OUTSIDE PROTECTION

Stop the Forced Deportation of Refugees!

HOW THE AUTHORITIES USE THE LAW TO VIOLATE THE PRINCIPLE OF NON-REFOULEMENT





Outside Protection

Stop the Forced Deportation of Refugees!

How the Authorities Use the Law to Violate the Principle of Non-Refoulement

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METHODOLOGY

This report was prepared based on:

1. Conducting a number of personal interviews with the victims, their families, or lawyers as eyewitnesses to the procedural details and the accompanying violations.
2. Reviewing case files, which include arrest records, prosecution investigations, and criminal verdicts and orders.
3. Consulting:
    - International human rights treaties and conventions, as well as United Nations periodic reports regarding human rights.
    - In addition to the Egyptian Constitution, domestic laws and legislation sourced from the Official Gazette and official government statements.
    - In addition to Amnesty International's Fair Trial Manual and the International Commission of Jurists' Trial Observation Manual for Criminal Proceedings as a reference for the report to identify the violations to which the victims were subjected during the arrest, detention, investigation, and trial stages.
4. The ECRF's lawyers as a supplementary source to follow up on case developments and their latest updates.

Within the framework of working on this report, the names of all individuals whose testimonies contributed to the completion of this report were anonymized to protect their security and safety from exposure to any danger or security persecution, taking into account the security concerns inherent to witnesses and victims. The team also faced difficulties resulting from security restrictions on the legal representation of the defendants, as well as the difficulty of following up on procedures and obtaining the documents and records necessary for legal representation, amid the absence of a clear pattern or uniform standards by the authorities in handling the case in general.

DEFINITIONS AND TERMINOLOGY

Refugees: Civilians who can no longer obtain the protection of their governments. They are people who have been forced to flee their countries and are seeking to reach a safe place in another country, and who are unable to return to their countries due to fear of persecution on account of their identity, beliefs, or statements, or due to armed conflicts, violence, or serious disturbance of public order.[1]

Asylum Seekers: Persons who have submitted a formal application for refugee status to the competent national authorities and are awaiting the outcome of the examination of their files.[2]

Persons Seeking Asylum: Persons who have fled their countries but have not yet submitted an application for asylum to the relevant authorities in the country in which they are present.[3]

Irregular Entry: Crossing borders without complying with the necessary requirements for legal entry into the receiving State.[4]

Released Person: A person for whom a release order has been issued pending the case, whether on the guarantee of place of residence or on financial bail.

Principle of Non-Refoulement: A fundamental principle of international law and refugee law that prohibits all forms of deportation and transfer of any individual, regardless of their status, when there are substantial grounds for believing that this individual is at risk of irreparable harm, such as death, torture, cruel treatment, enforced disappearance, or other serious human rights violations, in the place to which they are to be transferred or deported.

Reference Number: A number granted to every refugee or asylum seeker registered with UNHCR, used to identify the person's file within UNHCR's system. It is used in all dealings with UNHCR, such as card renewal, applying for assistance, applying for resettlement, and is required in legal procedures or when communicating with partners such as supporting organizations (like the Red Crescent or Caritas).

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[1] See the 1951 Refugee Convention
[2] The Practical Guide to Humanitarian Law, accessed May 7, 2025, available via the following link: https://ar.guide-humanitarian-law.org/content/article/5/ljywn/
[3] Ibid.
[4] See Article 3 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime

Asylum Residence Permit: A legal permit granted to an asylum seeker or refugee by the host State, allowing them to remain legally within its territory throughout the period of consideration of their asylum application or after being officially recognized as a refugee.

Voluntary Return of Refugees: Voluntary return or repatriation is the return of any refugee to their country of origin based on a free and informed choice.

Administrative Detention: The process of arresting and detaining individuals by state authorities outside the context of criminal law.

OVERVIEW OF THE CURRENT REFUGEE CONTEXT IN EGYPT

Egypt is a country with a history of receiving refugees, dating back to the events of World War I and World War II and through several periods of international and regional conflicts, such as the civil war in Sudan in the 1980s, the Iraq War, and others. This increased following the 2011 revolutions and the arrival of refugees from Syria, Yemen, Libya, and several other countries.

Those Officially Registered with the United Nations High Commissioner for Refugees (UNHCR)

Recently, following the armed conflict in Sudan and the flight of tens of thousands of Sudanese to Egypt, the numbers have risen significantly. UNHCR confirms that Egypt continues to host one of the largest refugee populations in Africa and that the number of registered individuals has increased substantially since the outbreak of the war in Sudan in April 2023.

According to the latest official data from the United Nations High Commissioner for Refugees (UNHCR), the number of registered refugees and asylum seekers in Egypt reached approximately 1.10 million people (1,101,744) as of May 31, 2026.[5]

Women and children accounted for 73.6% of this number. Sudanese rank first among nationalities with 849,364 refugees, followed by Syrian nationality with 99,904 refugees, and then other nationalities totaling 151,325 refugees. Thus, Sudanese now constitute

[5] https://data.unhcr.org/en/country/egy

approximately 77% of the total registered refugees and asylum seekers in Egypt, as a result of the ongoing war in Sudan since April 2023.

Meanwhile, the other nationalities combined mainly include nationals of South Sudan, Eritrea, Ethiopia, Somalia, Yemen, and Iraq, in addition to dozens of other nationalities. Most refugees live in Greater Cairo, Alexandria, some Delta governorates, and the Canal cities. These figures pertain only to those registered with the United Nations and do not include all foreigners, residents, or migrants present in Egypt.

Why Do You Hear about Much Larger Numbers of Refugees in Egypt?

In recent years, the Egyptian government and Egyptian officials have spoken of the presence of several million foreigners and newcomers in Egypt. Estimates by the International Organization for Migration (IOM) also indicate the presence of millions of resident migrants from dozens of nationalities. However, this category includes migrant workers, students, foreign residents, and some who have not registered as refugees. Often, there is a clear conflation between a refugee, a migrant, and a foreign resident, which reflects pressure on the hosting and asylum system; therefore, not all of these individuals may be considered "refugees."

INTRODUCTION

"IRREGULAR ENTRY AND STAY SHOULD NEVER BE CONSIDERED A CRIMINAL OFFENSE, AS THEY ARE NOT IN THEMSELVES CRIMES AGAINST PERSONS, PROPERTY, OR NATIONAL SECURITY, AND IT IS IMPORTANT TO EMPHASIZE THAT IRREGULAR MIGRANTS ARE NOT CRIMINALS AND SHOULD NOT BE TREATED AS SUCH"[6]

(MR. FELIPE GONZÁLEZ – UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES).

Irregular migrants, therefore, are not criminals, and should not be treated as such, and their rights must be protected. Irregular entry and stay may constitute administrative infractions, as crossing a country's borders in an unauthorized manner or without valid documents, or overstaying a residence permit, does not constitute a crime, and criminalizing irregular entry into a country goes beyond the legitimate interest of states in regulating illegal migration, leading to unnecessary detention."[7]

Despite the absence of an explicit definition of cross-border displaced persons in the 1951 Convention Relating to the Status of Refugees, the expanded definition in the 1969 Organization of African Unity (OAU) Convention provides a strong legal basis covering this category, as Article 1(2) states that "The term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."[8] Thus, persons forced to flee the armed conflict in Sudan who seek safety in Egypt are considered de facto refugees, especially since Egypt is a party to the 1951 Refugee Convention, its 1967 Protocol, and the 1969 OAU Convention.

[6] Statement by Mr. Felipe González Morales in his report before the Human Rights Council (2021), accessed May 30, 2025, available via the following link: https://docs.un.org/ar/A/HRC/47/30
[7] Ibid.
[8] Organization of African Unity, Convention Governing the Specific Aspects of Refugee Problems in Africa, 1969, Article 1(2).

The Egyptian authorities are obligated and responsible for protecting them,[9] and their protection begins upon arrival at the border. They have the right to seek safety, not to be refused entry, detained, or returned to a place where they may be exposed to harm, and they have the right to access asylum procedures.

