



#### Message from the Executive Director's Desk

On behalf of the Consortium for Refugees and Migrants in South Africa (CoRMSA), I would like to welcome you all to this new edition of our newsletter which covers news related to refugees and migrants in South Africa.

It is almost two years since the first case of Corona Virus was detected and confirmed. Millions of people across the world and in South Africa in particular, have understood the seriousness of this pandemic and are now beginning to adapt to the new normal. This means all of us should continually practice and adhere to health protocols prescribed by health practitioners and experts. Covid-19 knows no boundaries nor nationality as it affects all of us equally. I would like to encourage all of us to voluntarily get vaccinated so to prevent any new waves from hitting and spreading across the country. And I also urge our government to make the vaccines readily available for "everyone" regardless of their nationality or documentation status. By everyone, I am explicitly referring to the local citizens, asylum seekers, refugees, economic migrants, stateless and irregular migrants. Together, we can win this battle.

The promotion and protection of asylum seekers, refugees and migrants' human rights during these difficult times remain one of the challenging topics to engage in. Covid-19 pandemic and the lockdown regulations that ensued have prompted a lot of restrictions in terms of human interaction. A lot of government services were also suspended or temporarily closed. This was a traumatic experience and it impacted heavily on many people's livelihoods. This pandemic, however, reminds us of the deep-rooted economic and social inequalities facing our communities. We all know that it's the poor and other vulnerable groups who make up the majority of the people mostly affected by socio-economic inequalities. CoRMSA Secretariat together with all 26 member organisations continue to work around the clock to ensure that the human rights of asylum seekers, refugees and other migrants are promoted and protected.

On a positive note, I am convinced that all the challenges we have faced and continue to face because of Covid-19 pandemic have provided us all with an opportunity to reflect, evaluate and address various structural economic and social inequalities within our society.

I thank you all and I encourage you to keep up the good work!

Mr. Thifuluheli Sinthumule

# CoRMSA News

September 2021 Edition

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#### About Us:

The Consortium for Refugees and Migrants in South Africa (CoRMSA) is a national network of twenty-six (26) member organisations whose main objective and mission are to promote and protect the human rights of asylum seekers, refugees and other international migrants in ways that ensure welfare for all in South Africa, in the SADC region and the world over.

#### a. Advocacy and Lobbying for Policy Change

CoRMSA made submissions to a number of DHA's policies that affect the daily lives of non-nationals in the country. This exercise was primarily intended to influence those policies and seek for better practices. These submissions include:

##### i) Children's Amendment Bill

In May 2021, Mr Thifuluheli Sinthumule, the Director of CoRMSA, made a virtual presentation to the Portfolio Committee on Social Development Public Hearings on Children's Amendment Bill [B18-2020]. CoRMSA had made a submission to this Portfolio Committee in November 2020 which proposed the equal rights of all children living in South Africa. The submission sought to recommend the inclusion into the Bill of some sections that would allow and accommodate all children within the Republic of South Africa to access information relating to their needs and protection. This was meant to improve the constitutional rights of all children thus promoting equal rights for all. Another objective of this submission was to ensure that all

## 1. Advocacy and Lobbying



Every day people are being forced out of their habitual residences to search for refuge and shelter elsewhere.

children with disabilities or special needs in the country benefit from rehabilitation services without discrimination. This submission also sought to ensure total care is given to all children by including care givers, in addition to parents and legal guardians, as they are all concerned with the affairs of a child.

Link : [https://sata-ic.pmg.org.za/210518CoRMSA\\_Presentation.pdf](https://sata-ic.pmg.org.za/210518CoRMSA_Presentation.pdf)

