

# Navigating Refugee Mobility: The Significance and Challenges of the “Refugee Travel Document”

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Refugees, by definition, need to travel in order to secure protection and a safe, secure, and permanent home. Over the past five decades, refugees have relied on their country of asylum or host country, to travel to other countries. One hundred and forty-nine states are party to the 1951 Refugee Convention Relating to the Status of Refugees,<sup>1</sup> the 1967 Protocol Relating to the Status of Refugees,<sup>2</sup> or both, while 44 states are party to neither (Janmyr, 2021). Under the 1951 Refugee Convention, signatory states are responsible for:

- Not expelling or returning refugees “to the frontiers of territories where” their “life or freedom would be threatened on account of ... race, religion, nationality, membership of a particular social group or political opinion” (Article 33).<sup>3</sup>
- Facilitating their integration and naturalization in host countries (Article 34).
- Issuing “to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require ...” (Article 28).

The Refugee Travel Document (RTD) replaces the passport that the asylum seeker or refugee cannot secure from their country of origin. Seeking a passport may expose a refugee to persecution and torture. The RTD grants refugees the privilege to travel to other countries, but not to their country of origin. Travel may be necessary to obtain protection, find a permanent home, or pursue a job, education, or family reunification.

Some refugees flee with ordinary passports and other sorts of travel documents such as “laissez-passé” of their country of origin. In most cases, however, these documents become useless after the refugee flees their country since using them “could result in loss of their asylee or refugee status” (Sosa, 2019). Most host countries treat a refugee’s use of a passport from their country of origin as giving up their claim to asylum or refugee status. This is the situation, for example, for

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<sup>1</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, United Nations, Treaty Series, vol. 189, p. 137, 28 July 1951, <https://www.refworld.org/legal/agreements/unga/1951/en/39821> [accessed 05 March 2024]

<sup>2</sup> UN General Assembly, *Protocol Relating to the Status of Refugees*, United Nations, Treaty Series, vol. 606, p. 267, 31 January 1967, <https://www.refworld.org/legal/agreements/unga/1967/en/41400> [accessed 05 March 2024]

<sup>3</sup> The 1951 Refugee Convention defines a refugee as a person “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.” Under Article 14 of the Universal Declaration of Human Rights 1948, each individual has the right to seek asylum from persecution in other countries (OHCHR, 1948).

refugees in Rwanda. In the United States, travel with an ordinary passport of the country of origin requires an asylum-seeker or refugee to apply for “advance parole.” If not, they surrender their claim for asylum or their refugee status and can be denied reentry.

In some instances, the RTD serves other, less significant roles in the host country. By contrast, in Rwanda, a RTD is not accepted to access business and administrative services. Thus, it can be very difficult for a refugee to open a bank account and nearly impossible to register a business or own property. It is common for a refugee to receive an RTD before a refugee identity card, and thus refugees in Rwanda live constrained lives.

A RTD does not permit travel to the 44 countries that are not signatories to 1951 Refugee Convention or the 1967 Convention. In addition, even with a RTD, refugees must typically apply for transit visas before reaching their final destination. In addition, they must often pay high visa fees. When the author became a refugee, he did not receive a form of identification from his own country. The RTD from Rwanda helped him to pursue his education in Japan and in the United States. Yet the fear and constraints associated with using an RTD are always present. For example, the RTD may not be accepted. A visa to a final destination may be denied. The refugee may need to secure a transit visa in order to reach their final destination. Moreover, he or she cannot access the cultural and other opportunities in the 44 non-signatory countries. In addition, access to and use of the RTD can be limited.

### **Refugee Travel Document situation in signatory countries**

The 1951 Refugee Convention guarantees that a refugee in a signatory state is able to travel. Yet, only 52 percent of signatory countries issue RTCs that meet international aviation standards, allowing refugees to travel internationally. The rest issue RTCs that do not meet international standards, including 26 % that do not issue any kind of travel documents to refugees (UNHCR, 2017, UNHCR 2019 & Janmyr, 2021).

Davidoff-Gore, (2024) explains that some states are constrained by lack of financial resources, capacity, and materials to personalize travel documents in line with international standards. In these circumstances, some countries prioritize issuing travel documents to nationals, but not to refugees.

In some regions, residents automatically lose free movement privileges when they become refugees. In the East Africa Community (EAC), citizens of member states enjoy free visa movement in all seven states. Rwanda denies this privilege to refugees hosted in other countries of the regional bloc. Burundian refugees hosted in Rwanda can travel visa free, but only to Uganda or the Democratic Republic of the Congo (DRC) using RTDs. Some states, such as Kenya and Tanzania, require refugees to apply for visas three weeks before their trips (Embassy of the Republic of Kenya in Stockholm (n.d) & Immigration Services Department, n. d).

The process of securing RTDs can be complex and time consuming. The time it takes to navigate hurdles and submit the necessary documents can significantly delay the process and cause refugees to miss time at school or work opportunities (Davidoff-Gore, 2024). Rwanda, for example, is a model country in the EAC at issuing RTDs. Yet the process requires applying for a RTD, writing a letter to request a passport, filling out the form, securing a signature from a UNHCR officer, confirming that the applicant is an active refugee, and meeting with the immigration officer. Yet there is only one officer at each camp office, who is available, and only two days a week to provide immigration-related services of all kinds, such as giving permission to non-refugee visitors to enter the camp. Hence, it takes an average of one and one-half months to receive a refugee passport, compared to three days to a week for nationals to receive a passport.