However, the situation of those crossing Egypt's southern borders and the protection of their fundamental rights, whether rights related to physical security and safety, or fundamental rights related to basic necessities of life, raise concern and require greater attention, alongside providing necessary support for basic needs to families temporarily settled in Egypt, most importantly, the right to safety and guaranteeing non-refoulement, which is stipulated in all asylum-related conventions ratified by Egypt.

How the Egyptian Authorities Responded to the Crisis

At the beginning of the armed conflict in Sudan, the Egyptian authorities allowed Sudanese fleeing the conflict to enter Egypt without obtaining a visa, with the exception of working-age men. As the numbers of those fleeing the conflict across the southern borders increased, the Egyptian authorities began imposing numerous restrictions, starting with requiring Sudanese to obtain an entry visa issued by the Egyptian consulate. Egypt also reversed previous practices that allowed the entry of Sudanese citizens holding expired passports whose validity had been extended for six months and allowed children to be added to their parents' passports.

This is in addition to requiring security clearance for boys and men aged between 16- and 50-years entering Egypt via Cairo International Airport, as well as restricting the entry of Syrian and Eritrean nationals fleeing the conflict in Sudan into Egypt via the southern land borders and refusing entry to those carrying expired travel documents.[10]

They also employed restrictive policies that enhance their powers of detention and deprivation of liberty for asylum seekers, refugees, and migrants in an irregular situation, considering their irregular crossing of the Egyptian borders or irregular stay a criminal act. Any person not carrying valid documents is considered an "illegal" or "prohibited" migrant and is subject to arrest and administrative detention without a judicial order, and without detained migrants or refugees having the right to challenge the legality of their detention

[9] Text of Article 93 of the Egyptian Constitution: "The State shall be bound by the international human rights agreements, covenants and conventions ratified by Egypt, and which shall have the force of law after publication in accordance with the prescribed conditions."
[10] News article titled "Sudan: Neighbouring countries must allow safe passage to those fleeing the conflict," Amnesty International, published July 6, 2023, accessed April 7, 2025, available via the following link: https://www.amnesty.org/ar/latest/news/2023/07/sudans-neighbours-must-allow-safe-passage-to-those-fleeing-the-conflict/

before a court,[11] as well as forced deportation, instead of providing them with humanitarian refuge and protection.

In addition, anti-refugee calls have emerged on social media demanding their expulsion and claiming they have become unwelcome.[12] The recent escalation of these calls stems from political reasons, including parties within the country's parliament adopting these views, with some even making hostile anti-migrant statements claiming they have come to pose a security and economic threat to Egypt.[13]

Refugees in Egypt often face a complex and unforgiving legal system, as the Egyptian authorities have used a number of laws lacking safeguards against refoulement, which also allow law enforcement officers to carry out prolonged administrative detention and punish anyone who enters Egyptian borders irregularly with imprisonment, a fine, or forced deportation,[14] in violation of the Egyptian Constitution, which prohibits the extradition of political refugees,[15] and in violation of international treaties and conventions that prohibit the principle of forced deportation. Article 14 of the Universal Declaration of Human Rights stipulates that everyone has the right to seek and to enjoy in other countries asylum from persecution; the International Covenant on Civil and Political Rights in Article 7; as well as the 1992 Declaration on the Protection of All Persons from Enforced Disappearance in Article 8, paragraph 1. Furthermore, the 1951 United Nations Convention Relating to the Status of Refugees affirmed this principle, stating in Article 33, paragraph 1: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Finally, it is worth noting the reduction in the budget of the United Nations High Commissioner for Refugees (UNHCR) amid the sharp decline in international funding

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[11] Paragraph 4 of Article 9 of the International Covenant on Civil and Political Rights: "Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

[12] Investigative report on Daraj website titled "The Shawarma Battle and 'Guests'.. A New Campaign Against Refugees in Egypt," published January 11, 2024, accessed April 11, 2025, available via the following link

[13] Interview with Dr. Mohamed Selim, member of the General Committee of the House of Representatives, on Al-Hekaya program, published July 9, 2023, accessed April 11, 2025, available via the following link

[14] See Law No. 89 of 1960, as amended by Law No. 88 of 2005, on the Entry and Residence of Foreigners in the Territories of the Arab Republic of Egypt, in accordance with its latest amendments.

[15] See Article 91 of the Egyptian Constitution.

provided to it since 2023, and its impact on refugees in Egypt, depriving them of basic support due to the curtailment of essential programs such as healthcare and the cancellation of medical treatment support (such as cancer and kidney failure treatment), with the exception of life-saving emergency interventions,[16] as well as the reduction of education and cash assistance programs, and the closure of some community support offices in the governorates.[17]

In light of this, the lack of support provided by UNHCR and the repressive practices of the Egyptian authorities, particularly following the issuance of the Foreigners' Asylum Law, have forced an increase in the numbers fleeing to Libya, where tens of thousands of Sudanese fled to Libya across the northern borders out of fear of being arrested and forcibly returned to their country.[18]

INTERNATIONAL INSTRUMENTS RATIFIED BY EGYPT ON REFUGEES

These constitute the body of international instruments (conventions, treaties, protocols) ratified or acceded to by Egypt that bear relevance to the new legislation governing asylum regulations in Egypt. Certain instruments among these are dedicated specifically to refugee protection, whereas others establish general human rights obligations encompassing refugees and non-refugees alike. The international instruments to which the Arab Republic of Egypt has acceded or ratified in the spheres of human rights and asylum serve as a foundational pillar in formulating domestic legislative and regulatory policy concerning refugees, pursuant to Egypt's international legal obligations requiring adherence to international protection standards and the safeguarding of their fundamental rights.

[16] News article published titled "Egypt: UNHCR warns that funding shortfall threatens lives of Sudanese fleeing violence," published on the United Nations website, published March 25, 2025, accessed July 20, 2025, available via the following link
[17] Report titled "How were refugees in Egypt affected by UN aid cuts?", published on BBC News website, published July 9, 2025, accessed July 20, 2025, available via the following link
[18] Egypt's crackdown drives Sudanese refugees on new route to Libya and beyond, Reuters, 11 June 2025, available via the following link

International Conventions and Obligations Specifically Governing Asylum

1- The 1951 Geneva Convention Relating to the Status of Refugees:[19] (Date of accession: 1981)

Core Provisions: The Convention establishes the legal definition of a "refugee" and enshrines a set of fundamental rights to which refugees are entitled, most notably:

the principle of non-refoulement: prohibiting the expulsion or return of a refugee to a territory where they may be subjected to persecution; the right to lawful residence and legal protection; and core socio-economic rights, including access to education, gainful employment, and healthcare, subject to domestic statutory frameworks.

2- The 1967 Protocol Relating to the Status of Refugees (supplementing the 1951 Convention): (Date of accession: 1981).

Core Provisions: Removed the temporal and geographical limitations of the 1951 Convention, thereby broadening the scope of international protection to ensure universal applicability beyond European refugees displaced by World War II.

3- The 1969 Organization of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa: (Date of ratification: 1980).

Core Provisions: Expands the refugee definition to encompass any person compelled to flee their country of origin owing to external aggression, occupation, foreign domination, or events seriously disturbing public order, while promoting African solidarity in refugee hosting and burden-sharing among States Parties. - Legal Significance: This Convention represents a substantive advancement within the regional protection regime, accounting for African specificities regarding mass influxes and internal armed conflicts.

General International Human Rights Instruments Relevant to the Asylum Framework[20]

While not exclusively dedicated to refugees, these instruments establish a complementary legal regime ensuring broader protection of refugee rights under general principles of international human rights law, particularly with respect to the principle of non-refoulement (prohibition of removal where an individual faces a real risk of irreparable harm), the right to seek asylum, and fundamental due process guarantees.

