

The Executive Regulations of the Foreigners' Asylum Act in Egypt, Organizing Protection or Restructuring for Control?



Policy Summary from the Refugees Platform in Egypt (RPE)

**How the Prime Ministerial Decree and
its Executive Regulations Restructure Egypt's
Asylum System along Security Lines**

From Legislative Deficiencies in the Law To Security Restructuring in the Regulations

How the Prime Minister's Decision and Its Implementing Regulations Restructure the Asylum System in Egypt Along Security Lines

“This paper analyzes how Prime Ministerial Decree No. 1568 of 2026 and its Executive Regulations restructure Egypt's asylum system in a way that weakens the independence of the competent authority, undermines legal certainty and procedural safeguards, threatens existing legal statuses, and restricts effective access to protection, thereby paving the way for deportation, expanding surveillance, and undermining the fundamental rights of refugees and asylum seekers, in violation of the constitution, international standards, and ratified obligations.”

Introduction and Context

As part of our campaign ‘Toward Just Migration and Asylum Policies’, the Refugee Platform in Egypt presents this policy brief based on consultations with key stakeholders, including legal and human rights experts, representatives of civil society organizations, international partners, and representatives of refugee communities themselves, to assess the legislative and regulatory process that reshaped Egypt’s asylum system through the Foreigners’ Asylum Law No. 164 of 2024¹ and its implementing regulations issued by Prime Ministerial Decree No. 1568 of 2026². This summary departs from the premise that the existence of a national legal framework for asylum is not in itself objectionable; as the decisive criterion for the legitimacy and effectiveness of this framework is the extent to which it is consistent with the Egyptian Constitution and Egypt’s international obligations³, as well as its tangible ability to ensure equitable access to

protection, safeguard the rights of people fleeing persecution, conflict, and grave violations, and strike a balance between national security concerns and protection needs.

¹ The Refugees Platform in Egypt, Legal Library, Law No. 164 of 2024 Enacting the Law on Asylum for Foreigners, Available [Here](#).

² The Refugees Platform in Egypt, Legal Library, Prime Ministerial Decree No. 1568 of 2026, Available [Here](#).

³ Refworld, the 1951 Convention Relating to the Status of Refugees, Available [Here](#).

In this context, asylum legislation should be grounded in a rights-based, protective philosophy, not in a narrow security or administrative logic, and should strengthen procedural and substantive safeguards rather than becoming tools to restrict access to the asylum process, limit opportunities for effective appeal, or increasing the risks of detention, deportation, and surveillance of vulnerable groups.

Moreover, the path taken by the Egyptian state since announcing its intention to draft a national asylum law in June 2023⁴, through the signing of the Comprehensive Strategic Partnership⁵ with the European Union⁶ in March 2024, and culminating in the enactment of the law in December 2024, has been marked by a lack of organized public consultations and the effective exclusion of the United Nations High Commissioner for Refugees (UNHCR) and most human rights actors from the drafting process.

On December 16th, 2024, the national asylum law was enacted to replace the existing UN system that was administered by the UNHCR for years, with a standing government committee for refugee affairs instead. Legal and human rights analyses executed by the Refugee Platform in Egypt⁷, and specialized international organizations⁸, demonstrated that the law contains serious structural flaws, including vague definitions; broad discretionary powers given to the committee to accept applications and revoke refugee status; the criminalization of certain forms of humanitarian assistance; a weak appeals and challenge system; and clear discrimination in the treatment of refugees and asylum seekers.

On a practical level, the AIDA⁹ report on Egypt, prepared by RPEGY and edited by the European Council on Refugees and Exiles, documented the

⁴ The Refugees Platform in Egypt, (10 Months of Concealment and Neglect) – A Position Paper on Prime Ministerial Decree No. 243 of 2023, Available [Here](#).

⁵ The Refugees Platform in Egypt, Worth Billions: Ramifications of a Failed and Deadly Partnership between the European Union and Sisi's Dictatorial Regime Available [Here](#).

⁶ The Refugees Platform in Egypt, European Aid to Egypt: Billions of Euros for a Dictatorial 'Partner' in Controlling Migration, Available [Here](#).

⁷ The Refugees Platform in Egypt and the Egyptian Initiative have released a study and policy brief on the draft law on asylum for foreigners, Available [Here](#).

⁸ Refworld, Comments by the United Nations High Commissioner for Refugees on Law No. 164 of 2024 on Asylum for Foreigners, Available [Here](#).

⁹ The Refugees Platform in Egypt: RPEGY has published its report on Egypt in the Asylum Information Database (AIDA), Available [Here](#).

role of the European Union Agency for Asylum in supporting the transition to a national asylum system. Nevertheless, the report illustrated how this support was not translated in the final text into a genuine commitment to standards of institutional independence or procedural justice. The implementing regulations were then issued in May 2026, approximately 17 months after the law was enacted, a delay of nearly a full year beyond the deadline stipulated in the law itself, at a time when the economic partnership with the European Union was entering a new phase with the announcement of the second tranche of the financial assistance package for Egypt.

