immigration/OL.12.09.83.%20N83.033.htm>.

¹²³ See Section 28(5) of the Refugee Act at Kenya: The Refugees Act, 2021, 23 November 2021, <https://www.refworld.org/legal/legislation/natlegbod/2021/en/124231>. For foreigners, the issuance of Work Permits and Passes in Kenya is regulated by Sections 36, 40, 41, and 42, of the Kenya Citizenship and Immigration Act 2011 and the attendant Regulations. Before issuing work permits, authorities often require proof that no Kenyan is available with the required skills (in form 25). Kenya: The Kenya Citizenship and Immigration Act, 2011, Act No. 11 of 2011, 30 August 2011, <https://www.refworld.org/legal/legislation/natlegbod/2011/en/123212>.

¹²⁴ Residence for non-citizens is regulated under the Uganda Citizenship and Immigration Control Act (Cap. 66) and the Uganda Citizenship and Immigration Control Regulations and is always sponsored by an organization or company which must have a mandatory organization code. Uganda: Citizenship and Immigration Control Act 1999, as amended until 2015, Chapter 66, 1999, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/74932>. The Directorate of Citizenship and Immigration Control outlines several permit classes. Common requirements across these permit types include a valid passport, a completed online application and payment of the prescribed fee. Depending on the permit class, applicants must also submit supporting documents such as company registration certificates, employment contracts, proof of shareholding, or evidence of assured external income. Entry permits are typically issued for periods between 6 and 36 months, depending on the class and the nature of the applicant’s engagement. The entry permit may be renewed (Citizenship and Immigration Control Act Article 54-3).

¹²⁵ See Residence Permit New Guidelines at <https://www.immigration.go.tz/index.php/downloads/regulations>.

While Article 34 does not confer a right to citizenship, it establishes a duty of facilitation, as far as possible, for refugees to integrate and naturalize. Also, States are expected to expedite procedures and reduce costs. Of researched countries, only Malawi has made a reservation to Article 34.

5.1.4. Access to employment

Regarding access to employment, which is at the core of the free movement protocols, many of the researched countries provide refugees with full access to employment under similar conditions and in some cases even with less requirements compared to REC's citizens and/or other foreigners.

In Burundi, refugees are entitled to a preferential treatment compared to other foreigners regarding employment in general,¹²⁶ subject to Burundi's reservations to Article 17(1) and (2) of the 1951 Convention,¹²⁷ and to the same preferential treatment as EAC nationals concerning the practice of a specific liberal profession¹²⁸ In Uganda, the 2006 Refugee Act¹²⁹ states that refugees shall receive at least the same treatment accorded to aliens generally in similar circumstances with respect to accessing employment opportunities and engaging in gainful employment. In South Africa, refugees have full legal access to employment under the Refugees Act, including eligibility for employment benefits like medical aid and Unemployment Insurance Fund. Once endorsed, they must find employment within six months, and employers are required to notify authorities. By contrast, foreign nationals can work if they obtain a valid visa, but employers must prioritize South African citizens. In South Sudan, with only the refugee identity card issued to them upon entry, refugees have the same right to apply for jobs as South Sudanese nationals and follow the same recruitment processes.

¹³⁰

In Rwanda, according to Article 21 of the Law governing Refugees and Applicants for Refugee Status, a refugee enjoys the rights and liberties provided for by international treaties on refugees.¹³¹ In practice, this has been interpreted as allowing refugees to engage in gainful employment without any work permit or authorization and on the simple presentation of their ID cards. On that basis, progress was made in terms of granting refugees the right to work, integrating them into national development and promoting employment initiatives.¹³² However, according to Article 25 of the Refugee Law, access to employment involves an authorization to relocate out of the refugee camp which is granted

¹²⁶ Law no 1/25. Burundi: Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 66, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹²⁷ https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=V-5&chapter=5#EndDec.

¹²⁸ Law no 1/25. Burundi: Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 67, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹²⁹ See section 29 (1) (e) (vi). Uganda: The Refugee Act 2006, Act 21, 24 May 2006, <https://www.refworld.org/legal/legislation/natlegbod/2006/en/102125>.

¹³⁰ Refugee law, Article 33 (f) provides that every Recognized refugee and every member of his or her family in South Sudan shall be entitled to seek employment. South Sudan: Refugee Act of 2012, Act No. 20, 5 June 2012, <https://www.refworld.org/legal/legislation/natlegbod/2012/en/91073>; Section 46. South Sudan: Labour Act (No. 64), 24 October 2017, <https://www.refworld.org/legal/legislation/natauth/2017/en/149857>; and Ramazani, U., Pathways to formal employment in South Sudan, Amahoro Coalition and the Refugee-Led Research Hub, March 2025, <https://data.unhcr.org/en/documents/details/117854>.

¹³¹ Rwanda: Law No. 042/2024 of 19/04/2024 governing Refugees and Applicants for Refugee Status in Rwanda, 19 April 2024, <https://www.refworld.org/legal/legislation/natlegbod/2024/149472>.

¹³² Rwanda, Report on the implementing the 1951 International Refugee Agreements, Standing Committee on Foreign Affairs, Cooperation, and Security, 5 February 2025, https://www.parliament.gov.rw/fr/news-detail?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=42919&cH ash=44bd03a20ee44ea16929d6790fb4430d.

under certain conditions but remains at the discretion of the authorities. For foreigners, Article 13 of the Ministerial Order on immigration outlines the types, validity, and requirements of the work permits in Rwanda.¹³³ Importantly, Rwanda and Kenya abolished work permit fees for EAC nationals working in the two countries.¹³⁴ In Côte d'Ivoire, Article 13 of the 2023 Refugee Law guarantees the right to work for refugees, while ECOWAS citizens and other foreigners must hold an employment contract or a hiring letter (see Article 7 of 2023 Labour Code). In Nigeria, refugees face significant challenges while ECOWAS citizens enjoy full access to employment providing, they applied for ECOWAS residence card which serves as a work permit and as a residence permit.¹³⁵ In Ethiopia, the Refugee Proclamation¹³⁶ grants the right to work for refugees and asylum-seekers, which is further regulated by the 2024 Directive No. 1019/2024.¹³⁷

5.1.5. *Right to education*

Regarding the right to education, many of the researched countries provide refugees with access to education in similar conditions or sometimes more favourable conditions than REC citizens and/or other foreigners.

In South Africa, refugees have the right to basic education or adult basic education.¹³⁸ For higher level learning, both refugees and foreign nationals must be accepted into registered institutions and meet study visa requirements, including proof of financial means, medical reports, and academic qualifications. Refugees in Zambia can study at primary and secondary levels without a permit, while foreign nationals must obtain a study permit, with eligibility based on acceptance by a Zambian institution and supporting documentation. The legal framework in Kenya also guarantees the right to education for refugees, furthermore, tuition fees for public universities are equal for nationals and refugees. Refugees can also pursue education outside camps, although movement is regulated under the Refugees Act (2021), which requires the issuance of movement passes. In Rwanda, refugees have access to the national Rwandan education system at all levels: pre-primary, primary, secondary, TVET and higher education.¹³⁹

For REC citizens, in the EAC, the Inter-University Council for East Africa (IUCEA) runs the EAC Student Mobility Scholarship Scheme (EACSMS). Under this scheme, host universities waive tuition and examination fees for students from other EAC Partner States.¹⁴⁰ In Uganda, Article 29 (e) of the Refugee Act states that a recognized refugee shall receive at least the same treatment accorded to aliens generally in similar circumstances relating to (iii) education, other than elementary education for which refugees must receive the same treatment as nationals. In Tanzania, Section 31 of Tanzania's

¹³³ Rwanda: Ministerial Order N°06/01 of 29/05/2019 Relating to Immigration and Emigration, 30 May 2019, <https://www.refworld.org/legal/legislation/natlegbod/2019/en/123722>.

¹³⁴ <https://www.eac.int/privacy/17-basic-page?layout=blog&start=20>.

¹³⁵ See Section 37 (13) of the 2015 Immigration Act and Immigration Regulation SI-3-2017 (paras 5(9) and 11(4)). <https://www.refworld.org/sites/default/files/attachments/54f977a24.pdf>.

¹³⁶ <https://capitalethiopia.com/2024/09/02/new-law-allows-legal-employment-for-refugees-and-asylum-seekers/>.

¹³⁷ Ethiopia: Directive No. 1019/2024 to Implement Recognized Refugees' and Asylum Seekers' Right to Work, No. 1019/2024, 14 August 2024, <https://www.refworld.org/legal/decrees/natlegbod/2024/en/148630>.

¹³⁸ South Africa Refugee Act (Act No. 130 of 1998), Ch. 5, Article 27(g), <https://www.refworld.org/legal/legislation/natlegbod/1998/en/105119>.

¹³⁹ UNHCR Help Rwanda, <https://help.unhcr.org/rwanda/services/education/>.

¹⁴⁰ New law allows legal employment for refugees and asylum seekers, 02 September 2022, <https://capitalethiopia.com/2024/09/02/new-law-allows-legal-employment-for-refugees-and-asylum-seekers/>.

Refugees Act guarantees refugees the right to education. It mandates that refugee children have access to primary education in line with the National Education Act of 1978. Refugee adults are entitled to adult education under the Adult Education Act. The Act also provides for refugees' access to post-primary education - covering secondary and higher education - subject to rules and regulations formulated by the Minister of Education in consultation with relevant education authorities. In Nigeria, refugees have the same opportunity to pursue education as the nationals, and are enrolled in national schools at all levels, including pre-primary, primary, secondary, and university.¹⁴¹

5.1.6. *Access to social protection*

Access to social protection for refugees in the selected countries seems to also be better guaranteed in refugee and asylum laws, compared to REC citizens (e.g. DRC) or other foreigners (e.g. South Africa, Djibouti, Ethiopia) or, at least, equivalent (Rwanda).¹⁴² The assessment at country level reveals important gaps affecting REC citizens which are not only due to the failure to implement the free movement protocols but also to the limited provisions on social protection in these instruments (as outlined in section 4 above). For instance, in Nigeria, Section 43 of the National Health Insurance Scheme Act (1999) only establishes authority for the government to enter into reciprocal agreements for mutual social protection and health insurance that would benefit Nigerians in and foreigners from concerned countries. In DRC, there is not yet full compliance with ECCAS protocol standards, especially in ensuring universal access, covering informal sectors and portability.

5.1.7. *Recognition of credentials and qualifications*

Regarding the recognition of credentials and qualifications, the treatment of refugees is often similar to REC citizens and other foreigners (e.g. Uganda).¹⁴³ In South Africa, Zambia, and Malawi each have national frameworks for recognizing foreign qualifications, supporting access to education and employment. In South Africa, the National Qualifications Framework Act mandates the South African Qualifications Authority (SAQA) to evaluate foreign credentials. SAQA's 2024 policy outlines procedures for assessing comparability with local standards, including appeals and transitional provisions. Zambia's Qualifications Authority Act establishes the Zambia Qualifications Authority (ZAQA) and the Zambia Qualifications Framework (ZQF), promoting international comparability and recognition of prior learning (RPL), including informal and experiential education. Refugees with recognized qualifications may practice professions under the Refugees Act. Malawi's National Council for Higher Education oversees the National Qualifications Framework and the Higher Education Qualifications Framework. In 2025, Malawi validated its RPL policy, enabling formal recognition of non-traditional learning, such as workplace experience, to support inclusive access to

¹⁴¹ UNHCR, Report on Supporting Refugees and Host Communities, December 2021,

https://globalcompactrefugees.org/sites/default/files/2021-12/GCR%20in%20Nigeria%20Booklet%2010.12.2021_for%20web.pdf.

¹⁴² Article 4 of the Law governing the organization of pension schemes provides that persons subject to mandatory pension scheme are the following: all employees governed by the Law regulating labour in Rwanda regardless of nationality, type of contract, duration of the contract or the amount of wages. Rwanda, Law N° 05/2015 of 30/03/2015, <https://policyvault.africa/policy/law-n-05-2015-of-30-03-2015-governing-the-organization-of-pension-schemes/#:~:text=GOVERNING%20THE%20ORGANIZATION%20OF%20PENSION%20SCHEMES%20TABLE%20OF%20CONTENTS,DE%20PENSION%20TABLE%20DES%20MATIERES>.

