

Refugee Status Determination in Cameroon: Challenges and Prospects

Mbianyor Besong Arrey J

Department of English Law, University of Buea

ABSTRACT: Refugee status determination (RSD) has always been the best means through which the rights of a refugee is formally established in the host country. This process is however within the sovereign powers of the host country to consider who qualifies as a refugee or not. Cameroon has ratified international instruments as well as put in place national mechanisms for determining the status of refugees. Determining the status of refugees can be done by way of individual status determination or collective (group) determination. Irrespective of these mechanisms, the main actor of determining the status of refugees in Cameroon is not the state but the United Nations High Commissioner for Refugees (UNHCR). Though the state is assisted by the UNHCR, the RSD process is affected by factors such as logistics issues, lax of political will and absence of legal assistance to applicants of RSD. It is recommended that for there to be an efficient and effective RSD, the state has to adopt a strong political will in engaging with the RSD process in Cameroon.

Introduction

Refugee status determination (RSD) is the process by which a person who claims to be a refugee is formally established in the host country. RSD is considered as the doorway through which a person who claims to be a refugee gains protection and assistance.¹ The determination of the status of who qualifies as a refugee depends largely on the principle of sovereignty. It seems this is the reason why the question of status determination is not directly dealt with both by the 1951 Refugee Convention or the 1969 OAU Refugee Convention². The apparent silence of these instruments, paves the way for municipal procedure of determining who qualifies as a refugee. Such a municipal determination should however be done in line with standards that protect the rights of the person applying for status determination³.

The Cameroonian response to this was the passing of Law No. 2005/006 of 27 July 2005 relating to the Status of Refugees in Cameroon which provides in its *Article 16*, the creation of national organs to

¹M. Kagan, "The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination" (2006). *Scholarly Works*. 636, pp 1-29:2 available at <https://scholars.law.unlv.edu/facpub/636> (accessed 7/04/23)

²The wordings of *Article 9* of the 1951 Convention and *Article 2 (1)* of the 1969 OAU Convention can be considered as an indirect authorization for states to deal with the determination of refugee status in their territory. They call on states to take consistent and appropriate measures in the determination and settlement of refugees in their territories.

³These standards which protect the rights of the refugee according to the Executive Committee of the High Commissioner's Programme during its 28th Session in 1977 should comprise elements which help the refugee in the application process such as identification, information and recognition. See UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva, 2019), at p 42-43.

specifically address the process of refugee status determination. These organs namely, the Refugee Status Eligibility Commission and the Refugee Appeals Commission, were created by way of Decree No 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee Status Management Organs⁴. The process of refugee status determination (RSD) by these organs in the Cameroonian context is viewed in two contexts namely, the individual procedure and the collective (group) procedure in situations of mass influx.

Individual Refugee Status Determination

Bearing in mind the apparent silence of the 1951 Convention and the 1969 OAU Refugee Convention on the means and methods of determining who qualifies as a refugee, states like Cameroon have adopted the necessary procedure for the determination issue. This is done by way of the Refugee Status Eligibility Commission and the Refugee Appeals Commission. These organs operate under specific and adapted rules which are not subject to judicial review or opinions.⁵

Situations of individual refugee status determination concerns persons claiming refugee determination by way of the persecution criterion of refugee definition. In such circumstances, the person applying for determination is in the host country due to his well-founded fear of being persecuted by virtue of his race, religion, nationality or membership in a social group or having a particular political opinion in his home country.

Such an individual is expected to present himself to the competent authorities once he enters the Cameroonian territory within a maximum of 15 days. The law-maker in imposing such an obligation⁶ on the refugee erred in not specifying who the competent authority is. This ambiguity brings to mind the opportunity of a very wide interpretation of who qualifies as the competent authority. Reason being that, the immigration police, gendarmerie, custom officer or the decentralized executive authority like the Governor, the Senior Divisional Officer or the Divisional Officer, will all qualify as the competent authority especially at the point of entry or final destination of the host country. The law is however silent by not imposing any penalty on the failure to respect this mandatory presentation. This silence can however have serious consequences for the determination conditions on the individual.

