

**July-November 2018** 

# CoRMSA Members DRAFT Activity Report

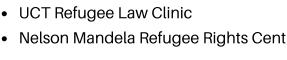


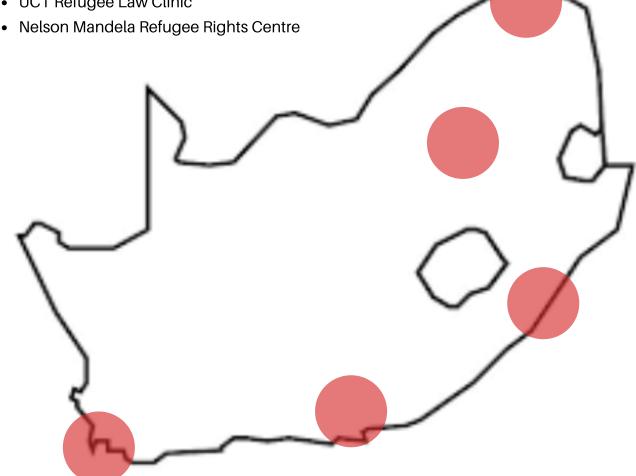


This report covers the activities of the Consortium for Refugees and Migrants in South Africa (CoRMSA) member organisations between July-November 2018. CoRMSA has 25 member organisations located in Gauteng, Kwa-Zulu Natal, Limpopo, Eastern Cape and Western Cape provinces.

This report includes activities from the following organisations:

- Consortium for Refugees and Migrants in South Africa
- Jesuit Refugee Services
- ProBono.org
- Sonke Gender Justice
- WITS Law Clinic
- Messina Legal Advice Centre
- Refugee Social Services
- Refugee Pastoral Care • Scalabrini Centre of Cape Town





#### **ACTIVITIES GUIDE:**

CoRMSA members have been involved in strategic activities contributing to fulfilling our mandate of the promotion and protection of human rights for refugees, migrants and asylum seekers in South Africa. While this report is not conclusive of all the work being done by CoRMSA members it aims to highlight the achievements and strategic projects members have been engaged in from July-November 2018. The activities in this report will be documented in the following catergories where relevant to each organisation:



#### **Policy submissions or comments**

This category relates to policy submissions, comments or endorsements of submissions, made to policy amendments relating to migration



#### Internal organisational projects, meetings or activities

This category relates to projects, meetings or activities organised by the organisation



#### Access to documentation &/or RRO services

This category relates to advocacy efforts, meetings, litigation or other activities which enable further access to documentation or the services of Refugee Reception Offices for refugees, migrants and asylum seekers in South Africa.



#### External organisational projects, meetings or activities

This catergory relates to projects, meetings or activities which organisations have participated or attended organised outside of their organisation but relevant to their and CoRMSA mandate.



#### Other

This category relates to other activities that organisations have been involved in which do not fit into the above categories

## CONSORTIUM FOR REFUGEES AND MIGRANTS

#### **Policy submissions or comments**

- Submissions to the Draft Children's Act Amendment Bill
- Submissions to publication of the draft regulations on the Births and Deaths Registration Act, and endorsement of Lawyers for Human Rights submissions.
- Submission to Hate Crimes working Bill and endorsement of letter to request extension for submissions
- Submissions to the Draft Immigration Act Amendment Bill



- CoRMSA co-hosted two Civil Society Co-ordinating Collective (CSCC) meetings.
  These meetings focused on engaging the Department of Home Affairs and other
  advocacy measures for accessing DHA. Presentations were given from Three2Six,
  and Jacob Van Gardener on the Refugee, Migrant Judges conference in
  Washington. People's Health Movement on state of refugees, migrants and
  asylum seekers in the NHI Bill.
- CoRMSA organised and co-hosted with lawyers for Human Rights a capacity building workshop with social workers and paralegals in Mpumalanga. This workshop focused on statelessness and the rights of asylum seekers, refugees and migrants in South Africa.
- During the xenophobic attacks in Soweto in September 2018 CoRMSA organised an emergency stakeholder meeting with various organisations. This resulted in two task teams being formed. One hosted various discussions with community members and authorities to have further dialogues. A communications team was formed and has been filming short videos from various perspectives to denounce xenophobia.
- CoRMSA in partnership with Johannesburg Child Welfare hosted a children in migration workshop. This workshop provided a space for children's voices and participation to be central in advocacy efforts in promoting the rights of children in migration.
- Lodged a complaint with IEC regarding the registration of African Basic Movement for 2019 elections. Receipt of complaint has been confirmed and investigation will be underway.
- CoRMSA with Lawyers for Human Rights hosted a capacity building workshop for social workers in Rustenburg, North West Province. The workshop focused on equipping professionals with knowledge on statelessness and the protection of rights for refugees, migrants and asylum seekers.
- CoRMSA compiled and completed the Access to Rental Housing educational booklet with the assistance of Legal Resource Centre. This was launched in November.



