

# REFUGEE

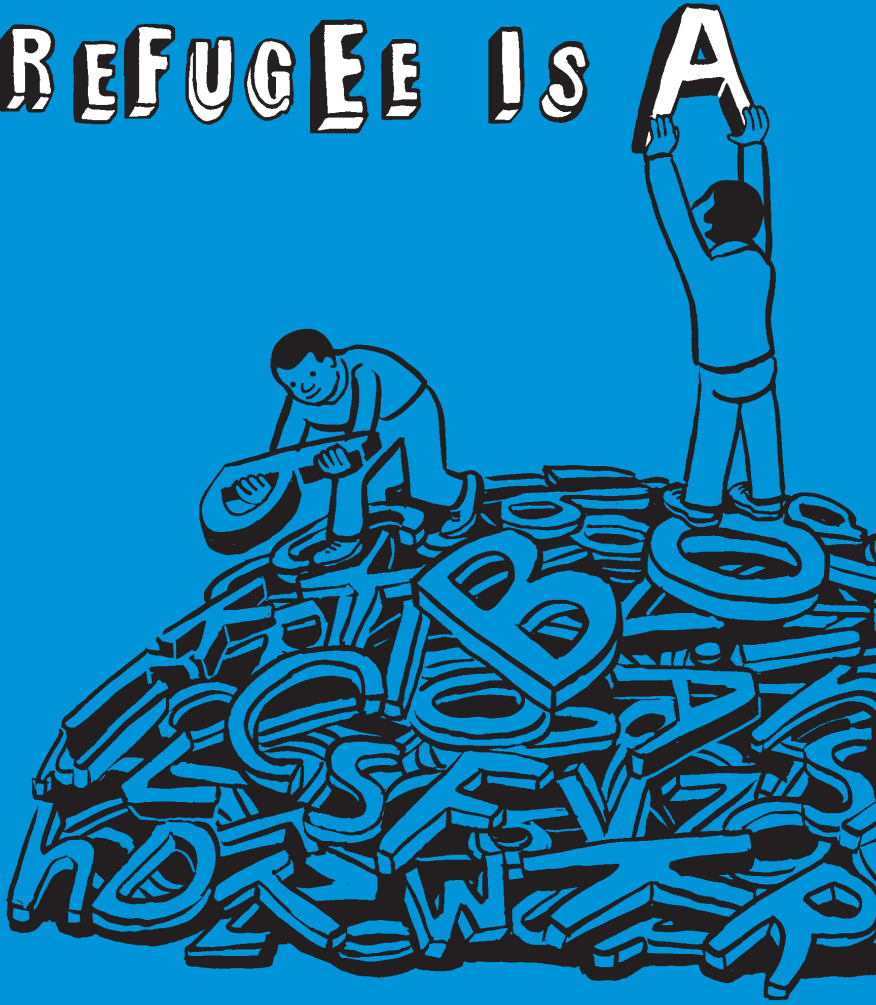


Information Guide 2009



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  
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

## Social services

As asylum seekers and refugees you are required to provide for your own social and economic needs. Due to financial constraints, the South African government, UNHCR and NGOs can only provide assistance in exceptional cases, such as those concerning asylum seekers with disabilities or children requiring support.

It has occurred in the past that asylum seekers who arrive in South Africa assume that the UNHCR will provide for their needs, as they usually do in camp-based situations in other countries. However, the role and mandate of the UNHCR in an urban, non-camp situation, such as in South Africa, is quite different and much more limited. This is because, unlike the situation in many other countries where the UNHCR is active, the responsibility for meeting the needs of asylum seekers and refugees rests with the South African government.

The UNHCR's limited assistance is usually executed through a number of implementing partners, most of them NGOs, working in cities where refugee offices are located. This emergency assistance is time-limited and intended for the most vulnerable amongst newly arrived asylum seekers. It is targeted mainly at vulnerable persons, such as mothers and children who have been in the country for less than two months, people with very serious illnesses and disabilities, and newly arrived single men with special needs. This assistance may include food and basic accommodation for a period of up to three months.

Beyond this limited social assistance, refugee communities can often provide important support for newly arrived asylum seekers, both as a link to their home country and as a source of useful advice on life in South Africa. Many of these refugee communities are struggling themselves, however, and often have very little to offer in the way of material assistance.