This competent authority has an important role to play in the process of facilitating the determination status of a refugee. This is so because he has the primary duty of registering the person who has entered the Cameroonian territory with the aim of seeking refugee status. The registration of the asylum seeker is done through an interview to determine his civil status and information as to his nationality and the reason for flight is ascertained and recorded.⁷ In line with the obligation of providing documentation, the person seeking determination is given travel and identification documents having a validity of 2 months by the competent authority. The travel document is however not renewable and as such poses a serious problem to the asylum seeker. The intention of the lawmaker here is to ensure that the refugee status is determined as soon as possible and as such in the event of a delay, exceeding 2 months, the asylum seeker finds himself/herself in a predicament of having worthless documents that cannot be considered for safe passage in the territory. This is the situation faced by some refugees especially because of the over centralization of the refugee determination process, which results in the local authorities at the main point of entry, taking long in transmitting the processed information to the Eligibility Commission located in the capital city of Yaoundé.

⁴ The composition of these organs was authorized by virtue of Arête No. 0013/DIPL/CAB of 06 August 2012 Constituting the Composition of the Refugee Status Eligibility Commission and Arête No 014/DIPL/CAB of 06 August 2012 Notifying the Composition of the Refugee Appeals Commission.

⁵ This is the position of Law No. 2005/006 of 27 July 2005 relating to Status of Refugees in Cameroon in *Article 17*.

⁶ This obligation appears under *Article 7 (2)* of Law No. 2005/006 of 27 July 2005.

⁷ *Article 7(3)* of the 2005 Law.

A very important twist in this regard is that the lawmaker does not impose any limitation on the competent authority in transmitting the asylum seeker's request. The law in *Article 7 (4)* simply calls on the competent authorities to transmit the request as soon as possible to the Refugee Status Eligibility Commission. Such silence presents a lopsided obligation in relation to the asylum seeker and the competent authority. This in itself can result in the asylum seeker's request not being transmitted on time and thus puts him in jeopardy due to unnecessary and unjustified delays. It is very imperative for the authorities that receive the asylum seeker at first instance to be given strict deadlines to transmit such information to the Refugee Eligibility Commission. This is very necessary as the temporal identification documents of the asylum seeker given by the competent authorities are valid only for two months and are non-renewable for whatever reason.

The person seeking asylum must not necessarily be one who has just crossed into the Cameroonian territory. There is equally the possibility of the person who is legally present in Cameroon as a foreigner, not being able to return to his country. This inability to return to his country or to seek protection, must be due to a well-founded fear of persecution or due to violence which disturbs the peace of his country. Such a situation makes the person a *refugee sur place* in Cameroon and he can apply to trigger the process of determining his refugee status. The law is silent on the time limit such a person has in presenting himself or making the application. The competent authority to entertain such an application is likewise not stated. In such a situation, the application position of a *refugee sur place* should reflect that of a person just entering the territory. The difference however will be in that, such an established foreigner will not need travel documents for safe passage. Because he will already have had a residence permit which will be a very clear indicator of his identification document while waiting for results of his status determination.

In the determination process, the application for asylum to the Refugee Eligibility Commission is received by a Technical Secretariat. This Technical Secretariat by virtue of *Article 7* of Decree No. 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee Status Management Organs, is concerned with receiving the asylum applications and subsequent transmission to the Commission for intervention. The application for asylum can be lodged at the technical secretariat either by the individual concerned, the authority to whom he registered at the point of entry (or his place of residence as the case of *refugee sur place*)

The technical secretariat ensures that the relevant information needed by the commission is in order. It does this by carrying out preliminary investigations that can unearth other important information which buttress the application. Such investigations are not void of the applicant's contribution since he can be interviewed for more clarification as concerns his application. Such an inquiry is to ensure that only persons whose claims are sufficiently genuine are sent to the eligibility commission.

This preliminary inquiry is to bring out certain irregularities that may affect the asylum application⁸. A possible situation that may affect the application is where the applicant already benefits from refugee protection in a third country. This is usually the case when during transit from the home to the host country, the refugee had sought and is currently benefitting from the protection of such a third country⁹. This may seem very fair in that persons who have already sought, received and are benefitting asylum status in third states should not be given the same opportunity in Cameroon. This is to curb the opportunity of hopping from one state to the other for the purpose of refugee status determination or equally giving a better opportunity for persons whose status has not been determined to stand a better chance in the process. On the downside, the strict application of this has a negative consequence in that it may not take into consideration the reasons of the refugee. This is especially important in a situation where such an asylum seeker applied in the transit

⁸ The Technical Secretariat has a deadline of two months renewable twice to carry out such enquiries and transmit the application to the Eligibility Commission.

⁹ *Article 7 (5)* of the 2005 Law.

country in accordance with the laws for any refugee to declare himself for mandatory determination. Equally, the asylum seeker may have relatives within Cameroon thus making it easier for him to survive than in the safe third country where he benefits from protection.

