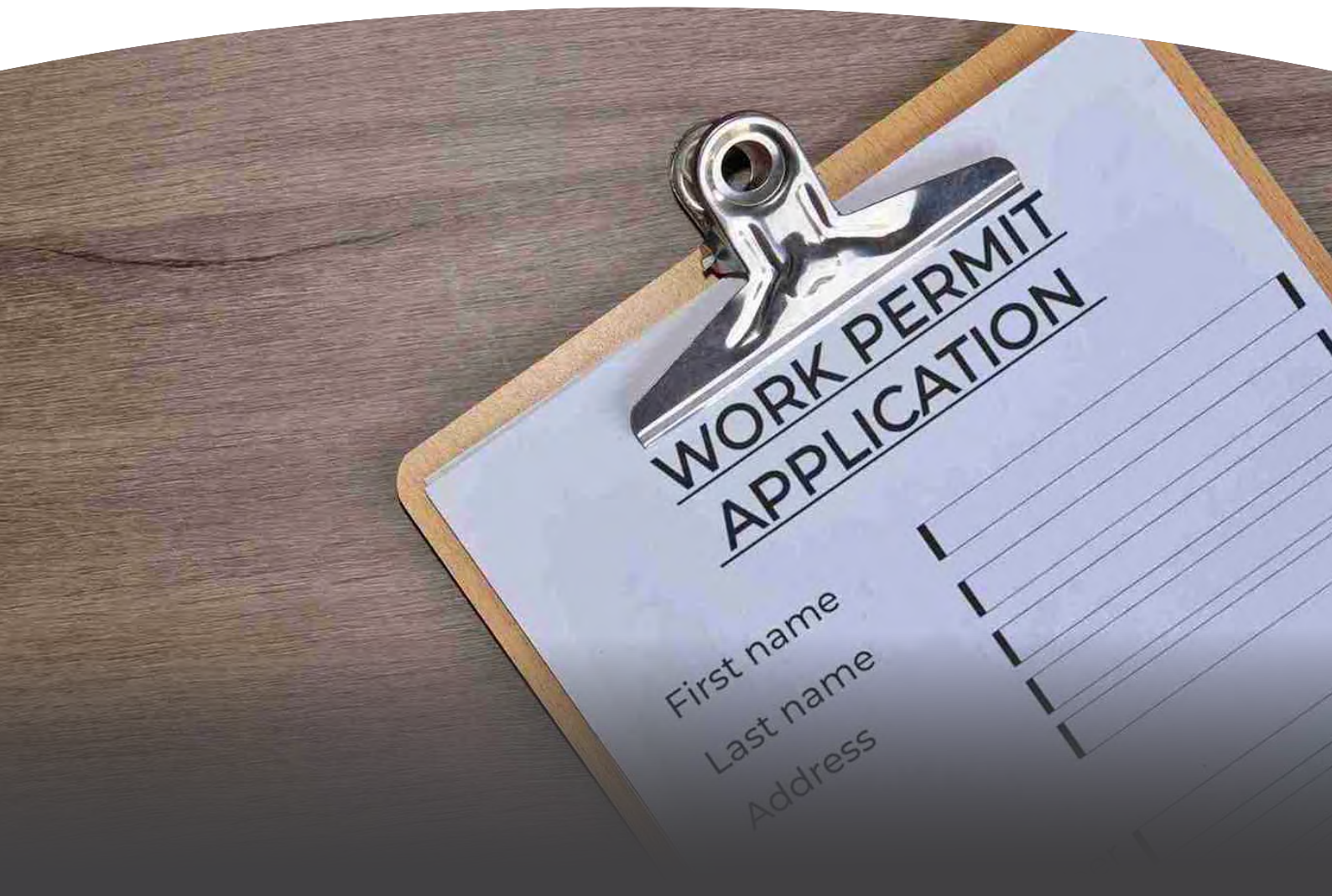




 **LEGAL ALERT**

NO WORK PERMIT REQUIRED: THE HIGH COURT AFFIRMS THE REFUGEES' RIGHT TO WORK IN UGANDA

*KASAJJA BRIAN V ATTORNEY GENERAL AND INTER-AID UGANDA, MISCELLANEOUS
CAUSE NO. 0199 OF 2019 [2026] UGHCCD 217 (KINOBE, AG. J), 10 JULY 2026*