This transition to the national system did not take place in a stable, protective environment; rather, it coincided with a sharp deterioration in the conditions of refugees and asylum seekers alongside practices that contravened certain provisions of the asylum law itself following its enactment. Human rights¹⁰ as well as UN reports¹¹ and statements¹² from 2024 to 2026 documented widespread arrest and detention campaigns, arbitrary detention in inhumane conditions that led to the deaths of a large number of detained people¹³, and cases of forced deportation and return that included individuals registered with UNHCR. Some deported individuals' registration documents, that were issued by UNHCR, were reviewed by RPEGY, others who were deported were confirmed to have been in the process of renewing their legal documents where their documents were confiscated and pressure exerted on them to sign 'voluntary departure' forms.

In February 2026, a ministerial decree was issued appointing the chair of the Standing Committee for Refugee Affairs¹⁴, without specifying the committee's other members or its headquarters, and requiring its members

¹⁰ The Refugees Platform in Egypt: The Collapse of Egypt's Protection for Refugees Joint Report Reveals: Widespread Systematic Violations of the Principle of Non-Refoulement and the Right to Asylum, Available [Here](#).

¹¹ Amnesty International, Egypt: Refugees in Hiding Amid Crackdown Involving Arbitrary Arrests and Unlawful Deportations, Available [Here](#).

¹² Office of the United Nations High Commissioner for Human Rights: A UN memorandum warning the Egyptian government of escalating violations against refugees, Available [Here](#).

¹³ The Refugees Platform in Egypt: The 12th Case Since the Start of the Year: Forcibly Displaced Sudanese Citizen and Asylum Seeker Dies Shortly Before Deportation, Available [Here](#).

¹⁴ The Refugees Platform in Egypt, Legal Library, Cabinet Decision No. 507 of 2026, Available [Here](#).

to serve on a full-time basis. This coincided with one of the largest security crackdowns against forcibly displaced people¹⁵, reflecting a shift toward a national system in an administrative and executive context that poses a high risk to rights rather than within the framework of a gradual and well-considered protective reform.

Below, we review the most significant issues and questions raised by the implementing regulations, relating to the independence of the asylum system; the continuity of protection and existing legal statuses; procedural safeguards; protection from forced return; and any other issues that highlight the ethos of the right to asylum and international protection.

1. Lacking Legitimacy and Absence of Consultation

The drafting and enactment of the Foreigners' Asylum Law No. 164 of 2024 and its implementing regulations were characterized by the same approach that had governed the legislative process from the outset: a lack of transparency and the absence of meaningful consultation with key stakeholders, foremost among them forcibly displaced people, the United Nations High Commissioner for Refugees, civil society organizations, and independent legal and human rights experts. This occurred despite public warnings from Egyptian and international human rights organizations¹⁶ that highlighted the risks of passing the legislative framework in its current form regarding independence, procedural safeguards, and protection from forced return.

This shortcoming was exacerbated by the issuance of the implementing regulations 17 months after the law was enacted, a year past the deadline specified in the law itself, without this delay being used to broaden participation or address fundamental shortcomings. On the contrary, the regulations cemented a policy of *fait accompli* and were finalized in a form that neither reflects the recommendations of stakeholders nor adequately

¹⁵ The Refugees Platform in Egypt: No Safe Haven. Unprecedented Security Crackdown Against Forcibly Displaced People Residing in Egypt: Status Report for the Duration of December 20th, 2025 to January 31st, 2026, Available [Here](#).

¹⁶ The Refugees Platform in Egypt, Representing 22 NGOs in a Joint Statement: Grave Risks Posed by the Passing of Proposed Foreign Asylum Bill, Available [Here](#).

adheres to international standards governing fair asylum systems¹⁷. Furthermore, authorities did not provide any transparent process for discussing the drafts or having them reviewed by independent experts.

This pattern cannot be viewed merely as a shortcoming in the drafting of legislation, but rather as an issue that undermines the very essence of the legitimacy of its democratic, human rights, and legal dimensions. The regulation of asylum and protection, including conditions for access to the procedure, recognition criteria, measures restricting liberty, deportation, and data management, should be the result of a transparent and accountable process, and must be subject to public oversight and independent expertise. This regulation cannot be left to the whims of narrow executive circles that exclude stakeholders and disregard fundamental UN and human rights warnings. From this perspective, the absence of consultation indicates that the new system was designed using the logic of bureaucracy, carcerality, and control rather than through the logic of protection and rights.