The depositing of an application for asylum stays any procedure for expelling the individual. Reason being that the applicant is issued with an attestation of deposit. Such an attestation acts as a temporal identification document that permits the applicant to move around freely. However, the applicant is to inform the competent authorities; in this case the immigration police officials, about his movements or in a situation where he changes his address. Bearing in mind that the interest of an individual cannot outweigh that of many, such a stay of expulsion is mainly based on the grounds of public order or national security.¹⁰

Once the preliminary enquiry hurdle of the Technical Secretariat is cleared, the application is transmitted to the Eligibility Commission. The Eligibility Commission on its part has to make a ruling on the application within a deadline of two months renewable once. The applicant can be invited for an interview in the process of assessing the application. The Eligibility Commission can either pronounce a positive or negative decision. A positive decision confirms the refugee status of the asylum seeker. This paves the way for the competent authority and the Delegation General of National Security, to provide the refugee with an identity card.

As soon as the asylum seeker is notified of a negative decision,¹¹ he has the possibility of appeal to the Refugee Appeals Commission. This Appeals Commission is a last resort for the applicant to challenge the negative decision of the Eligibility Commission. Such an appeal can be sought directly by the asylum seeker himself or through the United Nations High Commissioner for Refugees (UNHCR) in Cameroon. The institution of an Appeal puts on hold any measures initiated for expulsion initiated by the negative outcome of the Eligibility Commission's decision. The Appeals Commission however has a deadline of two months to give a ruling concerning the asylum application.

The Appeals Commission, after reviewing all necessary documents, can issue a positive or negative decision. A positive decision setting aside the rejection decision of the Eligibility Commission, results in the applicant being issued refugee identification papers. On the other hand, a confirmation of the Eligibility Commission's decision amounts to an ultimate rejection.

The Appeals Commission is the ultimate stage of challenging a negative decision with regards to an application for asylum. This is made possible because Law No. 2005/006 of 27 July 2005 in *Article 17*, places the decision of these organs in relation to refugee determination beyond the jurisdiction of municipal courts. The response of the state to this supremacy of the special refugee organs to the national courts is that, it will eschew the tendency of asylum applications being bogged in the slow process of national courts and that the granting of asylum is a matter of state sovereignty determined by the rules put in place to that effect.¹²

Such a consideration of having the Eligibility Commission and Appeals Commission beyond the reach and control of municipal courts is problematic. Especially as the highest court in the country is the Supreme Court whose final appeal role is assumed by the Appeals Commission. The law maker should have

¹⁰ *Article 8 (2) (3)* of Law No. 2005/006 of 27 July 2005.

¹¹ There is the possibility that the asylum seeker does not qualify *ab initio* for the protection granted to refugees. This is so because he is excluded from protection due to his past activities before entering Cameroonian territory. Such past activities may have resulted in him having committed serious crimes like war crimes, crimes against humanity or serious crimes that violate the purposes of the African Union or the United Nations. In the event where this is established, the application is rejected.

¹² Report presented on behalf of the Commission of Foreign Affairs by Honourable CHEMA SAMA EYIKESHI (MP), on the project of Law No. 777/PJL/AN relating to the status of refugees in Cameroon, National Assembly, 7th Legislature, 2005 Legislative Year, Ordinary Session (June 2005), Doc. No. 079/R/AN, p 19-20.

considered that since the process of determining the status of a refugee is more of an administrative than a judicial process, the decisions of the refugee determination organs, should fall within the confines of the administrative courts¹³. However, the clear and apparent placing of these organs beyond both the judicial and administrative courts, robs the applicant of the possibility of having many options in the determination of his status, especially before the courts if he fails at such determination organs. The reason for having such options is that the person seeking asylum is vulnerable and everything should be put at his disposal if he is not a danger to the public or national security of the host country.

There is some compliance in the guaranteeing protection to asylum seekers in the determination of their status. The very first evidence is the prohibition of an individual being a member in both the Eligibility and Appeals Commission. This is reminiscent of *nemo iudex in causa sua*; a very important principle of natural justice that provides that a person cannot be a judge in a case where he has an interest. Since the Appeals Commission rules whenever there is a contest of the Eligibility Commission's decision, it will be a serious miscarriage to have a person being a member of both organs. Equally, the possibility of giving the applicant a fighting chance to challenge the decision of the Eligibility Commission by way of appeal is illustrative.

