

# REFUGEE

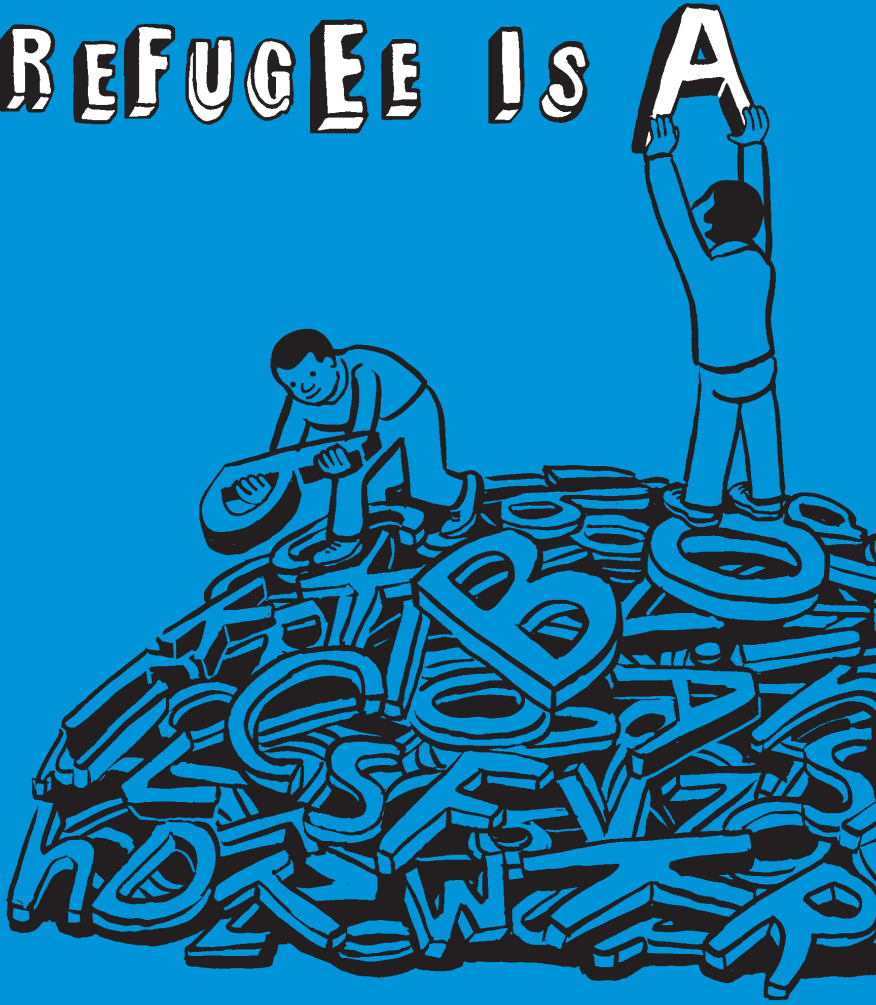


Information Guide 2009



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.

## Contents

<b>Acronyms and definitions</b>	→	<b>pg 2</b>	<b>Arrest and detention</b>	→	<b>pg 18</b>
Who is a refugee?	→	pg 3	What to do if you are arrested	→	pg 18
The asylum application process	→	pg 5	Conditions of arrest and detention	→	pg 19
Asylum applications from children	→	pg 10	<b>Social services</b>	→	<b>pg 20</b>
Legal advice	→	pg 11	Food and accommodation	→	pg 20
Permits	→	pg 12	Banks and bank accounts	→	pg 21
<b>Durable solutions</b>	→	<b>pg 14</b>	Social assistance grants	→	pg 21
Resettlement	→	pg 14	<b>Education</b>	→	<b>pg 22</b>
Internal relocation	→	pg 15	Various levels of education	→	pg 22
Voluntary repatriation	→	pg 15	Placement in schools	→	pg 23
Family reunification	→	pg 16	School fees	→	pg 24
<b>Helpful tips</b>	→	<b>pg 17</b>	Children with special needs	→	pg 24
Duties of asylum seekers and refugees	→	pg 17	<b>Employment</b>	→	<b>pg 25</b>
Queuing at the refugee reception office	→	pg 17	You have a right to work	→	pg 25
Fighting corruption	→	pg 17	Unfair discrimination?	→	pg 25
			Getting a job	→	pg 25
			<b>Health services</b>	→	<b>pg 27</b>
			Local clinics	→	pg 28
			Hospitals	→	pg 28
			Trauma assistance	→	pg 28
			HIV/AIDS	→	pg 28
			<b>Violence against women and children</b>	→	<b>pg 30</b>
			Reporting cases and laying a criminal charge	→	pg 30
			Getting a protection order	→	pg 30
			Help for abused women and children	→	pg 31
			Trafficking	→	pg 31
			<b>Telephone directory</b>	→	<b>pg 32</b>



# Acronyms and definitions

## Acronyms

- DHA → Department of Home Affairs  
ICRC → International Committee for the Red Cross  
RRO → 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

## Helpful tips



### Duties of asylum seekers and refugees

Asylum seekers and refugees are protected by the Bill of Rights contained in Chapter 2 of South Africa's constitution.

#### You are obliged to respect and recognise a number of duties that include:

- presenting yourself to the immigration authorities upon arrival in South Africa,
- telling the truth about why you are applying for asylum in South Africa,
- respecting and following the laws and regulations of South Africa, as well as any measures taken for the maintenance of public order and
- abstaining from any subversive activities, such as armed attacks, against your country of origin.

Asylum seekers and refugees are not above the law of the host country, and if you engage in illegal activities or commit criminal offences you will be prosecuted like any South African, according to the applicable South African laws.

South Africa takes any involvement by asylum seekers or refugees in subversive activities against their country of origin very seriously. Be aware that if you use the territory of South Africa to organise military recruitment or armed attacks against your country of origin, your refugee status may be revoked and you could be criminally prosecuted.

### Queuing at the refugee reception office

Waiting in the queue at a refugee reception office can take a long time. Follow our advice to make your queuing time as short as possible:

- **Go early:** The office only sees a certain number of people per day. To ensure you get a place you might have to begin queuing early. Some people begin queuing as early as 3am.
- **Go equipped:** Take along warm clothes, food and water. You can also take along some money to buy food.

→ **Seek advice:** Before you go to the refugee office, seek advice from refugees who have already gone through the process. These people can provide useful advice, especially about the different queues for different things (new arrivals, renewals, identity documents, etc). If you have one, be sure to check in with your community representative as these representatives are advised to check with the refugee office for relevant information to pass on to you.

→ **Follow the process:** Don't vie for special treatment at the refugee office. This could hurt your case.

→ **Keep your appointments:** By doing so, you will reduce your and everybody else's waiting time and help avoid backlogs.

→ **Be aware:** Look out for notices posted at the refugee office. There could be important information that concerns you.

→ **Go local:** Look in the directory section of this guide for contact details of the various refugee reception offices. Pick the one closest to where you live.

### Fighting corruption

- **The entire status determination process is free of charge**
- **It is a criminal offence to pay a bribe to any government officials**

If you are approached by a DHA official to pay a bribe, make sure that you get his or her name, that you take note of his or her physical features and any identifying marks and that you write down the date and time when this happened.

The DHA has a toll-free hotline that you can call to report corruption. All reports made to this telephone number will remain anonymous.

**DHA complaints/client service toll-free number:**  
0800 601 190