2. Legislative Ambiguity That Undermines Legal Certainty

The principles of legality and legal certainty constitute one of the fundamental pillars of any fair asylum system, as they require that the regulations governing asylum and protection be clear, publicly known, well-defined, and predictable. This requirement thereby enables asylum seekers and refugees to understand their legal status and anticipate the consequences of decisions made regarding them, while at the same time ensuring that restrictions on rights and freedoms remain subject to precise standards and effective oversight. Nonetheless, the law and its implementing regulations reveal structural flaws that undermine this principle on multiple levels, in the drafting of the provisions; the organization of the transitional phase; and overlaps with other legislation.

In terms of wording, both the Law on Asylum for Foreigners and its implementing regulations contain a number of generalized and vague phrases that grant the Standing Committee a broad scope of discretionary

¹⁷ Refworld, United Nations High Commissioner for Refugees, Available [Here](#).

authority. Examples include 'measures it deems necessary', 'national security', 'exceptional circumstances', without precise definitions or clear standards of necessity and proportionality, specific time limits, effective judicial oversight, or guarantees of independent review. This opens the door to an expansion of administrative authority at the expense of civil protection and undermines individuals' ability to anticipate how the law and regulations will be applied to their circumstances¹⁸.

These risks are not limited to a failure to meet procedural requirements; they extend to the imposition of obligations of a social and cultural nature that are not legally defined, leading to the criminalization of cultural differences. The law requires forcibly displaced people to observe 'the values of Egyptian society and respect its traditions', and the regulations have expanded the scope of this obligation to include asylum seekers from the very moment they submit their application.

The problem lies in the fact that these concepts have not been precisely defined to establish their boundaries or the behavior that may be considered violations of them, which leaves room for broad and divergent interpretations that may vary depending on the enforcing authority. Given that a violation of these obligations may lead to measures that affect the legal status of an asylum seeker or refugee, an undefined social and cultural standard could become the basis for decisions that impact access to or the continuation of protection.

This issue takes on particular significance when considering individuals from diverse cultural and social backgrounds, or with respect to vulnerable subgroups, as certain patterns of behavior or practices associated with their cultural or personal characteristics may be interpreted as deviations from 'societal values' or 'traditions', thereby adding a new layer of legal uncertainty to the protection process.

Moreover, the law and its implementing regulations limit explicit protection from extradition to the country of nationality or habitual residence to those whom the committee has granted refugee status, without providing

¹⁸ Refworld, Guidelines on International Protection No. 5: Application of Exceptions: Article 1(f) of the 1951 Convention Relating to the Status of Refugees, Available [Here](#).

protection to individuals in the screening, appeal, or review stages. This creates a gap that exposes asylum seekers to the risk of removal or refoulement before a final decision is made on their claims, contrary to the requirements of effective protection and the principle of non-refoulement.

The crisis of legal certainty is further exacerbated during the transitional phase, as the committee has retained some UNHCR registration cards for limited periods and tied the transfer of files and data to short, extendable deadlines, without a clear trajectory for the outcome of the various categories within the existing system. This uncertainty is compounded by the unresolved overlap between the new national system and the previous UNHCR-administered system, as well as other relevant legislation, including laws governing the entry and residence of foreigners and combating irregular migration.

Thus, the problem lies not in the absence of legal provisions, but rather in the existence of provisions that do not clearly define jurisdiction; regulate transfers; or establish legal statuses in a predictable manner. This makes the system more akin to an administrative restructuring aimed at controlling the asylum process than to the establishment of a stable, clear protection system that complies with international standards¹⁹.

3. An Institutional Structure That Undermines Independence and Expands the Influence of the Executive Branch

The institutional framework established by the Law on Asylum for Foreigners and its implementing regulations poses serious risks to the independence of the body responsible for adjudicating asylum claims and indicates a widespread encroachment by the executive branch at the expense of the principles of protection and rights. Article 2 of the law establishes the 'Standing Committee for Refugee Affairs', which reports to the Prime Minister and includes representatives from a number of ministries and executive agencies, foremost among them the Interior Ministry. The article does not require the committee to include or involve any independent representation or specialized expertise in international

¹⁹ Refworld, 1967 Protocol Relating to the Status of Refugees, Available [Here](#).

obligations related to asylum, international protection, and refugee rights, nor does it establish clear safeguards for functional and technical independence in determining refugee status²⁰ and adjudicating protection claims.

The implementing regulations have maintained this approach by defining the ‘relevant ministry’ as the Interior Ministry and the ‘relevant committee’ as the Standing Committee, while entrusting the committee with the administration of asylum cases. Nevertheless, the provisions lack binding criteria for selection, such as proficiency and experience, and for ensuring the independence of the relevant executive committee and branch offices. Additionally, the provisions also lack binding criteria for the presence of independent human rights experts and international protection experts within the institutional structure, despite recommendations by the United Nations High Commissioner for Refugees (UNHCR) regarding the need to strengthen safeguards for the independence of the body adjudicating protection claims.

