

# REFUGEE

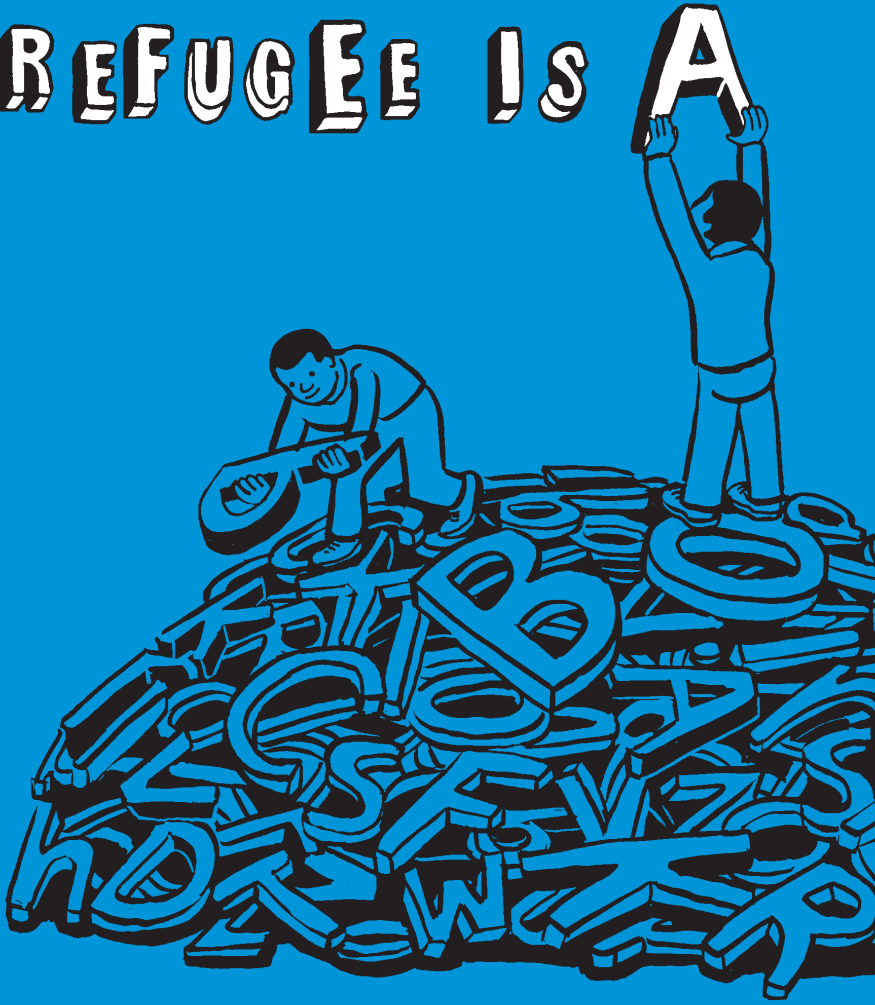


Information Guide 2009



Lawyers for Human Rights

A REFUGEE IS A



## How to use this guide

### The Guide is divided into two parts:

The first part provides important information on how to apply for asylum and seek legal assistance, where to find material assistance, how to access social assistance such as health, education, employment, trauma- and psychological support both from government and non-governmental sources. It also provides general information about South Africa.

The second part consists of a detailed directory of the relevant government departments, international organisations, non-governmental organisations (NGOs), and community-based and religious organisations offering assistance to the refugee community in South Africa.

Please note that the South African government's policies and practices may change. Please check the Lawyers for Human Rights (LHR) website, [www.lhr.org.za](http://www.lhr.org.za), for the most up-to-date information.

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# Acronyms and definitions

## Acronyms

- DHA → Department of Home Affairs
- ICRC → International Committee for the Red Cross
- RR0 → Refugee reception officer

