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## CoRMSA NEWSLETTER

Edition 8 – 7<sup>th</sup> March 2008

### **Submissions on Zimbabwe**

The Zimbabwean elections will be taking place on 29<sup>th</sup> March and a number of organisations are taking part in discussions aimed at how to prepare to assist new arrivals and how to improve assistance to those already within the country. CoRMSA will be meeting with various organisations this month to discuss strategies. Any organisations that wish to make written submissions on how to improve assistance to Zimbabwean nationals in South Africa during this period are invited to email them to [Duncan.crmsa@gmail.com](mailto:Duncan.crmsa@gmail.com) prior to 21<sup>st</sup> March 2008.

### **Initiative to Extend the Vote to Zimbabweans in South Africa**

A number of organisations have indicated their intention to advocate for Zimbabweans in South Africa to be allowed to vote in the Zimbabwean elections to be held later this month. In the interests of having a co-ordinated approach to this, organisations interested in being part of this initiative are requested to contact CoRMSA urgently.

### **Zimbabwean Migration Research Report**

The Forced Migration Studies Programme at Wits has released a new report outlining possible responses to increased Zimbabwean migration to South Africa. The report discusses some of the challenges Zimbabweans in South Africa face, evaluates some of the current responses and then considers a range of potential responses. The report is available from

<http://migration.org.za/wordpress/wp-content/uploads/2008/02/zimresponses07-11-27.pdf> .

### **Attacks on Non-Nationals in Itireleng, Pretoria**

On Wednesday 20<sup>th</sup> February, CoRMSA was alerted to violent clashes taking place in Itireleng, an informal settlement near the suburb of Laudium in Pretoria. CoRMSA was able to inform a number of stakeholders of the incident and make contact with the station commander of the Laudium police station who reported that he had been struggling to locate assistance for those displaced by the violence. At the time, there were around 100 people seeking shelter at the police station. Efforts to place them at local shelters and local churches were unsuccessful. Through the efforts of the local

ward councillor and the Tshwane Mayor, arrangements were made for people to be housed at a community hall for that night. Red Cross indicated that they may be able to assist from the following day. The DHA's Counter-Xenophobia Unit were also actively involved in assessing the situation on the ground.

It is reported that events started on Sunday 17<sup>th</sup> February. There appears to have been a community meeting where some members of the local community encouraged residents to chase the non-nationals out of the area. This then resulted in non-nationals being attacked from Monday 18<sup>th</sup> February. Police intervened and appeared to have restored calm. However, on Tuesday 19<sup>th</sup>, the situation got worse as shacks and shops belonging to non-nationals were burnt and others looted. Large numbers of non-nationals were forced to flee and seek shelter at the police station.

When CoRMSA followed up on the situation we were shocked to hear that DHA-Immigration had visited the community hall in the morning to verify the immigration status of the non-nationals who had sought sanctuary at the police station. All those who were found to be undocumented were arrested and sent to Lindela for deportation. Of the 173 non-nationals who had sought protection at the police station only 30 remained as they had legal documents to be in the country. This is shocking conduct by the Immigration Inspectorate as again as in the raid on the Methodist Church, those seeking sanctuary at a place of safety have been targeted by Immigration officials. Instead of addressing the conflict in Itireleng, the Immigration Inspectorate's actions have served to condone the violence and set a dangerous precedent for South Africa as action has been taken against those who were the victims rather than against the perpetrators.

CoRMSA, Lawyers for Human Rights (LHR) and the AIDS Law Project have engaged the DHA's Immigration Inspectorate to gain access to those arrested. LHR has tried to visit a number of those detained at Lindela. CoRMSA was further informed that those who had legal documents had requested to be repatriated after the violence. CoRMSA has not been able to make contact with those affected to assess the validity of this. CoRMSA is still also waiting for a response on the issue from the head of the National Immigration Branch.