Moreover, the law and its implementing regulations have expanded the committee’s authority to carry out all registration, data collection, decision-making, and oversight procedures within a single entity. This would take place without any internal functional separation between those who collect data, those who review it, those who issue decisions, and those who monitor quality or consider grievances and appeals. Concerns are heightened by the commission’s authority to establish a central database containing basic and biometric data on asylum seekers and refugees. This is due to the commission’s close ties to the Interior Ministry, security agencies, and consular authorities, given the absence of sufficient safeguards to separate protection cases from security oversight and management or to ensure independent oversight of data use.

When these elements are evaluated in tandem, it becomes clear that the current institutional framework does not establish an independent body to adjudicate asylum claims. Alternatively, the current institutional framework

²⁰ Refworld, Procedural Standards for Determining Refugee Status Under the Mandate of the United Nations High Commissioner for Refugees, Available [Here](#).

embeds protection decisions at the very heart of the executive apparatus tasked with controlling immigration and borders. As a result, this structure is not a minor regulatory detail, but rather an essential factor that speaks to the very core of the new system's illegitimacy and its inability to provide effective protection. This renders the new system more susceptible to being used as a tool for control and punishment rather than as an independent rights-based framework for the protection of forcibly displaced people in Egypt.

4. An Insecure Transition Period That Threatens the Continuity of Protection and Legal Status

The problems with the regulation also extend to how the transition will be managed from the existing system, which was administered by the United Nations High Commissioner for Refugees, to the new system that will be administered by the Standing Committee for Refugee Affairs. The regulation establishes a transitional phase that suspends existing legal statuses and subjects them to administrative reassessment without adequate safeguards. Any asylum system consistent with international standards should treat UNHCR cards and documents as established legal statuses that remain in force by operation of law until the transfer of jurisdiction is complete. This should be done without any interruption in protection or ambiguity regarding legal status, a condition that is not met under the current framework.

Moreover, the regulation sets limited timeframes for the validity or issuance of the new cards, even though the committee that will receive the applications has not yet been fully formed and has not demonstrated institutional readiness. Consequently, continued protection is made contingent on procedural requirements and time limits that are unrealistic given the capabilities of the new system, exposing a large number of refugees and asylum seekers to the risk of falling into a legal vacuum simply due to administrative delays beyond their control.

These provisions require the committee to receive data on asylum seekers and refugees from UNHCR within six months, subject to extension, without

providing a definitive clarification of the nature of the information to be transferred: Is it merely data, existing legal statuses, or case files that must be resumed from where they left off? Furthermore, the transitional framework does not specify whether asylum seekers whose applications are still under review will be subject to re-registration, interviews, or assessments from the beginning. This ambiguity creates widespread legal uncertainty, particularly for those whose daily lives depend on the de facto recognition of UNHCR documents by security and administrative authorities as well as service providers.

When these timeframes are considered collectively, it becomes clear that the specified timeframe does not align with the reality of the actual transition that involves transferring a massive number of files; sorting through varying legal statuses; establishing and operating the committee, its relevant executive committee and its offices; adopting procedural guidelines; as well as linking the new system to the relevant administrative and service agencies. In the absence of clear conditions linking the entry into force of these obligations to the completion of institutional readiness, the burden of the transition falls primarily on refugees and asylum seekers rather than on the state, which is the entity obligated to ensure the continuity of protection before changing its rules.

These conditions are made even more precarious by the fact that these deadlines are applied to different groups as if they all experience the same legal circumstances, despite the significant differences between holders of valid cards, people whose documents have recently expired, cases currently being registered or reviewed, recognized refugees, and vulnerable subgroups who rely on their existing documents to avoid detention and gain access to residency and basic services. These deadlines²¹ are not accompanied by special protective measures or clear safeguards for vulnerable subgroups, which increases the likelihood of missing deadlines, failure to comply with them, and having protection suspended, especially for those who face difficulties in moving around, following up, or accessing information.

²¹ Refworld, Guidelines on Standards and Rules Applicable to the Detention of Asylum Seekers and Alternatives Thereto, Available [Here](#).

In practice, these gaps coincide with an escalation of arrest, search, detention, and deportation campaigns targeting forcibly displaced people, including UNHCR cardholders and those with pending applications. In this context, the absence of explicit provisions guaranteeing the continued recognition of UNHCR documents and protecting their holders from arrest or punishment due to delays or confusion in the new system serves to compound the risks of detention, deportation, and denial of services during the transition period.

Moreover, the lack of clarity regarding the relationship between UNHCR documents and those to be issued by the committee, alongside the absence of binding guidance for law enforcement authorities on the priority of these documents and how to handle them, opens the door to varying interpretations and individual discretion. This also increases the likelihood that documents will be rejected, questioned, or arbitrarily assessed for validity.