¹⁴³ See Section 29 Uganda: The Refugee Act 2006, Act 21, 24 May 2006, <https://www.refworld.org/legal/legislation/natlegbod/2006/en/102125>.

education and employment. It should also be noted that progress has been made at the country level in certain RECs regarding this area.

Tanzania, together with several other EAC Partner States (South Sudan, Uganda, Rwanda)¹⁴⁴ have ratified Mutual Ratification Agreements (MRA) in several professions and have laws or systems for recognising foreign / EAC-partner academic credentials. Côte d'Ivoire participates in international systems with common qualifications frameworks, particularly in developing the Regional Certifications Framework in ECOWAS countries and the sub-region. This is done through the Commission for the Recognition and Equivalence of National and Foreign Post-Bac Diplomas. DRC is party to Conseil Africain et Malgache pour l'Enseignement Supérieur (CAMES), a regional organization among francophone African countries running a "diploma equivalence recognition program".¹⁴⁵

Considering the above, in the selected countries where a free movement protocol is in force (EAC, ECOWAS, ECCAS), the privileges of REC citizens, notably regarding access to employment and education, are limited to the waiving of certain fees in comparison to other foreigners. Burundi is the only country in the study who has defined foreigners as non-EAC nationals¹⁴⁶ and who exempted EAC nationals from the local bank deposit requirement for establishment.¹⁴⁷ Furthermore, it appears that refugees enjoy, in law, similar and sometimes even greater rights than REC citizens and other foreigners (e.g. South Africa, Djibouti, Ethiopia, South Sudan, Rwanda). However, in several countries refugees face significant difficulties to exercise certain rights due to legislative gaps or practical challenges.

5.2. Refugees' challenges in practice compared to REC citizens and other foreigners

5.2.1. Limited freedom of movement in the host country

In some of the selected countries, refugees face challenges regarding their right to freedom of movement within the host country.

For instance, Zambia implements a refugee settlement policy, meaning most refugees are required to reside in designated settlements. Malawi also enforces a strict encampment policy, requiring refugees and asylum seekers to reside in camps. In both countries refugees are not only required to reside in a designated place, they are also not permitted to freely move in the country without special authorization, and violations can lead to detention or deportation. The freedom of movement of refugees residing in camps in Burundi is also restricted¹⁴⁸ despite Article 70 of the Law no 1/25 which in principle allows refugees to move freely and to choose their residence in the country, subject to Burundi's reservations to Article 26 of the 1951 Convention.¹⁴⁹ In Kenya, the majority of refugees have

¹⁴⁴ The Republic of South Sudan Signs Mutual Recognition Agreement for Engineers, Advancing cross-border mobility and regional integration, 04 October 2024, <https://www.eac.int/press-releases/3184-the-republic-of-south-sudan-signs-mutual-recognition-agreement-for-engineers,-advancing-cross-border-mobility-and-regional-integration>.

¹⁴⁵ Site internet du Conseil Africain et Malgache pour l'Enseignement Supérieur (CAMES): <https://www.lecames.org/>.

¹⁴⁶ Burundi: Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 4, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁴⁷ Burundi: Loi No. 1/25 du 05 novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Articles 30(5) and 31, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁴⁸ Burundi: Loi No. 1/25 du 05 Novembre 2021 portant réglementation des migrations au Burundi, 1/25, 5 November 2021, Article 110, <https://www.refworld.org/legal/legislation/natlegbod/2021/fr/147050>.

¹⁴⁹ https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=V-5&chapter=5#EndDec.

lived in camps for over three decades, and the encampment policy continues to limit refugees' freedom of movement. As per the new Refugee Act, refugees are required to reside in designated areas as declared by the Cabinet Secretary (Article 25 and 28). The Commissioner for Refugee Affairs may issue movement passes to refugees and asylum-seekers who wish to travel outside designated areas and within Kenya (Section 8(O)). The Commissioner may exempt individuals from residing in designated areas where there are compelling reasons to do so (Section 8(P)). The freedom of movement and the right to choose a place of residence is equally restricted in Tanzania and Ethiopia which practice a stringent encampment policy (see Article 16 (1) of the Tanzania Refugee Act and the Ethiopian Directive on freedom of movement of 2019).¹⁵⁰

5.2.2. *Limited access to employment*

In these countries, the restrictions on freedom of movement drastically limits access to employment for refugees. Furthermore, in practice, several challenges also undermine refugees' right to work. In Ethiopia, the 2024 Directive includes a series of requirements and restrictions regarding the granting of work permits to refugees.¹⁵¹ In Zambia, the cost to obtain a work permit to engage in formal employment outside of a refugee settlement is prohibitive (approximately \$600). In Uganda, the Directorate of Citizenship and Immigration Control (DCIC) continues to only stamp work permits on refugee CTDs,¹⁵² which a handful of refugees have. There are significant delays in obtaining a CTD and the cost can be prohibitive for many refugees, especially those living in settlements (around USD 60 and travel to Kampala). Discrimination also remains a significant obstacle to employment.¹⁵³

In Kenya, while the law allows refugees access to employment, in practice the law restricts refugees' freedom of movement, preventing them from accessing this right. While there is no mention of work permit requirements in the Refugee Act of 2021 and its regulation of 2024, refugees intending to undertake gainful employment are obligated to apply for a Class M work permit,¹⁵⁴ which involves filling in a Form 25.¹⁵⁵ Refugees also face bureaucratic challenges when applying for a work permit. Before starting the application process, one must obtain a recommendation letter from the Department of Refugee Service, which adds to the delays in acquiring this permit. The law extends the same treatment to refugees as any other foreigner as they are required to provide a promise of

¹⁵⁰ Ethiopia: Directive No. 01/2019 to Determine Conditions for Movement and Residence of Refugees Outside of Camps, 30 December 2019, <https://www.refworld.org/legal/decrees/natlegbod/2019/en/123757>.

¹⁵¹ Ethiopia: *Directive No. 1019/2024 to Implement Recognized Refugees' and Asylum Seekers' Right to Work*, No. 1019/2024, 14 August 2024, <https://www.refworld.org/legal/decrees/natlegbod/2024/en/148630>.

¹⁵² UNHCR Policy Brief, *Uganda Employment*, July 2021, <https://www.unhcr.org/media/unhcr-policy-brief-uganda-employment>.

¹⁵³ Iragi, B., *Pathways to formal employment in Uganda*, Amahoro Coalition and the Refugee-Led Research Hub, October 2024, <https://data.unhcr.org/fr/documents/details/118614>.

¹⁵⁴ In compliance with the guidelines set forth by the Kenya Citizenship and Immigration Act 2011/2012. Two key requirements to apply for the class M permit are to possess a "special" set of skills that a Kenyan does not have and to have a Kenyan understudy to pass validate these skills to. However, it is unclear what entails a "special" skill and in practice the granting of class M permits is subject to discretion. Kenya: *The Kenya Citizenship and Immigration Act, 2011*, Act No. 11 of 2011, 30 August 2011, <https://www.refworld.org/legal/legislation/natlegbod/2011/en/123212>. See also <https://fns.immigration.go.ke/infopack/permits/classM/>.

¹⁵⁵ Kenya, *Form 25 – Application for Entry Permit*, <https://www.kenyarep-jp.com/visa/form/Form%2025%20Application%20for%20Entry%20Permit.pdf>.

employment by the employer¹⁵⁶ and the justification that skills and qualifications are not available locally.¹⁵⁷

In Nigeria, the 2022 National Commission for Refugees Act does not explicitly provide for refugees' access to employment.¹⁵⁸ Article 26 states that the commission shall “assist in seeking employment or education to any refugee and any member of his family. In practice, refugees face significant barriers, as, unlike for foreigners, there is no formal pathway for them to apply for work permits or identify the required documents for formal employment. This ambiguity creates uncertainty for both refugees seeking employment and employers, leading to a general reluctance to engage refugees in the workforce.¹⁵⁹ In Djibouti, access to employment remains a critical issue, with only 10% of refugees benefiting from work opportunities, due to administrative and regulatory challenges. A similar situation is observed in Ethiopia with 86% of refugees being unemployed.

5.2.3. *Limited access to permanent residency and naturalization*

Refugees are also prevented from accessing permanent residency, a common prerequisite for naturalization, in most of the countries studied. For example, in Malawi, the Refugee Act does not provide a pathway for refugees to transition to permanent residency or citizenship.¹⁶⁰ Therefore, refugees are not eligible to apply for residence permits in the same way that foreign nationals can.¹⁶¹ Although the countries studied generally provide for naturalization in their immigration or citizenship laws, a few such as Uganda,¹⁶² Djibouti,¹⁶³ and Zambia¹⁶⁴ explicitly reference the right to naturalize in their refugee legislation. In other countries, such as South Africa,¹⁶⁵ Rwanda,¹⁶⁶

¹⁵⁶ For all the requirements for obtaining a work permits: See page 10-11 at UNHCR, *Kenya: Refugee Policy Review Framework Update as of 30 June 2024*, April 2025, <https://www.refworld.org/reference/countryrep/unhcr/2025/en/149998>. See also <https://fns.immigration.go.ke/infopack/permits/classM/>.

¹⁵⁷ See question 18(a) of the Form 25 and the Explanatory Note contained in this form which provides that: “It is the Government policy that the economy of Kenya should be manned by trained and competent citizens. Permits are issued to foreign nationals with skills not available at present on the Kenya Labour Market, only on the understanding that effective training programmes are undertaken to produce trained citizens within a specified period.” <https://www.kenyarep-jp.com/visa/form/Form%2025%20Application%20for%20Entry%20Permit.pdf>.

¹⁵⁸ Nigeria: *National Commission for Refugees, Migrants and Internally Displaced Persons Act, 2022*, 28 December 2022, <https://www.refworld.org/legal/legislation/natlegbod/2022/en/147560>.

¹⁵⁹ Salah, F. and Ramazani, U, *Pathways to formal employment in Nigeria*. Amahoro Coalition and the Refugee-Led Research Hub, April 2025, <https://amahorocoalition.com/wp-content/uploads/2025/08/Pathways-to-Employment-Nigeria.pdf>.

¹⁶⁰ Malawi: Refugee Act of 1989, 8 May 1989, <https://www.refworld.org/legal/legislation/natlegbod/1989/en/17638>.

¹⁶¹ See Chapter 15-03 at Malawi: Refugee Act of 1989, 8 May 1989, <https://www.refworld.org/legal/legislation/natlegbod/1989/en/17638> and implementation regulations at <https://malawilii.org/akn/mw/act/gn/2024/4/eng@2024-01-26>.

¹⁶² Uganda: The Refugee Act 2006, Article 45, <https://www.refworld.org/legal/legislation/natlegbod/2006/en/102125>

¹⁶³ Djibouti: Loi No. 159/AN/16/7ème L portant statut des réfugiés en République de Djibouti, Loi No. 159/AN/16/7ème L, 5 January 2017, Article 14, <https://www.refworld.org/legal/legislation/natlegbod/2017/fr/147068>

¹⁶⁴ Zambia: Refugee Act, 2017, Article 49, <https://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Refugees%20Act%20No.%201%20of%202017.pdf>

However, it should be noted that this provision requires a refugee to apply to cease their refugee status before they can apply for naturalization.

¹⁶⁵ South Africa Citizenship Act 88 of 1995, Last updated 06 May 2025, https://www.saflii.org/za/legis/consol_act/saca1995271/.

¹⁶⁶ Rwanda: Organic Law N° 002/2021 of 16/07/2021 governing Rwandan Nationality, <https://www.refworld.org/legal/legislation/natlegbod/2021/en/124149>.

Tanzania.¹⁶⁷ Nigeria,¹⁶⁸ Cote d’Ivoire,¹⁶⁹ refugees are not expressly excluded from naturalization, but implementation varies and challenges remain, including legal and administrative barriers.