1. Introduction

Uganda hosts one of the largest refugee populations in Africa, with many recognised refugees living and working in urban areas. While Uganda's refugee laws grant recognised refugees the right to work, uncertainty has persisted over whether they must also obtain work permits under Uganda's immigration laws.

Recently, the High Court of Uganda, in *Kasajja Brian v Attorney General and Inter-Aid Uganda*, settled this question by holding that recognised refugees who hold a valid Refugee Identity Card are entitled to work in Uganda without obtaining a separate work permit. The court also restrained the immigration authorities from arresting or prosecuting recognised refugees who work on valid Refugee Identity Cards. The ruling is an important clarification of the law and reinforces the employment rights afforded to recognised refugees in Uganda.

2. Background and the claims

The application was brought in the public interest by a refugee rights defender, and on behalf of Mr Suther Rajesh Kumar and three others.

According to the application, Mr Kumar, an urban refugee married to a recognised Congolese refugee, was arrested in March 2016 for working while holding an Asylum Seeker's Certificate and again in November 2017 despite having obtained a Refugee Identity Card, following recognition as a refugee. He was held under an immigration bond for nearly two years. Immigration was said to have demanded a surety holding a valid Indian passport, refusing to accept his wife as surety. The applicants further alleged that the immigration authorities disregarded a release letter issued by the Office of the Prime Minister.

The applicants alleged violations of their constitutional rights to liberty, dignity, livelihood and equality, and further alleged a pattern of unresolved attacks against refugees and failures by the police to provide protection. Although the Attorney General entered appearance, no response to the application was filed. Inter-Aid Uganda, the second respondent, was struck out of the proceedings because it had not been served with the court documents.

3. The legal framework

A refugee's right to work rests on several statutes read together. Article 40(2) of the Constitution guarantees every person in Uganda, not only citizens, the right to carry on any lawful occupation, trade or business, while Articles 8A and 45 have been recognised as protecting the right to a livelihood.

The Refugees Act, Cap 312 complements these constitutional protections by granting recognised refugees the right to access and engage in gainful employment under section 28(1)(e)(iv) and (vi). Section 36 extends a refugee's rights to family members while section 38 bars any proceedings against a refugee or family member for unlawful entry or presence. Uganda is also bound by Article 17 of the 1951 Convention Relating to the Status of Refugees, which requires the most favourable treatment of refugees in relation to wage earning employment.

By contrast, sections 48 and 53 of the Uganda Citizenship and Immigration Control Act, Cap 313 prohibit a non-citizen from remaining, or being employed, without a valid entry permit.

The Court therefore had to determine whether recognised refugees are exempt from the requirement to obtain a work permit.

4. What the Court decided

The Court first confirmed its jurisdiction under Article 50 and the Human Rights (Enforcement) Act, Cap 12, and held that any person may bring a human rights claim on another's behalf without showing a personal interest in the matter.

Turning to the merits, the Court emphasised that an applicant bears the burden of proving their case, even where the respondent files no response. On this basis, several claims failed for lack of sufficient evidence, including allegations of unlawful detention (no charge sheet or station register), discrimination (no proof that immigration refused the wife as surety on grounds of nationality) and torture (no medical evidence). The claim that succeeded was that, as the spouse of a recognised refugee, Mr Kumar's detention and prosecution for unlawful entry violated his rights as a family member.