- CoRMSA participated at Public Service International (PSI) conference on the National Health Insurance. CoRMSA was speaking to access to health for asylum seekers, refugees and migrants in South Africa and its importance to be included in the NHI Bill
- CoRMSA paticpated at the SADC Civil Society Forum in Namibia. Contributions made by migration CSO were in included in the final communique.
- CoRMSA participated at the Hate Crimes Working Group dialogue in Cape Town.
  The dialogue discussed the 'Prevention and Combating Hate Crimes and Hate
  Speech Bill', with the view of better understanding and assessing potential
  implications once the Bill is enacted.
- CoRMSA particapted the 4th Donor Conference by the Department of Justice and Constitutional Development in Pretoria, Southern Sun Hotel. The conference Aims to identify opportunities for partnerships between donors, Government Civil Society Organisations, individuals and private sector.
- CoRMSA attended the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia and related intolerance consultation in Midrand Johannesburg
- CoRMSA attended a rountable discussion hosted by the Institute for Security Studies (ISS) offices in Brooklyn. The discussion was themed: "keep them out: costs of South Africa's Migration Policy"
- CoRMSA presented and contributed to an Anti-xenophobia Action Plan meeting hosted by Department of Social Development in Attridgeville.
- CoRMSA participated at the facilitated discussion on Undocumented Learners
   Access to Education in Cape Town from 19th to 20thNovember 2018. The
   facilitated discussion was organised by Legal Resource Centre with the aim
   of bringing together various stakeholders working towards the realisation of the
   right to basic education. The meeting mainly focused on legislative framework s
   governing basic education in South Africa, and talked to the challenges faced by
   foreign national children in accessing basic education.

#### **JESUIT REFUGEE SERVICES**



#### Internal organisational projects, meetings or activities

• Health awareness workshop: Wellness days where hosted with the communities of Bucclueah and Hilbrow. On the 28 August 2018 at Bucclueah Spar shopping complex 30 September in Hillbrow and a cervical and breast cancer awareness in Pretoria on the 7th of November 2018. These Health Awareness days included HIV/AIDs screening and checking of vital signs. Many people were educated about their danger of not checking their vital sings regularly especially sugar diabetic and hypertension. In total four hundred people were reached. Sixty women were reached and received education on breast and cervical cancer and how to seek help. Women had an opportunity to talk to doctors and women scheduled appointments with Fola clinic for their Pap smear checks. This is an opportunity for asylum seekers and refugees to have contact for several health service providers in their areas.



#### External organisational projects, meetings or activities

• Workshops with the Gauteng Department of Education (GDE) region: Workshops where hosted on the 18 and 25 August 2018. Workshops were aimed at raising awareness on legal documents asylum seeker and refugee children have and also challenges their parents have in accessing these documents from the Department of Home Affairs. The workshop was attended by 30 special school principals and 80 primary school principals and their deputies. We agreed with the GDE that they should enroll all migrant children and if they encounter problems they should contact JRS and other NGOs working with migrants. Since the meeting the communication with the GDEt has improved and we are able to follow up on cases we come across. It is worth noting that principals are threatened with a fine if they enroll undocumented children. In 2019 in collaboration with the GDE, JRS is going to continue training with the secondary school principals and their deputies. Additionally JRS will do a follow ups with principals if anything has improved in dealing with migrant learners.

#### PROBONO.ORG



#### **Policy submissions or comments**

• Complaint to Department of Labour regarding Access to UIF for refugees and ssylum seekers. An initial meeting was conducted on 20 July and proceedings are ongoing. This case has the possibility for future campaigning and litigation.