### **Asylum Seekers 'Fined' for Expired Permits**

In newsletter 7 CoRMSA reported on fines that asylum seekers have been forced to pay when they were late in renewing their Section 22 permits. CoRMSA has since received a response from the Director of Refugee Affairs explaining that a Memorandum was sent to the Refugee Reception Offices in May 2007 to stop this practice as it is only the courts that have the competency to levy these fines. She further explained that the Standard Operating Procedure requires that the Refugee Reception Office officials hand the asylum seekers who have failed to renew their permits in time (without just cause) over to the Immigration inspectorate. The inspectorate will then open a file for the asylum seeker and fill in a form which has to be captured at a nearest police station and has to have a case number.

After the case has been opened, the asylum seeker is given the original of the J534 form and copy kept by the inspectorate for reference while the other copy is filed for court purposes. DHA further explained that the J534 form then compels the holder to

pay within 14 working days or 21 days to appear in court. The exact amount of the fine that the asylum seeker will be expected to pay lies with the presiding officer after considering all the factors of the case. CoRMSA appreciates the response received from Directorate of Refugee Affairs. CoRMSA and its legal partners are following up further on this as further clarification is needed on some of the issues raised.

### **Stakeholders Meeting at the Rosettenville Refugee Reception Office, Johannesburg**

CoRMSA attended a stakeholders meeting called by Rosettenville Refugee Reception Office on 23<sup>rd</sup> February. The aim was for Rosettenville officials to inform stakeholders about the closure of the office. The Rosettenville office will be closing and the services will move to Crown Mines. The office has put in place plans to ensure that the transition period does not have a major negative impact on service provision. We were further informed that there are already vacant offices in the Crown Mines office specifically reserved for Rosettenville personnel. As of 3<sup>rd</sup> March new intakes for the Rosettenville office will be done at the Crown Mines offices. This includes the issuing of new Section 22 permits and first interviews.

Other services will remain at the Rosettenville office until 31<sup>st</sup> March. These include extension of Section 22 permits, IDs, re-issuing of lost permits, renewal of refugee status, family reunification, Refugee Status Determination interviews and applications for United Nations Convention Travel Documents ('refugee passports'). No undertaking was made by the Head of Rosettenville that the office will be able to issue permits immediately after application when they move to Crown Mines.

### **CoRMSA Meeting with the Department of Education**

CoRMSA met with the Director-General and the Deputy Director-General for Education on 4<sup>th</sup> March. The aim was to address some of the concerns that have been raised by organisations in the sector with regards to access to education for refugee/migrant children and the employment of non-national teachers. CoRMSA was informed that the department is looking favourably at employing foreign teachers. Priority will however, be given to qualified South African teachers. Where there are skills shortages, schools are being encouraged to employ qualified non-national teachers. Reports received from certain schools have however indicated that there is no clear policy from the department on processes to follow when employing non-nationals. These were addressed with the Director-General's office and an undertaking was made by the Director-General's office to circulate the policy to the schools and provide a copy to CoRMSA.

The Department of Education currently has a database of teachers and non-nationals are encouraged to submit their CVs to the Department for inclusion on this. Maths and Science teachers can complete the Department's 'Recruitment of Foreign Teachers Form' so they can be captured on the database. This information will be utilised in the Department's drive to fill the skills shortage specifically for these two subjects. Completion of this form is however not a guarantee that people will be offered employment. The final decision on employing teachers rests with the school governing body.

The Director-General also emphasised that non-nationals are encouraged to apply for advertised teaching positions. This is particularly crucial at this stage because of the skills shortages of qualified South Africans.

The Deputy Director-General requested further that where abuse or exploitation of non-nationals teachers is recognised, this information should be brought to the attention of the Department in order for it to be addressed. Please inform CoRMSA if you are aware of any such cases.

The Director-General further indicated that organisations are welcome to lobby provincial Education departments to apply to national government for schools to be re-categorised as 'no-fees' schools. This is an issue we will need to look at especially in view of the fact that most of the no fees schools are currently in rural/semi-urban areas and many non-nationals are based in urban areas. Organisations and individuals are requested to inform CoRMSA of areas where this would be particularly necessary.