##### ii) Regulations on the South African Citizen Act, 1995

On 30th of August 2020, CoRMSA also made a submission to the Draft Amendment on the Regulations on the South African Citizenship Act of 1995. The aim of the submission was to make recommendations on specific sections of the Act so as to ensure a safeguarding and citizenship regime that reflects the progressive nature of the constitution and serves to preserve dignity and human rights of all who live in South Africa. In its submission, CoRMSA acknowledged the progressive nature of the Con-

stitution which states that "No one may be deprived of citizenship." CoRMSA further argued that democracy and access to human rights cannot be effectively achieved without relying on democratic practices and the willingness of the population to sustain such practices. Among its recommendations, CoRMSA noted that the requirement that a person applying for naturalisation in terms of Section 5 of the Act should give proof of their employment is superfluous. This requirement is exclusionary in that it only applies to a certain group of people. Therefore CoRMSA's recommendation was that the entire section should be deleted. CoRMSA also argued that the requirement of an original identity document or birth certificate, in the case of a child, is not necessary as original documents could get lost or stolen. It was rather suggested that an affidavit or a birth record showing proof of issue of such original documents should be considered for inclusion in the regulations.

### iii) Gauteng Township Economic Development Bill

CoRMSA also made submissions to the Gauteng Township Economic Development Bill which proposes everyone's rights to fair labour practices. This sought to make comments that could be considered in the drafting of the Gauteng Township Economic Development Bill.

Recommendations were made on specific sections. CoRMSA recommended that certain sections of the Constitution should be inserted on top of the Bill's preamble to ensure that the Bill adheres, considers and respects economic rights for all as enshrined in the Constitution. In support of this, CoRMSA suggested that the phrase "for everyone" in the Bill of Rights Section, should be included in the preamble of the Gauteng Township Economic Development Bill in order to guarantee everyone the right to fair labour practices.

### vi) One Stop Border Post Policy

In addition to the above submissions, CoRMSA also made recommendations on specific sections on the proposed Draft One Stop Boarder Post Policy which proposed a one immigration check point at two countries' boarder lines. The objective was to give recommendations in order to ensure that this policy does not make the border turn into a refugee camp or immigration detention for migrants and vehicles carrying goods. CoRMSA felt that this section violates the human rights of asylum seekers, refugees, economic migrants as well as South Africans. CoRMSA proposed that a proper consultation and a qualitative study should be carried out to determine the effectiveness of these practices in keeping with constitutional rights.

## b. Policy lobbying

### i) Official Identity Management Bill

CoRMSA made recommendations to the Official Identity Management Bill which proposes one compressed population register. The current DHA's National Population Register (NPR) is outdated and contains data for citizens and permanent residents only. The submissions were meant to ensure that the NPR will be integrated into a secure National Identity System

(NIS) which will store particulars of all persons, citizens as well as non-citizens, living in the country.

### ii) CoRMSA's Advocacy Position on Covid-19 Vaccine Roll Out

CoRMSA was also involved in advocacy programmes that aimed to defend the health rights of asylum seekers, migrants and refugees.

In his address on 01 February 2021, on the progress in the national effort to contain the Covid-19 pandemic, President Cyril Ramaphosa stated that "We all want to be free from this disease. We all want to be safe, and for those we love to be safe. We aim to make the vaccine available to all adults living in South Africa, regardless of their citizenship or residence status. We will be putting in place measures to deal with the challenge of undocumented migrants so that, as with all other people, we can properly record and track their vaccination history".

CoRMSA welcomed and strongly supported the president's statement which it deemed progressive and inclusive in the fact that it showed the country's intention to extend and make the vaccine readily available for all. This is a remarkable democratic move. President Ramaphosa also made it clear that, "Nobody would be forced to take the vaccine. Nobody would be forbidden from travelling, from enrolling at school, or from taking part in any public activity if they have not been vaccinated".

CoRMSA strongly believes that this statement alone encourages and advocates for good democratic practices, access to human rights and protection of everyone living in South Africa. In its Section 27 (1) and (3), the Constitution makes it clear that access to health care services is a basic right for everyone and that no one may be refused emergency medical treatment. As such, Covid-19 Vaccine is an emergency medical treatment to which everyone is entitled.

In view of the above, CoRMSA members met and intensively discussed about the Covid-19 pandemic and its impact and reached the following conclusions:

- Covid-19 affects and impacts on everyone's life equally regardless of nationality and documentation status.

- Everyone (asylum seekers, refugees, economic migrants and citizens) must be encouraged to voluntarily take the vaccine through accredited health facilities.

