



CoRMSA NEWSLETTER

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Musina Community Dialogue

On Thursday 24th April, the Messina Legal Advice Office in partnership with the South African Human Rights Commission and the South African Broadcasting Corporation hosted a community dialogue on rights and responsibilities of migrants in Musina. The meeting was well attended by key stakeholders including the Musina mayor, the Musina SAPS Commissioner, representatives of the Department of Labour, Department of Education and Limpopo Premier's office as well as a number of representatives of civil society. Key issues raised during the meeting were exploitation of foreign nationals on farms in the area, allegations of police corruption and bribery, the welfare of children in the area, concerns around access to health care for non-nationals in the area as well as discussions around how undocumented migrants who are victims of serious crime can seek recourse. Civil society organisations such as Nkuzi Development Association and the Messina Legal Advice Office currently handle issues around exploitation of farm workers and the challenges around this issue will be explored further with the Department of Labour.

The Musina police commissioner challenged the allegations of police corruption and requested that any person with evidence against any member of her force contact her directly on her cell phone so that she can look into it. She reported that the Musina police are working closely with the farmers in the area but will arrest and charge farmers who hire undocumented migrants. She reported that there have been no incidents where farmers have called the police to arrest the undocumented workers who have been working on their farms rather than pay the wages which the workers are due.

There were several calls for further talks involving government departments, local councillors and civil society. There are existing forums where local organisations in Musina meet to discuss the challenges posed by the increased migration. These forums therefore also present an opportunity for additional civil society organisations to engage with the relevant government departments on particular challenges around the situation of Zimbabweans and other non-nationals in and around Musina.

Overall, this community dialogue was a valuable initiative and CoRMSA congratulates the Messina Legal Advice Office on the success of this event.

CoRMSA Visit to the Musina Detention Facility

On Friday 25th April, CoRMSA visited the Musina Detention Facility together with the Messina Legal Advice Office. Despite the good will of the Musina Police Commissioner in granting access to the facility, a number of irregularities were discovered in the detention and deportation process and these are being explored by a working group of civil society organisations and then will be taken up with the relevant government departments. CoRMSA will provide feedback on the outcome of these discussions once further progress is made. It is also of critical concern that deportations are taking place on such a regular basis given the reported increase in political violence in Zimbabwe. The head of a South African observer mission to Zimbabwe, Ambassador Kingsley Mamabolo, has reportedly told the Mail & Guardian that a presidential run-off election cannot take place given the current climate of violence.

Conditions for Migrants in and around Musina

Site visits from a number of organisations to farms in the Musina region reveal that large numbers of migrants from Zimbabwe are continuing to settle on farms to an extent where there is an extensive oversupply of labour. A seasonal influx of Zimbabwean farm workers is usual at the fall harvest period, but this year's increases are larger than usual due to the current political violence in Zimbabwe. As a result, many Zimbabwean migrants are in a fairly desperate condition with no work and no food and at the time of one visit, many had not eaten for several days. One medical NGO is carrying out regular mobile clinics to some of the farms. Whilst most of the farmers visited are sympathetic to the plight of the migrants and are cooperating with the work of humanitarian organizations, many are concerned that regular food distributions on their farms could result in a permanent settlement of migrants on their farms. It has been suggested that a co-ordinated response involving the farmers, government and civil society is necessary to address this crisis.

Further reports from Musina indicate that many additional new arrivals, including some minors, are finding piece work on RDP construction sites for around R20 per day. These sites are reportedly regularly raided by the police. Many migrants report that they are trying to save up some money so as to be able to travel to Johannesburg or the other cities. A significant number of skilled migrants, particularly teachers, have also fled the political violence in Zimbabwe (teachers served as poll officials and have been particularly targeted).

