

Perspectives

on KwaZulu-Natal

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Refugees struggle to make a living in South Africa

Refugee Jimmy Mulanda left the Democratic Republic of the Congo four years ago while in his third year at university. Since arriving in South Africa he has had odd jobs and has now started to run a small training centre for poor refugees and South Africans. He understands the plight of those who cannot afford even to pay fees at small colleges.

Similarly Pastor Namwagwa Fabian heads a church which provides support predominantly for refugees and asylum seekers, but he has started to collect clothes and food for needy individuals. Pastor Fabian also fled the Democratic Republic of the Congo and in Tanzania he took refuge on a ship bound for Durban. Through assistance from the Red Cross, he was later reunited with his family in South Africa.

It is difficult to estimate the number of refugees and asylum seekers currently living in KwaZulu-Natal, where they stay predominantly in Durban. Mulanda guesses that there are about 2 000 or 3 000, but says that the number increase every day. What is certain, though, is that the majority face difficult lives, according to Mulanda, primarily because most do not have work. Those that are employed are usually not paid particularly high salaries and most often do work that is unrelated to their professions. Mulanda, for example, appreciates the work that he gets from a local plumbing company. However, he has no plumbing qualifications and has received the necessary training on the job.

According to a report by the Human Rights Committee, the new Refugee Act which came into effect from April 2000 was supposed to fast track the asylum process. The legislation prevents asylum seekers from working or studying for six months while their status is determined. However, the report states "there are still asylum seekers who have been waiting for more than a year for a determination on their status" and "hundreds of asylum seekers have been on Section 22 asylum seeker permits for more

The United Nations Refugee Convention defines a refugee as a person who:

"... owing to 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 ..."

The Organisation of African Unity expanded the definition of refugees in Africa:

"The term 'refugee' shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."

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than six months". The report states: "These asylum seekers struggle to make ends meet at the best of times, but the burden of not being able to work adds to what is already a stressful situation."

The report states that there had been a crisis in the processing of asylum applications which are outstanding in KwaZulu-Natal. "Many asylum seekers have waited for periods as long as four years for their application to be processed. Eventually the United Nations High Commissioner for Refugees stepped in and provided KwaZulu-Natal with 30 lawyers to help facilitate this process. The processing of the backlog throughout the country has allegedly cost the UNHCR approximately R30 million." The processing of the backlog was supposed to be complete by the end of January, but figures provided by the department a month later stated that 2 120 asylum seekers were still waiting for adjudication. Almost 230 had been accepted as refugees. At the time the committee's research was conducted, the department in Durban was receiving about 200 new applications a week, in addition to having to process the growing number of submissions from people requiring extensions.

People working with refugees were told by the Department of Home Affairs in June that a deadline by which asylum seekers were required to convert to the required permits was extended from the end of April until the end of May. However, decisions, which were to have been made by this date, have still not been made. Although some rejections had been received relating to asylum seekers from Ghana and Cameroon, whole batches of applications from asylum seekers from certain countries had not been processed and returned to the Durban office.

People who are not granted refugee status were expected to have until July 2 to appeal. This process was expected to last about five months, but it is unknown whether this deadline has also been extended as a result of the processing delays. The Department of Home Affairs relies entirely on the written submissions made by asylum seekers because personal interviews are only carried out as part of the appeal.

Facts and figures

Africa has the largest number of refugees in the world with between four and seven million people now displaced from their own countries.

South Africa houses 2.6% of the total refugee population in the SADC region and about 0.08% of the total number in Africa.

As of April 2000, South Africa had received 60 278 applications for refugee status. Of these over 16 000 were still outstanding.

The highest number of refugees comes from India (5 952), Angola (5 698), Somalia (5 266) and the Democratic Republic of Congo (5 258).

Access to Justice - Focus on Refugee and Asylum Seekers published by the Human Rights Committee in March 2001

Facts and figures

Refugees recognized by the Department of Home Affairs in KwaZulu-Natal come from the following countries:

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The relationship between refugees or asylum seekers and South African nationals has been highlighted often recently. The Human Rights Committee report states that negative attitudes do not discriminate between those who are legal or illegal migrants, or asylum seekers and refugees. "Many South Africans simply associate refugees and asylum seekers with the broader phenomenon of illegal migrancy."

Burundi	19	DRC	184
Ethiopia	15	Rwanda	5
Angola	4	Kenya	1
Sierra Leone	1		

Access to Justice - Focus on Refugee and Asylum Seekers published by the Human Rights Committee in March 2001

Mulanda, however, says that the relationship between refugees and South African nationals is "not too bad at all". This is not to say that there are no problems, but Mulanda says that there certainly are "positive signs". Refugees understand the South African's have their own customs and background and that they have been isolated from other cultures and backgrounds, Mulanda says.

Between 1997 and June 1999 30 refugees were killed and many others injured in unprovoked attacks on foreigners, according to the Human Rights Committee report. Writing about the incidents faced by some foreigners in South Africa, Archbishop of Durban Cardinal Wilfrid Napier stated in a pastoral letter: "Some have had acid poured on their faces and bodies, others have been thrown out of moving trains and they have been forced to move around carrying permits just as black people had to do in the days of the *dompas*. They have been refused the scope to use their skills to develop our country and its people."

Mulanda says that there have been cases where people are beaten up by police officers, or security force personnel tear up precious permits, but he says that there are many nationals who are trying to assist refugees.

While South Africans often fear that their jobs will be taken away by foreigners of any status, Cardinal Napier writes that very few refugees are given employment legally and most struggle to get an education. "Those who do succeed, do so by creating their own jobs and often jobs for others, too. In this way they contribute to the economy."

Although people from other African countries are often accused of being involved in criminal activities, Mulanda says that "true refugees are not involved in crime". He said that many come from countries where there is little conflict that could have caused them to flee. "A lot of people who are not true refugees are causing the problems. Then it is taken that the refugees have caused the problems because they are foreigners."

As a result of South Africa being a signatory to several protocols and conventions, the country has an obligation to support genuine refugees from wars, persecutions and human rights violations. Mulanda appeals to South Africa to also assist by encouraging governments, particularly in the Great Lakes Region, to bring peace to their countries. He says that many refugees are simply tired of living in bleak conditions and they want to go back to their home country.

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