- Undocumented migrants and statelessness persons must be afforded equal opportunities to access the Vaccine.

- Undocumented migrants and statelessness persons form part of the larger community in South Africa. Therefore, segregating and excluding them would be a setback in achieving a society that is free and safe from Covid-19.

- All available different Vaccines must be registered and administered through accredited health facilities.

- CoRMSA should facilitate the establishment of Covid-19 Vaccination Process Monitoring System to provide oversight and be used as a strategic intervention to mitigate against unfair discrimination of anyone attempting to gain access to the vaccine. It was proposed that such Vaccination Process Monitoring System should be established in partnership with other members and stakeholders and be set up in all accredited vaccination health facilities to ensure equitable access and human rights protection for all.

- Simplified "Access to Covid-19 Vaccine" educational and awareness raising materials must be developed and circulated across the country. This would be a form of health care literacy to assist in educating everyone about the names of different vaccines, their makers and contents to help people make informed choices based on scientifically verifiable facts.

- CoRMSA should devise initiatives to ensure that the Department of Health and Corona Virus Command Council work closely with other stakeholders throughout the vaccination process.

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- CoRMSA secretariat should work in collaboration with its members to develop a framing document on managing outbreaks of communicable diseases in the region in line with migration and movement of people with a focus on various factors that are contributing to the phenomenon of COVID-related outbreaks.

COVID-19 Public Hotline - 0800 029 999

Official WhatsApp Help Service

Send HI to 0600 123 456 on WhatsApp.

or share this link: <https://wa.me/27600123456?text=Hi>

## 2. Network Coordination and Strengthening

On 7 May 2021, Mr Thifulufheli Sinthumule, the Executive Director of CoRMSA, met with the child rights minder and protection organisations in Mpumalanga Province to discuss and plan for the implementation of "Children in Migration and their communities are empowered to claim their rights project" in the province. The project aims to empower both the migrant and local communities in ways that enable them to claim their human rights.



*Strengthening the consortium's network across the country.*

In April 2021, CoRMSA also hosted the Johannesburg Migrant Advisory Panel meeting as part of its network coordination and strengthening in order to enhance the protection and promotion of asylum seekers, refugees and migrants' rights through different platforms and networks.

### i) CoRMSA Members Meetings:

Two (2) virtual Members Meetings were held in February 2021 and June 2021 respectively. These meetings provide a platform for CoRMSA members to meet and discuss about the consortium's work and issues affecting asylum seekers, refugees and migrants in order to collaboratively develop advocacy strategies that would allow members to address identified challenges.

### ii) Pan-African Parliament:

In May this year, CoRMSA also participated in the Pan-African Parliament Forum which calls for the participation of people from African states involved in decision-making on issues and challenges facing the African continent.

### iii) Operation Dudula:

CoRMSA was part of Operation Dudula which sought to develop strategies to counter xenophobic attacks that were planned to take place in Gauteng in June 2021.

### iv) World Refugee Day Commemoration:

Every year, the World Refugee Day is commemorated on 20 June. CoRMSA, in collaboration with the University of Kwa-Zulu Natal (UKZN), virtually celebrated the resilience of millions of refugees who have been displaced from their homes due to threats of persecution, discrimination, conflict

and violence. Check the link below for more details:

Link: <https://ndabaonline.ukzn.ac.za/UkzndabaStory/Vol9-Issue29/Webinar%20Commemorates%20World%20Refugee%20Day>

In addition to the above-mentioned virtual commemoration in partnership with the UKZN, CoRMSA

with its members, continued to virtually honour the courage of asylum seekers, migrants and refugees for their courage to mark the World Refugee Day.



Network coordination (Continued)

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#### Other forums/meetings:

CoRMSA also participated in a number of fora and meetings including, Global Compact for Safe, Orderly and Regular Migration, the Global Forum on Migration, Africa Regional Review Conference of the Gauteng Information Sharing Session, the Online Extension of Asylum Seeker and Refugee Visas session organised by

the DHA, Official Identity Management Policy Workshop (DHA), Anti-xenophobia Task Team meeting, the National Inter-agency Working Group (NIAWG) on unaccompanied, separated and migrant children in South Africa and a webinar on Anti-Foreign Sentiment in South Africa hosted by the Department of Justice and Constitutional Development (DoJ&CD) in collaboration with the Human Science Research Council (HSRC).