Concern has also been raised about abuses of migrants taking place on both the Zimbabwean and South African sides of the border. Recent arrivals reported being forced to pay Zimbabwean army patrols the equivalent of R50 each whilst those who could not pay were ordered to lie down and beaten with sticks. Some were attacked on by robbers (known as *amagumaguma*) armed with large knives and similar weapons on the Zimbabwean and South Africa sides of the border and violently attacked and robbed of all their belongings. Some recent arrivals also reported being stopped by South African National Defence Force patrols and offered the opportunity to pay bribes in exchange for their freedom. There is thus a critical need for civil society and government to step up its efforts to address the situation in Musina.

FNB Provide Confirmation of Access to Bank Accounts for Asylum Seekers and Refugees

In Newsletter 8, CoRMSA reported that FNB had indicated that refugees and asylum seekers could open accounts at all their branches. CoRMSA is now in possession of a letter from Paul Scott of FNB's Smart Product House confirming that refugees and asylum seekers with valid permits can open Smart Accounts at all their branches and that this has been communicated to all the FNB branches. Applications for different accounts will be handled on a case by case basis. A copy of this letter is available from CoRMSA on request.

DHA Changes Policy on Cancelling Permits before Making Immigration Applications

The DHA has finally changed an aspect of its policy after extensive advocacy by a number of organisations especially William Kerfoot of the Legal Resources Centre in Cape Town. Previously, DHA was not allowing non-nationals to hold a refugee or asylum seeker permit at the same time as making an application for a temporary residence permit or permanent residence (for example, on the basis of marriage to a South African citizen). DHA was requiring refugees or asylum seekers applying for temporary residence or permanent residence on this basis to cancel their asylum seeker or refugee permits first. DHA has now reverted its policy to comply with the court order in the case *Dabone and Others vs the Minister of Home Affairs and Another* so that asylum seekers or refugees now applying for temporary or permanent residence need NOT cancel their permits before making these applications. A copy of the DHA Circular Number 10 of 2008 in this regard is available from CoRMSA on request.

Xenophobia Stakeholders Meeting

On 17th April, a number of civil society organisations and one government department met to discuss further issues relating to the spate of xenophobic attacks that have plagued the country. The working group which has become formalised as the Tackling Xenophobia Working Group have formulated a number of strategies to address some of the issues arising from the latest incidents with key stakeholders in government and elsewhere. The recent xenophobic attacks have been condemned by President Thabo Mbeki, ANC President Jacob Zuma, Jessie Duarte on behalf of the ANC, and COSATU, amongst others but more concrete action is needed. Civil society can play a critical role in this process around developing partnerships and highlighting the role it suggests government can play with regards to addressing xenophobia and its manifestations in mob violence.

A conference on xenophobia will also be held later this month in Cape Town as a joint initiative between the Office of the Premier of the Western Cape, Cape Town Refugee Centre and Alliance for Refugees in South Africa.

Marabastad Appeal

An appeal for assistance has been made on behalf of a group of migrants who were forced out of Atteridgeville during the recent xenophobic violence there. A group of 82 people including small children are currently staying in Marabastad in a shelter without a

roof in an area surrounded by heaps of rubbish. There is only one water point and the eight portable toilets supplied by the Metro Police are completely full. There are insufficient blankets and therefore people are exposed to the freezing night time temperatures.

The group consists primarily of Zimbabwean nationals all of whom are documented. None are currently employed which means the group is reliant on handouts at present. Organisations such as Jesuit Refugee Services have been providing some food assistance but it appears that additional assistance is needed. In addition to food, there is a need for blankets and other non-food items such as soap, sanitary pads and babies' nappies. MSF is currently trying to assist around the health care needs of the group. Please call CoRMSA if your organisation is able to assist this group in any way.

Central Methodist Church Appeal

The Central Methodist Church has appealed for donations of children's toys and books alongside the ongoing needs such as food and blankets. There are currently a large number of young children and around 50 babies staying at the Church and all donations to assist them would be appreciated. If you would like to donate any items to the Church, please contact Tina on 011 333 5926.