#### Access to documentation &/or RRO services

- Refugee Clinic (Johannesburg): This is an ongoing project which provides probono legal services to refugees, migrants and asylum seekers.
- Musina Refugee Project: ProBono.org has been setting up pro bono legal service structure in Musina, this has been in partnership with Advise Offices in Musina. This Refugee Provide will provide pro bono legal services to migrants and refugees



#### External organisational projects, meetings or activities

SADC Regional Migrants Network: ProBono.org attended the the SADC RMN
hosted by CoRMSA which provided a space to network and build solidarity with
migration related organisations in the SADC region. Discussion included migration
challenges in the region and the role of civil society organisations in advocating
for regularised migration in the region. An outcome of this meeting is that ProBono
is to brief to law firm to provide legal advise and assistance on a legal framework of
the network and formalising the structure.

### **SONKE GENDER JUSTICE**



#### **Policy submissions or comments**

Complaint to IEC on the ABM political party: Sonke drafted and submitted the
complaint which was endorsed by CoRMSA, Lawyers for Human Rights and other
organisations. The body of the complaint highlighted the xenophobic stance of
the African Basic Movements (ABM) manifesto and the constitutionality of its
registration with the IEC in inciting violence.



#### External organisational projects, meetings or activities

• National GBV Summit: Sonke participated at the National Gender Based Violence Summit in November. Sonke gave inputs on intersectionality of GBV and its impact on refugee, migrant and asylum seeker women.

#### WITS LAW CLINIC



#### **Policy submissions or comments**

- Complaint to the SAHRC in respect of PAIA requests. Highlighted the lack of action/responses from the Department of Home Affairs
- Submissions to the Desmond Tutu Refugee Reception Centre in respect of applications for Derivative Status. Submission was regarding procedures for submitting applications for asylum in terms of section 3(c) of the Refugees Act 130 of 1998
- Submissions to the Department of Home Affairs in respect of Birth Certificates. Submission was with regards to procedures for the issuance of Birth Certificates
- Submissions to VFS in respect of applications submitted through their website.
   This submission highlighted specific lacunas within the VFS application process



#### Internal organisational projects, meetings or activities

- Accredited publications in the Industrial Law Journal 2017 (prescribed reading for 2018). This publication speaks to the employment rights of asylum seekers and refugees
- Accredited publications in the Stellenbosch Law Review, October 2018. This
  publications relates to social justice and using asylum seekers and refugees as a
  case study.
- Practical Legal Studies, is an ongoing, compulsory, full-time course within the LLB program and enables students to create litigation skills and substantive knowledge within Refugee Law
- Candidate Attorney Program is an ongoing program which provides training to Candidate Attorneys during their articles of clerkship within Refugee Law.



#### Access to documentation &/or RRO services

- Refugee Law Clinic is an on-going projects which provides probono legal assistance to asylum seekers, refugees and migrants.
- Practical Legal Studies is on-going compulsory, full-time course within the LLB curriculum. This course creates litigation skills and substantive knowledge within Refugee Law
- Litigation and settlements is an on-going activity of the Wits Law Clinc. Litigation happens in the High Court where asylum seekers, refugees and migrants rights have been infringed as well as settling matters through engagement at Court or directly with the Department of Home Affairs.

#### WITS LAW CLINIC



- Attended The Status of Economic, Social and Cultural Rights in South Africa's
   Marginalised Communities Community Dialogue which was hosted by Amnesty
   International. Discussion focused on the status of Economic, Social and Cultural
   Rights in South Africa's Marginalised Communities Community, enabling
   organisations to make contributions to the narrative and broadening
   organisations networks.
- Attended a meeting with the Centre Manager of the Desmond Tutu Refugee
  Reception Centre. Discussions were had regarding compliance with court orders,
  the procedure in relation to the issuance of permits and the procedure in relation
  to applications for asylum
- Wits Law Clinic has made various attempts in scheduling a meeting with the Department of Home Affairs Legal Services. Meetings have been re-scheduled and we await new proposed dates.

#### **MESSINA LEGAL ADVICE OFFICE**



#### Access to documentation &/or RRO services

Department of Happiness Affairs: MLAO in collaboration with Sonke Gender
Justice participated in a campaign calling the improvment of services in Refugee
Reception Offices. Civil society organisations in Musina including community
members and the migrant community participated in a picketing at the Musina
RRO in solidarity with Cape Town RRO.



