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**General observations on Prime Minister's Decree No. 1568 of 2026 issuing the executive regulations for the Law on Asylum of Foreigners issued by Law No. 164 of 2024**

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## General observations on Prime Minister's Decree No. 1568 of 2026 issuing the executive regulations for the Law on Asylum of Foreigners issued by Law No. 164 of 2024

### Introduction.

It can be said that the executive regulations of the Asylum Law are generally beneficial for refugees after their asylum application is accepted, particularly regarding the advantages they enjoy. However, the regulations raise several questions about the period between submitting an asylum application and its acceptance, the subsequent rejection, the legal challenges and appeals against it, and the effectiveness of the litigation process in protecting individuals from being swiftly deported to their country of origin or to a third country where they may not wish to remain.

This paper addresses some of the questions raised by these executive regulations, which were issued nearly two years late, as stipulated by the law. Article 2 of Law 164 of 2024 states that the regulations should be issued within six months of the law's enactment, which occurred on December 16, 2024.

### General Observations

1. Despite the importance of the Technical Secretariat to the work of the Permanent Supreme Committee, the Executive Regulations granted the Prime Minister sole authority to determine its responsibilities, operating procedures, appoint its head, their term of office, and their financial compensation. It would have been preferable to leave the formation of the Technical Secretariat, the appointment of its head, their term of office, and their financial compensation to the Permanent Supreme Committee itself, as it is more knowledgeable about the matter.
2. The Executive Regulations did not specify a timeframe within which the Prime Minister must issue a decision regarding the formation of the Secretariat. This could lead to a complete paralysis of the Permanent Supreme Committee's work, given the importance and responsibilities of the Technical Secretariat. The Executive Regulations should have stipulated a deadline within which the Prime Minister must issue their decision, and in the event of a delay, the matter would be transferred to the Permanent Supreme Committee.



3. The regulations are excessively bureaucratic and detailed, making them extremely difficult for refugees to navigate. They require thorough explanation to asylum seekers, their designated legal representatives, and those providing legal assistance. Article 6, which spans four pages, is particularly detailed, outlining five main categories of data and declarations, each containing between five and twelve documents, declarations, or applications.<sup>1</sup>

## Unanswered Questions

1. Given the importance of the Technical Secretariat and the responsibilities assigned to it by the Executive Regulations, the regulations do not specify precisely what qualifications and specifications must be met by those appointed to the Technical Secretariat, including its head. These are matters that the regulations should have stipulated by outlining the conditions and criteria that must be met by the head of the Technical Secretariat and its members, as well as their financial compensation, instead of leaving this to the sole discretion of the Prime Minister without any controls.
2. Article Four, Paragraph Six, entitled "Conditions Required for Legal Representatives," does not initially specify the method for appointing or accrediting legal representatives, which body is responsible for accreditation, whether a legal representative whose accreditation is rejected has the right to appeal to the courts, and whether an asylum seeker can insist on a specific person to represent them other than those accredited by the committee as legal representatives. Legal representation is of paramount importance, and the role of the legal representative is pivotal in the asylum application process and many subsequent procedures. Therefore, it might be beneficial to grant the asylum seeker greater freedom in choosing their representative before the committee. For example, it would suffice for the representative to be a lawyer registered with the bar association, should the asylum seeker choose them for this task.
3. Article 7, paragraph 4 stipulates that the asylum seeker must undergo an initial medical examination within thirty days of submitting their asylum application to assess their medical and psychological needs. However, it does not specify where this examination should take place—whether in public or private hospitals. Furthermore,

<sup>1</sup> Appendix No. 1 contains the text of the aforementioned Article Six.



what happens if the examination is delayed beyond thirty days? Will this affect the asylum application process?

4. Article 8 stipulates that the Committee is obligated to provide free legal aid to asylum seekers throughout all stages of their application process, whenever needed. However, the regulations do not define the circumstances under which legal aid is required, nor do they specify where such aid should be sought. Will the Committee establish a legal aid department within its structure? Will it utilize the Bar Association, whose bylaws stipulate that it has the right and obligation to provide legal aid? Will the local community be involved in providing legal aid? Furthermore, what are the differences between a legal aid worker and a legal representative, and where do their roles begin and end?
5. Article 15, paragraph 1 of the regulations requires refugees to report periodically to verify their presence, as determined by the relevant committee. The question here is: where should they report to? The High Commission headquarters or the police station? The Committee does not specify the reason for summoning the refugee to appear. Although his place of residence can be verified through the police station in his area, for example, which is more effective than summoning him to the committee's headquarters, as long as the purpose is to confirm his whereabouts, will summoning the refugee result in his detention? And when will he be allowed to leave?
6. Article 15, paragraph 3 of the Refugee Regulations requires the refugee to notify the committee of any change in his contact information or place of residence within a period not exceeding 24 hours. The fundamental question here is whether 24 hours is sufficient for the refugee to inform the committee of a change of residence? And is this short period calculated from the time the refugee leaves his residence or from the time he settles in his new residence? And why is this period so short, considering the severe consequences of the refugee not informing the committee of a change of residence, especially the rejection of his asylum application?
7. Although the law and regulations grant the right to appeal decisions of the Supreme Committee before the Administrative Court, the wording in the regulations is misleading! Why?