[19] https://timep.org/2025/05/01/externalizing-migration-control-to-the-mena-region-egypt/
[20] https://www.ec-rf.net/towards-integrated-legislation-for-refugees-and-immigrants-in-egypt/

1- International Covenant on Civil and Political Rights (ICCPR): (Date of ratification: 1982)

Safeguards fundamental human rights, including the inherent right to life, liberty and security of person, freedom from torture and ill-treatment, and the right to a fair trial. Furthermore, it provides a binding legal basis for the principle of non-refoulement, prohibiting the extradition, expulsion, or refoulement of any person to a jurisdiction where they face a real risk of persecution or threat to life, guaranteeing due process and the right to judicial review.[21]

2- International Covenant on Economic, Social and Cultural Rights (ICESCR): (Date of ratification: 1982)

Advances rights intrinsic to human dignity, including the rights to education, the highest attainable standard of health, adequate housing, and just and favorable conditions of work. These entitlements are essential for the socio-economic integration of refugees within the host community, fostering social stability, and constitute integral components of international protection standards within host States.[22]

3- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT): (Date of ratification: 1986)

Core Provisions: Establishes an absolute, non-derogable prohibition of torture, prohibits cruel, inhuman, or degrading treatment or punishment, and strictly bars States Parties from expelling, returning, or extraditing any person to another State where there are substantial grounds for believing that they would be in danger of being subjected to torture, thereby reinforcing Egypt's non-refoulement obligations.[23]

Complementary International Instruments

Convention on the Rights of the Child (CRC) – Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) – Convention on the Rights of Persons with Disabilities (CRPD). Egypt is a State Party to the majority of these instruments, which afford specialized protection to vulnerable categories of refugees and extend heightened

[21] Egypt ratified the International Covenant on Civil and Political Rights pursuant to Presidential Decree No. 536 of 1981, published in the Official Gazette, Issue No. 15, dated April 15, 1982.
[22] Egypt ratified the International Covenant on Economic, Social and Cultural Rights pursuant to Presidential Decree No. 537 of 1981, published in the Official Gazette, Issue No. 14, dated April 8, 1982.
[23] Egypt ratified the Convention Against Torture pursuant to Presidential Decree No. 154 of 1986, published in the Official Gazette, Issue No. 1, dated January 7, 1988.

protection to marginalized or particularly vulnerable groups (such as children, women, and persons with disabilities) by guaranteeing their educational, health, and social rights and combating all forms of discrimination against them. Upon ratification and official publication, these international human rights treaties and instruments acquire the force of domestic law, thereby becoming an integral part of the national legal order and binding upon the executive, judicial, and legislative authorities.

EGYPTIAN DOMESTIC LEGISLATION ON REFUGEES

Governing Detention Safeguards, Protection Against Refoulement and Forced Deportation, and the Right of Access to Justice

The Egyptian Constitution

The Egyptian Constitution forms the legal foundation for the State's binding obligations under international instruments concerning refugee rights, enshrining the core principles governing asylum as follows:

Prohibition of Extradition of Political Refugees

Article 91 of the Constitution stipulates that: "The State shall grant the right of political asylum to every foreigner persecuted for defending the interests of peoples, human rights, peace, or justice, and the extradition of political refugees is prohibited." Accordingly, the Egyptian Constitution affirms both the right to political asylum and the prohibition against the extradition of political refugees.[24]

Also of relevance is Article 93 of the Egyptian Constitution: "The State shall be bound by the international human rights agreements, covenants, and conventions ratified by Egypt, and which shall have the force of law after publication in accordance with the prescribed conditions."[25]

Right of Access to Justice

Article 97 of the Constitution stipulates that: "Litigation is a safeguarded and guaranteed right for all. The State shall ensure the accessibility of judicial bodies and work toward the prompt adjudication of cases. Immunizing any administrative act or decision from judicial

[24] See Article 91 of the Egyptian Constitution.
[25] See Article 93 of the Egyptian Constitution.

review is prohibited. No person may be tried except before their natural judge, and exceptional courts are prohibited."[26]

Ordinary Legislation

Prime Ministerial Decree No. 369 of 2023 Regulating the Fund for Combating Illegal Migration and Protecting Migrants and Witnesses[27]

On January 22, 2023, Prime Ministerial Decree No. 369 of 2023 was issued regulating the Fund for Combating Illegal Migration and Protecting Migrants and Witnesses,[28] which classifies a smuggled migrant as a victim of human trafficking rather than an accused offender, entitling them to protection. It is imperative to enforce this legislation with respect to providing protection and preventing expulsion, deportation, or detention.

Law on Combating Illegal Migration and Smuggling of Migrants, Promulgated by Law No. 82 of 2016.[29]

- Exemption from Criminal and Civil Liability for Irregular Entry
- Article (2): "No criminal or civil liability shall attach to the smuggled migrant for the crimes of smuggling of migrants stipulated in this Law, and the consent of the smuggled migrant, or the consent of the person responsible for or having custody over them, shall not be taken into consideration in the crimes of smuggling of migrants stipulated in this Law."

Law No. 164 of 2024 Promulgating the Foreigners' Asylum Law[30]

Key Features of the New Law[31] adopted by the Egyptian Parliament in 2024 and whose Executive Regulations were recently issued this year, most notably establishes a Permanent Committee for Refugee Affairs affiliated with the Prime Minister, vested with the mandates of receiving asylum applications, issuing documentation, and granting or revoking refugee status.[32]

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[26] See Article 97 of the Egyptian Constitution.
[27] https://manshurat.org/content/tnzym-sndwq-mkfh-lhjr-gyr-lshry-whmy-lmhjryn-wlshhwd
[28] https://www.cc.gov.eg/i/l/426394.pdf "Prime Ministerial Decree No. 369 of 2023 Regulating the Fund for Combating Illegal Migration and Protecting Migrants and Witnesses"
[29] https://manshurat.org/node/13565
[30] https://www.refworld.org/legal/legislation/natlegbod/2024/ar/149388?prevPage=/node/149388
[31] https://english.ahram.org.eg/News/535411.aspx
[32] An Analytical Study on Egyptian Asylum Law No. 164 of 2024 and Its Impact on Refugee Communities in Egypt, Egyptian Commission for Rights and Freedoms, accessed July 6, 2026, available via the following link

It also sets forth conditions and procedures: for example, persons who entered irregularly are required to submit their applications within a specified period (such as 45 days) following their arrival, failing which they may be barred from having their applications examined.

The most significant shift under this Law is the assumption by the Permanent Committee for Refugee Affairs of the functions previously discharged by the United Nations High Commissioner for Refugees (UNHCR).This is the first domestic legislation regulating refugees and asylum seekers in Egypt. From an official standpoint, the Law is viewed as an instrument to establish, for the first time, a clear legal framework governing asylum and refugee affairs within Egypt and linking them to international conventions (such as the 1951 Geneva Refugee Convention) to which Egypt has acceded.[33] On the other hand, human rights advocates and refugee organizations consider that the Law was enacted in response to security pressures to assert control over the situation and curb irregular entry or irregular stay.[34]

It comes amid major regional developments: crises in Sudan, an increased influx of refugees and migrants toward Egypt, and pressures from the international community as well as Egypt's regional and international partners regarding migration and asylum management.

The New Law Prohibits Expulsion and Deportation and Enters into Force the Day Following Publication

Article (13): "The expulsion or forcible return (refoulement) of a refugee to the State of their nationality or habitual residence is prohibited."

Article (17): "A refugee shall have the right of access to justice and exemption from judicial fees where warranted, in the manner regulated by the relevant laws."

Article (32): "Any person arriving directly from territories where their life or freedom was threatened shall not bear civil or criminal liability on account of illegal entry into or presence within the territory of the Arab Republic of Egypt, provided that they present themselves without delay upon arrival to any of the governmental authorities.

[33] https://asylumineurope.org/reports/country/egypt/overview-of-the-main-changes-since-the-previous-report-update/

[34] https://english.ahram.org.eg/News/535411.aspx

IS FORCED DEPORTATION ACTUALLY OCCURRING?

Despite the aforementioned legislation and laws, which affirm the principle of prohibiting expulsion or refoulement, and despite the enactment of a new law regulating asylum, the Egyptian authorities act in practice in complete divergence from statutory provisions.

Deportations of Refugees from Egypt: What Happened?

The refugee file in Egypt witnessed widespread controversy during late 2025 and early 2026 following human rights reports documenting an increase in arrests and deportations, particularly among refugees and asylum seekers from Sudan and Syria. Conversely, the Egyptian government maintains that it is enforcing residency and national security laws while continuing its commitment to hosting large numbers of refugees.