From the perspective of lawyers and researchers working on these issues, these gaps represent one of the most serious shortcomings in the regulation of the transitional phase, as they make acquired rights contingent on the shifting will of the executive branch rather than protected by clear and predictable rules.

When the transitional provisions are analyzed in conjunction with the other articles of the regulations governing the committee's documents, the Interior Ministry's notifications, and deportation, it becomes clear that the transition from the international to the national system is not being utilized as an opportunity to consolidate protection and strengthen legal certainty. Alternatively, the transition may turn into a moment of structural fragility in which existing legal statuses are dismantled and protection is returned to a 'pending' status. From this perspective, the transitional phase is not merely a procedural detail, but a pivotal moment that may determine whether the new national system will be built upon and deepen existing protection, or whether it will reproduce broader legal and humanitarian vulnerability for groups previously recognized by the UN protection system.

5. From Regulation to Restriction: A Threat to the Principle of Non-Refoulement and Effective Access to Protection

Article 5 of the regulation maintains a fundamental distinction between those who entered the country legally and those who entered illegally, imposing on the latter group a tight deadline (45 days) from the date of entry to submit an asylum application. This takes place while the relevant authority verifies compliance with this deadline in coordination with other agencies, without providing practical guidance on how to prove date of entry for those who lack documents or crossed the border under coercive circumstances. Under conditions where difficulties in accessing official registration channels and the absence of safe and formal pathways to escape persecution and conflict are well-documented, a time limit like this can shift from being a regulatory tool to a criterion for exclusion, placing the burden of circumstances beyond control on victims of displacement.

In addition, Articles 6 and 7 impose a wide range of requirements regarding the submission of data, documents, and declarations; attendance at interviews; and the completion of registration and screening procedures.

Although these requirements are important from an administrative standpoint, Article 16 stipulates that failure to follow the procedures; failure to submit the required data or documents; failure to attend interviews; inability to contact the asylum seeker; or any violation of certain restrictions will result in the application being deemed withdrawn and the case closed. Although this article allows the asylum seeker to prove that the failure to comply was due to reasons beyond their control, it does not establish detailed criteria for assessing such an excuse. Additionally, the article does not establish sufficient safeguards that take into account the circumstances of individuals living in unstable conditions who are suffering from psychological trauma, and material as well as procedural difficulties that may prevent them from fully complying with required deadlines and procedures.

On this basis of strict procedural requirements, Article 18 links a number of decisions issued by the committee to a notification to the Interior Ministry to take the necessary legal measures after the appeal period has expired or the appeal has been rejected. Moreover, Articles 19 and 20 do not explicitly provide for the suspension of any proceedings that may result from the contested decision pending a ruling on the judicial appeal. This raises concerns that the right to appeal may become less effective in practice and be rendered meaningless, particularly in cases where deportation or termination of residency proceedings may begin before the individual obtains a final judicial review of the commission's decision. Consequently, forcibly displaced people are particularly vulnerable to refoulement and forced deportation for procedural reasons.

The principle of non-refoulement is the cornerstone of the refugee protection system, as it prohibits the return of any person to a country where they may face a risk of persecution, torture, or other serious human rights violations. Nevertheless, the law and its implementing regulations do not provide adequate protection for this principle at all stages of the asylum process.

Article 13 of the law limits protection from extradition or return to people who have been granted refugee status by a decision of the relevant executive committee, without explicitly extending this protection to asylum seekers whose applications are still under review, appeal, or challenge. Furthermore, the implementing regulations do not contain an explicit provision prohibiting the return of an asylum seeker to a country where they may be at risk in the event that their application is rejected, during the period of appeal against the decision, or in cases where the case is closed for procedural reasons.

6. Weak Procedural Safeguards and Legal Representation

Although the implementing regulations stipulate that free legal aid shall be made available to asylum seekers 'when needed', they do not elevate this right to the level of a guarantee enshrined as an integral part of the right to due process. Contrarily, they leave it subject to the discretion of the

Standing Committee itself, the very body responsible for examining the application and making the decision. This places the asylum seeker in a vulnerable position and undermines the principles of equal opportunity and confidence in the integrity of the proceedings.

This flaw is exacerbated by the regulations' complete disregard for the institutional role of the Egyptian Bar Association in regulating the legal profession and providing legal aid to those unable to afford it, even though Article 77 of the Constitution and the Lawyers' Law No. 17 of 1983 recognize this role and establish a clear professional framework for it. Instead of linking the provision of legal aid to the Bar Association's established mechanisms for assignment or role allocation, which ensure impartiality and competence, the regulations leave the selection of the lawyer or legal aid provider to the committee's discretion. This strips the right of its professional and institutional safeguards and makes legal representation, if it is even provided, closer to an administrative grant than to an inherent right that must be guaranteed.

The shortcomings do not stop at legal aid but extend to the overall guarantees of defense and transparency within the application review process; Article 9 of the regulations does not clearly stipulate the right to have a legal representative or attorney present during the in-person interview.