### **Cape Town Refugee Reception Office: Kiliko Case Judgement**

On Monday 18<sup>th</sup> February, the Legal Resources Centre (LRC) in Cape Town re-enrolled the Kiliko case relating to access to the Refugee Reception Office in Cape Town. The case was originally brought to court in 2005 and was re-enrolled due to the ongoing challenges around access to the Refugee Reception Office and the difficulties asylum seekers face in obtaining Section 22 asylum seeker permits. In the judgement handed down by Judge van Reenen on 4<sup>th</sup> March, the judge described the current situation as one of "gross inhumanity" and recognised the "failure of the South African authorities to adhere to the international instruments as regards the treatment of refugees". Given that the Department of Home Affairs (DHA) is currently engaged in a number of strategies to improve access to the Refugee Reception Office, the judge granted the DHA until 5<sup>th</sup> December 2008 to illustrate that:

- The relocation of the Cape Town Refugee Reception Office to new premises at NIB House has been completed and the effect this has had in improving services and increasing the numbers of new applicants assisted each day.
- The integration and improvement of information technology at the office has been completed and the effect this has had on the services provided by the office.
- The combination of the office relocation and the improvements in the information technology at the office have had a positive impact on the increasing backlog of applications for Section 22 permits.

Our thanks go to William Kerfoot and the LRC as well as all others involved in this case.

### **FNB Confirms it Will Open Accounts for Asylum Seekers**

First National Bank (FNB) has confirmed that asylum seekers can open bank accounts through its branches. This is enshrined in FNB's internal 'Golden Rules'. FNB will still provide us with a letter confirming this so as to prevent confusion at the different branches. FNB will shortly send out a memo to ensure that all branches adhere to this policy. Asylum seekers will still have to provide proof of address if the address listed on their Section 22 permit is no longer valid. For the meantime, if branches are refusing to assist asylum seekers claiming that their policy is not to assist people with Section 22

permits, please request them to refer to FNB's 'Golden Rules'. If this is unsuccessful please inform us and we will see how we can assist.

### **CCMA to Assist Undocumented Migrants**

The Commission for Conciliation, Mediation and Arbitration (CCMA) will now assist undocumented non-nationals in labour disputes. The CCMA provides assistance with issues such as labour dispute resolution, dispute management and prevention and institution building. Some of the issues referred to the CCMA in terms of dispute resolution include cases of unfair labour dismissals, unfair labour practices and issues around severance pay. The CCMA has offices in East London, Port Elizabeth, Klerksdorp, Polokwane, Johannesburg, Pretoria, Cape Town, Durban, Richards Bay, Kimberley, Bloemfontein, Pietermaritzburg and Witbank. The CCMA's services are generally free in most circumstances.

Further information is available from the CCMA website at <http://www.ccma.org.za/> . The CCMA can also be contacted through their call centre on 0861 16 16 16.

### **Attacks on Somalis in Valhalla Park**

Further violent attacks on non-nationals have taken place in Cape Town. On Wednesday 26<sup>th</sup> February, residents of Valhalla Park forcefully evicted at least five Somali shop owners from the area after having apparently 'warned' the shop owners to leave three months before. The Somali Community Board of the Western Cape has called for talks to resolve the crisis. CoRMSA has spoken to a number of organisations that have indicated their willingness to engage in this process. Any one else who is able to assist in any way please inform us and we will pass on your details.

### **Non-Nationals Killed in Musina Accident**

On 16<sup>th</sup> February, a South African Police Services (SAPS) truck that was apparently departing close to 50 Zimbabwean nationals collided with another vehicle. Four Zimbabwean nationals were killed in the collision and a number of others seriously injured. The Musina Legal Advice Office has visited the injured in hospital and it appears that currently little is being done by government to compensate or assist the families. As NGOs we are also concerned about the presence of the detention facility in Musina. Organisations have thus far been denied access to the detainees which has raised fears for their health and security. CoRMSA is addressing this with the DHA Provincial Office in Limpopo and the Limpopo Provincial Police Commissioner's office.