Several human rights organizations, including Amnesty International,[35] documented cases of arrest of refugees and asylum seekers in Cairo, Giza, Alexandria, and other governorates between December 2025 and February 2026, stating that some detainees were registered with the United Nations High Commissioner for Refugees (UNHCR). They also noted instances of deportation that they deemed contrary to the principle of "non-refoulement" enshrined in international refugee law.

Most Affected Groups

Reports indicate that Sudanese nationals were the most affected due to the substantial surge in arrivals since the outbreak of the war in Sudan in 2023. Other reports also cited tightened measures against certain Syrians regarding residency permits and legal renewals. According to an investigation published by The New Humanitarian in December 2025, more than 850 deportation cases, predominantly involving Sudanese nationals, were documented during 2025 up to the time of the report's publication, while emphasizing that the documented figures may be lower than the actual total.[36]

Position of the United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees continues its operations in Egypt and underscores the importance of enabling refugees and asylum seekers to access asylum

[35] Egypt: Refugees forced into hiding amid crackdown involving arbitrary arrests and unlawful deportations – February 16, 2026 – Amnesty International. Available on the following link
[36] https://www.thenewhumanitarian.org/investigations/2025/12/04/exclusive-egypt-ramps-sudan-refugee-deportations-unhcr

procedures and legal protection. It also monitors the conditions of detainees and deportees whenever it has the opportunity to intervene.

Numbers of Those Deported or Returned to Their Countries of Origin

Such data are not always published comprehensively or regularly, and there is no periodically published public database providing an accurate and comprehensive figure for all refugees deported from Egypt. However, international human rights and media reports during 2024 and 2025 documented the detention of certain Sudanese and other nationals for residency or entry violations, the execution of deportations and returns to countries of origin or to the borders in some cases, and the tightening of immigration and residency measures following the massive influx of those fleeing the Sudanese war.

Accurate Figures on Deportation Operations

There are no regular, official Egyptian government statistics published to the public providing an accurate and comprehensive annual figure. Consequently, available estimates rely on reports by the United Nations and human rights organizations, news reports that recently covered the numbers deported to the southern border crossings via what is known as the free return train transporting returnees from Cairo to Aswan, and legal aid cases for detainees received by the Egyptian Commission for Rights and Freedoms (ECRF). The most reliable, documented figures include:

- In September 2023 alone: Approximately 3,000 Sudanese were deported or returned to Sudan, according to UNHCR estimates cited by Amnesty International.[37]
- January / March 2024: Approximately 800 Sudanese were forcibly returned to Sudan, as documented by Amnesty International.[38]
- Late 2023 / March 2024: Reports indicate thousands of Sudanese were subjected to arrest and deportation, though without a unified final figure.
- Other human rights reports, including Human Rights Watch's 2025 report, refer to "thousands" of deported Sudanese during that period, without providing a final cumulative tally.[39]
- Unofficial, circulating estimates suggest that between 10,000 and 22,000 Sudanese were deported during 2024.

[37] Egypt: Authorities must end campaign of mass arrests and forced returns of Sudanese refugees / Amnesty International / June 19, 2024
[38] Ibid.
[39] Egypt report 2025 / Human Rights Watch https://www.hrw.org/world-report/2025/country-chapters/egypt

DETAILS AND COURSE OF PROCEEDINGS REGARDING REFUGEES DETAINED FOR DEPORTATION

First: Entry

Pursuit and Arbitrary Arrest of Migrants, Asylum Seekers, and Refugees

This section sheds light on the practices of the Egyptian authorities in arresting and arbitrarily detaining dark-skinned refugees and migrants, particularly Sudanese nationals, and forcibly returning them, along with an analysis of the impact of these practices on the human rights of migrants and refugees.

Recently, particularly following the issuance of the Foreigners' Asylum Law on December 16, 2024, dark-skinned refugees in Egypt, especially Sudanese nationals, have been subjected to arbitrary arrest and forced deportation.[40] According to what has been monitored and documented, the majority of arbitrary arrest incidents occurred in the governorates of Cairo, Alexandria, and Aswan.

Pushbacks of Migrants Across the Southern Borders in Aswan Governorate

At the outset, we note that pushback operations targeting migrants arriving across the southern borders by law enforcement officials begin in Aswan Governorate through setting up checkpoints near the border area and arresting them immediately after they cross into Egyptian territory, depriving them of their fundamental rights to receive protection under international law, and forcing them into summary refoulement.

During the period from late December 2024 to May 2025, the organization's researchers documented the arrest of 230 individuals, the majority holding Sudanese nationality, along with migrants from Ethiopia, one migrant from South Sudan, and another from Eritrea, and the drafting of police reports for failing to carry identification documents and residing in Egypt without obtaining a residence permit. They were referred to the Public Prosecution, which issued decisions ordering their release; however, the release orders

[40] Paragraph 1 of Article 9 of the International Covenant on Civil and Political Rights: "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

were not enforced, and they remained arbitrarily detained until administrative decisions were issued to deport and forcibly return them to Sudan.

This demonstrates the Egyptian authorities' repudiation of their binding obligations under international law, regardless of an individual's immigration status and without discrimination of any kind, including respect for their right to life, the prohibition of collective expulsion, non-refoulement, the right to seek asylum, and freedom from torture.

Migrants arriving at borders, regardless of their mode of travel, must be afforded their fundamental rights, including prompt and individualized screening of their circumstances and referral to the competent authorities to conduct a full assessment of their human rights protection needs, including access to asylum, in an age- and gender-sensitive manner. International human rights law stipulates that everyone has the right to seek and to enjoy in other countries asylum from persecution,[41] and requires taking preventive steps to protect lives, prevent excessive use of force, and ensure access to medical assistance, water, and food.

Second: Apprehension and Detention by the Executive Authority – Law Enforcement

Targeting and Arbitrary Arrest of Sudanese Refugees

Dark-skinned individuals, particularly Sudanese refugees and asylum seekers settled and residing within Egyptian governorates, are subjected to targeting and arrest. This is frequently carried out through security forces storming their workplaces or residences, or via arbitrary stops in public places. In some instances, ECRF's researchers documented the arrest of several individuals while they were filing police reports as victims of crimes.

> "My client and her daughter were arrested after being involved in a car accident and sustaining various bone fractures across their bodies. They were transferred to St. Damiana Hospital to receive medical treatment. After just one day, they were transferred to the police station without receiving first aid or the necessary medical treatment for my client, the doctors only applied a cast, and a police report was filed against them for not carrying valid residency. Due to her inability to move, her daughter was summoned to accompany her at the station, and they

[41] See Article 14, paragraph 1 of the Universal Declaration of Human Rights.

were detained in one of the officers' offices. They demanded that the daughter bring the original UNHCR card. After the daughter refused to hand over the original card, the officers forced her to surrender it after detaining her mother in the women's holding cell."[42]

Immediately following arrest and searches, identification documents, specifically "UNHCR registration cards", are routinely confiscated and concealed. This constitutes a violation of the right to personal liberty, alongside failing to enable victims to notify their families,[43] or consult with legal counsel.[44] Only if the detainee does not possess a UNHCR card at the time of arrest are their family members contacted and asked to bring the original card to the police station, whereupon reports are drafted for lacking residency within the country, and the case file is subsequently referred to the Public Prosecution.