6. POTENTIAL OF LEVERAGING FREE MOVEMENT PROTOCOLS FOR ENHANCING REFUGEE RIGHTS AND SOLUTIONS

None of the existing free movement protocols explicitly address refugee matters including the possibility of refugees to access REC benefits. This is owed to the fact that the free movement protocols do not create a status by themselves but rather provide access to certain benefits if requirements are fulfilled. That said, the potential of REC benefits could be leveraged in a variety of contexts as set out in Section 1.2. above. The following regional examples illustrate evolving interpretations and practices while the application could be further explored in other contexts:

6.1. Context A: Enhancing access to rights of refugees in host countries

6.1.1. National legislation context: Kenya’s Refugees Act

Kenya’s Refugees Act No. 10 of 2021, under Article 28(8), provides a unique example in Africa of a national law that explicitly provides for recognised refugees from a REC, in this case the EAC, to give up their refugee status in order to access REC benefits.

“A person from a Partner State of the East African Community who has been recognised as a refugee under this Act may opt to voluntarily give up his or her refugee status for the purposes of enjoying any of the benefits due to him or her under the Treaty for the Establishment of the East African Community, the Protocol for the Establishment of the East African Community Common Market, and any other relevant written law.”

This provision acknowledges the interplay of refugee protection and sub-regional integration benefits. While this option appears to offer a legal pathway for individuals to voluntarily transition from refugee status to full participation in EAC frameworks, thereby facilitating access to benefits under sub-regional agreements, it may bear significant protection risks for persons who are still in need of international protection, as recognized by the State asylum system.

Refugees in Kenya are protected under the Refugees Act and related regulations, which align with international conventions. They have the right to seek asylum, protection from refoulement, and due process during status determination. Recognized refugees can live in designated areas, move freely, work, hold land,¹⁷⁰ and access education, healthcare, and social services. The challenge of

¹⁶⁷ Tanzania Citizenship Act, 1995 <https://www.refworld.org/legal/legislation/natlegbod/1995/en/13754> (Part III, Section 9 – also Second Schedule (Section 9(1)).

¹⁶⁸ Constitution of the Federal Republic of Nigeria (as amended up to 2023), Act No. 24, 5 May 1999, <https://www.refworld.org/legal/legislation/natlegbod/1999/en/104229>.

¹⁶⁹ Code de la nationalite Loi n° 61-415 du 14 Decembre 1961 (modifiée 1972, loi n° 2004-662 du 17 décembre 2004, n° 2005-03/PR du 15 juillet 2005, n° 2005-09/PR du 29 août 2005), Loi n° 61-415, 14 December 1961, Articles 25-33, <https://www.refworld.org/legal/legislation/natlegbod/1961/fr/80856>.

¹⁷⁰ Constitution of Kenya, 2010 : all individuals, including refugees, to own property, but non-citizens, including refugees can only hold land on a leasehold basis for up to 99 years, Article 40, <https://www.refworld.org/legal/legislation/natlegbod/2010/en/75699>. The Lands Act continue to ensure equal access and Recognition of land rights for refugees and foreign nationals. many obstacles remain for refugees to access land, tenure and property including their restricted choice of residence. For refugees in urban areas, they can access rental housing on the same terms as nationals. Kenya: *Land Act No. 6, 2012*, 30 September 2012, <https://www.refworld.org/legal/legislation/natlegbod/2012/en/120356>.

encampment could be overcome if a refugee decides to opt for this right under the free movement protocol, however this decision may put other rights they have under refugee law at risk. Without adequate monitoring and support mechanisms, individuals undergoing transition may therefore lose protection. It is therefore critical to ensure refugees, and the authorities are fully aware and informed about the implications and the risks of this transition.

Furthermore, voluntary transition from refugee status to free movement benefits may present legal and practical challenges in the absence of clear procedures and consistent implementation at the country level. This would also require coordination and harmonization at the RECs' level not to hinder sub-regional mobility.

It is advisable to will explore the possibility of seeking an advisory opinion or preliminary ruling from the East African Court of Justice (EACJ) to determine whether the requirement of Section 28(8) of the Kenya Refugees Act to choose between refugee status and EAC benefits is compatible with the EAC sub-regional legal framework and international refugee law. Further research on the application of the EAC framework could also contribute to this effort. An EAC specific study could draw on the findings of the present report and examine more in depth the Kenya case study to determine which additional rights refugees who are EAC citizens may be entitled to under the EAC free movement protocol in Kenya and obstacles they may face in accessing such rights.

6.1.2. *Sub-regional context: ECOWAS*

While the ECOWAS free movement protocol does not specifically mention refugees, the matter was clarified during a meeting of the ECOWAS Trade, Customs and Free Movement of Persons Committee (Accra, Ghana, 25–27 September 2007)¹⁷¹ which stated that:

- Refugee status and ECOWAS residence rights can coexist.
- Refugees may retain their protection status while benefiting from ECOWAS mobility and residence provisions.

The Committee recommended the following measures:

- ECOWAS Member States should issue travel documents to their nationals who are refugees.
- Host States should formally confer residence rights on ECOWAS citizens who are refugees.
- These residence rights should be valid for three years, with the possibility of renewal.

This recommendation was submitted to the ECOWAS Thirty-Fourth Ordinary Session of the Authority of Heads of State and Government held in Abuja on 23 June 2008¹⁷² and referenced in the final communique:

¹⁷¹ ECOWAS Memo: Meeting of the Committee on Trade, Customs, Immigration Customs, Immigration Accra 25-27 September 2007, <https://www.unhcr.org/asia/sites/asia/files/legacy-pdf/49e47c8f0.pdf> and Towards Local integration of Liberian and Sierra Leonan refugees (Regional Conference on Refugee Protection and International Migration in West Africa (2008), <https://www.unhcr.org/media/4-4-towards-local-integration-liberian-and-sierra-leonan-refugees-regional-conference-refugee>.

¹⁷² ECOWAS, Thirty-Fourth Ordinary Session of the Authority of Heads of State and Government, Abuja, 23 June 2008. <https://amaniafrica-et.org/wp-content/uploads/2022/05/34th-ECOWAS-Summit-Abuja-23-June-2008.pdf>.

“In order to make the West African Common Market a reality for the benefit of its peoples, the Authority urged the Member States to effectively implement the protocol on free movement of persons and goods, the right of residence and establishment, ensure the harmonisation of the ECOWAS passport and guarantee equal treatment of refugees and other ECOWAS citizens.”

Applying or enjoying both refugee protection and REC free movement benefits could raise legal and practical challenges in implementation due the various rights attached to each regime at the sub-regional and country level.¹⁷³ For example, in Tanzania, the law does not mention the possibility to hold both statuses, but Article 9(2) of the Refugee Act provides that a person lawfully in the country and unable to return to his country of origin may apply for asylum, prior to the expiration of his lawful stay. In Uganda, the law does not refer to this possibility for dual statuses either, but Article 31(C) of the 2006 Refugee Act provides that a recognised refugee in possession of a valid passport issued by the country of origin shall surrender that passport to the issuing officer before acquiring a travel document.

In South Sudan and Rwanda, there are specified residence/work permits for refugees and foreigners (including EAC nationals), therefore also suggesting that both statuses may not be enjoyed simultaneously. According to the Law No. 021/2002 of 2002 on the Status of Refugees, a person who holds refugee status in the DRC cannot simultaneously hold another ordinary status such as ECCAS “resident” status, as the refugee cannot rely on his state of origin’s protection, including rights derived from citizenship of a REC Member state. Furthermore, refugees in DRC hold a Refugee ID card issued by the Ministry of Interior, while ECCAS residents or migrants use immigration residence permits issued under the Ordinance N° 83-033 of 12 September 1983¹⁷⁴ on foreigners’ entry and residence.

None of the countries reviewed have enacted laws allowing refugees to simultaneously retain their refugee status and benefits while enjoying REC residence and related rights. However, this absence does not imply that such an arrangement is prohibited or legally impossible. The challenge lies in the diversity of immigration and refugee laws across Member States, which makes harmonizing them for consistent and complementary implementation difficult at both national and sub-regional levels.

6.2. Context B: Cessation of refugee status -ceased circumstances in the country of origin

6.2.1. Cessation of refugee status for Ivorian refugees in West Africa

On 30 June 2022 and following UNHCR recommendation, six refugee-hosting States in West and Central Africa triggered the application of “ceased circumstances” cessation clauses for Ivorian refugees whose refugee status was recognized due to the two Ivorian internal conflicts from 2002-2007 and 2011-2012¹⁷⁵. Among reasons cited, there were durable and fundamental changes that

¹⁷³ A. Adepoju, A. Boulton & M. Levin, Promoting integration through mobility: free movement and the ECOWAS Protocol, Research Paper No. 150, UN High Commissioner for Refugees (UNHCR), December 2007, pp. 17-19, <https://www.refworld.org/reference/research/unhcr/2007/en/78362>.

¹⁷⁴ DRC: Foreigners Act, Ordinance N° 83-033 of 12 September 1983, <https://www.leganet.cd/Legislation/Droit%20administratif/Immigration/OL.12.09.83.%20N83.033.htm>.

¹⁷⁵ The two Ivorian internal conflicts (2002-2007 and 2011-2012) resulted in two distinct waves of large-scale civilian displacement inside and outside the country. Between 2002 and 2011, over 1,2 million Ivorians were forcibly displaced, including more than 340,000 refugees who sought international protection primarily in neighbouring countries. A third displacement wave happened from mid-2020 to early 2021, when nearly 35,000 Ivorians fled in anticipation of potential

occurred in Côte d'Ivoire.¹⁷⁶ The Abidjan Joint Declaration and the adopted Updated Regional Roadmap¹⁷⁷ in September 2021 solidified this commitment by establishing a clear framework and common workplan to achieve durable solutions for all Ivorian refugees in the sub-region by the end of 2022. A Comprehensive Solutions Strategy¹⁷⁸ was developed which focused on (1) accelerated voluntary repatriation; (2) legal integration in host countries; and (3) exemptions for those still needing international protection.

For the legal integration component, host countries were encouraged to grant permanent residency or naturalization to former Ivorian refugees choosing to stay. The countries of Ghana, Guinea, Liberia, Mali, Mauritania, and Togo, through the Abidjan Declaration reaffirmed their commitment to offer legal status to Ivorians meeting national requirements. The ECOWAS framework further supports this, allowing free movement and residence rights.

"The fact that Ivorian refugees in the West Africa region reside within ECOWAS presents an opportunity for them to benefit from free movement and acquire alternative legal status through the enjoyment of the right of residence and establishment under the Protocol on Free Movement and its Supplementary Protocols."¹⁷⁹

To obtain permanent residency or naturalization in their host country under applicable national legislation, the Ivorian refugees were required to present a national passport or other recognized official civil documentation (i.e. consular cards) proving their nationality as ECOWAS citizens. Refugee registration and ID cards, even when issued by another ECOWAS Member State, are not considered conclusive proof of nationality. Such proof must be provided by the competent authority of the country of nationality in accordance with national rules. Consequently, an official passport or recognized civil ID issued by Côte d'Ivoire was required. Considering many were not in possession of these documents, due to the circumstances of a refugee flight, confirmation of their identity and nationality would require a longer process.

Signatory States agreed on the following steps to facilitate the acquisition of permanent residency status or naturalization subject to national legislation. Côte d'Ivoire agreed to provide national passports, consular cards or relevant civil documentation to Ivorian refugees in host countries. A

violence associated with the 2020-2021 presidential and parliamentary elections. UNHCR Press Release, UNHCR recommends the cessation of refugee status for Ivorians, 7 October 2021, <https://www.unhcr.org/news/press-releases/unhcr-recommends-cessation-refugee-status-ivorians>.

¹⁷⁶ Following the 2010 post-election crisis, the Government of the Republic of Côte d'Ivoire took significant steps to foster peace and national reconciliation and facilitate the safe and sustainable return and reintegration of refugees including in the areas of access to documentation; recovery of house, land and property, including via local amicable settlement mechanisms; unrestricted access to health services; reintegration of school age children into education systems and of civil servants into public administration jobs.

¹⁷⁷ Abidjan Joint Declaration on the updated Roadmap for Comprehensive Solutions for Ivorian Refugees, Abidjan, Cote d'Ivoire, 7 September 2021, <https://reliefweb.int/report/c-te-divoire/abidjan-joint-declaration-updated-roadmap-comprehensive-solutions-ivorian>.