### 3. Capacity Building Trainings:



CoRMSA working for child rights protection

#### i) Children in Migration: Child Rights and Participation:

In April this year, CoRMSA in collaboration with KNH conducted a two-day training on Child Rights Protection and Child Participation. The training was intended to build the capacity of Staff, Project Facilitators, CoRMSA Members and Partners working in the field of migration and children's rights protection in South Africa. Through this training over 25 participants were empowered with relevant knowledge on migration and children's rights protection.

#### ii) Training for Health Care Workers and Health Care Service Providers on Access to Health Care Services, including Sexual Reproductive Health Rights (SRHR).

CoRMSA in collaboration with Sonke Gender Justice, the African Centre for Migration and Society and

Diepsloot Service providers hosted a one and half-day training workshop, to engage health care workers from clinics in Diepsloot Township and the surrounding areas on access to health care services.

The aim was to strengthen and build capacity of health care workers and service providers on access to health care services and sexual reproductive health rights and also to mitigate factors, policies and challenges relating to such services.

#### iii) Children's Right Protection mechanism.

In May 2021, CoRMSA in collaboration with Save the Children and Lawyers for Human Rights coordinated and facilitated a three-day capacity building and training for social workers and health care workers in Gauteng Province on Children's Rights Protection Mecha-

nism, with an emphasis on the protection of the rights of unaccompanied, separated and migrants children (USMC).

The training was aimed to empower and capacitate participants with knowledge on procedures and processes, including policies and laws, involved in child rights protection to enable them to mitigate, engage and address challenges faced by USMC in accessing their rights and basic needs in South Africa.

#### iv) Diepsloot Community Anti-Xenophobia and Human Rights Streetwise Dialogue

On 14 September last year, CoRMSA, in partnership with the City of Johannesburg (CoJ) - Migrants Help Desk (which conducts regular orientation sessions, awareness campaigns, workshops, dialogues and educational sessions throughout

the seven regions of the City in order to foster social cohesion and promote integration into local communities) and Lawyers for Human Rights (LHR) hosted a two-episode film production on street wise anti-xenophobia, human rights and social cohesion dialogue.

This was done through interviews among non-nationals and members of the local community thus seeking to learn about various experiences of non-nationals living in Diepsloot as well as hear the local community members' perceptions on migrants in their community. The aim of this initiative was to educate and raise awareness on migration and promotion of human rights for everyone living in South Africa.

### 4. Humanitarian Assistance:

In April this year, CoRMSA managed to distribute over 300 food parcels to nationals and non-nationals in three provinces including Mpumalanga, Limpopo and North West.



Capacity Building Trainings (continued from page 4)

#### v) Filming of Anti-Xenophobia and Human Rights Dialogue in Diepsloot Community: Stakeholder engagement, response to community members interview.

Following up on the street dialogue with community members in Diepsloot, CoRMSA in collaboration

with LHR hosted a stakeholders dialogue in November 2020. The aim of this dialogue was to create a platform where stakeholders could hear different views of community members on xenophobia, social cohesion and human rights based on the video clips shot earlier. Stakeholders also made inputs based on the views from community members.

ments that are free from xenophobia, violence and hatred and engender societies that integrate asylum seekers, migrants and refugees. CoRMSA called on the DHA

and other relevant government departments to ease documentation procedures for asylum seekers, migrants and refugees so to facilitate their access to basic services.

### 5. Media Coverage

#### i) Human Rights Month:

To mark the National Human Rights month, CoRMSA in collaboration with Leratong Child Rescue and Advisory Centre and other partner organisations hosted an educational and awareness raising event in Kathlehong Township. This culminated into an interview on eNCA. The aim of this event was to educate and raise awareness on human rights for all as outlined in the Bill of Rights. It was also an opportunity to share about migration issues and the importance of social cohesion. The event highlighted the importance of child and youth empowerment in endeavours that seek to enable them to claim their rights. This served as a platform that brings together human rights actors and community leaders to share and exchange on issues of human rights protection.