Third: The Role of Public Prosecution

In most instances, arrested individuals are either not presented before the competent assistant prosecutor or are brought before the prosecution without proper investigation, the hearing of their statements, or the presence of legal counsel. The prosecution typically registers the incident as a misdemeanor for violating Article 16 of Law No. 89 of 1960 (pursuant to its latest amendments),[45] which mandates that every foreigner residing in the Arab Republic of Egypt must hold a valid residency permit and depart upon its expiration unless an extension is obtained. It also invokes Article 23, which requires a foreigner authorized to enter or reside for a specific purpose not to deviate from that purpose without prior authorization from the Director of the Passports, Immigration and Nationality Administration.[46] The prosecution seeks penalties pursuant to Article 42 of the same law,[47] which penalizes failure to hold a valid residency permit with a fine of one

[42] Personal interview with a victim's lawyer on February 26, 2025.
[43] See Rule 92 of the Standard Minimum Rules for the Treatment of Prisoners.
[44] Principles 11 and 17 of the United Nations Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.
[45] Article 16 of Law No. 89 of 1960, as amended, regarding the entry, residence, and departure of foreigners in the territory of the United Arab Republic, which states: "Every foreigner residing in the Arab Republic of Egypt must hold a residency permit and must depart upon its expiration."
[46] Article 23 of the same law: "A foreigner authorized to enter or reside for a specific purpose may not deviate from that purpose without obtaining prior authorization from the Director of the Passports, Immigration and Nationality Administration."
[47] Article 42 of the same law, which stipulates: "Anyone who violates the provisions of Articles (8, 12, 13, 14) of this law shall be punished by a fine not exceeding three hundred pounds. Anyone who violates the provisions of Article (16) of this law shall be punished by a fine of one thousand pounds during the first three months of default, and the fine amount shall be doubled by (50%) for every subsequent three months if the default period exceeds that. Anyone who violates the provisions of Article (23) of this law shall be punished by a fine of not less than one thousand

thousand pounds for the first three months of default, doubling by 50% for every subsequent three-month period if the default continues. Violations of Article 23 are punishable by a fine ranging from one thousand to five thousand pounds, with the discretionary penalty of deportation. The prosecution then issues an order for their release.

Incommunicado Detention and Non-Execution of Public Prosecution Release Orders

Following the referral of the case files to the Public Prosecution, the registration of the incident as a misdemeanor, and the issuance of a release order, victims continue to be arbitrarily detained without any legal justification or basis depriving them of liberty. The release order is left unexecuted, and the victim remains held in incommunicado detention pending National Security clearance,[48] denied access to lawyers or family members indefinitely for periods ranging from days to months. This practice amounts to a form of torture[49] and a violation of Article 7 of the International Covenant on Civil and Political Rights (ICCPR),[50] as well as Article 42 of the Egyptian Constitution, which mandates that anyone arrested or detained must be treated in a manner that preserves their dignity.[51] It also violates Egyptian statutory law under Article 40 of the Code of Criminal Procedure, which prohibits the imprisonment of any person except by order of the competent authorities.[52]

Furthermore, police stations routinely refuse to officially acknowledge the presence of the victim, effectively stripping them of legal protection and exposing their lives to severe and constant danger. This detention persists until inquiries are made regarding whether the victim entered regularly or irregularly. If the victim entered through regular channels, they are released. If they entered irregularly, a deportation order is issued, compelling them to sign it and enforcing forced removal.

> "My client was arrested on January 11, 2025, within the jurisdiction of the Second October Police Station. He was searched, his mobile phone was

pounds and not exceeding five thousand pounds, with the discretion of deportation outside the country."

[48] Incommunicado detention refers to the detention of individuals without allowing them contact with their families, lawyers, etc.

[49] Dakall et al. v. Nepal (CCPR/C/113/D/2000/2010), paragraph 7.11.

[50] Paragraph 1 of Article 7 of the ICCPR: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

[51] paragraph 1 of Article 42 of the Egyptian Constitution.

[52] Article 40 of Law No. 150 of 1950, the Code of Criminal Procedure, as amended.

seized, his refugee card was confiscated and hidden, and a report was filed for residing without a permit, completely omitting any mention of his refugee card. The case papers were presented to the prosecution on January 12, 2025, and a release order was issued. However, the order was not executed, and he remained held in incommunicado detention by National Security at the Second October Police Station, denied family visits, food, or medication. This continued until a deportation order was issued by the Ministry of Interior due to his irregular entry into Egypt, despite my client holding a yellow card and being registered with UNHCR. On February 13, he was transferred from Cairo to Aswan to be returned to Sudan and was deported to Sudan on February 17, 2025. As for the judicial proceedings, a hearing was scheduled for February 4, 2025, referred to digital jurisdiction for a hearing on February 20, 2025, on which date 'a penal order was issued fining the accused 5,000 pounds plus court expenses and ordering deportation."'53

Cruel Treatment and Detention in Inhuman Conditions

This section highlights the cruel treatment and detention in inhuman conditions experienced by certain victims during their detention. While international human rights law prohibits arbitrary detention,[54] police station holding facilities in Egypt generally lack basic sanitation, suffering from severe overcrowding, inadequate ventilation, lack of access to sunlight, poor lighting, and a total ban on exercise or going outside except for extreme necessity.

"My client was arrested on January 11, 2025, in the Second October Police Station jurisdiction, and a report for residing without a permit was filed against him. He was presented to the prosecution on January 12, 2025, and a release order was issued. However, the release order was not executed, and the victim was unlawfully detained. A court hearing was scheduled for February 4, 2025, and at that session, neither the victim nor his legal representative appeared because he was detained inside the police station and the prosecution's release order had not

[53] Personal interview with the victim's lawyer on March 12, 2025.
[54] Article 9, paragraph 1 of the International Covenant on Civil and Political Rights.

been executed. The court issued a 'penal order of a 1,000-pound fine and deportation.'

Due to the dismal detention conditions inside the police station, his mother was shocked to find that her son had contracted scabies (a skin disease) and that his health had sharply deteriorated. She decided on February 13, 2025, to personally cover the cost of his flight ticket rather than wait for official deportation. She went to the station on February 17, 2025, where they provided her with his details so she could go to the Passports Administration and obtain approval for deportation via commercial flight at her own expense."55

Regarding healthcare, the organization's researchers documented instances where victims suffered from medical negligence and the denial of healthcare, in violation of Article 12 of the ICCPR[56] and the Egyptian Constitution.[57]

"Following the traffic accident in which my client and her daughter were injured, they were transferred to St. Damiana Hospital for treatment. After one day, they were transferred to the Third October Police Station. Due to the accident, they sustained fractures to the femur, shin, and pelvis. 'The mother was transported via ambulance and did not receive the necessary medical treatment nor any surgical intervention; only a cast was applied,' and a report for lacking legal residency was filed. They brought their third daughter into custody to care for her mother, who was unable to move. The authorities demanded that the daughter hand over the original card, and upon her refusal, the mother was placed in the women's holding cell to force the daughter to surrender the original UNHCR card. This coercion forced the daughter to hand over the original card, while neither the mother nor her daughter received the medical treatment required for their condition. They were deported by land to Sudan following a deportation order issued by the

[55] personal interview with the victim's lawyer on March 15, 2025.
[56] Article 12 of the ICCPR: "The right of everyone to the enjoyment of the highest attainable standard of physical and mental health."
[57] Articles 55 and 56 of the Egyptian Constitution.

> Minister of Interior, and the mother was deported via an ambulance vehicle."

Assault and Mistreatment of Victims by Fellow Detainees

Finally, victims face assault and mistreatment by fellow detainees, compounding the impact of the inhuman conditions experienced by the majority of documented victims. Although detainees should not be treated as a monolithic group, law enforcement officers are duty-bound to provide special protection to vulnerable individuals, such as children, women, and minorities, without discriminating against the majority, but rather by making reasonable accommodations to protect minority rights. Refugees are at heightened risk of mistreatment and physical assault by other inmates.

> "The number of detainees in the room was about 300, all of whom were Egyptian except for 8 Sudanese, of whom I was one. I was beaten by other detainees due to disputes over seating space and the complete absence of food for 4 days. If I stood up to change the position of my knee due to constant sitting, another detainee would take my spot and push me so I fell over someone else, who would then beat me. When falling asleep suddenly, someone would strike your head with a plastic bottle filled with water to wake you up, or slap you in the face to make you stand. All these bad practices, coupled with lack of sleep and extreme exhaustion, left me in a state of altered consciousness and disorientation where I could no longer tell how days or time were passing."

Fourth: Appearance Before the Illegal Migration Committee

What is the Illegal Migration Committee and How Was It Formed?

Following Egypt's accession to the Protocol against the Smuggling of Migrants by Land, Sea and Air, adopted by the United Nations on November 15, 2000, ratified pursuant to Presidential Decree No. 297 of 2004 approving the Protocol against the Smuggling of Migrants by Land and Sea,[58] the Egyptian government enacted Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants.[59] This Law sets forth penalties for individuals convicted of participating in migrant smuggling and human trafficking, ranging from imprisonment and fines to confiscation. It also contains a provision establishing a committee within the Cabinet titled the "National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons" (NCCPIM&TIP), affiliated with the Prime Minister, alongside the establishment of the Fund for Combating Illegal Migration.