¹⁷⁸ UNHCR, The Comprehensive Solutions Strategy for the situation of Ivorian refugees including UNHCR's recommendations on the applicability of the cessation clauses, September 2021, <https://globalcompactrefugees.org/sites/default/files/2021-11/COMPREHENSIVE%20STRATEGY%20CIV%20REFUGEES%2020210930%20EN.pdf>.

¹⁷⁹ Article 21. UNHCR, The Comprehensive Solutions Strategy for the situation of Ivorian refugees including UNHCR's recommendations on the applicability of the cessation clauses, September 2021, <https://globalcompactrefugees.org/sites/default/files/202111/COMPREHENSIVE%20STRATEGY%20CIV%20REFUGEES%2020210930%20EN.pdf>.

dedicated Documentation Taskforce was established in Côte d'Ivoire to coordinate passport issuance missions abroad and documentation missions were conducted in the main refugee-hosting countries: Liberia, Ghana and Togo. Some host countries accepted to issue residence permits on laissez-passeurs or consular cards which were easier to procure than passports; however, in practice very few Ivorians availed themselves of this option.

A major success was Liberia and Ghana's decision to grant permanent residency to former Ivorian refugees. There were operational delays in implementation, which meant that concrete outcomes only took place in 2025, with Ghana formally handing over permanent residence to some 500 former Ivorian refugees. In February of 2025, Liberia issued Executive Order No.144¹⁸⁰ to support the integration of former Ivorian refugees in Liberia, through key provisions such as free legal procedures for permanent residency, accelerated documentation process, and improved access to services.

6.2.2. *Cessation of refugee status for Liberian and Sierra Leonean refugees in Nigeria*

The cessation of refugee status for Liberian and Sierra Leonean refugees in Nigeria was part of a broader UNHCR initiative to end long-standing refugee situations in West Africa, following years of peace and stability in both countries.

UNHCR recommended the activation of the cessation clause for Liberian refugees on 30 June 2012, based on the assessment that Liberia had achieved durable peace and stability after its two civil wars (1989–2003). This meant that Liberians who fled during the wars would no longer be recognized as refugees by UNHCR or host governments. Voluntary repatriation supported over 135,000 Liberians to return home by 2012.

UNHCR recommended the cessation of refugee status for Sierra Leonean refugees effective 31 December 2008, citing the end of the civil war and significant improvements in governance, human rights, and security. Voluntary repatriation supported over 179,000 Sierra Leonean refugees to return home between 2000 and 2004. By 2008, about 43,000 Sierra Leonean refugees remained in exile, including in Nigeria.

For the Liberian and Sierra Leonean refugees that decided to remain in the country of asylum in West Africa (i.e., Sierra Leone, Côte d'Ivoire, Nigeria, Liberia, Ghana, Guinea, Gambia) needed to legalize as ECOWAS citizens. To do this, UNHCR and relevant countries developed a Regional Framework for the Local Integration of Liberian and Sierra Leonean refugees in West Africa (2007-2008)¹⁸¹ outlining (1) legal frameworks and role of ECOWAS (2) country specific plans; (3) implementation modalities and coordination structures.

¹⁸⁰ Executive Order No. 144 builds upon the foundation set by Executive Order No. 108 which has since expired and aligns with the Liberia's international obligations under the 1951 Refugee Convention and its 1967 Protocol. Global News Network Liberia, President Boakai Issues Executive Order No. 144 to Enhance Support for Refugees and Vulnerable Populations in Liberia, <https://gnnliberia.com/president-boakai-issues-executive-order-no-144-to-enhance-support-for-refugees-and-vulnerable-populations-in-liberia/>.

¹⁸¹ Regional Framework: Towards the Local Integration of Liberian and Sierra Leonean refugees in West Africa through enhancing self-reliance and promoting Regional integration, 2008, <https://www.unhcr.org/sites/default/files/legacy-pdf/49e479cc0.pdf>.

Furthermore, a Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria¹⁸² was signed in June 2007 by Liberia, Sierra Leone, Nigeria, ECOWAS, and UNHCR. Liberia and Sierra Leone agreed to issue ordinary passports to eligible refugees (whose refugee status was ceased) at discounted fees and to facilitate passport issuance through their embassies in Nigeria. Nigeria committed to offering discounted ECOWAS residence permit fees, inserting two-year renewable permits into refugee passports, and granting integrating refugees key rights including freedom of movement, the ability to leave and re-enter Nigeria, the right to work (formally, informally, or self-employed), access to education and healthcare equivalent to Nigerian citizens, and protection against expulsion in line with ECOWAS protocols. ECOWAS agreed to facilitating three-year residence permits and monitoring compliance for up to four years, covering the initial issuance and first renewal. UNHCR pledged to cover the agreed passport and residence permit fees for integrating refugees, support the first renewal, and assist in establishing and monitoring issuance processes in coordination with the UN Country Team.

The implications for refugees as outlined in Multipartite Agreement:¹⁸³

“Liberian and Sierra Leonean refugees opting to locally integrate in Nigeria will acknowledge that by accepting passports issued to them by their respective countries of origin they are voluntarily re-availing themselves of the protection of those countries. Their status as refugees will thus cease in accordance with the Article 1C (1) of the 1951 Convention and the corresponding provision of Nigerian law.”¹⁸⁴

Refugees may still apply for new refugee status if conditions change (e.g. sur place claims):

“The loss of refugee status through re-availment does not preclude a new claim to recognition as a refugee, including on a sur place basis, should conditions arise justifying such recognition under the 1951 Convention relating to the Status of Refugees or the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa.”¹⁸⁵

6.2.3. Long-term residence permits for Togolese in Benin

In April 2007, UNHCR, Benin, and Togo signed a tripartite agreement to facilitate voluntary repatriation of Togolese refugees hosted in Benin. The refugees who opted not to repatriate were offered an alternative legal status. These included long-term residence permits valid for 10 years, granted by the Government of Benin. The initiative was part of a broader effort to transition refugees

¹⁸² Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria, June 2007, <https://www.unhcr.org/media/multipartite-agreement-local-integration-liberian-and-sierra-leonean-refugees-nigeria-june>.

¹⁸³ According to UNHCR, the application of Article 1(C)(1) of the 1951 Convention implies three requirements to be satisfied that the refugee re-avail himself/herself of the protection of his/her country of nationality: (a) voluntariness: the refugee must act voluntarily; (b) intention: the refugee must intend by his action to re-avail himself/herself of the protection of the country of his nationality; (c) re-availment: the refugee must actually obtain such protection. See paras. 118-125 at UNHCR Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees, April 2019, <https://www.refworld.org/policy/legalguidance/unhcr/2019/en/123881>; UNHCR, Reply by the Office of the United Nations High Commissioner for Refugees to request for guidance on the applicability of Article 1C (1) of the Convention relating to the Status of Refugees by legal counsel in case number X, 30 January 2025, <https://www.refworld.org/jurisprudence/amicus/unhcr/2025/en/149542y>.

¹⁸⁴ Article 11 of Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria at [4aa76f229.pdf](https://www.unhcr.org/sites/default/files/legacy-pdf/4aa76f229.pdf).

¹⁸⁵ Article 12 of Multipartite Agreement for the Local Integration of Liberian and Sierra Leonean Refugees in Nigeria at <https://www.unhcr.org/sites/default/files/legacy-pdf/4aa76f229.pdf>.

from humanitarian assistance to self-reliance. UNHCR supported the process through documentation, legal aid, and socio-economic inclusion programmes.

As an ECOWAS member, Benin allowed Togolese nationals to apply for residence permits, regardless of refugee status. The annual ECOWAS residence permit fee was approximately \$40. Refugees received three-year renewable identity cards issued by the Office of Prevention and Civil Protection (DPPC), accepted by police and authorities.

6.3. Context C: Refugees' access to complementary pathways within REC sub-regions

Complementary pathways offer legal routes to protection and durable solutions in third countries, including education, labour mobility, family reunification, and humanitarian admission.¹⁸⁶ These pathways may include programs designed specifically for refugees to access opportunities internationally, outside of UNHCR-assisted resettlement, as well as regular migration pathways. According to Organisation for Economic Co-operation and Development (OECD)-UNHCR Safe Pathways V (2025)¹⁸⁷ study, the most accessed complementary pathway remains family reunification, followed by work- and study-based permits.

REC free movement protocols have provisions specifically related to work, study, and family reunification. Although these protocols are not specific to refugees, they offer important considerations when exploring complementary pathway opportunities for REC citizens in Africa. For example, REC freedom of movement protocols offer visa-free travel and agreements for mutual recognition of education and skills documents among Member States. However, individuals still need valid travel documents confirming citizenship to benefit from the provisions associated with work and study as REC citizens. In addition, the duration of residency will be tied to the validity of a person's work or study permit. The exception is ECOWAS that allows for residency in another ECOWAS state after having exercised employment.¹⁸⁸

Although improving access to complementary pathways for refugees may not be achieved directly through sub-regional free movement protocols as we see them today, RECs offer alternative platforms to advance migration and refugee policy. RECs can leverage their convening power to design structured and inclusive mobility programs, such as labour migration schemes, policy reform, and academic exchanges/scholarship. For example, in June 2023, Ministers responsible for Refugee Affairs from Member States of IGAD and Partner States of the EAC signed the Munyonyo Declaration on Durable Solutions for Refugees in the East and Horn of Africa.¹⁸⁹ Through this declaration, Member states agreed to advocate for complimentary pathways for the admission of refugees to third

¹⁸⁶ UNHCR, Third Country Solutions for Refugees: Roadmap 2030,

<https://globalcompactrefugees.org/sites/default/files/2022-08/Third%20Country%20Solutions%20for%20Refugees%20-%20Roadmap%202030.pdf>.

¹⁸⁷ OECD-UNHCR, Safe Pathways V – final, <https://globalcompactrefugees.org/media/oecd-unhcr-safe-pathways-v-final>.

¹⁸⁸ Article 3(4). ECOWAS, Supplementary Protocol on the Second Phase (Right of Residence) of the Protocol on Free Movement of Persons, the Right of Residence and Establishment, A/SP 1/7/86, 1 July 1986, <https://www.refworld.org/legal/agreements/ecowas/1986/en/63648>.

¹⁸⁹ IGAD and EAC Member States Sign Munyonyo Declaration on Durable Solutions for Refugees in the East and Horn of Africa, <https://igad.int/igad-and-eac-member-states-sign-munyonyo-declaration-on-durable-solutions-for-refugees-in-the-east-and-horn-of-africa/>.

countries through labor mobility and opportunities for higher education while maintaining a right of re-admission to host countries.

In addition, there are various scholarship opportunities offered by African RECs to citizens of Member States. These programs provide financial and academic support for undergraduate, graduate, and professional training, often prioritizing youth, women, and persons with disabilities. They are funded through partnerships with the AU, European Union (EU), and other international bodies, aiming to cultivate a skilled workforce capable of addressing regional challenges in governance, trade, peacebuilding, and innovation.

The EAC Students Mobility Scholarship Scheme (EAC-SMS) supports students to study in universities across EAC partner states other than their own. The IGAD Regional Scholarship Program offers higher education access to refugees, returnees, IDPs, and host communities, covering tuition, accommodation, and medical expenses, and includes vocational training, internships, and leadership development. The SADC Annual Scholarship supports master's and PhD research in development, governance, and integration, offering up to USD 20,000 per student. The COMESA and ECCAS capacity-building scholarships focus on trade, peace, and governance. Additionally, ECOWAS, through its EU-ECOWAS Scholarship Programme, provides fully funded master's scholarships in the sustainable energy sector for students from ECOWAS Member States, aiming to strengthen sub-regional expertise and governance in energy.

Eligibility for these scholarships is generally based on citizenship within a REC Member State, requiring applicants to provide proof of nationality. However, IGAD offers a unique opportunity for displacement-affected communities, including refugees, IDPs returnees, and host communities. Other RECs could adopt similar inclusive measures as IGAD, such as recognizing refugee documentation in lieu of proof of citizenship or establishing dedicated scholarship programs for displaced communities, following IGAD's model, to ensure displaced populations are not excluded from educational opportunities and sub-regional participation. Additional information on REC scholarship opportunities provided in Annex 3.