Collective (Group)/Prima Facie Refugee Status Determination

This is possible when the refugee status determination (RSD) process of the host country is overwhelmed with requests for determination. This is usually due to a mass influx of persons. Such mass influx of refugees, results in relaxing the rules of individual refugee status determination to collective, group or *prima facie* refugee status determination.

Though silent in most legal instruments¹⁴ this type of determination appears in *Article 12* of Decree No 2011/389 of 28 November 2011 on the Organization and Functioning of Refugee Status Management Organs. The concept of group determination does not mean that a group can be considered as refugees. It denotes that an individual in such a group is presumed, at first instance, as a refugee by virtue of his or her presence in such a group of mass influx. Since though arriving in a group, refugee status is personal¹⁵. The idea of collective determination relaxes the stringent rules procedure of individual refugee status determination.

There has not been uniformity in agreeing why states use group or collective refugee status determination. Some scholars are of the view that this usually results when the individual refugee status process of the host state is overwhelmed by requests and not generally as a result of mass influx¹⁶. Thus, such an overwhelming request on their less developed individual refugee status determination process results is replaced with group refugee determination. The United States is as an example that has never used collective refugee determination irrespective of the mass influx from its neighbouring Latin American states. Thus, mass influx

¹³ This is because due to *Article 3* of Decree No. 2011/389 of 28 November 2011, most of its members are appointed to represent powerful offices within the Cameroonian executive arm of government such as the Presidency, Prime Ministry, Ministry of Justice, Ministry of External Relation and the Ministry of Territorial Administration. The UNHCR which has played a very important role in the protection of refugee rights, can be invited as an observer with a consultative voice.

¹⁴ The 1951 Convention, its 1967 Protocol, the 1969 OAU Convention and the 2005 Law relating to the status of Refugees, are all silent on the notion of collective refugee status determination or *prima facie* determination.

¹⁵ J. F. Durieux *et al*, "How many is too many: African and European legal responses to mass influxes of refugees" (2005) *German Yearbook of International Law*, Vol 47, pp 105-159:118.

¹⁶ G. Okoth-Obbo, "Thirty years on: a legal review of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa" (2001) *Refugee Survey Quarterly* Vol 20, No.1, pp 79-138: 119-120.

is not a determinant or guarantee for using collective determination. The measuring rod should be if the municipal determination process is overwhelmed¹⁷.

Some scholars are of the view and we agree that collective determination is used when the individual refugee determination process is not only overwhelmed by requests but most importantly in the face of mass influx of persons¹⁸. This is especially so because a mass influx of persons will naturally overwhelm the individual status determination procedure resulting in the expedient process of collective or group determination.

Such form of collective determination is mostly common in situations akin to that envisaged by the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Since events that disturb public order like wars or violence usually result in a huge movement of people fleeing across international borders to safety, there is need for a host state to deal with such huge influx. Collective status determination comes in to salvage the situation since it becomes practically impossible to rely on individual status determination in the face of such mass influx.

This option of group or collective determination is premised on the fact that such persons in the mass influx share a common factor. This factor is their flight from a situation of general violence which makes it impossible for them to live in their home state. Such a criterion of violence is easily ascertained and it is not very difficult to establish unlike the criterion of flight from persecution which is very much subjective (since it is heavily dependent on what the refugee thinks). In such a circumstance of mass influx due to external aggression, foreign occupation or events that seriously disturb public order, such persons are considered as refugees *prima facie* by way of collective determination especially as the emergency is to protect mankind.¹⁹ However palatable this may seem due to it having the possibility of not being time consuming like individual status determination, the downside of collective or group determination is that it can make it possible for those who *ab initio* are excluded from being protected as refugees to qualify.²⁰

The contemporary events of violence that have rocked the neighbouring countries of Cameroon such as Nigeria (Boko Haram related terrorism) and the Central African Republic (civil war) have seen a huge influx of such nationals into Cameroon. Such nationals who are primarily and, in most cases, predominantly located at the camps in the Northern and Eastern Part of the country are considered refugees *prima facie*.

Theory from Practice in RSD in Cameroon

Though the 2011 Decree instituted these commissions to deal with the determination of refugee status in Cameroon, the UNHCR still plays a very crucial role in refugee status determination. Applications for determination are usually deposited personally by the asylum seeker at the office of the UNHCR located in town like Yaoundé or Meiganga. Due to the fact that the UNHCR has branch offices in major towns like Douala which houses a huge number of urban refugees, it is safe to argue that any application for determination is accepted for onward consideration. Such an asylum seeker is registered in the UNHCR database to prevent multiple registrations and even fraud; especially if he is reapplying after having already been rejected.

