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## News Release

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### **Home Affairs contradictions violate the right to seek asylum**

CoRMSA this week witnessed some of the most heartbreaking and inhumane treatments of asylum seekers outside the Department of Home Affairs Refugee Reception Office in Marabastad, Pretoria. The quotation below, from a person trying to gain access to the refugee reception office, is an illustration of the impact of a new shift in government policy on asylum seekers in South Africa:

*“They used to take about 100 newcomers a day, but now they turn everyone away, it doesn’t matter what nationality you are, so fewer people are coming. Too many people just stay at home without legal permits... When people come with letters from Lawyers for Human Rights, they just tear them up. Newcomers have no access...”*

Since the beginning of December 2011, CoRMSA has observed that, Marabastad, Musina and Durban Refugee Reception Offices have been turning away asylum seekers unless they are in possession of an Asylum Transit Permit. However, at Beitbridge, one of the busiest points of entry for asylum seekers to South Africa, it has been observed that the immigration authorities are not issuing Asylum Transit Permits. It must be emphasized that the practise requiring that asylum seekers be in possession of this transit permit in order to gain access to the asylum process is in itself unlawful. This requirement is neither contained in domestic laws nor international conventions to which South Africa is a signatory.

Results of this practise are that asylum seekers are unable to receive protection and are vulnerable to arrest, detention and deportation to countries of origin where they may face persecution or death. Another issue of exceptional concern is the existence of a “permanent roadblock” on the main highway from the Beitbridge border post which ensures that those people travelling into South Africa have the required documentation. What is alarming however is that those same asylum seekers who have been denied a transit permit at the border are subjected to further harassment, detainment and deportation at this “roadblock”.

It is clear that the South African government's new policy with regards to asylum seekers is not only contradictory and unclear but also violates the right to seek asylum to which South Africa subscribes through domestic law and international obligations. . A Somali national who was among the few people at Marabastad said, *"I was tired of conflict. It took a month to get here [from Somalia]. I've been here three weeks and this is my fourth time here, I'm just trying my luck. I got here at 2AM. They were asking for the 14 days paper, which I don't have."* It is curious that two arms of the same government department - Asylum Seeker Management and Immigration - are not acting in concert. One demands that the asylum seeker produce a document which the other refuses to issue. CoRMSA demands that there be clarity on the government's policy with regards to asylum seekers and that the rights of these vulnerable persons be protected and defended.

*(Quotations obtained from interviews conducted by IRIN News)*

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