### **Deportees Shackled**

In CoRMSA Newsletter 6, we reported that deportees were allegedly being shackled on the way from the Western Cape to Lindela Deportation Centre. These allegations were dismissed as "malicious lies" by the Department of Home Affairs. Yet these allegations were confirmed as true by Judicial Inspectorate of Prisons inspecting Judge James Yekiso. The Legal Resources Centre in Cape Town is exploring this further.

## Children's Access to Education

By Phillipa Tucker, Centre for Applied Legal Studies

Many children in South Africa have problems accessing education. However, none more so than non-nationals. Discrimination against foreigners leads schools to turn children away from schools for no other reason than their nationality.

School staff members frequently prohibit non-South African children from accessing school at the start of every new school year using the cost of school fees or documentation as a reason to deny them access. Often even when the principal understands the law and is willing to allow foreign learners into the school, teachers do not allow the child into their class.

However the Bill of Rights enshrined in the Constitution states that every child has the right to education in South Africa and that nationality cannot be used as a means to deny a child access to a school. Every Child in School, Every Day.

The Education Law Project at the Centre for Applied Legal Studies (CALs) assists anyone who is having problems getting their child into school and will assist people to understand and empower themselves with knowledge of the South African Schools Act (Act 84 of 1996) and the Regulations Relating to the Exemption of Parents from the Payment of School Fees (2006).

Additionally, it is ILLEGAL to charge any school fees for a learner (South Africa or Non-national):

- Who is registered at a "No-fees" schools (these represent 40% of SA's school)
- Who is an orphan, in an orphanage;
- Who has a foster parent;
- Who has been placed in a youth care centre or a place of safety;
- Who has been placed in the care of a family member ("kinship caregiver");
- Who is a child who heads an household or is part of a child headed household; or
- Whose parent receives a social grant on behalf of the same learner e.g. a child support grant.

Exemptions:

1. If school fees form more than 10% of the parent's annual income (before deductions), parents can get a full exemption (discount).
2. If school fees form between 3,5% and 10% of the parent's annual income (before deductions) a partial exemption will apply.
3. If school fees form less that 3,5% of the parent's annual income (before deductions) then it depends on how many children there are in school.

*A child who does not have the correct documents must be allowed into school and the parents have 3 months to provide the school with the documents or to write an affidavit and give a copy to the school.*

Call us, we can help. CALS has been providing legal advice and legal assistance to poor parents and learners on school fees related matters since 2002. Telephone Education Law Project Researcher Phillipa Tucker or Osmond Mngomezulu at 011 717 8600 for assistance.

For a copy of the full booklet School Fees: Your Rights visit <http://www.law.wits.ac.za/cals/School%20FeesFeb07new.pdf>

*\* Names have been changed to protect identities*

### **Children's Forum**

Increasing awareness of the challenges non-national children face in South Africa has led to the formation of a Children's Forum where a number of service providers meet to discuss ways in dealing with such challenges. This forum is in its early stages and all organisations working with children or interested in issues around children are welcome to attend. The next meeting takes place on 19<sup>th</sup> March at Wits. Please contact CoRMSA for further details.

### **Migrant Health Forum**

A forum has recently been launched that brings together practitioners, researchers, CBOs, NGOs and advocacy groups who are involved in ensuring that the right to health is achieved for all migrants in South Africa, including refugees, asylum seekers and undocumented migrants. The forum is being coordinated through the Wellness Centre and Reproductive Health Research Unit, based within the Hillbrow Health Precinct in Johannesburg.

The aim of the forum is to monitor and act upon challenges that migrants face in trying to access public health services within South Africa, and to work towards improving this. A Health Access Monitoring Project is about to be launched that will contribute to the ongoing Migrant Rights Monitoring Project (MRMP) coordinated by the Forced Migration Studies Programme, University of the Witwatersrand.