According to Egyptian law, appealing to the Administrative Court does not suspend the implementation of the challenged decision unless the court orders a stay of execution. Therefore, the regulations should have stipulated that any decision issued by the Committee is not to be implemented until all levels of litigation before the Administrative Court and the Supreme Administrative Court have been exhausted. This means that decisions issued, including decisions rejecting asylum applications, should not be implemented as long as the refugee has filed an appeal with the Administrative Court and until a final ruling is issued on the appeal, not only before the Administrative Court but also before the Supreme Administrative Court, which is an appellate court. To argue otherwise would mean that the committee could issue a decision rejecting an asylum application, and the refugee could appeal to the Administrative Court, but be deported before the Administrative Court even orders a stay of execution of the rejection decision, and before the dispute regarding the rejection is resolved before the Administrative Court.



Appendix No. 1

Text of Article Six of the Executive Regulations

(Article 6)

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Data and Documents Required for an Asylum Application

An asylum application shall be submitted accompanied by the following data and documents:

First - Basic Information of the Asylum Seeker

- 1- Full Name
- 2- Date and Place of Birth
- 3- Gender
- 4- Nationality or Nationalities Held
- 5- Marital Status
- 6- Names of Spouse and Accompanying Children, if any
- 7- Religion and Ethnicity
- 8- Address of Last Residence in Country of Nationality or Country of Habitual Residence
- 9- Residence within the Arab Republic of Egypt and Available Contact Information
- 10- Passport or Travel Document Number - if applicable
- 11- Date of Entry into the Arab Republic of Egypt
- 12- Languages Understood by the Asylum Seeker

Second: Personal documents and identification documents - if any

- 1- Passport or travel document
- 2- The national ID card or any official document proving identity
- 3- Birth certificate
- 4- Marriage certificate, if he is married



5- Documents proving education or work, such as a certificate of academic achievement or a certificate of practical experience.

#### Third: Data, information and documents related to the asylum application

Page | 6 1- A comprehensive and detailed explanation of the reasons and justifications for requesting asylum, accompanied by any evidence or documents available to the asylum seeker that support his request, such as evidence of exposure to persecution or threats, documents of arrest or detention, photographic materials, or any relevant visual or written evidence.

2- A statement of the countries of which he holds citizenship or whose habitual residence is

3- A statement of the health, psychological and social condition of the asylum seeker, specifying any special needs he may have

4- Data regarding any previous asylum requests previously submitted in the Arab Republic of Egypt or in any other country, and a statement of whether he had previously been granted refugee status or any type of international protection in another country, and the reasons for the end of that protection, if any.

5- Reporting whether the asylum seeker has been refused entry to any country, or has previously been deported or deported from it, with a statement of the relevant reasons and circumstances.

6- Any documents or evidence related to the itinerary of travel from the country of nationality or country of usual residence to the Arab Republic of Egypt, including periods of stay in other countries before arrival such as travel tickets, visas, residence permits, and any documents issued by the authorities of other countries related to entry, exit, or crossing borders, if any.

7- A statement of the asylum seeker's relatives, specifying those residing within the Arab Republic of Egypt, according to the form prepared for this purpose by the competent committee.

#### Fourth - Declarations Attached to the Asylum Application

1- Declaration of the accuracy of all submitted documents and data

2- Declaration of commitment to the place of residence specified in the asylum application, with a commitment to notify the competent committee immediately upon any change of residence or any means of communication

3- Declaration that the place of residence and means of communication listed in the asylum application constitute a chosen domicile to which all announcements and notifications related to the application shall be addressed

4- Declaration of commitment to notify the competent committee immediately upon the asylum seeker acquiring a new nationality or being granted refugee status or any type of international protection in another country



5- Declaration of consent to the processing of personal data contained in the asylum application and submitted documents, to the extent necessary for the purposes of examining the asylum application, managing the applicant's file, and coordinating with the competent authorities and institutions to provide care and support, all in accordance with the provisions of the law and these regulations, and in compliance with the rules of confidentiality and protection of personal data established by law

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6- Declaration of not having committed any serious crimes before entering the Arab Republic of Egypt, or joining any terrorist entities within the Arab Republic of Egypt in accordance with the provisions of Law No. 8 of 2015 concerning the regulation of lists of terrorist entities and terrorists, or committing crimes against Peace, humanity, or war crimes, or committing any acts contrary to the purposes and principles of the United Nations, or carrying or using weapons in acts of armed violence outside the framework of the law.

7- A declaration by the asylum seeker that they are aware of their rights and obligations, the legal consequences of violating those obligations, and the procedures for their application as stipulated in the law and these regulations, after reviewing them in Arabic or after translation into a language they understand if they do not speak Arabic, or after having them read to them if they are illiterate or visually impaired.

#### Fifth - Application for Temporary Residence

Submitting an application for temporary residence pending a decision on the asylum application, in accordance with the rules stipulated in Law No. 89 of 1960 concerning the entry, residence, and departure of foreigners in the territory of the Arab Republic of Egypt.

In all cases, the asylum seeker must submit the original documents available to him, or the best copies available, that support his identity or the data submitted in his application in accordance with the provisions of this article. In the event that it is not possible to submit any of these documents, the asylum seeker must state the reasons and justifications related to their loss, loss, or unavailability, and this statement shall be recorded in the asylum application file.