Pursuant to this Law, Prime Ministerial Decree No. 192 of 2017 was issued establishing the National Coordinating Committee for Combating and Preventing Illegal Migration and Trafficking in Persons,[60] followed recently by Prime Ministerial Decree No. 369 of 2023 regulating the Fund for Combating Illegal Migration and Protecting Migrants and Witnesses.[61]

The Role of the Committee in Providing Protection to Asylum Seekers

Although the aforementioned Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants enshrined the principle of immunity from criminal and civil liability for irregular entry, as stipulated in Article (2):

"No criminal or civil liability shall attach to the smuggled migrant for the crimes of smuggling of migrants stipulated in this Law, and the consent of the smuggled migrant, or the consent of the person responsible for or having custody over them, shall not be taken into consideration in the crimes of smuggling of migrants stipulated in this Law."

In practice, however, the Committee played no meaningful role whatsoever. All detainees whose testimonies were documented confirmed that their transfer from the

[58] https://manshurat.org/node/39070
[59] Law No. 82 of 2016 on Combating Illegal Migration and Smuggling of Migrants, available on the following link.
[60] Prime Ministerial Decree No. 192 of 2017, available on the following link.
[61] https://www.cairo24.com/1736152

police station holding facility to the premises of the Illegal Migration Committee was a purely pro forma procedure. All detainees reported that upon arriving in the prisoner transport vehicle at the Committee's headquarters, they were left waiting throughout the day for several hours until being returned to the police station, without being questioned or having any statements taken from them. The accompanying conscript merely handed over the case files and the roster of defendants, after which they were forced to wait until their return.

This demonstrates that the objectives underlying the establishment of the Committee exist merely on paper, whereas reality yields a single outcome: the Committee's role is confined to logging data on arrested individuals and their routes of entry, derived entirely from the police reports drafted against the detainees rather than through interviewing the migrants and asylum seekers themselves. Consequently, the transfer to the Illegal Migration Committee has become nothing more than a day of severe, unwarranted exhaustion for detainees, as the police could have simply shared the documents with the Committee without needlessly transporting the defendants.

Fifth: Appearance Before the Passports, Immigration and Nationality Administration

According to documented testimonies, consistently describe the exact same procedure during defendants' appearances before the Passports, Immigration and Nationality Administration, the transfer escort hands the detainees and their files over to the Administration. The Administration, in turn, exerts unlawful coercion on detainees by forcing refugees to book airline tickets themselves or through contacting their relatives and families, at times threatening to deport all family members should they fail to comply and purchase the tickets. Furthermore, the Passports, Immigration and Nationality Administration confiscates the passports and asylum cards of every detainee, which detainees present under the belief that these documents guarantee their legal protection. In cases where detainees do not have their passports or asylum cards on their person, they are instructed to have their families bring them to the police station to secure their release. Detainees comply with this demand believing it to be their pathway out of detention; however, the police immediately conceal these documents upon receipt, and the refugee never recovers them.

Sixth: Appearance Before the National Security Agency

Following presentation before the Public Prosecution, victims are brought before the National Security Agency, during which the National Security Sector issues a directive to the Criminal Investigation Department of the General Directorate for Combating Illegal Migration to confiscate United Nations High Commissioner for Refugees (UNHCR) asylum cards from those who hold them and to proceed with deportation. This takes place after compelling victims to execute written declarations stating their desire to leave the country. In some instances, the declaration is signed either while they are detained in police stations or immediately prior to their deportation at border crossings, accompanied by notifications to the Public Security Sector to place the victims on entry-ban lists prohibiting their future return to the country.

Seventh: Referral to Trial

The right of access to justice is an inalienable right that may not be diminished, confiscated, or restricted in scope; however, every right operates within a defined sphere through which alone it can function, and safeguarding that sphere is indispensable to its effective exercise. Furthermore, the presumption of innocence until proven guilty of the alleged offense pursuant to fair rules that do not prejudice the right of defense is fundamental. Just as it is unacceptable for a person to be convicted of an offense with which they were never charged, this principle applies with equal force to any charge brought without an opportunity for defense.

Nevertheless, the procedural mechanisms employed by law enforcement officials deprived the majority of victims of their right of defense, resulting in the issuance of penal orders in absentia imposing fines and deportation by misdemeanor courts against most of them. They were neither notified nor made aware of their trial dates due to arbitrary incommunicado detention, in addition to their inability to appoint legal counsel owing to instructions issued to Real Estate Publicity and Notarization (Shahr El-Aqari) officials prohibiting the notarization of powers of attorney for foreigners except those holding biometric/smart residency cards, thereby depriving them of the ability to present defenses to refute the charges.

"The client was presented before the prosecution and a release order was issued for him, yet in reality they remain detained at the disposal of National Security while being referred to trial before the court as 'released.' Moreover, their families were unable to file official complaints

or send telegraphs reporting the non-execution of the prosecution's release order and their enforced disappearance, out of fear of security persecution and deportation.

Before the court, there is no legal power of attorney 'due to instructions prohibiting the execution of powers of attorney except for foreigners holding smart residency cards, not a visa stamped on a passport, so you have no right to execute a power of attorney at the notarization office.' The client is not physically present, the judge refused my appearance due to the lack of legal power of attorney, and the court issues a penal order in absentia imposing a fine and deportation in the client's absence. And a penal order issued by the court, even in absentia, is subject only to appeal."62

Eighth: Deportation

Forced Deportation

This section addresses the practices of law enforcement officials that constitute forced deportation (refoulement) of refugees and asylum seekers in Egypt, through coercing them into signing so-called "voluntary return" declarations to their countries of origin, in an attempt to confer a veneer of legality upon measures that infringe upon their fundamental rights [63] and violate international safeguards governing refugee protection.[64]

Coercing Victims into Signing Declarations Expressing a Desire to Leave the Country

Following presentation before the Public Prosecution, victims are brought before the Passports Administration, then the National Security Sector, and finally the General Directorate for Combating Illegal Migration. As previously noted, the National Security Sector issues a directive to the Criminal Investigation Department of the General

[62] Personal interview with the victim's lawyer on April 30, 2025.
[63] Article 14 of the Universal Declaration of Human Rights: "Everyone has the right to seek and to enjoy in other countries asylum from persecution."
[64] The 1951 Convention Relating to the Status of Refugees, to which Egypt acceded in 1981, stipulates in Article 33 (paragraph 1) the principle of non-refoulement, providing that: "No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

Directorate for Combating Illegal Migration to confiscate UNHCR asylum cards from those who hold them and to carry out deportation, after compelling victims to execute written declarations stating their desire to leave the country. In some instances, the declaration is signed either while they are detained in police stations or immediately prior to their deportation at border crossings, alongside notifications to the Public Security Sector to include the victims on entry-ban lists barring future entry into the country.

"Before leaving the police station for the prison, they came at night and told each person to call their family to bring 350 pounds for deportation fees. I called my siblings and gave them a number for the transfer, and we actually transferred the amount to a Vodafone Cash number belonging to an Egyptian detainee working with security inside the lockup. Through him, we also made phone calls, paying 100 pounds for two calls, in addition to 100 pounds for cleaning the cell and services for removing garbage bags and providing soap.

We left the Second October Police Station for the '10.5' Prison. The conscript and the officer held the paperwork; they had only the passport, while the UNHCR card and residency permit were concealed. Anyone whose passport had expired was sent back to the police station. We stayed until the following day and exited handcuffed, then boarded vehicles, there were many of us; we were 11 people, and they added people from other police stations. We boarded buses and headed to Qena Governorate, where we stayed for two days at a police station. Afterward, the vehicles headed to Aswan to an unknown detention facility, where we remained for 3 days, and then to the Abu Simbel area, where we stayed for two and a half days. Thereafter, we were taken to the ferry heading to the Halfa area at the Ashkeit border crossing, still handcuffed up to the Egyptian side of the crossing. Between the Egyptian crossing and the Sudanese crossing, a paper was brought to us to sign with my name written on it, stating that of my own free will I wished to return to my country. That happened at the very last moment, and everyone signed, we were not permitted to speak or object, just to end the suffering, as otherwise I would remain in detention while the

gate to Sudan stood right in front of me. Between the two gates, they removed the handcuffs, entered the Sudanese gate, spoke with the Sudanese officers, handed them the papers, and let us out. At that moment, I received my passport and found stamped on it: 'Deported.'"65

Intervention of Detainees' Embassies in Booking Return Airline Tickets in Violation of the Law

In most instances, deportation orders are issued by the Ministry of Interior and executed prior to the adjudication of the detainees' trial hearings and without awaiting the outcome of judicial proceedings, amid complete disregard for the judicial process.