#### Internal organisational projects, meetings or activities

- MLAO Services: The MLAO weekly services provide monitoring and rendering legal advice and services. This has namely included assisting asylum seekers to have access to SAPS and RRO through drafting appeals and letters for affidavits.
- Inter Agency Working Group (IAWG): MLAO participates in a bi-weekly meeting for civil society organisations on the ground in Musina



- Capacitating Citizens Network Activities: MLAO attended meetings hosted on the 17th to the 19th of September at Wits Arts Museum and University of Johannesburg
- Dullah Omar School of Paralegals: These meetings were organised by CAOSA, SCAT and Black Sash. The School covered the following themes: 1). Introductory Short Learning Programme for Paralegals (Phase 1) 2). Advanced Short Learning Programme for Paralegals (Phase 2) 20 participants (these will be participants that successfully completed Phase 1 of the 2017 DOS) 3). Short Learning Programme on Mediation Skills for Paralegals 20 participants (these will be participants that successfully completed Phase 2 of the 2017 DOS)
- Xenowatch Launch: MLAO participated at the launch of Xenowatch in Polokwane.
   This launch was organised by the ACMS at Wits University in collaboration with Save the Children.
- ACAOSA workshop: MLAO participated at the Association of Community Advice Centres of South Africa workshop hosted Polokwane. 60 paralegals attended and benefitted from the workshop.
- Cross boarder Steering committee: MLAO attends the meetings hosted every three months. Participants include people form South Africa and Zimbabwe, civil society organisations and government departments.
- Migrant Health Forum: MLAO attends and participates in this forum every three
  months. Participants are from local, district and provincial representatives. The
  focus of the forum is on health related matters affecting migrant communities.

#### REFUGEE SOCIAL SERVICES



#### Policy submissions or comments

- Submissions to the Draft Regulations on Refugee Amendment Bill
- Submissions to the Draft Regulations on the Births and Deaths Registration Act



#### Access to documentation &/or RRO services

 DHA Stakeholders Meeting: RSS arranged a stakeholders meeting with RRO and DSD especially in light of the various documentation issues facing children who arrived unaccompanied, or were separated from parents or orphaned. DSD was not taking children to Court-RRO was not extending permit. Some new cases were not getting any docs at all. Outcome: RRO agreed to provide referrals to DSD DSD promised to present cases to Court- they were not taking them for various reasons including lack of documentation-birth certificates, asylum docs etc. Other issues discussed were that RRO is not wanting to accept DNA test results from labs other hospital than Addington, and because Court allegedly will not accept without docs. Appointments were arranged for cases to go to DSD to sort out issues. Stakeholders including RSS is still have hiccups and are monitoring the situation. RSS wrote to RRO Centre manager- explained challenges with change and asked for clarity. Stakeholders, RSS and their beneficaries are unable to comply with all the requirements for Addington and also they informed that they don't do tests without referral from DOH OR DSD- and don't od tests for Foreign nationals. RRO Centre manager agreed to accept results-pending further clarification from Head office.



- Reduction of Gender-Based Violence: RSS has this as an ongoing program. This
  program provides: Social assistance and therapeutic and support group work;
  Inclusion in language and vocational skills training; Advocacy work, referral to
  relevant organisations; networking for SGBV victims; Self-reliance and livelihood.
- Protection of children: RSS provides protection of children on an ongoing basis through their project. This is done by providing: Social assistance and therapeutic and support group work; Inclusion in language and vocational skills training; Advocacy work, referral to relevant organisations; Self-reliance and livelihood.
- Reproductive Health/HIV program:



#### External organisational projects, meetings or activities

- Black Sash information session: RSS attended this information session on the SASSA grant process
- Social cohesion conferences: RSS attended this conference hosted by the US consulate. The focus of the conference was on social cohesion work in USA and sharing of local initiatives/networking.
- Xenowatch Launch: RSS partnered in Kwazulu Natal RSS partnered with Xeno watch- arranged logistics and invited with Xenowatch for the launch of their platform in Kwa-Zulu Natal. The meeting aimed to empower and educate people om reporting xenophobic violence. The launch was attended by 50-60 participants.
- Project Empower: RRS attending the meeting which provided a report back on national conference on Presidents Gender Summit.
- Human Trafficking Workshop: RSS attended the workshop hosted by Human Trafficking Task team in KZN. The workshop was aimed at raising awareness on the sharp increase of human trafficking incidences. There was a presentation by Grizelda Grootboom a GBV survivor. The workshop provided an opportunity to network and arranging bilateral meetings to see how we work better together.
- Participation in Human Trafficking, Harmful Traditional Practices/
  Prostitution/Pornography and Brothels Task team meetings: This meeting was
  aimed at working towards the elimination of HHPPB incidences in KZN; and
  prevention through increasing the knowledge, education and awareness about
  HHPPB.
- Regional Menstrual Health Symposium: RSS participated at this engagement representing issues faced by Refugees In this respect. As an outcome of the meeting RSS are part of the newly formed task team and will be attending a workshop on the 2-5 December.