Xenophobic Attacks in Mamelodi

Further xenophobic attacks took place in Mamelodi, east of Pretoria in mid-April. Following the patterns of attacks in Atteridgeville and Itireleng, residents of Mamelodi went from house to house searching for non-nationals and setting alight the shacks and spaza shops non-nationals had abandoned. The violence resulted in an unknown number of casualties and around 20 arrests with the majority facing public violence charges. Those displaced by the violence have been accommodated at an old tyre factory in Malas although concerns remain about the lack of water, sanitation, electricity and security at the site. Whilst a number of organisations including JRS, UNHCR, the Red Cross, MSF, LHR and SAWIMA have tried to assist them, there appear to still be gaps in the service provision.

Following the violence in Atteridgeville a pamphlet distributed amongst community members has been brought to the attention of the Pretoria News. The pamphlet reads: "All residents, can you please move out all immigrants (makwerekwere) from your yards/houses before end of this week? We are sick and tired of them. THIS IS A WARNING LETTER. Anytime is tea time. You know what is going to happen if you don't do the right thing." Such evidence of xenophobic sentiments in communities need to be reported by local ward councillors so that the conflict can be addressed before it spirals into mob violence. CoRMSA is scheduled to meet with the South African Local Government Association next month to address this issue.

DHA Round-Table Discussion on Non-National Youth

The Deputy Minister of Home Affairs Mr Malusi Gigaba held a round-table discussion on immigration and young people on the 15th April. The outcomes of the discussions are expected to shape DHA's plan of action. In his presentation, Mr Gigaba highlighted the fact that DHA is now trying to move away from controlling migration to managing it.

Further that it is important to find a balance between national security concerns with harnessing possibilities for the development that is brought about by migration as migration brings with it opportunities for economic development and ethnic and racial integration. Emphasis was also put on the urgent need to address xenophobia by all the stakeholders. Mr Gigaba also highlighted the role of the police in fighting xenophobia emphasizing the fact that the SAPS needs to be strong in fighting xenophobia as a lack of string action may send the wrong message to the broader community and as a result this may fuel xenophobia.

Mr Gigaba indicated that managing migration requires a multi-stakeholder involvement and that there is a need for political organisations and community-based organisations to be involved. This is especially important as these are the groups who have more access to and influence over the public. There is a need to ensure that migration benefits everyone from both immigrant and local communities. Mr Gigaba stated that public education about migration should be a collective responsibility, and that there is need to start publicising the positive aspects of immigration. Mr Gigaba also raised the issue of the terminology used when addressing non-nationals and suggested that non-nationals are not referred to as 'foreigners'. He urged civil society to be more vocal on issues of xenophobia and immigrants in general.

There were also presentations from the University of the Western Cape, UNHCR and University of South Africa's Centre for African Studies. A number of issues were raised during this discussion. Paramount to these were the challenges that refugees and asylum seekers face in accessing services mainly because of the kind of documentation that is issued to them or lack thereof. Youth from refugee communities also shared most of the concerns that were raised during the presentations.

Mr Jackie McKay, the head of DHA's National Immigration Branch spoke about the department's integration strategy that aims to promote the integration of refugees into communities and other spheres of society. He indicated that South Africa is currently not able to meet the needs of her citizens and this therefore makes it difficult to prioritise the needs of refugees. In order to be able to address this, there is a need to find a balance between these two. Overall, this meeting provided a useful space for dialogue between a range of organisations with some very positive comments being made by the Deputy Minister.

Incidents at the Cape Town Refugee Reception Office in Nyanga

A number of concerning incidents have taken place at the Cape Town Refugee Reception Office in Nyanga this past month. In one incident, police fired rubber bullets at those waiting outside the office. The incident allegedly took place after a number of individuals, frustrated by the long waiting period, tried to force their way through the security gates. Three people had to be treated in hospital for their injuries. Many of the delays in assisting clients apparently stem from ongoing staff shortages at the office despite the various strategies designed to 'turn around' the state of the various Refugee Reception Offices.

In the second incident, police maintained a presence at the office in the days after the first incident and pushed those who would not be assisted outside the entrance gate away with batons. News reports indicate that two police vans drove straight into the

crowd in an effort to clear people away from the gate with the result that a number of people were nearly run over.

