

The New Asylum Law in Egypt: „A Step Forward or a Focus on Security at the Expense of Refugee Rights?“

Since the outbreak of the war in Sudan in April 2023, Egypt has become a key destination for Sudanese refugees fleeing violence and instability. The benchmark of 10 million IDPs has been exceeded and the International Organization for Migration (IOM) reported over 500,000 Sudanese nationals having entered Egypt since the conflict began. While seeking safety, many of these individuals have faced alarming challenges, including arbitrary detention, enforced disappearances, and unlawful deportations, as highlighted by Amnesty International.

Patterns of Abuse by Egyptian Authorities

The treatment of Sudanese refugees by Egyptian authorities has raised serious human rights concerns. Amnesty International has documented cases where Sudanese refugees were detained in overcrowded facilities, including warehouses and horse stables, without adequate access to food, water, or medical care. These actions, framed by Egyptian authorities as measures to ensure national security, have frequently violated international human rights standards, including the principle of non-refoulement. This principle, enshrined in the 1951 Refugee Convention, prohibits returning individuals to places where they face serious harm.

Between January and March 2024, Amnesty International reported that approximately 800 Sudanese nationals were forcibly returned to Sudan without being granted access to asylum procedures or legal recourse. This systematic disregard for due process has exacerbated fears of state-led repression and the lack of protection for vulnerable refugees.

The New Asylum Law: A Security-Driven Approach

In December 2024, Egypt introduced its first-ever asylum law. While the government stated that the law was intended to provide a structured legal framework for managing refugee status, it has drawn criticism for prioritizing national security over human rights protections. Amnesty International noted that the law enables the detention and deportation of asylum seekers under vaguely defined conditions, leaving many at risk of being unfairly targeted.

The law also fails to address the specific needs of marginalized groups, such as ethnic minorities, persons with disabilities, and survivors of sexual and gender-based violence. This gap disproportionately affects Sudanese refugees, many of whom are already vulnerable due to their experiences of violence and displacement. Human rights organizations have emphasized that the lack of protections for survivors of violence leaves women and children, particularly at risk.

Border Policies and Enforced Disappearances

Egypt's border policies, closely tied to its security agenda, have significantly contributed to the risks faced by Sudanese refugees. According to reports by UNHCR, many refugees are treated as security threats at border crossings, leading to their detention without due process. These detentions often lack transparency, with refugees not being formally registered, making it difficult for families and legal representatives to locate or assist them. This lack of

documentation has resulted in numerous cases of enforced disappearances, where refugees vanish without explanation or accountability.

The connection between the new asylum law and existing border management policies further exacerbates these risks. By enabling arbitrary detentions and deportations under the guise of national security, these measures have created an environment where the fundamental rights of refugees are systematically overlooked. This approach has drawn criticism from international organizations, which argue that the focus on security undermines the humanitarian responsibilities that Egypt has under international law.

Addressing the Challenges

To address the growing crisis, Egypt must undertake significant reforms in its approach to refugee management. Amnesty International has called for amendments to the asylum law to ensure it aligns with international human rights standards. This includes introducing clear definitions of refugee status and implementing procedural safeguards that protect against arbitrary detention and deportation. Additionally, UNHCR has stressed the importance of ensuring that the principle of non-refoulement is upheld, particularly for refugees who face grave risks if returned to their home countries.

Human rights organizations have also emphasized the need for targeted protections for vulnerable groups, including ethnic minorities, persons with disabilities, and survivors of violence. Addressing these gaps requires the implementation of support systems that provide access to healthcare, psychological assistance, and legal aid for those who have suffered trauma during their displacement. Transparency in detention practices is equally critical, with calls for maintaining accurate records of detainees and ensuring that families and legal representatives are informed promptly.

Finally, international collaboration is essential to improving the situation for Sudanese refugees in Egypt. Partnering with organizations such as UNHCR and IOM and also with grassroots associations can help Egypt address the challenges of managing a large refugee population while ensuring that human rights obligations are met. These partnerships can also provide technical and financial support to improve refugee registration processes and ensure that humanitarian principles guide policy implementation.

A Path Forward

The plight of Sudanese refugees in Egypt reflects significant gaps in the country's refugee policies and practices. While the introduction of the asylum law marks a step toward regulation, its shortcomings risk exacerbating the vulnerabilities faced by refugees. Addressing these issues requires a shift in focus from security-driven policies to ones that prioritize human rights and dignity. By taking meaningful steps to reform its refugee management system, Egypt can not only protect the rights of those seeking safety but also fulfil its commitments under international law and contribute to regional stability.