In asylum cases, these safeguards are not mere formalities, because the personal interview and credibility assessment often form the core of the decision. Resultantly, any flaw in translation, understanding, or the recording of statements may later become the basis for rejecting the application or weakening its case, without the asylum seeker having sufficient means to mount an effective appeal.

Consequently, the regulation does not establish a process that guarantees transparency, reasoned decisions, and effective appeal. On the contrary, the regulation creates a system that leaves a significant portion of the assessment process in the dark and undermines asylum seekers' ability to defend themselves in cases where procedural flaws directly relate to their

potential exposure to irreparable harm. In the absence of strong guarantees for legal representation, access to the case file, and the right to an appeal with suspensive effect against deportation, the right to a fair hearing becomes more of a theoretical slogan than actual protection.

7. Measures That Restrict Freedom Without Adequate Safeguards

Article 15 of the Implementing Regulations establishes a set of measures restricting freedom that the relevant committee may impose on asylum seekers, such as requiring them to report periodically, to reside or remain within a specific geographical area, or to notify authorities of any change in their place of residence. These measures are not accompanied by any safeguards commensurate with the severity of their impact on personal liberty and freedom of movement.

As a result, asylum seekers are subject to tangible restrictions on their movement and daily lives based on broad administrative discretion in a context that already lacks robust safeguards for independence and legal representation. The problem is compounded because the regulation allows for the renewal of these measures without a clear maximum time limit, making them effectively open-ended without any requirement for periodic reassessment of whether they remain necessary or of changes in the circumstances of the person concerned.

Furthermore, the requirement to notify authorities of a change of residence within an extremely short timeframe, such as 24 hours, implicitly assumes a stable lifestyle, which does not reflect the reality of many asylum seekers who live in insecure or unstable housing, rely on informal work²², or are forced to move within the country for economic, family, or security reasons. Due to said conditions, the deadline shifts from a reasonable regulatory tool to a procedural burden that has serious consequences simply due to a delay in notification caused by practical circumstances beyond the individual's control. Moreover, the measure requiring forcibly displaced people to undergo a medical examination is vague and unclear.

²² Refworld, UNHCR Guidelines on International Legal Standards Regarding Decent Work for Refugees, Available [Here](#).

These measures do not operate in a vacuum; rather, they intersect with other provisions that make a violation of these restrictions one of the grounds for deeming the application withdrawn and closing the case. This enables the linking of measures that restrict freedom to the loss of the protective process itself. Consequently, these provisional measures become a means of pressure and coercion within a system that already suffers from weak procedural safeguards and a lack of effective remedies. This contradicts constitutional and international standards, which require that any restriction on liberty or movement be exceptional, necessary, proportionate, time-limited, and subject to effective judicial review. As a result, the regulation grants the administration tools that restrict freedom without corresponding safeguards, thereby threatening to transform the status of asylum seekers from one of legal protection to a state of continuous administrative subjugation.

8. From a Security Information System to a Monitoring Framework: Privacy and Data Vulnerabilities

By regulating personal and biometric data, the implementing regulations reshape the asylum process in Egypt from a sphere that is supposed to be governed by confidentiality and protection into a broad, centralized system for collecting information, raising serious concerns that the protection system is being transformed into a structure of surveillance and control. Article 3 establishes a central database at the committee in which all information and statistical data related to refugees and asylum seekers are recorded, including basic and biometric data, procedural stages, documents, and services, without precisely defining the purpose of processing; the necessary minimum data required; the retention period; or a clear prohibition on secondary uses particularly for security and border control purposes.

Despite a general reference to the Personal Data Protection Law No. 151 of 2020²³, the regulations do not provide a privacy framework for forcibly displaced people that takes into account their vulnerability and exceptional

²³ Ministry of Communications and Information Technology, Personal Data Protection Law No. 151 of 2020, Available [Here](#).

circumstances. These regulations do not clearly specify which entities are authorized to access the database or the levels of access, nor do they establish explicit rules for erasing data or anonymizing data subjects once the purpose for which it was collected has been fulfilled. Furthermore, they do not provide for clear rights for data subjects to access their data, request its correction, object to its processing, or know with whom it is shared.

These risks are exacerbated by the explicit inclusion of biometric data in the system, and due to the vague language regarding coordination with various entities and the use of 'available sources'. This inclusion opens the door to uncontrolled expansion of data sharing, without sufficient safeguards to protect sensitive records or to prevent the misuse of data²⁴ for repatriation, prosecution, or information exchange with countries of origin.

Therefore, instead of establishing an information system that serves the purpose of protection, the regulation creates a vast centralized data infrastructure that lacks safeguards commensurate with the sensitivity of the information it collects. This apparatus undermines confidence in the asylum system itself and prompts some asylum seekers to avoid registration or withhold information, a direct contradiction to the goal of building a fair and effective national asylum system.