Following these incidents, Tutumike (the Cape Town-based network of refugee service providers) released a statement expressing concern about the events at the office and demanding a full explanation of the steps being taken to address them. The statement expressed concern about the lack of comprehensive feedback to stakeholders from DHA in connection with plans not only for the Nyanga Refugee Reception Office but for the cessation of the newcomer registration process at the Foreshore Refugee Reception Office and the relocation of this process to the Nyanga office. Finally, the statement expressed concern about reports from a range of groups suggesting corrupt practices relating to asylum seekers access to the Nyanga Refugee Reception Office.

Newcomer Access to the Cape Town Refugee Reception Office on the Foreshore

There have been further challenges around access to the Cape Town Refugee Reception Office on the Foreshore. DHA has instituted a system whereby different nationalities are served on different days with Tuesdays being the day newly arrived Somali applicants are processed. Indications are that this is one group where the backlog of applications is not being sufficiently addressed – apparently due to the high numbers of applicants. A community-based organisation working on Tuesdays outside the office suggested that around 120 applicants were being processed every Tuesday with between 100 and 200 newly arrived Somali nationals approaching the office each week. The backlog of Somali nationals waiting to obtain Section 22 permits is estimated to be around 800 at present.

Again the issue of crowd control is proving a challenge. Whilst a system has been devised by the community-based organisation to manage the numbers and ensure that those who have been waiting outside the office for the longest period have access to the office, many new comers are not aware of the system, do not understand it or else reject it and try to force their way into the office. This is posing challenges for the asylum seekers waiting in an orderly fashion outside the office as well as for DHA officials and DHA's security guards. Tutumike members are exploring the possibility of City support in addressing the problem.

KwaZulu-Natal Refugee Council Meet with DHA Officials

KwaZulu-Natal Refugee Council held a meeting with the Durban Refugee Reception Centre on 7th May to discuss some of the challenges that asylum seekers and refugees are faced with when visiting that office. DHA officials made an undertaking that from June 2008 service delivery would have improved in the office. There is a plan in place to fast-track the tackling of the backlog for period 2005 - 2007. The office also promised that the new system will be fully functional by June and that no asylum seeker or refugee will leave the office without being issued with a permit. The office has also increased its staff compliment and now has 18 Refugee Status Determination Officers and six Refugee Reception Officers.

Further reports from Durban indicate that there are major challenges in accessing the Refugee Reception Office. A large number of asylum seekers are currently being turned

away without being issued with permits whilst others are being given appointment dates.

Launch of the Durban Refugee Social Services

The Refugee Project of the Mennonite Central Committee (MCC) is to be re-launched as the Durban Refugee Social Services. The services being offered to refugees/asylum seekers will remain the same. MCC will be launching their diversity toolkit later in July or August this year. This will serve as a useful tool when conducting xenophobia and diversity training and workshops.

Portfolio Committee: Report Back from the Provincial Managers

The Portfolio Committee on Home Affairs met on Tuesday 6th May to hear report backs from the various Provincial Managers of Home Affairs. This issue had previously accused conflict between the Portfolio Committee and the Director General of Home Affairs who felt that he was responsible for the Provincial Managers and therefore it would be appropriate for him to present their reports instead. At the meeting on 6th May, the Provincial Managers were again not in attendance having been advised by the Director General not to appear as he was of the view that Provincial Managers should not be expected to report at a national level in a forum such as the Portfolio Committee.

In light of this, the Portfolio Committee was of the opinion that they were facing 'clear defiance of Parliament by a civil servant' who appeared to be of the view that 'Parliament has no role to call them to account'. It was decided that the Portfolio Committee would request the Minister to attend the meeting on the 13th May that had been scheduled for budget discussions so that she could explain the conduct of the Director General.