"My brother had a court hearing scheduled for March 20, 2025, but on March 14 we were surprised by a phone call from a security officer at the police station where my brother was detained, demanding that we book airline tickets. My mother went to the police station, where they told her that the ticket cost 9,000 Egyptian pounds. Following intense pressure and threats regarding the dangers of overland deportation, my mother was forced to pay everything she had, 7,000 Egyptian pounds. Consequently, they had us contact an individual from the embassy named Mohamed Ahmed, who told her he would cover the remaining amount. We stalled on paying based on guidance from a lawyer at the Egyptian Commission for Rights and Freedoms (ECRF) to delay deportation until the trial hearing, but a day later we were shocked to discover that he had already booked the ticket. In the evening, they woke him up from his sleep at the station and told him, 'You are being deported now.' He had no clothes or even shoes with him, so we brought him shoes after he called us from the lockup phone, and then they escorted him to the airport."

Resorting to arresting victims and invoking provisions of Law No. 89 of 1960 Concerning the Entry, Residence, and Exit of Foreigners in the Territory of the United Arab Republic, which is tainted by unconstitutionality and non-compliance with international law, as will

[65] personal interview with one of the victims on May 5, 2025.

be demonstrated in the following section, along with referring them to unfair trials, coercing victims into signing deportation orders under duress and threats inside detention facilities, and deporting some without awaiting their trials, constitutes a circumvention of international legal standards and an attempt to confer a false "voluntary" character upon forced deportation (refoulement). Utilizing such measures as a preparatory instrument for deportation is fundamentally aimed at absolving the Egyptian authorities of any legal or political accountability before domestic and international public opinion.

Ninth: The Role of the United Nations High Commissioner for Refugees (UNHCR)

The United Nations High Commissioner for Refugees (UNHCR) in Egypt faces recurring criticism regarding what is characterized as "passive abstention" from adopting more proactive stances in defending certain refugees and asylum seekers who are detained or at risk of deportation, particularly in cases requiring urgent legal intervention. Critics contend that sluggish procedures, insufficient legal aid, and the lack of rapid response to notifications risk undermining the safeguards available to persons facing a real risk of refoulement.

According to several analyses, this phenomenon is attributable to multiple factors, including constrained human and financial resources relative to the large refugee population, complex bureaucratic procedures, reliance on coordination with national authorities within the bounds of UNHCR's legal mandate, as well as institutional caution aimed at preserving channels of cooperation with host governments. Nevertheless, defenders of UNHCR's role emphasize that the agency lacks executive authority and that its capacity for direct intervention remains circumscribed by the legal and sovereign frameworks of the host State, thereby limiting the efficacy of its intervention in certain individual cases.

LEGAL ANALYSIS

This section provides a legal analysis of the provisions of Law No. 89 of 1960 Concerning the Entry, Residence, and Exit of Foreigners in the Territory of the United Arab Republic, examining its consistency with Egypt's international obligations regarding refugee protection and its conformity with the Egyptian Constitution.

Public Prosecutions referred the victims to criminal trial based on alleged violations of Articles (1, 16, 32, and 42) of the aforementioned Law. Although it constitutes one of the primary statutes regulating the entry and residence of foreigners, including refugees, it fails to differentiate between distinct categories of foreigners and lacks harmonization between the principle of State sovereignty and the safeguards and entitlements guaranteeing refugee rights. Specifically, the Law does not contain a definition of a "refugee" aligned with the 1951 Convention Relating to the Status of Refugees. Pursuant to Article 1 thereof, anyone who does not hold Egyptian nationality is treated uniformly as a foreigner, without distinction between a refugee, an ordinary resident, or a visitor. Consequently, the Law subjects refugees to the same rules and restrictions applicable to all other foreigners, exposing them to legal liability despite their special protected legal status under international law and the Egyptian Constitution.

Regarding Article 16 of the Law, it establishes that residency is not an automatic entitlement for a foreigner, but rather contingent upon obtaining an official permit (typically granted by the Passports, Immigration and Nationality Administration). Upon the expiration of the permit, the individual must depart the country immediately; violation of this provision exposes the person to deportation, fines, or even administrative detention.

We consider that this statutory provision poses a severe legal risk to refugees, as it authorizes their deportation in contravention of the principle of non-refoulement, compounded by the absence of a clear mechanism to appeal an administrative deportation order.

Similarly, Article 23 restricts a foreigner's freedom to alter the purpose of their residence or entry into Egypt, stipulating the necessity of obtaining prior authorization from the Director of the Passports, Immigration and Nationality Administration. Failure to secure such authorization constitutes an administrative, and potentially penal, offense, conferring upon the State the authority to revoke residency or deport the foreigner.

While this provision is intended to regulate the movement of foreigners within Egypt, in the case of refugees it is utilized by the Egyptian authorities to restrict them by curtailing

their freedom of movement. Changing one's place of residence requires administrative permission, which contravenes freedom of movement.[66] Furthermore, if a refugee enters for the purpose of "humanitarian asylum" and subsequently needs to work or pursue education, they are required to obtain "prior permission" to change their residency purpose, violating their rights to work[67] and education.[68] This can result in freezing their legal status pending a decision from the competent administrative authority, or is exploited at times to deport them under the pretext of violating the purpose of their residence, in direct violation of the principle of non-refoulement.[69]

Finally, we examine Article 42 of the Law concerning penalties. Paragraph 1 thereof imposes a fine not exceeding three hundred pounds on anyone who violates the provisions of Article 8 (prohibiting the entry of foreigners without a visa or permit), Article 12 (obligating foreigners to report upon residency), Article 13 (concerning the specification of place of residence), and Article 14 (mandating the procurement of a residence permit). It further penalizes anyone who violates Article 16 concerning failure to depart upon the expiration of residency with a fine of one thousand pounds during the first three months of default, with the fine increasing by fifty percent (50%) for every subsequent three-month period should the default persist.

Paragraph 2 of the same Article penalizes anyone who violates Article 23 of the Law, regarding engaging in an activity without authorization, as noted above, with a fine of not less than one thousand pounds and not exceeding five thousand pounds, accompanied by the discretionary penalty of deportation from the country.

Moreover, it grants the power of deportation even if the individual is a refugee registered with UNHCR. This provision directly conflicts with one of the foundational tenets of international refugee law, the principle of non-refoulement enshrined in Article 33 of the Refugee Convention and criminalizes irregular stay by a refugee. If a refugee lacks valid residency due to renewal delays caused by official authorities or UNHCR, they risk fines or deportation. Such measures are incompatible with the special protection afforded by their status and violate the prohibition against imposing penal sanctions on refugees on account of their illegal entry or presence.[70]

In addition, this statutory provision is tainted by unconstitutionality for contravening Article 93 of the Egyptian Constitution, which binds Egypt to the international human rights

[66] Article 26 of the 1951 Refugee Convention.
[67] Articles 17, 18, and 19 of the 1951 Refugee Convention
[68] Article 22 of the 1951 Refugee Convention.
[69] Article 33 of the 1951 Refugee Convention.
[70] Paragraph 1 of Article 31 of the 1951 Refugee Convention.

agreements, covenants, and conventions it ratifies, conferring upon them the force of law upon publication, as well as Article 91 of the Constitution, which recognizes the right of asylum and guarantees the protection of refugees.