9. Unjustified Discrimination Between Registered Refugees and Asylum Seekers Based on Legal Status and Mode of Entry

The law and its implementing regulations contribute to the creation of unjustified disparities among the categories covered by protection by discriminating on the basis of the method of entry²⁵; regular or irregular. The law and its implementing regulations also contribute to the creation of unjustified disparities among categories based on the procedural stage of the application, refugee or asylum seeker, without any justification based on protection needs. As in the law, the regulations impose a specific

²⁴ Refworld, Policy on the Protection of Personal Data of Data Subjects of Concern to the United Nations High Commissioner for Refugees (UNHCR), Available [Here](#).

²⁵ Refworld, Guideline No. 14 on International Protection: Non-punishment of Refugees for Irregular Entry or Presence and Restrictions on Their Movement, in accordance with Article 31 of the 1951 Convention Relating to the Status of Refugees, Available [Here](#).

deadline of '45 days' on those who entered the country irregularly to submit an asylum application. The regulations do not impose time limits on those who enter regularly while also granting them a longer period, specifically one year, to process their applications. Those who entered irregularly have 6 months comparatively to process their applications; this raises serious questions regarding the regulations' consistency with the principle of non-discrimination and the protective nature of the asylum system, particularly regarding equitable access to healthcare, education, and basic services.

This discrimination does not stop at procedural matters but extends to fundamental rights and services. While the regulations grant recognized refugees a direct right to access certain basic health services, they make asylum seekers' access to health care and basic services, including certain forms of educational support, contingent upon coordination between the committee, administrative bodies, and various organizations. This contingency is phrased in terms of 'facilitation and support' rather than direct recognition of the right.

This results in varying levels of protection and enjoyment of rights²⁶ between two groups that share a need for protection, as an asylum seeker remains a person whose application has not yet been decided. This procedural status alone should not lead to a reduction in their fundamental rights or hinder their access to necessary services.

10. Other Flaws and Violations

In addition to the main issues addressed in the study, the implementing regulations raise a number of other legal questions that may have a direct impact on the effectiveness of the protection system and the guarantees of access to asylum.

The regulations do not clearly address forms of complementary or alternative protection for individuals who may not meet the criteria for refugee status as defined by law, but whose return remains impermissible under the principle of non-refoulement or due to a real risk of torture,

²⁶ Refworld, International Covenant on Civil and Political Rights, Available [Here](#).

persecution, or other serious human rights violations. The absence of this type of protection creates a legal gap that can affect categories of people in need of international protection who do not meet the traditional criteria for recognition as refugees.

The procedural time limits stipulated in the regulations also raise questions regarding their adequacy and practicality. The regulations set a 15-day deadline for appealing a number of decisions issued by the committee, a period that may not be sufficient for asylum seekers who face linguistic, legal, or practical difficulties that prevent them from preparing appeals or obtaining the necessary legal assistance within this short timeframe. Moreover, the 30-day deadline set for appealing certain decisions also appears questionable, particularly when compared to the 60-day deadline for filing an action for annulment before the State Council courts. This raises questions about the basis on which this deadline was established.

The regulation also retained the same problem found in the law regarding the definition of priority groups, as it limited these subgroups to a specific list without including the phrase 'and other vulnerable groups' or any similar wording that would allow for expanding the scope of protection to include other situations that may arise in practice. Although it is important to include a number of groups deserving of special protection, adopting a closed definition may lead to the exclusion of individuals facing comparable levels of vulnerability or risk, without any objective basis to justify such exclusion. Furthermore, the regulation did not take into account the comments submitted regarding the definition of a refugee, particularly concerning the deletion of the phrase 'seriously at risk of persecution', which may raise interpretive issues and affect the scope of the protection provided.

Compounding this is the uncertainty surrounding the future relationship with the United Nations High Commissioner for Refugees (UNHCR) following the completion of the transition to the national system. Additionally, the absence of any permanent institutional mechanism for refugee communities, civil society organizations to participate in policy evaluation, or the review of implementation impacts indicates that the pattern of

exclusion which characterized the drafting of the law and regulations will continue into the implementation phase itself.

These shortcomings are therefore not merely minor regulatory issues; rather, they affect the overall structure of the new system and confirm that the flaws are not limited to a few individual provisions but extend to the governance model underpinning asylum administration in Egypt. These effects involve a lack of clarity, a lack of transparency, reduced participation, and a lack of adequate safeguards for corrective action and accountability.

Conclusion: Executive Regulations Cannot Remedy What a Flawed Law Has Ruined

This investigation reveals that the implementing regulations did not address the fundamental shortcomings of the Law on Asylum for Foreigners, but rather, in many cases, reproduced and entrenched them at the implementation level. Rather than serving as an opportunity to address the widespread criticism leveled at the law by the United Nations High Commissioner for Refugees (UNHCR), special rapporteurs, legal experts, and human rights organizations, the regulations retained most of the fundamental problems that prompted that criticism and, in some instances, added new complications as well as procedures that may further hinder access to international protection.