More information relating to the Health Access Monitoring Project, and how to get involved, will be circulated in the next few weeks. For further details of the forum please contact Lauren Jankelowitz at [ljankelowitz@rhru.co.za](mailto:ljankelowitz@rhru.co.za). For additional information on the MRMP, please contact Tara Polzer at [tara.polzer@wits.ac.za](mailto:tara.polzer@wits.ac.za)

### **International Federation for Human Rights Research Report**

Last month the International Federation for Human Rights released its research report entitled *Surplus People? Undocumented and other vulnerable migrants in South Africa*. The report was compiled from a number of interviews with a range of stakeholders. The report is now available online at <http://www.fidh.org/IMG/pdf/za486a.pdf>.

### **Profile: Excelsior Empowerment Centre, Cape Town**

Excelsior Empowerment Centre in Elsies River, Cape Town is a non-profit organisation that aims to empower refugees and disadvantaged people through a holistic approach.

This approach incorporates social, economic, emotion and spiritual aspects. Excelsior works primarily in Elsies River, Bellville, Belhar, Parow, Goodwood, Delft, and surrounding areas with a focus on assisting refugees integrate socially in Cape Town.

During 2007, Excelsior organised a soccer tournament alongside a number of other stakeholders including Alliance for Refugees in South Africa and UNHCR. Excelsior also provided classes to refugees and initiated a feeding scheme.

For 2008, Excelsior will be seeking to continue to hold classes including French, Afrikaans and Xhosa tuition, computer classes and dressmaking/pattern making classes. It will also be initiating a number of awareness campaigns and will be engaging in strategies aimed at job creation.

Excelsior can be contacted on 021 932 8585 or at [excelsiorcentre@yahoo.com](mailto:excelsiorcentre@yahoo.com).

### **Launch of Southern African Centre for Survivors of Torture Report**

The Southern African Centre for Survivors of Torture (SACST) will be launching its report entitled *Victims of Organized Violence and Torture in Zimbabweans attending Refugee Reception Offices in South Africa: Prevalence & Associated Features*. The launch will be held on 19<sup>th</sup> March from 11-12 at the Holy Trinity Church, Bertha Street, Braamfontein in Johannesburg. Refreshments will be served afterwards to celebrate the launch of the Southern African Centre for Survivors of Torture, formerly known as the Zimbabwe Torture Victims Project. The art works of torture survivors will be on display.

Those wishing to attend, please contact Lynn Merckel on 011 339 4476 by Friday 7<sup>th</sup> March.

### **Training on Applications for Asylum and Permanent Residence**

On 27<sup>th</sup> March, Wits Law Clinic and CoRMSA will be holding a training session on how to apply for permanent residence as well as on the asylum application process. There is a limited number of spaces available and organisations interested in sending a representative can contact Tesneem on 011 717 8562/857 by 19<sup>th</sup> March.

### **Human Trafficking Training**

Christians for Peace in Africa will be conducting 'train the trainer' workshops on human trafficking in Johannesburg on 10<sup>th</sup> and 11<sup>th</sup> April. This training will be run in association with the International Organisation for Migration. For further details please contact Pastor Thomas-Rene Kitutu on 011 888 6427 or at [christianforpeaceinafrica@yahoo.com](mailto:christianforpeaceinafrica@yahoo.com).

### **Job Vacancy: Scalabrini Centre of Cape Town**

The Scalabrini Centre of Cape Town is looking for a development manager to perform the following functions:

- Manage and grow our development and skills training programme
- Manage the volunteer and internship programme

- Manage the hiring and rental of meeting, conference and office space in the building

Existing Development Projects include:

- The Sewing Project
- Digital Literacy Classes
- Life Skills Classes
- Graphic Design Classes
- English Classes
- Employment Help Desk

The Scalabrini Centre is committed to fighting xenophobia and uses its development programme as a platform for uniting peoples from all cultures.