6.4. Contexts D and E: Access to benefits under REC free movement protocols for persons not in need of international protection

Leveraging free movement protocols can be of particular relevance in the context UNHCR's and IOM's Route-Based Approach to respond to mixed movements in Africa. They can offer a practical pathway for migrants from REC Member States to access and reside in another Member State for employment or study purposes. They could also offer a way to regularize the stay of a REC citizen who is found not to be in need of international protection but who fulfils the requirements and wishes to remain in the host country. Increasing the use of these instruments for migration purposes could contribute to reducing dangerous journeys, which is a critical objective of the Route-Based Approach. The procedure to access benefits afforded to REC citizens in the host country under these instruments can represent a concrete migration channel that individuals may be advised about and referred to in multi-purpose hubs with appropriate legal aid support, including access to relevant documentation.

7. CONCLUSIONS

7.1. Overall key findings

- **A comparison of refugee legislation and sub-regional free movement protocols in selected African countries shows that national refugee law frameworks generally offer stronger protection.** These laws typically guarantee non-refoulement, access to services, legal status (issuance of refugee documents and residency), and sometimes the right to work and move within host countries with protections rooted in international obligations and supported by national legislation and systems. In contrast, free movement protocols focus on economic integration and visa liberalization, lacking detailed safeguards for vulnerable people like refugees. However, it remains important to consider the rights refugees may access as RECs citizens can provide additional entitlements such as visa-free travel, residence, and employment rights under regional frameworks. The challenge lies in how refugees can benefit from these rights, given the requirement to prove nationality of a REC Member State.
- **Free movement protocols offer a limited set of rights and benefits such as visa-free entry, residence, and establishment but do not confer a comprehensive legal status that is comparable to refugee protection frameworks.** Unlike refugee law, which offers a comprehensive and protective legal framework, free movement protocols were not designed with refugee protection in mind. This is evident in the absence of provisions specifically addressing the rights and needs of refugees. While refugees are not explicitly excluded from these protocols and are not listed among prohibited categories, they must still prove their nationality as REC citizens to access the associated benefits. Cognisant of the above, refugees may still have an interest in accessing free movement benefits as REC citizens, especially in countries where national refugee laws limit certain rights.
- **The practice on non-refoulement and expulsion in REC free movement protocols is uneven.** IGAD explicitly includes protection against mass expulsion, procedural safeguards against expulsion, and commitments to admit and extend the stay of individuals displaced by disasters. ECOWAS also provides protection against mass expulsion, which is explicitly prohibited. Expulsions must be individualized and justified, and the 1985 Supplementary Protocol outlines procedural safeguards, including due process and humane treatment. However, the protocol does not address non-refoulement or disaster displacement. The SADC protocol contains a specific provision on expulsion safeguards, prohibiting mass or collective expulsions and requiring individual assessments based on lawful grounds. It also guarantees procedural rights, including notification of reasons, access to appeal or review, and adherence to due process, non-discrimination, and human rights standards.
- **While six of the eight recognized RECs in Africa have adopted free movement protocols, only three have entered into force, and none are fully implemented even in their initial phase one on visa free entry.** Visa-free access for REC citizens is a common feature across the RECs Member States with the aim to facilitate short-term regional mobility, a REC citizen still needs to regularize their stay in the country, typically through formal work or study arrangements. Free movement protocols allow for the temporary suspension of visa

exemptions or entry rights, typically on grounds such as national security, public health emergencies, public order, or humanitarian crises.

- **Further research should build on the findings of this report.** Further knowledge is required at the regional level by examining and assessing additional regional bodies such as CEN-SAD¹⁹⁰, AMU¹⁹¹, UEOMA¹⁹², CEMAC¹⁹³, AES¹⁹⁴ as well CEPGL¹⁹⁵, ICGLR¹⁹⁶ (see Annex 5). Additionally, further knowledge at the country level on the implementation of the free movement protocols could contribute to an improved understanding of the actual application of the REC citizen benefits as they are outlined in the Protocols and national legislation. This would help to determine the potential benefits of including refugees. For example, how due process is applied, timelines, rejection rates, deportation procedures, cross-border flows and border processing using official vs. unofficial crossings, labour market participation, access to services.

7.2. Key findings and recommendations by context

A. Enhancing the rights of refugees

- **This study identifies two practices for refugees to access rights through REC free movement protocols**, as illustrated at regional and national level (Sections 6.1 and 6.2):
 1. **Invocation of the ECOWAS Committee statement¹⁹⁷ that refugee status and ECOWAS residence rights can coexist and that refugees may retain their international protection status while benefiting from ECOWAS mobility and residence provisions.**
 - Further research would be required to determine if this has been implemented at a country level.
 2. **Kenya's example of a national refugee law that provides for recognised refugees from an EAC Member State to give up their refugee status in order to access regional integration benefits.**
 - Further research could examine legal and practical barriers for EAC refugees in accessing their rights under the regional framework.

¹⁹⁰ Community of Sahel-Saharan States (CEN-SAD).

¹⁹¹ Arab Magreb Union (AMU).

¹⁹² Union économique et monétaire ouest-africaine (UEMOA) and English: West African Economic and Monetary Union (WAEMU).

¹⁹³ Economic and Monetary Community of Central Africa (CEMAC).

¹⁹⁴ Alliance of Sahel States (AES).

¹⁹⁵ French: Communauté Économique des Pays des Grand Lacs (CEPGL) and English: Economic Community of the Great Lakes Countries (ECGLC).

¹⁹⁶ The International Conference on the Great Lakes Region (ICGLR).

¹⁹⁷ ECOWAS Meeting of the Committee on Trade, Customs, Immigration Customs, Immigration Accra 25-27 September 2007. <https://www.unhcr.org/asia/sites/asia/files/legacy-pdf/49e47c8f0.pdf> and Towards Local integration of Liberian and Sierra Leonan refugees (Regional Conference on Refugee Protection and International Migration in West Africa (2008), <https://www.unhcr.org/media/4-4-towards-local-integration-liberian-and-sierra-leonan-refugees-regional-conference-refugee>).

- An East African Court of Justice’s advisory opinion or preliminary ruling could advise on the compatibility of Section 28(8) of the Kenya Refugees Act with international refugee law and regional obligations under the EAC legal framework, and whether refugees should be able to access regional free movement benefits. Subject to the outcome, this could set a regional precedent for other REC free movement protocols.
- **On the basis of this report and further research, the interaction between refugee law and free movement protocols should be further clarified, including:**
 - How refugee status could be complemented with free movement benefits considering that the 1951 Convention does not preclude the invocation of more favourable texts, as provided for in Article 5 and reinforced in Article 17.
 - Ensuring that international protection safeguards (e.g. the non-refoulement obligation under Article 33 of the 1951 Convention and non-penalisation for irregular entry under Article 31 of the 1951 Convention) are maintained for refugees benefiting of free movement benefits despite deportation provisions and legal entry requirements contained in the free movement protocols.
- **Make further use of REC migration policies, frameworks, platforms even if non-binding, to guide national and regional responses to the movement of migrants, individuals found not to be in need of international protection, refugees, and asylum-seekers.** As refugee issues are often addressed separately from free movement protocols, the rights these protocols provide such as residence, work, and study should be leveraged to promote access to such rights. This is especially relevant in countries where refugees face restrictions on free movement, employment, or education. REC migration policies, frameworks and platforms can be instrumental in finding solutions in the regions and clarify the relationship between refugee status and benefits under REC free movement protocols.
- **Where refugees wish to access free movement benefits, they face practical barriers due to documentation requirements, including the need to prove REC Member State citizenship.** These challenges stem from the lack of civil documentation, restrictions on using national passports, and that Refugee Convention travel documents, typically do not confirm citizenship and are not issued by all REC countries, despite an obligation to do so. Moreover, with few exceptions (see Table 1), neither free movement protocols nor national frameworks accept other travel or identity documents as an alternative to a passport or national ID.
 - **Recognizing the challenges faced by refugees in accessing REC free movement benefits, such as lack of documentation and difficulties in proving/establishing nationality, it should be assessed which alternative forms of documentation in lieu of passports or national identity cards could be accepted to prove the REC nationality of refugees, given their particular circumstances.** Article 25 of the 1951 Convention could provide a legal basis for such measures, as it requires States to provide administrative assistance to refugees lawfully staying in their territory when the exercise of a right would normally require the assistance of authorities of a foreign country to whom a refugee cannot have recourse. Administrative assistance includes requesting and delivering the required documentation or certification directly from

the authorities of another country, as well as providing documents in lieu of the originals, including on the basis of an affidavit or sworn statement. Furthermore, if a refugee identity card indicates nationality, assess whether this can serve as sufficient evidence of citizenship for the purpose of granting regional benefits.

B. In the context of cessation due to ceased circumstances in the country of origin

- **REC free movement protocols can be instrumental in the context of cessation where refugees are no longer in need of international protection due to fundamental and durable change in the country of origin.** The status of those who do not wish to return and prefer to remain in the host country can be regularized through residency obtained as REC citizen, as exemplified in Ghana for Ivorian refugees with some specific waivers of requirement taking into account their previous refugee status.
 - **A Tripartite Agreement could set out the conditions how REC free movement protocols can be used for this purpose.**
 - **REC Member States should issue travel documents (i.e. passport/national IDs) or other forms of proof of nationality (Citizenship Certificate or Consular ID Card) to their nationals whose refugee status will cease and who intend to remain in the host country as REC citizens.**
 - RECs can play a key role in promoting policy and legislative alignment among Member States with continental and global frameworks such as the Protocol to the African Charter on Human and Peoples' Rights (ACHPR) Relating to the Specific Aspects to the Right to a Nationality and Eradication of Statelessness in Africa (that has been adopted but is not yet in force due to lack of minimal State ratification)¹⁹⁸ and the Global Compact on Refugees.¹⁹⁹ For refugees, naturalization or any other form of acquisition of nationality in the host country when possible, remains a pathway to access to local integration as durable solution that ends their refugee status. Therefore, reforming national laws to facilitate refugee access to nationality of their host country, in particular for those who have difficulties to establish their ties with their country of origin²⁰⁰, is critical for individual protection and achieving broader regional integration goals.

¹⁹⁸ African Union, Protocol to the African Charter on Human and Peoples' Rights Relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa, 18 February 2024, <https://www.refworld.org/legal/agreements/au/2024/en/150097>.

¹⁹⁹ United Nations General Assembly. (2018, December 17). Global Compact on Refugees (A/RES/73/151), Office of the UN High Commissioner for Refugees, <https://globalcompactrefugees.org/sites/default/files/2019-12/Global%20compact%20on%20refugees%20EN.pdf>.

²⁰⁰ An example could be Article 18 (3) Organic Law governing Rwandan nationality , N° 002/2021.OL of 16/07/2021 provides that one of the conditions for applying for Rwandan nationality by acquisition on grounds of being an immigrant are the following: to have been residing and physically living on the territory of Rwanda at least for twenty-five (25) years and have lost connection to his or her country of origin: <https://www.refworld.org/legal/legislation/natlegbod/2021/en/124149>.

C. In the context of complementary pathways within REC sub-regions

- **REC free movement protocols could be leveraged to enhance opportunities for complementary pathways within REC sub-regions.**
 - **Refugees (who are REC citizens) should be included in academic scholarships, exchange programmes, and labour mobility opportunities, offered by RECs to citizens of Member States.** Inclusive measures such as accepting refugee documentation in lieu of proof of citizenship, and/or establishing dedicated scholarship schemes for displaced populations, following IGAD's example, should be promoted to ensure that refugees are not excluded from educational opportunities and regional participation. This would also be in line with GRF pledges made by some regional bodies, such as IGAD, on delivering comprehensive solutions in the region, including support for complementary pathways²⁰¹.

D. and E. In the context of mixed movements as pathways for migrants and persons found not to be in need of international protection

- **Free movement protocols can offer a practical pathway for migrants, and those who are found not to be in need of international protection, from REC Member States to access and reside in another Member State for employment or study purposes.** This is particularly relevant in the context of UNHCR's and IOM's route-based approach, which aims to ease pressure on national asylum systems and promote right-based solutions.