Protection against forced return remains neither explicitly nor comprehensively guaranteed for all asylum seekers throughout the various stages of the procedure; discrimination based on the manner of entry into the country persists; and the broad discretionary powers granted to the relevant committee continue without adequate checks and balances or effective safeguards for independence and oversight. Moreover, the regulations fail to address the risks associated with the transitional phase and the transfer of refugee and asylum-seeker files, leaving many existing legal statuses subject to ambiguity and uncertainty.

Furthermore, a number of procedural provisions in the regulations could, in practice, lead to the exclusion of some of those most in need of protection as they are unable to meet procedural requirements or deadlines. All while the text does not provide sufficient guarantees for legal representation, effective appeal, or a stay of the effects of contested decisions. Instead of strengthening the protective nature of the asylum system, the regulations have, in many instances, prioritized administrative and security considerations over protection and rights.

Consequently, the issue is no longer limited to how the law is implemented or to regulatory details that can be addressed through subsequent executive decisions or instructions; rather, it extends to the philosophy of the legislative framework itself and the institutional structure upon which it is based. As a result, despite the procedural regulations it has added, the executive regulation will not remedy what the law has undermined, because many of the shortcomings subject to criticism are rooted in legislative and policy choices enshrined in the law itself, which the regulation has then reaffirmed and elaborated upon.

In light of this, the establishment of a national asylum system that complies with the Egyptian Constitution and Egypt's international obligations remains contingent upon a genuine legislative review that reexamines the foundations upon which both the law and the regulations are based. This compliance must also ensure that the independence of the asylum system, effective protection against forced return, legal certainty, as well as procedural and judicial safeguards are capable of protecting refugees and asylum seekers, rather than merely managing or regulating their presence.

Recommendations

The Refugees Platform in Egypt recommends postponing the effective implementation of the Law on Foreign Asylum and its Executive Regulations until the fundamental legal and procedural concerns they raise have been adequately addressed through a meaningful and inclusive consultation process involving civil society organizations, refugee communities, and independent experts.

Such a process should aim to realign the legal framework with Egypt's constitutional and international obligations and ensure that the new asylum system addresses existing shortcomings rather than entrenching them.

Postponing implementation would also provide the relevant authorities with sufficient time to develop the institutional and operational infrastructure required for the new system, including detailed policies and implementation mechanisms, thereby ensuring effective application without compromising protection safeguards or reproducing the deficiencies of the current framework.

The Refugees Platform in Egypt further recommends the following:

- **Strengthening the Independence of the Asylum System and Separating it From Law Enforcement and Immigration Agencies**

Review the current institutional structure of the Standing Committee for Refugee Affairs to ensure its functional and technical independence from agencies responsible for immigration control, border control, and law enforcement, while ensuring the participation of independent legal and human rights experts and international protection experts in the processing of applications, appeals, and decision-making.

- **Ensuring the Continuity of Protection and Legal Status During the Transition Period**

Explicitly stipulate the continued recognition of all legal statuses and documents issued by the United Nations High Commissioner for Refugees (UNHCR) until the transfer of responsibilities is effectively completed and replacement documents are issued and delivered, while establishing a clear and transparent mechanism for the transfer of files that ensures that previously recognized cases are not re-registered or re-evaluated and that refugees and asylum seekers are not exposed to any legal vacuum or loss of protection during the transitional phase.

- **Strengthening Procedural Safeguards and the Right to an Effective Remedy**

Revising the provisions regarding deadlines for submitting applications, the closure of cases, and the deeming of applications as withdrawn; ensuring the right to free legal aid and effective legal representation; and access to case files and evaluation reports; and automatically suspend the implementation of decisions to reject, revoke, or terminate protection throughout all stages of the administrative and judicial appeal processes until a final and binding decision is issued.

- **Subjecting the Asylum Administration to Standards of Transparency, Accountability, and Data Protection**

Establish a stricter legal framework for the protection of the data of refugees and asylum seekers, clearly defining the purposes of data collection, retention periods, authorized access, and prohibiting the sharing of such data with countries of origin or any entities that may endanger the data subjects. Periodic reports on the performance of the asylum system must also be published; where effective mechanisms for oversight, accountability, and the handling of complaints must be made available. Thereby ensuring that the administration of asylum remains grounded in the principles of protection and rights rather than security or administrative interests.

- **Upholding the Principle of Non-Refoulement and Ensuring Protection During Asylum Proceedings**

Explicitly and clearly include in the text the prohibition of refoulement at all stages of the asylum process, and ensure that no decision to expel, deport, or transfer a person to another country is carried out before a final decision on their asylum claim has been made where all available appeal and review procedures were exhausted.