The asylum seeker is given an attestation of deposition of documents with a validity of up to five months by the UNHCR. Such a document has primary information of the asylum seeker like his name and nationality. The interview process of the asylum seeker or in some cases members of his family is done by an eligibility

¹⁷ M. Albert, "Prima facie determination of refugee status: An overview and its legal foundation" (2010), *Refugee Studies Centre Working Paper no.55*, pp 1-66:12.

¹⁸ J. F. Durieux *et al*, *supra*, p 145-146.

¹⁹ A. Sigg, *Droit de l'homme, droit international humanitaire, droit des réfugiés : Genève entre les origines et le XXIème siècle* (Berne, Publication du Département des Affaires Etrangères, 2003), p. 136.

²⁰ A. Sigg, *supra*.

officer of the protection department of the Cameroon UNHCR representative. All necessary steps are taken to ensure that the asylum seeker understands the process as well as the questions he is asked in order to better present his case. Two possibilities present themselves where the asylum seeker is a minor. This can be accompanied minors, in which case the interview is carried out against the backdrop of family unity or unaccompanied minors, of which the best interest of the minor is taken into consideration.

The burden of proving alleged incidents lies primarily on the asylum seeker. The presentation of documentary evidence buttresses the existence of such allegations. Bearing in mind that such documentary evidence may not be present to support his allegation, especially taking into consideration the manner in which he hastily left his home country, the asylum seeker has the benefit of doubt as long as he is coherent and not contradictory in his statements. If the asylum seeker satisfies the criterion, especially that of a well-founded fear of persecution, he is given a refugee identity card.

In the course of carrying any activity or living within Cameroon, a refugee can misplace his/her papers like the refugee identity card. In such a circumstance, it has to be replaced. As concerns replacing lost documents like the refugee card, there is no defined period for a replacement to be made for the refugee. It was observed that some refugees have to wait for up to about two months. Besides the right to movement which is facilitated by this document, it is equally very imperative for using it to access benefits like health or nutrition provided by the UNHCR and its implementing partners of refugee protection. The non-consistency in providing a replacement of such, gives room for considering the system as not functioning efficiently.

In the event of a negative decision, the asylum seeker can, within a deadline of one month of his notice of rejection, apply for his application to be re-examined on appeal. Once the appeal is deposited at the protection department of the UNHCR, the asylum seeker is given a form to fill detailing his reasons for challenging the rejection. In the event where it is a success, the refugee is given identification documents. The applicant is precluded from determination if his appeal is rejected by the UNHCR.

Though most of the refugee protection instruments recommend that states put mechanisms to determine the status of refugees on their territories, this determination is the individual determination procedure. Though apparently silent on the aspect of collective or group determination, this type of determination has always been referred to. State practice of collective or group determination was used in the protection of Hungarian refugees in the 1950s in Europe²¹. Equally, the Statute of the United Nations High Commissioner for Refugees makes mention of the term “group of refugees” in its *Article 2*. Such mention denotes circumstances of mass influx and as such a leeway to group determination. Group determination is explicitly stated as an alternative to individual status determination in situations of emergency by the UNHCR Handbook on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees (1967). It provides in its *paragraph 44* that in exceptional situations choice has been made to “group determination” of refugee status, whereby each member of the group is regarded *prima facie* (i.e. in the absence of evidence to the contrary) as a refugee.²²

The process of collective determination is the anti-thesis of individual status determination. It is less time consuming and not bogged down with procedural aspects of deadlines akin to individual status determination. The UNHCR plays a very important role in such determination of refugee status. Such is usually done by registering those persons who have fled situations of violence from these neighbouring countries to seek safe haven in Cameroon. This registration enables the UNHCR to determine the number of persons in need by way of issuing identification cards as well other documents needed to collect items of basic necessity like food.

²¹ M. Albert, *supra*, p 20.

²² M. Albert, *supra*, p 23.

Challenges to RSD in Cameroon

Inadequate logistics is a problem affecting both state and non-state institutions engaged in RSD. This in itself is evident in that the UNHCR is found in 6 out of the 10 regional capitals in Cameroon: Yaounde, Douala, Bertoua, Maroua, Buea and Bamenda.²³ This in itself is not reflective of the fact that refugees can be found anywhere within the Cameroonian territory thus reducing the potential of effective RSD. Furthermore, the apparent laxity of the state that has the primary responsibility of protecting refugees, effectively implementing municipal laws, has transferred the total weight of protection to the UNHCR thereby exacerbating the logistic problem.