## Definitions

- **Asylum seeker:** A person who has lodged an asylum application with the Department of Home Affairs and who is waiting for a decision on refugee status
- **Department of Home Affairs (DHA):** The South African government department responsible for the administration of asylum applications and refugee matters
- **Durable solution:** Long-term solutions to problems experienced by refugees, generally involving movement back to home country or third country of asylum or integration locally
- **Eligibility determination form (form BI-1590):** The form you have to fill out the first time you report to any of the seven refugee reception offices in the country
- **Family reunification:** The bringing together of members of the same nuclear family with the help of the UNHCR and/or the ICRC after approval by the DHA
- **Family tracing:** The attempt to locate and link up members of the same nuclear family (father, mother, brother and sister) with or without the help of the UNHCR and/or the ICRC
- **Immigration Act:** The new law that has replaced the Aliens Control Act. This law regulates who may enter South Africa and how and also covers deportations
- **Non-refoulement:** The fundamental principle that prohibits states from returning asylum seekers or refugees to countries where their lives and freedoms may be threatened
- **Permanent resident:** A person who has been given permission to live in South Africa on a permanent basis
- **Persecution:** Severe violation of human rights for reasons of race, religion, nationality, political opinion or membership of a social group
- **Prohibited person:** A person without any legal documents allowing him or her to stay in South Africa lawfully. It can also cover people who are not allowed in SA such as deportees or people with infectious diseases.
- **Recognised refugee:** A person who has been granted refugee status in terms of section 24 of the Refugees Act
- **Refugees Act No.130 of 1998:** Law passed by the parliament of South Africa that governs the treatment of refugees in the country
- **Refugee:** A person who is forced to flee his/her country due to a well-founded fear of persecution or disasters of human origin such as armed conflicts, civil upheavals and generalised violence
- **Relocation:** An internal transfer of a refugee or asylum seeker from one part of South Africa to another, with the help of the UNHCR
- **Resettlement:** The relocation of a refugee from South Africa to a second country of asylum with the approval of the UNHCR and the country of resettlement
- **Section 22 permit:** Temporary, renewable permit, described in Section 22 of the Refugees Act, which is issued to asylum seekers while they await a decision on their asylum application and allows the bearer to reside in South Africa and to work and study
- **Section 24 permit:** Renewable permit, issued in terms of Section 24 of the Refugees Act, which grants refugee status to the bearer and allows him/her to reside in South Africa for a period of two years
- **Temporary resident:** Person with a legal permit that allows him or her to stay in the country for a limited period of time. Tourists, foreign students and business people would typically apply for temporary resident permits
- **The Standing Committee for Refugee Affairs:** Committee that reviews any refugee applications that have been rejected on the basis of being manifestly unfounded and that provides certification that a refugee will remain a refugee indefinitely for the purposes of applying for permanent residence
- **Unaccompanied minor:** A child under the age of 18 who is in South Africa without the company of his/her parents or guardians
- **Undocumented migrant:** A person who is not in possession of the requisite visa or residence permit that is required to be in the country legally
- **UNHCR:** The United Nations High Commissioner for Refugees is an international organisation mandated to provide international protection to refugees and to promote long-term durable solutions to their problems
- **Voluntary repatriation:** Voluntary return of refugee from country of asylum to country of origin

# Education



Everyone has the right to a basic education, including basic adult education

## Various levels of education

### Crèche

Crèche is a pre-school for children, and it usually takes the form of a day-care facility for babies and toddlers between the ages of one and six years. Crèche is not government subsidised, and parents have to pay the fees. You are often able to negotiate with the crèche and offer to do volunteer work in exchange for discounted crèche fees.

### Primary school

Primary school education is obligatory in South Africa. This means that the South African government is obliged to provide adequate primary schooling for all children, including refugees and asylum seekers.

South Africa's primary education starts from the age of seven and extends to the age of 13. It runs from Grade 1 to Grade 7.

### Secondary school

Children from the ages of 13 to 19 years should attend secondary school, which spans from Grade 8 to Grade 12.

From Grade 10, children choose their own subjects, such as a maths/science or business stream. Secondary school programmes can be either academic or technical.

Please note that these age groups are flexible. Some asylum seeker and refugee children may be older than their school friends, as they might have missed opportunities for education. In most government schools, however, the child cannot be more than two years older than the age group for that grade.

### University studies

University studies, either to further your education or to convert your education from your home country to a South African degree, is often a good way to get access to the South African job market. There are no general guidelines for asylum seekers and refugees on how to apply for university studies. Each university and technikon (a term used for a university of technology, which generally provides hands-on, practical training and education) applies its own criteria. Contact the international student office at your university or technikon of choice and ask for their particular criteria.

Below are some general guidelines for studying at a tertiary institution if you are an asylum seeker or a refugee:

**You must be legal:** You must either have a valid asylum seeker or refugee status permit.

**Remember the international registration fee:** Refugees and asylum seekers usually pay the local tuition fee plus an international registration fee.

**Have your academic records evaluated:** South African universities and technikons require students to have their academic records from foreign universities certified or evaluated by the South African Qualifications Authority (SAQA). To do this, you must fill in a specific form that you send to SAQA together with certified copies of your academic records and degrees. You can have copies of your academic records certified at any police station for free. The SAQA process can take up to three months.

**Polish your English:** In general the South African tertiary institutions require students to be proficient in English before they are allowed to register. You can either complete the Test of English as a Foreign Language (TOEFL), the International English Language Testing System (IELTS) or the Placement Test in English for Educational Purposes (PTEEP) to prove your English proficiency.

**Here's where to apply for funding:** Most universities and technikons limit their bursaries or scholarships to South African nationals. You should, however, scour books listing scholarships provided by the universities and technikons; these are usually available at the information/registration desks at the institutions themselves or on the Internet. The UNHCR offers the Albert Einstein German Academic Refugee Initiative Fund (or Dafi) Scholarship Programme to a small number of candidates in November each year. This programme does not cover post-graduate studies. It is meant for recognised refugees who have successfully completed secondary education, have no other means of support for tertiary studies and who are not older than 28 years of age at the beginning of their studies. For further information and requirements, contact either the UNHCR directly or one of the NGOs that deals with education issues listed in the directory section of this guide.