At the time of entry to a country, citizens of REC Member States should be provided with information about the potential benefits associated with REC free movement protocols, enabling them to make informed decisions about either regularizing their stay as a REC citizen or applying for asylum. This would be of particular relevance in mixed movement contexts, where individuals might enter the asylum system for the purpose of regularizing their stay to seek economic opportunities but might not be in need of international protection. A good example could be the practice in Latin America and UNHCR Brazil Help Page, among others. However, while this could be a pathway for persons not in need of international protection, no one should be prevented or discouraged from seeking asylum based on their REC citizenship.

²⁰¹ IGAD pledge GRF-09391: <https://globalcompactrefugees.org/pledges-contributions>.

ANNEXES

Annex 1: Overview of REC free movement protocols entered into force

| RECs | Free movement protocols | Main provisions | Other relevant instruments |
|--|--|---|--|
| <p>EAC 1999 and entered into force on 7 July 2000.</p> | <p>The freedom of movement is grounded in the Treaty for EAC , but elaborated in the EAC Common Market Protocol</p> <p>entered into force on 1 July 2010, and its Annexes.</p> | <p>The Treaty of Establishment of the EAC, Article 104</p> <p>Common Market Protocol</p> <p>Article 7: right to move freely within the territory, within the scope and limitations established by the relevant instruments.</p> <p>Article 10: right to employment subject to national employment laws</p> <p>Articles 12-15: mutual recognition of academic and professional qualifications</p> <p>Article 13: right of self-employed persons to take up and pursue economic activities in another Partner State.</p> <p>Article 16: right of establishment, allowing nationals and legal persons to set up businesses</p> <p>Articles 17 & 18: right of residence and stay, permitting citizens and their dependents reside in Partner States, subject to relevant immigration procedures.</p> <p>Annex I to the EAC Common Market Protocol on Freedom of Movement of Persons</p> <p>Regulation 5: Entry, Stay and Exit</p> | <p>Annex I to the EAC Common Market protocol (Free Movement of Persons) Regulations</p> <p>Annex II to the EAC Common Market (Free Movement of Workers) Regulations</p> <p>Annex III to the EAC Common Market (Right of Establishment) Regulations</p> <p>Annex IV to EAC Common Market (Right of Residence) Regulations</p> |

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| | | Regulation 8: Border Management Regulation 9: Registration | |
| <p>ECOWAS 1975</p> <p>12 States (following the withdrawal of Burkina-Faso, Mali and Niger in 2025): Benin, Cabo Verde, Côte d'Ivoire, The Gambia, Ghana, Guinea, Guinea-Bissau, Liberia, Nigeria, Senegal, Sierra Leone, and Togo.</p> | <p>Protocol of 1979 ratified by all ECOWAS Member States and entered into force in 1980</p> <p>Adoption of the Supplementary Protocol on the Code of Conduct for the Implementation of the Protocol on Free Movement of Persons, the Right of Residence and Establishment in 1985</p> <p>Adoption of the Supplementary Protocol on the Right of Residence in 1986</p> <p>Adoption of the Supplementary Protocol on Free Movement in 1989</p> <p>Adoption of the Supplementary Protocol on the Right to Establishment in 19</p> | <p>Art. 3 of the Protocol on the right of entry and stay</p> <p>Art. 4 of the Protocol on “admissible immigrants”</p> <p>Art. 3 of the 1985 Supplementary protocol and Art. 13-15 of the 1986 Supplementary Protocol on expulsions</p> <p>Art. 3 of the 1986 Supplementary Protocol on the right to travel to an ECOWAS Member State other than the host country</p> <p>Art. 2 of the 1986 Supplementary Protocol on the right of residence for the purpose of seeking and carrying out income earning employment</p> | <p>ECOWAS General Convention on Social Security</p> <p>ECOWAS Labour Migration Strategy and Action Plan 2025-2035</p> <p>ECOWAS Common Approach on Migration 2008</p> <p>Memorandum on Equality of treatment for refugees with other citizens of Member States of ECOWAS in the exercise of Free Movement, Right of Residence and Establishment 2007</p> |

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| <p>ECCAS 1983 (Revised Treaty 2019)</p> <p>11 States: Angola, Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Rwanda, São Tomé and Príncipe.</p> | <p>Annex VII Protocol relating to the Freedom of Movement and Right of Establishment.pdf adopted in Libreville in 1983, as an Annex to the Treaty establishing the ECCAS forming an integral part of this Treaty ratified by all ECCAS Member States and entered into force in December 1984.</p> | <p>Article 88 of the ECCAS Revised Treaty</p> <p>Annex VII_Protocol relating to the Freedom of Movement and Right of Establishment</p> <p>2 on freedom of entry, residency and exit of citizens of the Community</p> <p>Article 3 on movement of persons and conditions</p> <p>Article 4 on right of establishment and related rights</p> <p>Article 5 on transitional provisions</p> | <p>Daft Regional Asylum Policy, yet to be validated and adopted.</p> |
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Annex 2: Overview of REC free movement protocols not entered into force

| RECs | Free movement protocols | Main provisions | Other relevant instruments |
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| <p>COMESA 1993</p> <p>21 States: Burundi, Comoros, DRC, Djibouti, Egypt, Eswatini, Eritrea, Ethiopia, Kenya, Libya, Madagascar, Malawi, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tunisia, Uganda, Zambia, and Zimbabwe</p> | <p>COMESA Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence adopted in 2021 - Signed by Burundi, Kenya, Rwanda, and Zimbabwe - Ratified by Burundi and Rwanda - Not yet entered into force (at least seven ratifications required)</p> | <p>Art. 1 Interpretation</p> <p>Art. 2 – Scope of Co-operation</p> <p>Allow citizens to move freely; Accept offers of employment under similar conditions as nationals; Pursue self-employment and manage undertakings.</p> <p>Provide services and reside in other Member States; Commits to <u>gradual removal of restrictions on movement</u>, labour, services, establishment, and residence (as per articles 3-5 outlined below).</p> <p>Art.3 – Relaxation of Visa Requirement</p> <p>Art.4 – Entry without Visa Requirement up to 90 days</p> <p>Art.5 – Elimination of Visa Requirement</p> <p>Art.6 – Refusal of Entry and Expulsion</p> | <p>COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visa Requirements (aka Visa Protocol)</p> <p>Pursuant to Article 164(3) of the COMESA Treaty, Member States agreed that the “Visa Protocol” shall remain in force until the Free Movement Protocol enters into force.</p> <p>COMESA Roadmap on Freedom of Movement</p> <p>COMESA DRAFT Model Law on Immigration for the Common for Eastern and Southern Africa</p> <p>Purpose: To harmonize national laws and practices of Member States regarding immigration and the movement of persons.</p> <p>Status: Developed to address national implementation challenges, but domestication by Member States has been slow</p> <p>Tripartite Free Trade Area (TFTA) COMESA SADC EAC</p> <p>TFTA’s main provisions on movement of persons are limited to the movement of businesspersons (i.e. cross-border movement for individuals engaged in trade, investment, and related business activities).</p> |

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| | | <p>Art.7 – Temporary Suspension</p> <p>A Member State may on the grounds of public security or an <u>influx of persons as refugees</u> arising from disturbances in the territory of another Member State suspend temporarily the implementation of Articles 3 and 4 of the Protocol and such suspension shall be notified to the Secretary General of COMESA who shall notify other Member States.</p> <p>Art. 9 – Free Movement of Labour</p> <p>Progressively remove all restrictions to labour mobility within six years; Abolish discrimination based on nationality in: Employment, Remuneration, Working conditions. (This article is central to enabling equal employment rights for COMESA citizens across Member States.)</p> <p>Article 11: Right of Establishment</p> <p>Article 12: Right of Residence</p> | |
| <p>IGAD 1996 9 Member States: Djibouti, Eritrea, Ethiopia, Kenya,</p> | <p>IGAD protocol adopted in 2021 - Signed by Kenya,</p> | <p>Preamble of the IGAD protocol</p> | <p>IGAD Regional Migration Policy Framework noting that the EAC Common Market ‘provides a template for IGAD to adopt its envisaged protocol on Free Movement of Persons’</p> |

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| <p>Somalia, South Sudan, Sudan and Uganda.</p> | <p>Sudan, South Sudan, Ethiopia, and Uganda - Ratified by Sudan, South Sudan, and Uganda - Not entered into force (4 ratifications needed)</p> | <p>Art. 1 defining notably “disaster” and “mass expulsion”</p> <p>Art. 4(1) on phased achievement of the freedom of movement of persons, rights of establishment and residence</p> <p>Art 5-7 on the conditions of entry and the restrictions</p> <p>Art. 11 on the right of residence and related restrictions</p> <p>Art. 13 on Movement of Persons with Specific Vulnerabilities</p> <p>Art. 16 on disaster displacement</p> <p>Art. 18 on Expulsion, deportation and voluntary repatriation</p> <p>Art. 19 on protection against mass expulsion</p> <p>Art. 20-21 on the grounds and safeguards regarding expulsion including Art. 21(5) on non-refoulement to a risk of inhuman treatment</p> <p>Art. 26 on the saving clause</p> | <p>The Roadmap for Implementation of the Protocol on Free Movement of Persons in the IGAD Region</p> <p>Free movement arrangements existed on a bilateral basis between some IGAD states (Djibouti and Ethiopia; Ethiopia and Kenya)</p> <p>Kampala Declaration on Jobs, Livelihoods, and Self-Reliance adopted on 28th March 2019</p> |
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| <p>SADC Declaration and Treaty 1992</p> <p>16 Member States: Angola, Botswana, Comoros, DRC, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, and Zimbabwe</p> | <p>SADC Protocol on Facilitation of Movement of Persons</p> <p>Endorsed on 18 Aug 2005 - Signed by Botswana, Eswatini, Mozambique, and South Africa - Ratified by Botswana, Eswatini, Mozambique, and South Africa - Not yet entered into force (11 countries minimum needed)</p> | <p>Preamble of the SADC Protocol</p> <p>Art. 1 definitions referenced in Protocol</p> <p>Art. 14 – Entry of Persons (including Visa free admission)</p> <p>Art. 15 – Exemptions from Art. 14</p> <p>Art. 16 – Residence</p> <p>Art. 17 - Residence Permits</p> <p>Art. 18 – Meaning of Establishment and</p> <p>Art. 19 – Granting of Establishment</p> <p>Art. 20 – Rights of those granted residency or establishment</p> <p>Art. 21 - Protection of Existing Rights</p> <p>Art. 22-25 – Reasons for, Protection from, and Principles of, Expulsion</p> <p>Art. 28 - Asylum Seekers and Refugees</p> | <p>SADC Protocol on Employment and Labour</p> <p>SADC Labour and Migration Plan Factsheet</p> <p>SADC Protocol on Education & Training (1997)</p> <p>SADC Protocol on Gender and Development (2008)</p> <p>Declaration on Refugee Protection within Southern Africa.pdf</p> <p>SADC Code on Social Security</p> <p>SADC Guidance on Portability of Social Security Benefits</p> <p>SADC Qualifications Framework (SADCOF)</p> |
| <p>AMU 1989</p> <p>5 States: Algeria, Libya, Morocco, Tunisia and Mauritania</p> | <p>No protocol</p> | | <p>Art. 2 of the Treaty establishing AMU provides that one of its aims is to “work gradually towards achieving free movement of persons and transfer of services, goods and capital among them”</p> |
| <p>CEN-SAD 1998 (revised in 2013)</p> | <p>No protocol</p> | | <p>Art. 1 of the Treaty establishing CEN-SAD includes free movement of people as a core objective of this regional economic community. It stipulates that the same rights, advantages and</p> |

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| <p>25 States: Benin, Burkina Faso, Central African Republic, Chad, the Comoros, Côte d'Ivoire, Djibouti, Egypt, Eritrea, the Gambia, Ghana, Guinea, Guinea-Bissau, Libya, Mali, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, Somalia, the Sudan, Togo and Tunisia.</p> | | | <p>obligations granted to a Member State's own citizens should be applied to nationals of the signatory countries, in conformity with the provisions of their respective constitutions. The only initiative of CEN-SAD on free movement concerns consists of the selective visa dispensation programme whereby holders of diplomatic and service passports and special envoys have a right of entry without visa for a stay of 30 days in the 17 Member States that signed.</p> |
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Annex 3: Additional info on REC scholarship opportunities for complementary pathways

The **EU-ECOWAS Scholarship Programme**²⁰², which funds master's degrees in sustainable energy covering tuition, living expenses, travel, and internships, with preference for female candidates. The **WASCAL Master Scholarships**²⁰³ focus on climate change and land use management, offering full funding and language training in Burkina Faso. Additionally, the **ECOWAS Gender Development Centre**²⁰⁴ supports girls from disadvantaged backgrounds in technical and vocational fields, while **Ghana's ECOWAS 50th Anniversary Scholarship**²⁰⁵ aims to strengthen regional unity by offering 1,000 places in Ghanaian universities. The **ECOWAS Immersion Internship Programme**²⁰⁶ provides young graduates with a year of professional experience in ECOWAS institutions.