In terms of health and education, asylum seekers and refugees are allowed to access public services provided by the South African government.

This chapter will give you a description of available services, both general services and services that are specifically for refugees. You will also find useful advice on surviving in South Africa on your own.



## Food and accommodation

- Everyone has the right to access to sufficient food and water
- Everyone has the right to access to adequate housing

There are various service organisations that help vulnerable asylum seekers and some refugees with their basic needs. These services can only be provided for a short time, however, after which asylum seekers and refugees are expected to support themselves.

A number of churches and other religious institutions, especially in urban areas, run soup kitchens that assist asylum seekers, refugees and other persons in need. Others hand out food that individuals can prepare on their own. Besides the soup kitchens, some churches also have programmes that provide assistance to their followers. You will find more detailed information about these organisations and institutions in the directory section of this guide.

### Finding accommodation and paying rent

Some implementing partners and other NGOs can assist with places to stay in the short term. This accommodation will often be in a shelter or a place for homeless people (for more information about shelters, see the directory section of this guide).

Asylum seekers and refugees often find available accommodation via friends who have been in the country for some time or through community contacts. You will also find advertisements for available places to stay in local newspapers and through estate agencies. These agents might charge a small fee for providing this information.

Rent is usually paid at the beginning of the month, and in many cases you will be asked to pay a deposit equivalent to a month's rent before you are allowed to move into the building. Make sure that, whenever possible, you sign a contract with your landlord. Also clarify what is expected of you as a tenant and what you can expect from the landlord.

## Evictions

The law protects everyone, including refugees and asylum seekers, from unlawful evictions. The following points are important to remember:

- A landlord may only evict a person who has been unlawfully occupying the property by obtaining a court order. In other words, only a court can force you to leave.
- You must be informed about the time, date and place of the court hearing before the court order is issued.
- A landlord may not use threats or force to remove you from the property.
- If a dispute arises between yourself and your landlord, or you feel you've been unfairly treated, you may approach the Rental Housing Tribunal on 011 630 5035 or 0800 046 873 to lay a complaint.

## Banks and bank accounts

You might experience problems opening a bank account in South Africa. This is because many banks insist on seeing a green South African identity document before opening a bank account for a prospective client. Banks are not always familiar with the DHA documents for asylum seekers and refugees, and they often refuse to open bank accounts based on these documents.

Three banks – First National Bank, Standard Bank and Nedbank – have agreed to accept both asylum seekers and refugees as clients. Hopefully, more banks will soon follow this trend. Speak to other refugees and find out which bank in the area works well with refugees.

Below is a list of **legal requirements** for opening a new bank account. The person applying for a bank account must:

- be 16 years or older;
- have a valid asylum seeker permit, refugee permit or refugee identity document;
- provide proof of residence (rental contract, telephone or utility bill in person's name);

- provide proof of source of income (pay slip, or affidavit if informally employed); and
- have a small amount of money for an initial deposit into the bank account.

If you meet all these requirements, it does not necessarily mean the bank will agree to open an account for you. This decision rests with each individual bank and branch. You can always contact a legal counsellor to assist you with opening a bank account.

You can also approach savings and credit co-operatives; these institutions are often willing to open up bank accounts for refugees. Savings and credit co-operatives operate as credit unions – groups of people who save together and lend money to each other – not as ordinary banks.

## Social assistance grants

Refugees and asylum seekers in South Africa are expected to provide for their own material needs. However, the government will provide social assistance under certain circumstances. There are three kinds of social assistance grants available to refugees and asylum seekers. They are:

### Disability grants

Recognised refugees who are not able to work because of a mental or physical disability may be eligible for a disability grant that is paid monthly. These grants are either temporary or permanent, depending on the nature of your disability. Recognised refugees who are the foster parents of a child (under the age of 18) who requires permanent care because of a disability may apply for a care dependency grant.

### Foster care grants

Recognised refugees who are found to be suitable foster parents and confirmed as such by a court order can apply to the Department of Social Development to access a foster child grant to take care of the child/children placed with them. These grants are generally given for a two-year period.

### Social relief of distress grant

Although technically limited to South African citizens, the government has on several occasions given this grant, often in the form of food vouchers, to non-citizens who require emergency assistance.

**More information on these grants can be found on the Black Sash website ([www.blacksash.org.za](http://www.blacksash.org.za)).**