The Court went on to make several important declarations, including that:

- a. the arrest of Mr Kumar infringed the rights of a family member of a recognised refugee under section 36 of the Refugees Act;
- b. recognised refugees are entitled to work in Uganda without obtaining a separate work permit;
- c. recognised refugees and asylum seekers are entitled to all fundamental rights except those reserved for citizens; and
- d. a permanent injunction was issued restraining the immigration authorities from arresting or prosecuting recognised refugees who work on valid Refugee Identity Cards, unless there is reasonable suspicion that they have committed another offence.

Declarations (b) and (d) are the heart of the ruling: refugee status and a valid Refugee Identity Card are the lawful basis on which a refugee may work. These declarations appear to have been based on the Court's interpretation of the applicable legal framework, notwithstanding its finding that some of the applicants' individual claims had not been proved on the evidence.

One aspect of the judgment, however, leaves some uncertainty. Although the Court declared that asylum seekers are entitled to all fundamental rights except those reserved for citizens, the statutory right to employment under the Refugees Act is expressly granted to recognised refugees, and the Refugees Regulations link access to employment to possession of a valid Refugee Identity Card. As a result, the position of asylum seekers who seek to work while their applications are still pending remains less certain than that of recognised refugees.

5. Refugees are not migrant workers

The ruling should also be read alongside the Employment Act, Cap 226, as amended in 2026. A recognised refugee employed under a contract of service is an employee for the purposes of the Act, and is therefore entitled to the same statutory protections as any other employee, including protections relating to wages, working hours, leave, termination of employment, and protection from discrimination.

Importantly, recognised refugees do not fall within the Employment Act’s definition of “migrant worker”. The Act defines a migrant worker as a person who migrates for the purpose of employment. By contrast, refugees enter Uganda to seek protection from persecution and are granted the right to work as an incident of their recognised refugee status, rather than as migrant workers.

The distinction matters. The 2026 amendments to the Employment Act introduced restrictions that apply specifically to migrant workers, including powers for the Minister to restrict certain occupations to Ugandan citizens and to prohibit employers from engaging migrant workers in designated jobs. Those restrictions do not apply to recognised refugees, whose right to work is governed primarily by the Refugees Act and, as confirmed by the High Court in *Kasajja Brian*, does not depend on obtaining a work permit.

6. Practical implications

For employers, the decision provides welcome clarity. A recognised refugee who holds a valid Refugee Identity Card may be employed without first obtaining a work or entry permit. Employers should nevertheless verify and retain copies of the Refugee Identity Card as part of their employment records and continue to comply with the Employment Act’s non-discrimination obligations, including those relating to national extraction and social origin.

For recognised refugees, the ruling confirms that a valid Refugee Identity Card is sufficient authority to work in Uganda and protects them from arrest or prosecution solely for working without a work permit, unless there is reasonable suspicion that they have committed another offence. At the same time, the case underscores the importance of preserving evidence. Documents such as charge sheets, police bond records, medical reports and official correspondence may prove decisive in enforcing constitutional rights before the courts.

For public authorities, the decision requires immigration enforcement to be aligned with Uganda’s refugee law framework. Administrative practices that treat recognised refugees as ordinary migrants requiring work or entry permits should be reviewed to ensure compliance with the Court’s interpretation of the law.

7. Conclusion

The ruling narrows a long-standing gap between Uganda’s refugee law and its enforcement in practice, by confirming that recognised refugees should not be treated as ordinary migrants for the purposes of employment. For employers and their advisers, it offers welcome clarity: a recognised refugee who holds a valid Refugee Identity Card may work in Uganda without obtaining a separate work permit. The decision also reinforces that the migrant worker restrictions introduced by the Employment (Amendment) Act, 2026 are intended to regulate migrant workers, not recognised refugees.

More broadly, *Kasajja Brian v Attorney General and Inter-Aid Uganda* is a significant affirmation of the rights afforded to recognised refugees under the Constitution, the Refugees Act and the 1951 Convention Relating to the Status of Refugees. At the same time, the judgment serves as a reminder that the successful enforcement of those rights depends not only on the law, but also on the quality of the evidence presented before the court.

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