#### Other

 Building safe platform for youth: RSS has recently started a new project in October 2018, providing a safe platform for youth. This project provides: Creative Arts, story telling, dance and gardening program. The project is for 14-17 year olds, one objective is to build social cohesion through building solidarity for Refugee and South African youth.

#### **REFUGEE PASTORAL CARE**



#### Access to documentation &/or RRO services

• DHA Meetings: Refugee Pastoral Care are in constant communication with DHA on matters concerning documentation. RPC tries to invite DHA to a stakeholders meeting with regards to a newly launched Lazarus House Project, this has not yet been successful.



#### Internal organisational projects, meetings or activities

 Lazarus House Project: RPC has launched a new project for vulnerable women and children, including local and refugees, migrants and asylum seekers women and children. The project will provide short term accomodation (3 months) to enable women to get onto their feet. Lazarus House officially opened on 11th August 2018 and had its first admission on the 4th September 2018. Currently their are 10 women and 18 children resident in the house. The facility is capable of housing 120 women and children.

#### SCALABRINI CENTRE OF CAPE TOWN



#### **Policy submissions or comments**

- Oral Submissions to Immigration Amendment Act: Submission argued that detention/deportation should be last resort and done through an "in favorem libertatis" lens
- Submissions on Birth and Death Registration Regulations: Submission called for the removal of "confirmation of birth certificate"
- Comments on National Action Plan for combatting Racism, Xenophobia and other intolerances: Calling for increased focus on combatting xenophobic violence
- Comments provided on the South African Human Rights Commission's draft
  Provisional Report National Investigative Hearing on Migration, Xenophobia and
  Social Cohesion held on 7-8 February 2018. Comments focused on clarifying
  obstacles to effective protection due to unlawful / restrictive procedures within
  asylum system.



#### Access to documentation &/or RRO services

- RRO and Nbaya: Case with Legal Resource Centre is ongoing.
- 3c Family Joining with UCT Refugee Law Clinic: Case is ongoing, a court date has been given for December. Standard Operating Procedures have been issues and updated by DHA for 3c process.
- Social Workers working with UASC Trainings on access to documentation; and trainings for those working with victims of violence. These trainings provided better understanding on working with vulnerable migrants and how to enhance access documentation.



- English School: The English School is ongoing. 300 migrants undergo English language training using a migrant focused curriculum
- Women's Platform: The Women's Platform is an ongoing project.100 migrant women undertake trainings in personal development and livelihoods, 50% report increased financial sustainability.
- Employment Access: This program is ongoing. Focus is on facilitating access to employment and / or skills training
- Welfare: The Welfare program runs from July November. 523 vulnerable clients were supported with direct and indirect welfare assistance.
- Unite: This project is ongoing and aims to promote identity integration and diversity. 50 High School Learners facilitated through leadership training to facilitate 300 peers. U-Debate partnership with 2 schools.
- Para-legal Desk: This project has assisted in 900 asylum seekers/refugees receiving advice around access to documentation and / or services from July-November 2018.



#### External organisational projects, meetings or activities

- Presentation at ISS on effects of securitised approach to asylum: Focus of discussion was on how Increased securitisation can lead to increased undocumented populations.
- CPLO Presentation on birth registration challenges: Presentation gave an overview of birth registration challenges for non-nationals.
- Moravian Church Presentation on Migration: This presentation provided opportunity in further understanding the need to facilitate safe orderly migration.
- CPLO Presentation the heightened vulnerability of migrant women: Overview of the heightened vulnerability of migrant women
- Presentation at University of Stellenbosch regarding birth registration challenges:
   Overview of birth registration challenges for non-nationals with special focus on risk of statelessness
- Participation in panel at Open Book festival regarding migration: Discussion on asylum and migration in South Africa



#### Other

- Children Research
- SIHMA Research
- Documentaries

#### **UCT LAW CLINIC**



#### **Policy submissions or comments**

- Submissions made to the Birth and Death Registration Act and endorsment of LHR submission.
- Submissions made to the Immigration Amendment Act in terms of Section 34.