Please send your CV to [mmadikane@scalabrini.org.za](mailto:mmadikane@scalabrini.org.za)

### **Job Vacancy: Save the Children UK (SCUK)**

Save the Children UK is looking to recruit a Regional Advocacy Officer as soon as possible to support its regional programme of *Regional advocacy for children's rights*. The position is based in Pretoria with regional and local travel required and the programme is scheduled to run until the end of 2009.

Main Tasks:

- Strategy development

Develop and implement, in conjunction with the regional programme coordinator, a clear regional advocacy strategy that will enhance vulnerable children's abilities to realise their rights, especially in relation to HIV and AIDS and gender, in the east and southern African region.

- Influencing

#### 1) Policy and legislation:

In conjunction with the regional OVC programme coordinator, identify policy and legislative gaps that SADC, Member States and other regional structures should be addressing; working in partnership with other partners (in particular those which are also targeting SADC) to influence policy and legislative development in this area. This will include supporting country programmes to influence policy development, legislation and programme implementation in order to achieve demonstrable improvements in the realisation of vulnerable children's rights.

#### 2) Funding:

Advocate with significant bilateral and private donors in the region for more funding to be directed into strategies and key issues affecting children's rights, in conjunction with SC UK's institutional relations managers for Southern Africa. This will include following up on key programme policy documents such as *Bottlenecks and Dripfeeds* to ensure that resources get to children.

#### 3) Media:

Ensure that key messages are disseminated through the media, in coordination with the Communications Officer for East and Southern Africa

- Collaboration and representation

Support country partners in their advocacy efforts by providing technical assistance.

Represent the programme at various policy forums and advocacy opportunities at national and regional levels, as appropriate.

Liaise closely with country-level programme staff and regional programme partners.

Liaise with Save the Children UK's regional and global offices and with Save the Children Alliance members where appropriate.

- Programme development

Write quarterly progress reports including feeding into the impact monitoring and evaluation of the advocacy objectives of the programme.

Input programme information into Save the Children's regional advocacy initiatives.

### Person specification

The post holder will possess a high degree of analytical skill, political acumen, ability to facilitate change, ability to influence, and ability to communicate key advocacy messages effectively and convincingly to audiences at national and regional levels.

### Essential qualifications

- At least five years experience working in southern Africa on civil society programmes that address HIV and/or children and/or gender.
- At least three years experience in advocacy and policy development, research and implementation in the development context.
- Knowledge and experience of the policies, functions, structures and decision-making processes of SADC and other key regional institutions and bodies in southern and eastern Africa.
- Experience of working on an advocacy programme with at least one national government in east and southern Africa.
- Knowledge and experience of vulnerable children programming and policies in southern and east Africa
- Commitment to a rights-based approach to working with children.
- Experience of working with the media to influence the media's contribution to raising awareness and shaping public policy on a rights-based HIV, vulnerable children or gender issue.
- Proven experience of writing reports and advocacy briefings in English
- Strong organisational skills and able to work to deadline
- Able to work independently
- Ability to communicate effectively with a wide range of audiences
- Excellent conceptual and analytical skills and demonstrable ability to think strategically, innovatively and practically to ensure achievement of desired change objectives.

- Good interpersonal skills
- Drivers license

Desirable

Preferably an African state citizen

Knowledge of Portuguese an advantage

The post will require regular travel to countries in east and southern Africa. It is expected that the post holder will travel for at least one third of his or her work time.

Applications should be sent to [info@savethechildren.org.za](mailto:info@savethechildren.org.za)

All applications should include a covering letter, CV and names of at least two contactable references.

Closing Date for applications: 14<sup>th</sup> March 2008

Interviews: Interviews are planned to be held in Pretoria on 20<sup>th</sup> March 2008

Please note: Correspondence will only be entered into with short listed candidates  
Save the Children UK reserves the right not to fill the position.