Parliamentary Deliberations on the Refugee Amendment Bill

On 29th and 30th April, the Portfolio Committee on Home Affairs began considerations around the submissions on the Refugee Amendment Bill. The Committee has thus far accepted a number of the recommendations made by civil society groups but continues to deliberate on some of the finer points. The minutes of the meetings are available from <http://www.pmg.org.za/report/20080429-refugee-amendment-bill-deliberations> and <http://www.pmg.org.za/report/20080430-meeting-director-general-about-allegations-refugees-amendment-bill-de>.

Children Who Cross Borders Working Group

The third Children Who Cross Borders Working Group took place on 29th April at Wits University. CoRMSA raised a number of concerns relating to its visit to Musina and the presence of children in detention. Information was also provided about applications for Social Relief of Distress Grants which do not require an identity document or a social worker to process the initial application. Finally, an issue raised at the previous meeting of children born to deceased non-national parents who were currently staying at shelters and had no documentation or legal status in the country. The next meeting will take place on 10th June again at Wits University. Please contact CoRMSA for further details.

Sex Worker Forum

A forum of organisations working with directly or indirectly with sex workers has been established in Johannesburg and the group met for the first time on Tuesday 6th May. The meeting was fruitful although the absence of a number of organisations was conspicuous. In addition to some of the general challenges facing sex workers including the stigma many face when trying to access health care, discussion also focused on non-national sex workers in both Cape Town and Gauteng. Some organisations indicated that non-national sex workers are being exploited by the hotels where they work whilst others reported that many non-national seasonal farm workers rely on sex work during the farm's off-season. The forum will explore these and other issues further. Organisations wishing to participate in this forum, please contact Lauren at ljankelowitz@rhru.co.za.

Christians for Peace in African Commemorate the Death of Martin Luther King

Christians for Peace in Africa in collaboration with the US Consulate-Information Centre will host an event to commemorate the death of Martin Luther King Jnr in June 2008 as part of the organisation's public education for the promotion of the culture of peace. The event will be held at Barnato School. For more information on the event, please contact Pastor Thomas Rene-Kitutu on 072 262 5302.

New Research Reports

New research reports have been released by IDASA and the Centre for Development and Enterprise (CDE). The former's report deals with the delay in the release of the Zimbabwean election results and is available from <http://www.idasa.org.za/gbOutputFiles.asp?WriteContent=Y&RID=2188>. The latter's report deals with Zimbabwean migration and is available from http://www.cde.org.za/article.php?a_id=280.

Job Vacancy: Southern African Centre for the Survivors of Torture (SACTS) Director

SACTS have announced the vacancy in the position of director. SACST is committed to the eradication of organised violence and torture in the Southern African region. SACST provides psychological counselling services to torture survivors as well as humanitarian services. SACST has a documentation programme that focuses the issue of future redress for victims of torture as well as an advocacy programme that focuses on awareness of organised violence and the eradication of torture in Southern Africa.

SACST invites applications for the position of Director commencing in June 2008. The successful candidate will be in charge of fundraising, assuming a leadership role in addressing torture within the region, assisting in developing a regional advocacy network to address torture and building alliances and partnerships with other organisations. The incumbent will also be tasked with the usual administrative and human resource duties associated with the position of Director and with providing outstanding strategic leadership to staff.

Requirements:

A relevant tertiary qualification (law / international relations / psychology / political science) with at least 6 years experience in and demonstrated competence in the following areas:

- Sound understanding of human rights issues around forced migration and torture or on trauma counselling
- Proven success in fundraising, organisational marketing and proposal writing
- Excellent advocacy, lobbying and networking skills
- Sound financial management skills
- Sound organisational management skills
- Sound computer skills including word and excel.
- Previous NGO experience at managerial level
- Drivers licence, own transport and willingness to travel

Salary: SACST offers a negotiable salary, dependant on experience, up to R35 000 -00 per month.

Closing Date: The closing date for applications is Monday 26 May 2008. Applications with a detailed cover letter including three names of contactable referees should be sent to: spencer.frances@gmail.com or faxed to SACST attention Frances. Only short listed candidates will be contacted.