Whereas it is established that the Egyptian Constitution mandates the protection of refugees, whether fleeing for political reasons or humanitarian grounds owing to war or internal conflicts in their home countries that compelled their displacement and flight to Egypt,[71] and whereas the United Nations Convention Relating to the Status of Refugees, which acquired the force of law upon ratification [72] and the issuance of the aforementioned Presidential Decree of 1980, obligates States Parties to refrain from imposing penalties on refugees on account of their illegal entry or presence where they have come directly from a territory where their life or freedom was threatened, and further prohibits the expulsion of refugees unlawfully in the territory of a Contracting State save on grounds of national security or public order;

And whereas the Convention requires that the expulsion of a refugee be executed only pursuant to a decision reached in accordance with due process of law, allowing the refugee to submit evidence to clear themselves, and guaranteeing the right to appeal against and be represented for the purpose before a competent authority or a person or persons specially designated by the competent authority, while strictly prohibiting the expulsion or return (refoulement) of a refugee in any manner whatsoever to the frontiers of territories where their life or freedom would be threatened on account of race, religion, nationality, membership of a particular social group, or political opinion, unless there are reasonable grounds for regarding them as a danger to the security of the country in which they are, or having been convicted by a final judgment of a particularly serious crime constituting a danger to the community of that country; accordingly, a refugee in Egypt enjoys the aforementioned safeguards prior to removal or deportation, safeguards exceeding those accorded to an ordinary foreigner residing under standard or temporary residency, [73] owing to the humanitarian circumstances endured by the refugee.[74]

Whereas the victims crossed into Egypt via the southern borders, the majority of whom hold Sudanese nationality, having fled their country to Egypt due to the prevailing conditions in Sudan; pursuant to the Egyptian Constitution and the aforementioned

[71] Article 91 of the Egyptian Constitution.
[72] Article 93 of the Egyptian Constitution.
[73] Supreme Administrative Court – Appeal No. 30938 of Judicial Year 59, Session dated November 16, 2019.
[74] Articles 30, 31, and 32 of the 1951 Refugee Convention.

United Nations Convention, they enjoy the legal protection guaranteed to residents on Egyptian territory, which secures the right to reside free from persecution and prohibits their deportation or extradition to any entity against their will, particularly where their life or freedom would be endangered. Consequently, arresting and prosecuting them pursuant to Law No. 89 of 1960 violates both the Constitution and the international Convention, given the irreparable harm resulting from arrest and deportation, namely, endangering their lives and liberty. Accordingly, the Law must be redrafted to align with Egypt's international obligations and to provide explicit legal protection for refugees against excessive fines and forced deportation.

CONCLUSION AND RECOMMENDATIONS

Conclusion

This report reveals a substantial gap between the declared legal framework for the protection of refugees and asylum seekers in the Arab Republic of Egypt and the actual practices to which a number of refugees, migrants, and asylum seekers—particularly those arriving from Sudan across the southern borders—are subjected. Despite Egypt's accession to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, its ratification of the 1969 Organization of African Unity (OAU) Convention, and its obligations arising under the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture (CAT), and other relevant international instruments, as well as the constitutional guarantees enshrined in Articles 91, 93, and 97 of the Egyptian Constitution, the facts documented in this report indicate an alarming pattern of violations that strike at the core of the right to asylum and protection against refoulement.

The testimonies and records relied upon in this report demonstrate that a number of refugees and asylum seekers have been subjected to arbitrary detention, the non-execution of release orders issued by the Public Prosecution, the denial of effective communication with their legal counsel and families, and referral to trials that, in many instances, lacked the fundamental guarantees of a fair trial, in addition to the deportation or return of some individuals to their countries of origin despite the existence of serious risks threatening their lives, safety, or fundamental freedoms.

Furthermore, the report raises serious questions regarding the compatibility of certain administrative and security practices with Egypt's binding international obligations, particularly the principle of non-refoulement, which constitutes a fundamental and peremptory norm (jus cogens) of international refugee and human rights law, as well as the necessity of reviewing the application of certain statutory provisions governing the entry and residence of foreigners to ensure they are not applied in a manner that criminalizes asylum or undermines the protection accorded to refugees and asylum seekers.

At the same time, the report highlights the challenges facing the international refugee protection regime in Egypt, including the limited resources available to the United Nations High Commissioner for Refugees (UNHCR) and its partners, which must not result in the derogation of fundamental rights guaranteed to refugees or the breach of legal obligations incumbent upon the State and the international community in the realm of protection.

Respecting the right to asylum, guaranteeing non-refoulement, and safeguarding the rights to liberty and a fair trial represent not merely a binding legal obligation upon the State, but also a fundamental benchmark of its adherence to the principles of the rule of law, justice, and human rights. Consequently, addressing the deficiencies and violations documented in this report has become an urgent legal and humanitarian imperative requiring the adoption of effective measures to ensure the protection of refugees and asylum seekers and the preservation of their human dignity.

Recommendations

First: To the Egyptian Government and Executive Authorities

1- Immediately halt all deportations, returns, or transfers of refugees and asylum seekers to countries or territories where they may face a real risk of persecution, torture, armed conflict, or other gross human rights violations.

2- Ensure the effective application of the principle of non-refoulement as enshrined in the 1951 Refugee Convention, the 1969 OAU Convention, the Convention Against Torture, and the Foreigners' Asylum Law No. 164 of 2024.

3- Immediately release all detainees in respect of whom release orders have been issued and ensure that administrative detention is not utilized as a means to circumvent decisions of the Public Prosecution or the judiciary.

4- Cease the arbitrary detention of refugees and asylum seekers on account of irregular entry or stay and adhere strictly to Article (32) of the Foreigners' Asylum Law and Article (2) of the Law on Combating Illegal Migration.

5- Enable all detainees to communicate promptly and regularly with their legal counsel and families and guarantee their right to access legal assistance from the moment of arrest.

6- Refrain from confiscating or concealing asylum documentation, UNHCR registration cards, or refugees' passports except pursuant to clear legal procedures subject to judicial oversight.

7- Improve detention conditions and ensure their compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including healthcare, nutrition, ventilation, sanitation, and the prevention of overcrowding.

8- Open independent and transparent investigations into the incidents documented in this report concerning unlawful detention, the non-execution of release orders, and allegations of refoulement and ill-treatment.

Second: To the Public Prosecution and the Judiciary

1- Ensure effective oversight over places of detention and verify the execution of release orders issued by the Public Prosecution and the courts.

2- Investigate any allegations pertaining to unlawful detention, enforced disappearance, or the denial of the right of defense.

3- Guarantee the actual appearance of refugees and asylum seekers before their trials and enable them to defend themselves and retain legal counsel.

4- Uphold constitutional and international obligations governing refugee protection when adjudicating cases related to irregular entry or stay.

Third: To the Permanent Committee for Refugee Affairs

1- Establish an urgent and effective mechanism to monitor potential cases of detention and deportation and intervene prior to the execution of any decision that could result in a violation of the principle of non-refoulement.

2- Ensure asylum seekers have access to asylum determination procedures in a prompt, fair, and transparent manner.

3- Issue clear directives to security and administrative authorities regarding the treatment of refugees and asylum seekers in conformity with international law.

Fourth: To the United Nations High Commissioner for Refugees (UNHCR)

1- Strengthen rapid intervention mechanisms in cases of imminent detention and deportation of refugees and asylum seekers.

2- Expand legal aid programs and provide effective emergency communication hotlines for detainees, their families, and their legal counsel.

3- Enhance transparency in handling detainees' complaints and publish periodic data regarding protection efforts and interventions in deportation cases.

4- Intensify dialogue with the Egyptian authorities to ensure respect for international legal safeguards pertaining to refugees.

Fifth: To the International Community and Donor Entities

1- Increase funding allocated to refugee protection programs in Egypt to ensure the continuity of legal, medical, and social support services.

2- Support resettlement mechanisms and durable solutions for the most vulnerable groups.

3- Strengthen capacity-building and training programs for national authorities involved in asylum and migration files to ensure practices conform to international human rights standards.

4- Periodically monitor the situation of refugees and asylum seekers in Egypt through United Nations mechanisms and Special Procedures mandate holders concerned with human rights.

Concluding Recommendation

The report calls upon the Egyptian authorities and all relevant national and international stakeholders to take urgent and concrete steps to guarantee the protection of refugees and asylum seekers from arbitrary detention and refoulement, and to establish a legal and procedural framework that upholds human dignity, the rule of law, and the international obligations undertaken by the Arab Republic of Egypt.