The **IGAD Regional Scholarship Program**²⁰⁷ that provides undergraduate or graduate education, enhance regional integration and education access, particularly for refugees, returnees, internally displaced persons (IDPs), and host communities by covering tuition, accommodation, subsistence, and medical expense. Additional benefits include access to vocational training, internships, mentorship, and leadership development. Other opportunities, which are not specific for displacement-affected communities, include a three-month **internship program**²⁰⁸ for young graduates and various leadership and capacity-building trainings focused on governance, diplomacy, and mobility management.

The **EAC Students Mobility Scholarship Scheme**²⁰⁹ (EAC-SMS), enables students to pursue undergraduate, master's, or doctoral studies in universities across the region, excluding their home country. The program covers tuition, travel, medical insurance, and research support with priority given to women and persons with disabilities.

The **SADC Annual Scholarship**²¹⁰ supports regional integration, socio-economic development, and research. It covers tuition, airfare, housing, health insurance, and a monthly living allowance. Additional opportunities include the **Maela Consortium Scholarship**²¹¹ which promote student exchanges and qualification harmonization.

²⁰² EU-ECOWAS Scholarship Program on Sustainable Energy, https://www.eeas.europa.eu/delegations/nigeria/call-application-eu-ecowas-scholarship-programme-sustainable-energy_en?s=114

²⁰³ Great Youth Opportunities, <https://greatyop.com/wascal-master-scholarships/>

²⁰⁴ ECOWAS Gender Development Center, Scholarships, <https://ecowasgender.org/scholarships/>

²⁰⁵ Ghana News Agency, <https://gna.org.gh/2025/04/ecowas50-mahama-announces-1000-scholarships-for-west-african-students/>

²⁰⁶ ECOWAS CEDEAO, Cohorte 2026, <https://youngprofessional.ecowas.int/en/>

²⁰⁷ IGAD regional scholarship, <https://igad.int/regional-scholarship-program/>

²⁰⁸ DAAD scholarship, <https://daadscholarship.com/igad-internship-2025-inviting-applications/>

²⁰⁹ The Inter-University Council for East Africa (IUCEA), Scholarships Archives, <https://www.iucea.org/category/scholarships/>

²¹⁰ SADC: Southern African Development Community Annual Scholarships, <https://bursaries.co.za/bursaries/sadc-annual-scholarships/>

²¹¹ MAELA consortium, <https://maelaconsortium.com/empowering-the-future-maela-consortiums-scholarship-initiative-for-sadc-students/>

The **COMESA Regional Scholarship Program**²¹² opportunity to pursue a Master’s degree in regional integration, focusing on economics, trade, law, governance, and innovation. The two-year program is delivered online or through blended learning by Kenyatta University²¹³ and the University of Mauritius²¹⁴. The scholarship covers accommodation, transport, food, administrative costs, and partial tuition.

ECCAS offers research and policy fellowships through institutions like the **Nkafu Policy Institute**²¹⁵ and ECCAS Study and Capacity Building Cent

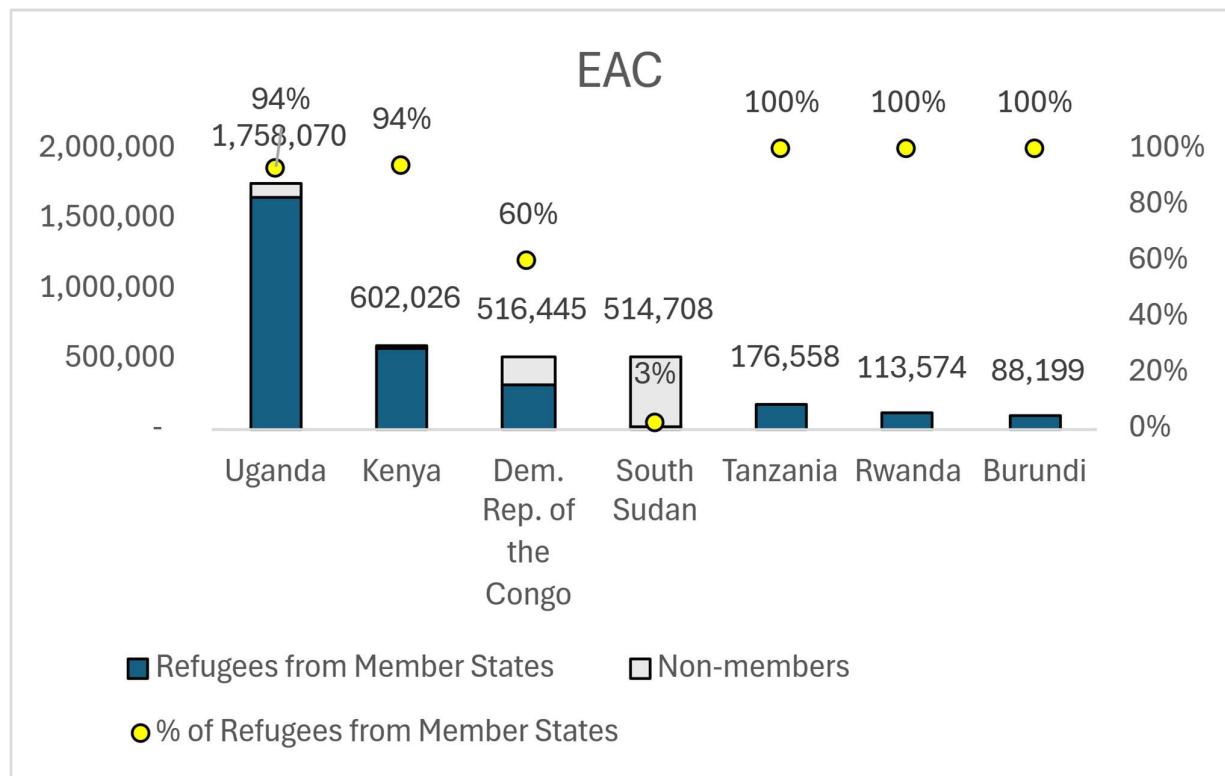
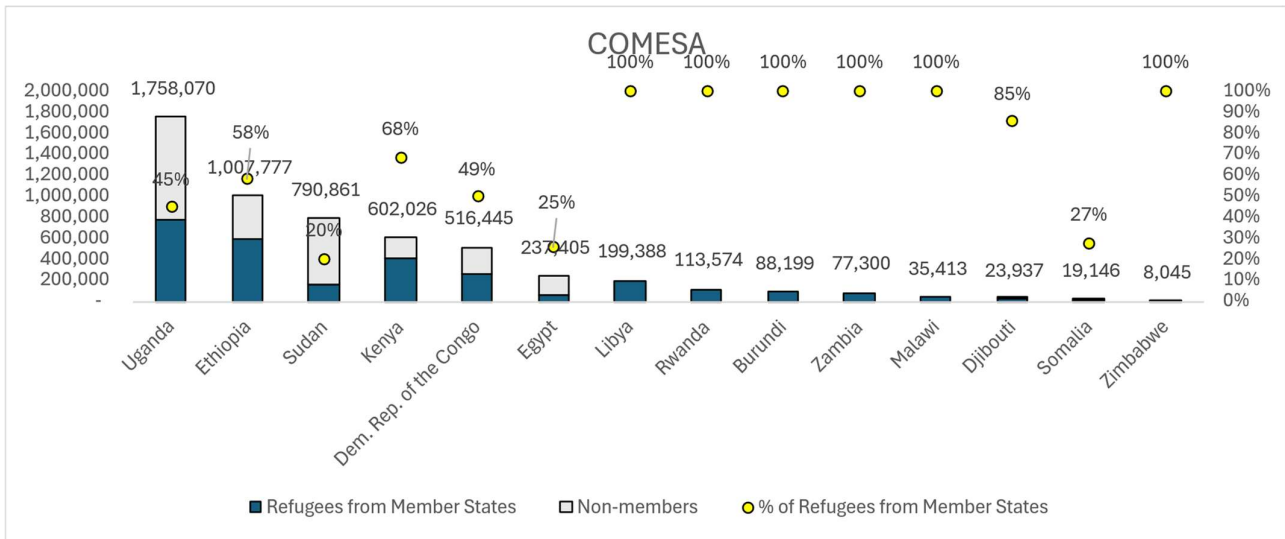
²¹² COMESA webpage, <https://www.comesa.int>

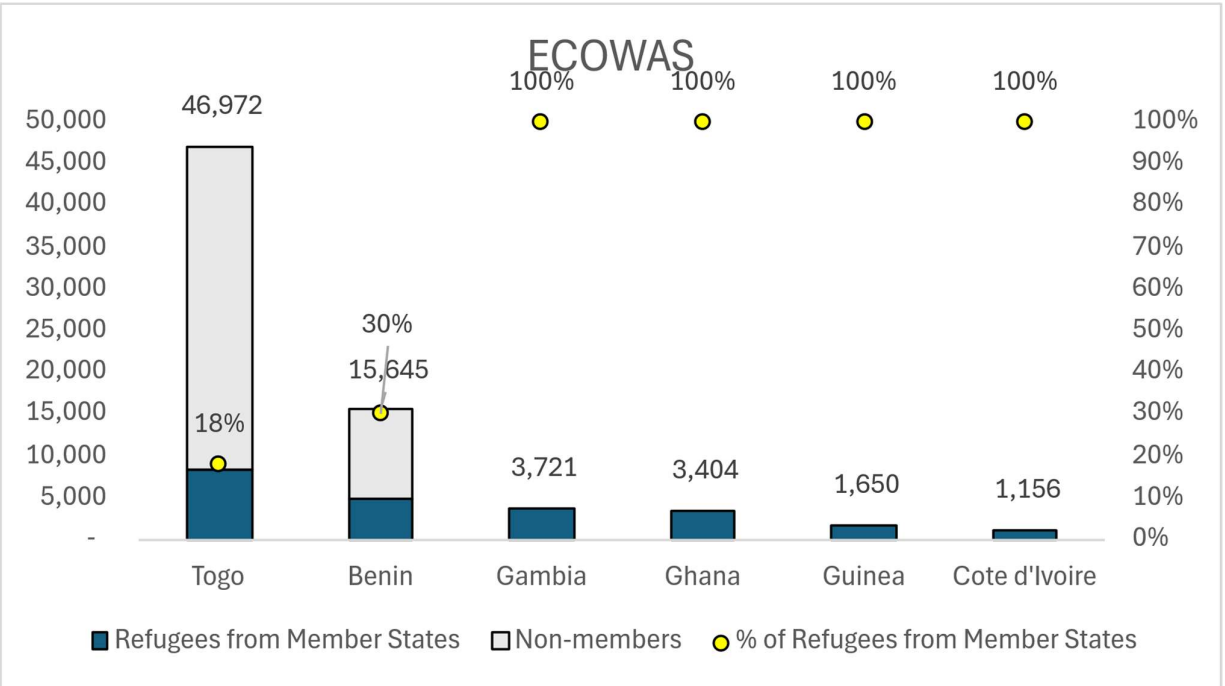
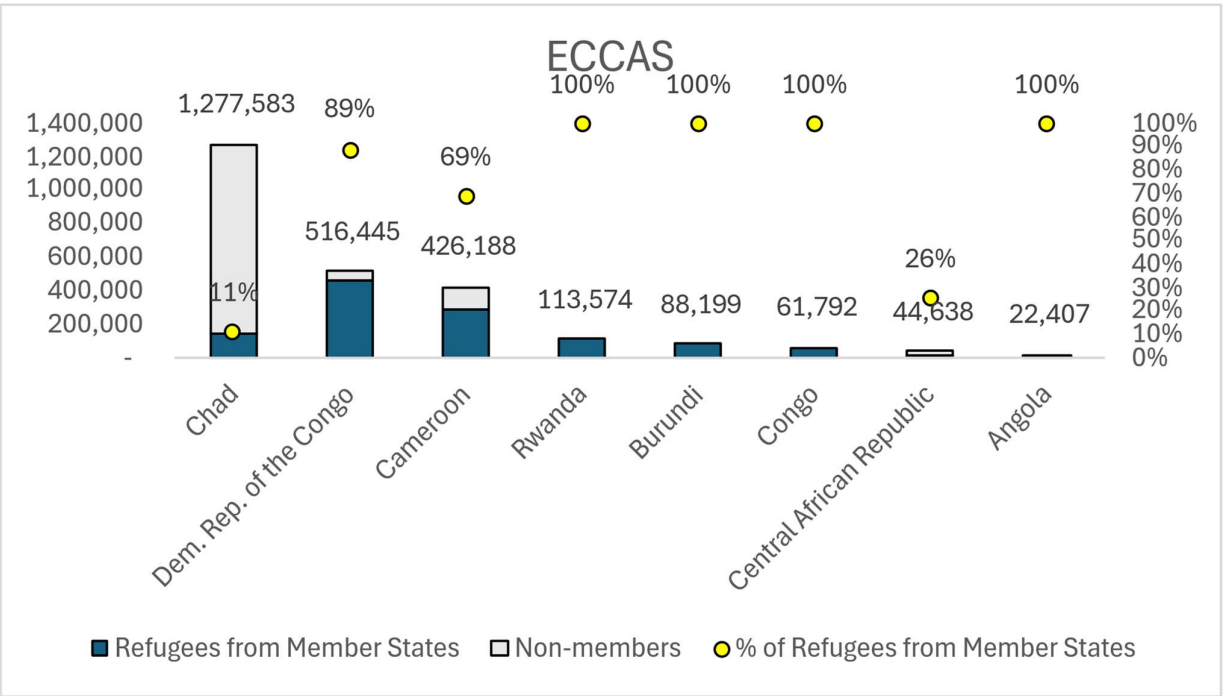
²¹³ COMESA webpage, <https://www.comesa.int/master-of-regional-integration/>