Compared to ordinary passport users, traveling on an RTD can be difficult. Refugees are likely to face problems related to travel for conferences, educational purposes, and work. Davidoff-Gore, (2024, p.11) notes that some refugees who applied for visas to attend the recent Global Refugee Forum in Geneva “had their applications denied ... despite having institutional support, while other refugees from their organization[s] had their applications granted. Moreover, refugees sometimes are required to obtain a transit visa to travel to their final destination.

Both of these experiences are familiar to the author. In 2021, I needed a visa to attend a conference in Turkey. The consulate in Kigali demanded I provide a hotel reservation, pay visa fees, demonstrate that I possessed health insurance, and provide a flight ticket and with my visa application. However, I was denied a visa and not told why. In the process, I lost approximately \$700. In 2023, I booked a flight with a layover in London for four hours. I had to apply for a transit visa, which cost approximately \$120, in order to travel to the US. It took me 21 days to be issued the transit visa. These experiences led me to lose confidence that I would reach my destination on time and make me hesitant to travel. Exacerbating matters, it is hard to find information on the countries that offer travel documents to refugees, what types they offer, and which countries require transit visas for refugees.

### **Refugee travel document situation in non-signatories countries**

Non-signatory countries restrict “access to general-use travel documents ... with only a few options available (such as Lebanon’s travel document for Palestinians and the alien’s passport)” (Davidoff-Gore, 2024). This restriction is a major obstacle for refugees who hope to attend school, work, receive medical care, or reunify with family in these countries. The author’s non-profit “Enough is a Little (EIL),” assisted Modestin Nahimana, a Burundian refugee in the Mahama Refugee Camp to obtain a scholarship to Universitas Teknologi Sumbawa in Indonesia in 2020. Nahimana then received a scholarship at Marwadi University in India in 2021. However, he was not able to attend either university, because the consulates for Indonesia and India – in Dar Es Salam (Tanzania) and Kigali (Rwanda) – informed him that RTDs cannot be used to obtain visas.

Moreover, non-signatory states do not offer RTDs. As a result, refugees hosted by non-signatory states live in a kind of limbo. They cannot easily travel outside their host countries, except for voluntary repatriation to their country of origin or resettlement to a third country. According to a UNHCR (2017) survey, 13 non-signatory states have established mechanisms to provide RTDs to refugees and stateless persons. However, a subsequent UNHCR report from 2019 contradicted this report, indicating that just one non-signatory state issued an RTD. Neither report identified the relevant countries.

### **Way forward**

In short, many signatory states lack the commitment or awareness to live up to their Convention responsibilities related to refugee travel. Meanwhile, non-signatory states do not see issuance of travel documents as a state responsibility under customary international law.

This state of affairs raises the question of why the number of countries that are party to the 1951 Refugee Convention has not increased significantly for decades. Since 2006, only two States – Nauru (2011) and South Sudan (2018) – have ratified the 1951 Convention (Janmyr, 2021). Part of the answer may be that UNHCR has limited capabilities, and its role largely remains observational.

To address problems with refugee travel, I have proposed the establishment of a new entity, which I call the “Sub-International Mobility Protection Committee for Refugees (UNIMPCR)” under the United Nations General Assembly (UNGA). UNIMPCR’s mission would include advocating for the respect of travel rights among signatory states, promoting travel standardization, lobbying non-signatory states to ratify the 1951 Refugee Convention and the 1967 Refugee Protocol, to expand the use of RTDs, and to facilitate refugee mobility within signatory territories. These steps would significantly expand refugee mobility.

I have proposed placing UNIMPCR under UNGA. UNGA established both UNHCR and IOM, and could expand or limit the role of these institutions for refugees. Under my proposal, the UNIMPCR would have the following mandate:

**First**, it would advise, coordinate, and lobby signatories to the 1951 Convention and 1967 Protocol to issue RTDs that meet international standards, without discrimination.

**Second**, it would lobby non-signatory states to ratify the 1951 Convention and the 1967 Protocol, which would pave the way for the refugees they are hosting to travel legally outside their states, and refugees from other countries to enter their territories in search of sustainable solutions. Travel could occur, for example for the purpose of education, work, family reunification, and other reasons.

**Third**, many efforts are being made to allow free human movement between states, paralleling the free movement of people and trade. In some regions however, this advocacy leaves out the

refugees. With a RTC, a refugee loses right to the free visa moment accorded to persons from his country of origin. Nor does he receive the free movement accorded to members of the host country. Thus, refugees need advocacy in support of their travel with visa free privileges, which could be based on his country of origin or his host country.

**Fourth,** UNMPCR would be tasked with lobbying states not just to give refugees travel documents, but also to ease visa restrictions, transit fees, and other barriers to refugee travel, with the goal of liberalizing refugee travel and promoting refugee self-reliance.

Experts believe it to be unlikely that many states would want UNGA to play this role or to create a new entity to do so. As evidence, the NY Declaration for Refugees and Migrants and the Global Compacts did not create new entities. A few states might champion this need, in collaboration with the relevant UN entities and non-governmental organizations (NGOs).

If the establishment of a new entity is not possible, UNHCR should spearhead the cause of expanding refugee mobility. NGOs can play an important role in this work. There are hundreds of NGOs with consultative status from the UN's Economic and Social Council (ECOSOC), which would be interested in this idea. Refugee-led groups, such as the Refugee Congress in the United States, might also be supportive. Such groups can help to identify sympathetic states, contacts in the relevant UN agencies, and ways to advance this idea through UN processes. They can propose and promote a process and plan to tackle this problem.

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