The existence of laxity in instituting a strong political will challenges the RSD process in Cameroon. This laxity is a stark shift from the earlier welcoming spirit she had had towards refugees. This is especially manifested on the premise that the national institutions created to particularly deal with RSD; the Refugee Eligibility and Appeals Commissions, are not effective in their duty. Thus, leaving the UNHCR to bear the brunt of RSD in Cameroon resulting in delays in the RSD process.

Absence of legal counsel during the interview process of the person seeking asylum is another challenge to RSD in Cameroon. The interview process very much often does not include a legal counsel on behalf of the interviewee who in most cases does not understand the implications of his or her responses to questions. Such absence poses a disadvantage to the asylum seeker whose application or determination may be rejected.

Additionally, the psychological state of applicant the applicant may affects the RSD especially in recounting past traumatic experiences.²⁴ The interview process especially in individual status determination is to ensure a coherent recounting of events to prove the existence of flight due to persecution. Such post-traumatic stress experiences may result in the applicant withholding crucial information which can assist or boost a positive outcome of his or her RSD process.

Recommendations

There is need to establish a strong political will in the RSD process in Cameroon. This will can better be exhibited in allowing the local organs; the Eligibility and Appeals Commissions, to effectively take their responsibility in the RSD process. In doing such, the burden of the UNHCR which is there just to assist states hosting refugees will be lessened.

In order to boost the possibility of having a positive outcome in the RSD, there is need for the applicant to have a legal representation during interviews. Bearing in mind that a legal counsel is very necessary in giving legal advice, having one provided to assist the applicant during his or her RSD interview will be beneficial. This will be of paramount help to the applicant who in most cases do not understand the intricacies involved in the RSD process.

There should be the prioritizing of collective (prima facie) RSD as opposed to individual RSD. By doing this, the institutions engaged in RSD will be effective in granting protection to a wide number of applicants as opposed to individual RSD. Reason being that collective RSD in less cumbersome and less time consuming than individual RSD since the situation of the applicants are usually and easily known.

²³ It should be stated here that; as at the time of writing, the mandate of the UNHCR Offices of Buea and Bamenda is heavily concerned with the protection of internally displaced persons due to socio-political upheavals that has rocked the predominately Anglophone South West and North West Regions of Cameroon and not refugees.

²⁴ See M. V. Markovic et al, "Refugee Status Determination Procedure and Mental Health of the Applicant: Dynamics and Reciprocal Effects." (2021) *Frontiers in Psychiatry* 11:587331, pp 1-5, doi: 10.3389/fpsy.2020.587331.

Conclusion

In fleeing from persecution or situations of violence to seek protection in another country (host country), RSD process ensures that total protection is granted to the refugee. Generally, it is the host country that determines who qualifies for protection by way of RSD and as such lays down the mechanisms and adequate criteria for RSD. Cameroon being a country that hosts refugees from neighbouring Nigeria and Central African Republic, has put in place mechanisms; laws and institutions for RSD. Though these mechanisms exist, the state has exhibited some lapses in taking a direct and very active role in RSD in Cameroon. This is evidenced in that the UNHCR still bears the burden of RSD due to the key role it plays in RSD in Cameroon.

References

1. Albert, M., "Prima facie determination of refugee status: An overview and its legal foundation" (2010), *Refugee Studies Centre Working Paper no.55*, pp 1-66
2. Durieux, J. F, *et al*, "How many is too many: African and European legal responses to mass influxes of refugees" (2005) *German Yearbook of International Law*, Vol 47, pp 105-159
3. Kagan, M., "The Beleaguered Gatekeeper: Protection Challenges Posed by UNHCR Refugee Status Determination" (2006). *Scholarly Works*. 636, pp 1-29
4. Markovic, M. V. et al, "Refugee Status Determination Procedure and Mental Health of the Applicant: Dynamics and Reciprocal Effects." (2021) *Frontiers in Psychiatry* 11:587331, pp 1-5
5. Okoth-Obbo, G., "Thirty years on: a legal review of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa" (2001) *Refugee Survey Quarterly* Vol 20, No.1, pp 79-138
6. Sigg, A., *Droit de l'homme, droit international humanitaire, droit des réfugiés : Genève entre les origines et le XXIème siècle* (Berne, Publication du Département des Affaires Etrangères, 2003)
7. UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (Geneva, 2019)