### Adult education

A small number of NGOs offer adult education to refugees and asylum seekers. Adult education focuses on education and skills training in order to empower and encourage integration into South African society.

Most adult education training institutes offer English language courses. Some training institutes also offer self help programmes, vocational skills training programmes, crafts and arts classes. These programmes are designed to provide you with additional skills that might be essential to find a job or to set up your own business.

Most of the adult education programmes are free of charge and are operated by either South African NGOs or refugee communities.

## Placement in schools

All asylum seeker and refugee children have a right to primary education and are entitled to the same access to schooling as any South African child.

Normally, as a parent, caregiver or guardian, you have to register your children for primary education at the school closest to where you live. If you do not understand or speak English or any of the other local languages well, take along a friend or someone else who can translate for you.

### Rules to remember when registering your child

- The parent or legal guardian of the child must register the child
- You must provide the school with contact details of the family including your physical and postal address, and telephone numbers
- You must take a certified copy of the child's permit and/or of the parent's permit (a Section 22 asylum seeker permit or Section 24 refugee permit)
- You must provide the school with an inoculation certificate (if you do not have this, you have three months to get it from a local municipal clinic)

Make sure that you apply well in advance (from July onwards) for entry into school for the following school year since schools get full quickly. If the closest school is already full by the time you try to register your child, the registry at that school should direct you to another school in your area that can accommodate your child. If that school is also full, then return to the original school and ask them to refer you to the Department of Education, which has an obligation to find a school for the child.

If you have any problems in obtaining access to primary school education for your child at a particular school, inform the principal at the school of your child's right to primary education.

Parents have the right to ask for a letter on the school letterhead signed by the principal if a school refuses admission. This letter can be taken to the Department of Education, which should assist you in finding a suitable school for your child. Please remember to make an appointment with the Department of Education in advance. Should you not succeed with any of these steps, contact the social service providers that deal with education (see directory section of this guide for further information).

## School fees

Many parents, both South Africans and foreign nationals, are struggling to pay school fees. Although the school fee is obligatory, you can request exemption. A school might grant you a partial or full exemption. Request an exemption form from the school. When filling out this form, you will need to show proof of income, describe the expenses and responsibilities that the family has and state whether the parents or guardians are employed.

**To qualify for an exemption from paying school fees, you need to provide proof of income in the exemption form. This can be in the form of:**

- a pay or salary slip,
- an affidavit or
- a letter of support.

Remember that the application for exemption must be filled in by the beginning of each school term. It is important that you keep all your correspondence and appointments with the school. Parents who ignore any correspondence (letters, notices) from the school run the risk of receiving a lawyer's letter demanding payment.

Parents and guardians should play an active role in their children's education and are advised to stay in contact with the schools as much as possible, even if you are unable to pay any fees. Your ability to get an exemption may improve if you show a willingness to do part time work at the school in lieu of payment or to pay small amounts to show that you are taking your child's educational needs seriously.

**If you have a good relationship with the school, the school will often make an effort to help. Schools will often not assist parents or guardians with whom they have a bad or non-existing relationship. So make sure that as a parent or guardian you:**

- attend school meetings,
- meet your child's school teacher,
- attend school activities and events,
- attend sport days to which parents are invited,
- help your children with their school work and
- support your children in both academic and sports activities.

If you need help in completing the exemption form, contact one of the local NGO service providers listed in the directory section of this guide. Some of these organisations might also contribute limited material assistance towards your children's education.

No registration fee is required for a child to register at school. Schools are not allowed to ask for school fees in advance to secure a child's placement at school. In addition, your child cannot be asked to leave a public school if you as a parent or guardian cannot pay the school fees.

Besides school fees, you are also likely to have to deal with the costs of school uniforms and learning materials. Some schools prefer children to have school uniforms, but if you cannot afford the uniform, this is not a reason not to send your children to the school. You should send your children to school in their ordinary clothes for a while rather than let them fall behind in their education. We recommend that your child wear an outfit that resembles the school uniform as closely as possible. In this way he or she will not attract unnecessary attention while trying to adapt to a new school.

If you cannot afford a new uniform, you can try shopping at the school's second-hand store if they have one; alumni often donate their old uniforms to these stores, which are usually found on the school grounds. You can also ask the principal to advertise in the school bulletin asking a parent to donate their children's old uniforms.

Stationery requirements (pencil, notebooks, books etc) may be offered in a pack bought from the school, or you might be asked to buy these things individually.

## Children with special needs

Children with special learning needs may be placed in a special education school. This includes children with psychological or other needs. Contact the Department of Education and ask about special schools in your area. Remember that to place a child in a special education school is a long process and may take up to one year. It is important to put your child on a waiting list as early as possible (from July onwards) for the following year.