

News Release

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CoRMSA defends the right to work as Cabinet questions the minimum rights of immigrants

As the world prepares to commemorate International Human Rights Day on 10 December, CoRMSA is disappointed by the Government of South Africa's intention to "review" the minimum rights of immigrants, including refugee and asylum seekers' rights to work and study, as announced in the statement issued following the Cabinet meeting held on the 23rd of November 2011.

Refugees in South Africa have managed to sustain themselves and their families because Section 27 of The Refugees Act, 1998, allows them to earn a living through honest means.

In addition, CoRMSA urges Cabinet to bear in mind the legal precedent set by the Court of Appeal in 2003 that established the right of asylum seekers to work and study while waiting for their status to be determined.

Due to inefficiencies in the asylum management system, many asylum seekers wait unacceptably long periods of time – some up to five years – for their status to be adjudicated. Allowing asylum seekers to work allows people to support themselves while they wait to hear the outcome of their claim. This prevents asylum seekers from needing more government assistance, which they surely would need if they were unable to earn a living. It also avoids a situation where people might be forced to turn to crime in order to survive.

Overall it is of economic benefit to society as more people are involved and contributing to the economy, particularly in the case of many refugees and asylum seekers who have scarce skills that can be of great benefit to South Africa.

This statement by the government also comes at a time when Refugee Reception Offices (RROs) are being closed around the country and refugees and asylum seekers are now being expected to travel far and at great personal expense to lodge applications or renew permits. Should the right to seek and gain employment be revoked, refugees and asylum seekers will be stripped of their only source of income.

As a signatory to the 1951 UN Refugee Convention, South Africa has international commitments to protect the rights of asylum seekers and refugees. CoRMSA is extremely concerned that the cumulative effect of measures such as the RRO closures and 'reviewing the minimum rights of immigrants' is eroding the rights of refugees and asylum seekers and, by so doing, eroding the internationally applauded human rights record of our country.

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