#### Access to documentation &/or RRO services

- UCT Law Clinic with Scalabrini and other organisations have been pushing a case regarding family joining issues. Standard Operating Procedures (SOP) from Department of Home Affairs were requested. The court ordered that the SOP's must be out by the end of January 2018, the SOP's were received in April 2018. UCT Law Clinic has been fine tuning the SOP's and contesting the requirement for DNA testing as part of joining process.
- The UNHCR started an initiative with DHA and legal partners to meet regularly to resolve cases without litigation. The focus of these meetings has been on the fundamental challenges being faced including access the asylum system and issues within the system.
- The UCT Law Clinic launched a series of judicial review applications that have been taken against the Standing Committee of DHA or the Refugee Appeal Board with regards to the rejection of certain asylum applications. There has been 100% success rate with regards to these judicial reviews.
- UCT Law Clinic has been liaising indiependtedly on these forums with DHA to
  resolve practices which negatively impact the asylum process. There has been a
  spike in detention matters in areas external to the City of Cape Town eg" Paarl and
  Mitchells Plain. Peple are often arrested relating to a minor or major criminal
  charge and a lack of documentation is preventing their release. UCT Law Clinic
  has been challenging and addressing such cases.
- The Muhammad and the 11 others case has been used to challenge the Section 34 process not being effectively practiced by the Magistrate in Mitchells Plain. The agreement was that their would immediate removal of detainees from the police station for those who wanted to go but did not have current or valid refugee or asylum claims. Those who had current asylum claims an application to challenge the Magistrate on their detention was submitted. Cut Law Clinic was successful in getting four of the clients released and a judgement from the Westen cape High Court is awaiting.
- UCT Law Clinic and LHR have been working on the refusal of access to the asylum system for Burundian applicants. UCT Law Clinic has been liaising with DHA and have launched a case to address this issue.



#### Internal organisational projects, meetings or activities

- UCT Law Clinic has been working with Community Development Workers (CDW)
  in Cape Town in educating them on refugee and asylum rights, their role of CDW's
  in reporting and monitoring cases of xenophobia and how to best work with
  refugee and asylum communities.
- The UCT Law Clinic consults daily with refugee and asylum seekers. They see approximately 25 individuals a day. This clinic is on-going and its main role is identifying and isolating issues, addressing DHA or other government departments to ensure access to services, identifying new trends and policies and addressing and resolving these issues.
- Published a textbook: Immigration Law in South Africa. This text looks at immigration broadly and has contributions from various sectors.
- UCT Law Clinic teaches three courses: Public Interest Law; Refugee and Immigration Law and International Human Rights Law.
- UCT Law Clinic has conducted various advocacy and training workshops in Refugee Law.



#### External organisational projects, meetings or activities

 UCT Law Clinic attended and participated at the Undocumented Learners Access to Education in Cape Town hosted by Legal Resource Centre.

#### **NELSON MANDELA REFUGEE RIGHTS CENTRE**



#### Policy submissions or comments

• Comments made on Amendments to Regulations of Immigration Act



#### Access to documentation &/or RRO services

- Stateless Children (HC Application): Finalized and children issued with birth certificates
- Judicial Review Eritrean national and Zimbabwean (ZEP): Both applications successful
- Documents for S22 Marriages Appeal: Case has gone to the AD.
- Advise and assist Legal Aid SA in representing 26 unaccompanied minors from Malawi, found in Kinkelbos, believed to be victims of smuggling. This case is ongoing. NNMU has provided legal advice, individual consultations with children, arranged & provided translating services, provided social assistance, arranged with IOM to facilitate repatriation
- Childrens' Court 3 applications for 2 x Care Orders and 1 x Application to compel SA father to co-operate as regards birth registration of minor child. 2 case order are finalised and 1 is ongoing.



#### Internal organisational projects, meetings or activities

- Gender Workshop in East London: This workshop provided an opportunity for information sharing on various matters; also included talks from ABSA (bank accounts available to clients), DOH (Womens' Health issues), Self Defence tips and practical demonstrations
- RRC Training: ECRC Peacebuilders: This meeting provided general training on asylum process, detentions, updates re current status at RRO's / any other matters of interest
- Xenowatch Launch: NNMU participated at the Xenowatch platform launch this provided information sharing including talks on xenophobia, organisation's profile and areas of outreach.



- Day of the African Child (Office of the EC Premier)
- UNHCR AGM



#### **Other**

 Out of town consultations: NNMU has done consultations in, East London, Humansdorp, KWT, Komani, Makhanda, Butterworth Aliwal North and Mthatha: Outreach to consult with clients on various matters (individual consultations). Briefing sessions regarding the Asylum process / documentation for newcomers were also conducted on each occasion.