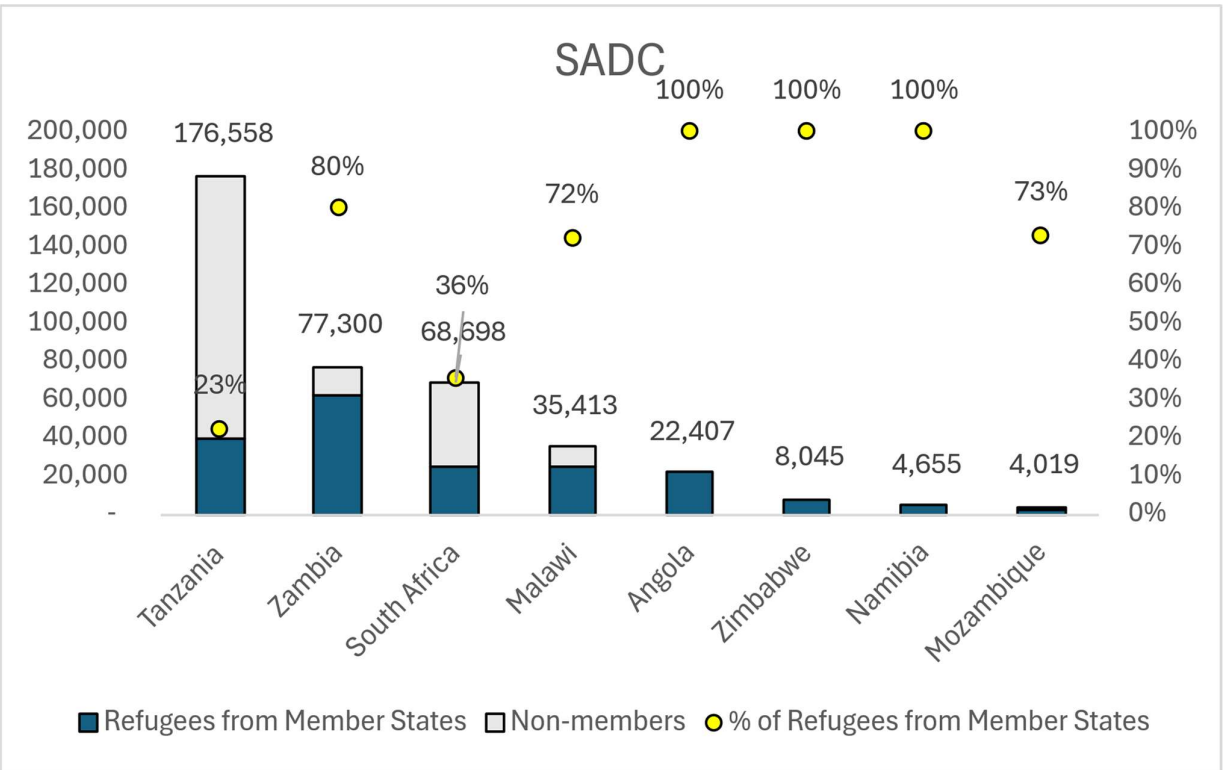
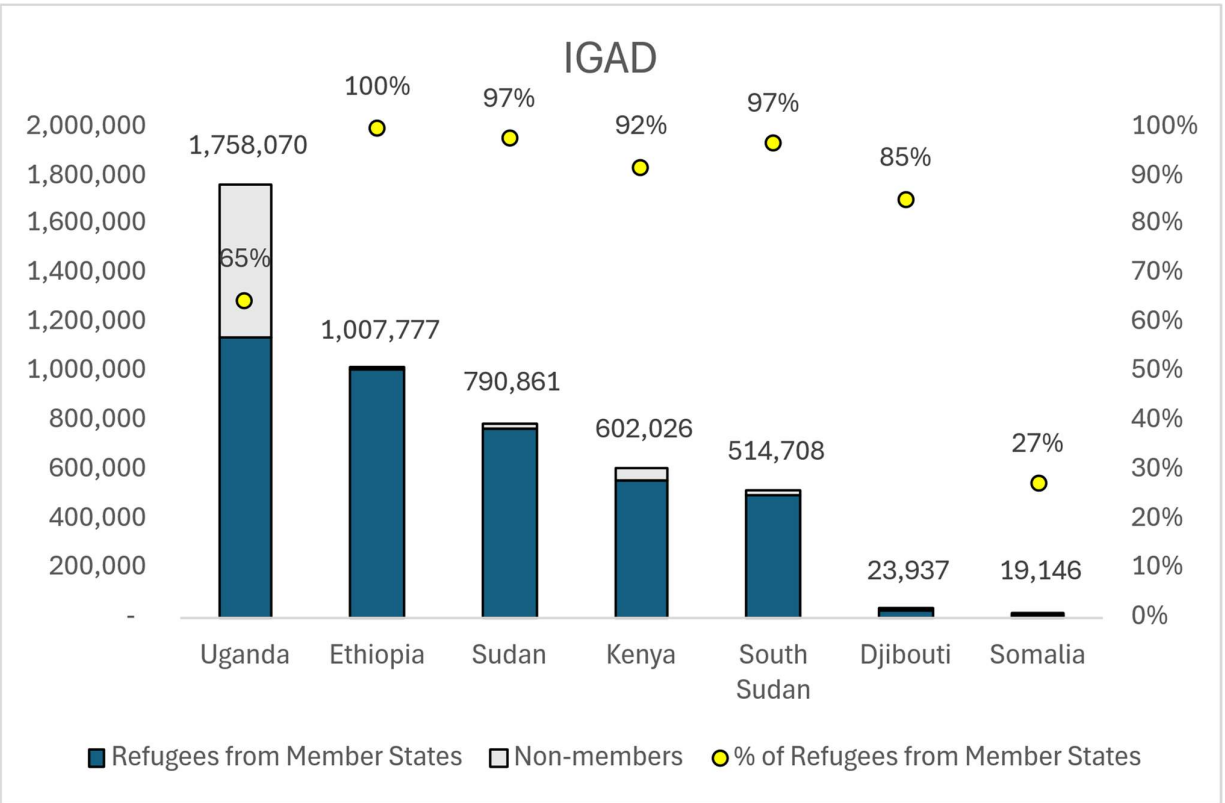
²¹⁴ COMESA webpage, <https://www.comesa.int/master-of-regional-integration-university-of-mauritius/>

²¹⁵ Nkafu Policy Institute, <https://nkafu.org>

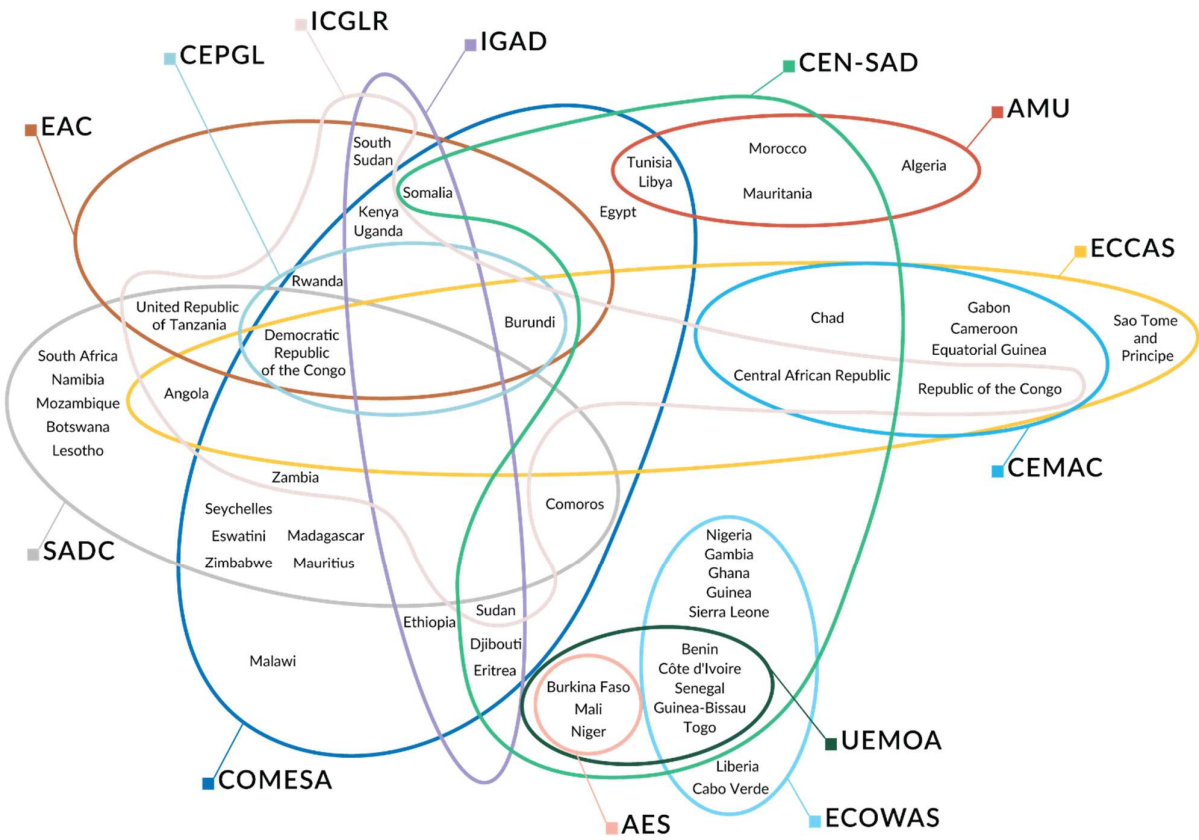
Annex 4: Refugee population within the RECs







Annex 5: Expanded figure of Spaghetti Bowl reflecting RECs and regional organisations²¹⁶



²¹⁶ Figure by UNHCR Global Data Service