#### ii) Africa Day

On May 25 this year, CoRMSA had an interview on SABC

Channel Africa to mark the Africa Day. The interview highlighted the need for solidarity among Africans in order to create inclusive societies that would cater for asylum seekers, refugees and migrants. Open the link below for more details:

Link: <https://iono.fm/e/1044647>

#### iii) World Refugee Day

To mark the World Refugee Day commemorated on June 20, this year CoRMSA had an interview with eNCA to advocate for the human rights of asylum seekers, migrants and refugees. During this interview, CoRMSA highlighted various challenges that the refugees are still facing in the country. These challenges include access to documentation, health care, education and social security services. As part of the commemoration, CoRMSA continued to call on everyone to put their national differences aside in order to create safe environ-



### NEWS FROM CoRMSA MEMBERS

#### Nelson Mandela University Refugee Rights Centre (NMURRC)

##### a. Daily Consultations

Between the period of February to May this year, individual consultations and

direct, in-person assistance have been at the core of the legal support provided by Nelson Mandela University Refugee Rights Centre (NMURRC) to refugees and migrants in the Eastern Cape. Dur-

ing the reporting period, over 800 refugees and asylum seekers have been assisted. Many refugees and asylum seekers were assisted in a wide range of matters, including:

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- Undocumented new asylum seekers and migrants;
- Undocumented minor children;
- Online renewals of refugee and asylum permits;
- Representation in the Magistrates Court and High Court;
- Unlawful arrest and detention;
- Representation to the Refugee Appeals Authority of SA;
- Expired asylum and refugee permits; - Access to and enforcement of socio-economic rights;
- Application for certification as indefinite refugees to SCRA;
- Birth registration of refugee and migrant children;
- Moving from refugee permits to immigration visas;
- Representations to the SCRA;
- Opening of bank accounts;
- Representations to Public Prosecutors;
- Non-recognition of documents by potential employers and service providers;
- Judicial reviews;
- Child support grants;
- Verification of permits;
- Referrals to relevant partners or service providers;
- Online renewals of refu-

gee and asylum permits

The closure of all Refugee Reception Offices in

March last year has resulted on the visas of thousands of asylum seekers and refugees expiring during the course of the year with no prospects of renewal. Attorneys were able to consistently intervene on behalf of asylum seekers whose visas had expired.

#### **b. Online Permit Renewal:**

All Refugee Reception Offices remain closed and the Minister of Home Affairs has extended the validity periods of permits periodically in the Government Gazette. The latest extension, until 30 June 2021, was promulgated in the Government Gazette on 26 March 2021. The DHA also started a pilot project to renew refugee and asylum seeker permits online, with effect from 15 April 2021.

As at 31 May 2021 the NMURRC had assisted over 900 refugees and asylum seekers to apply for online renewal of their permits with over 80 having received their new permits. The Centre has been actively collaborating with the DHA on the pilot online renewal project. This initiative could be a long-term benefit to refugees in addressing some of their challenges including travelling long distances to designated RROs, thereby eliminating financial strains, and social-security prejudices.

#### **c. Work with Community Advice Offices**

The NMURRC identified the following five Community Advice Offices for closer collaboration and development to the benefit of refugees, asylum seekers and migrants. These include: Dordrecht Advice Office, Masiphakameni Local Development Agency, Berlin Advice Office, Adelaide Advice Office and ILDA Office.

Based on identified needs for training among the staff of these Advice Offices, a two-day training workshop was conducted in Port Elizabeth from 13-14 April this year and attended by 17 staff members from six different Advice Offices. The training focused more on the Basic Conditions of Employment Act as it relates to farmworkers. The information shared during this training enabled many staff members of these Advice Offices to deal with issues related to farmworkers in their communities.

#### **d. Unaccompanied and undocumented minors.**

Undocumented and unaccompanied minor children find themselves in an extremely vulnerable and precarious position. The Centre represented undocumented and unaccompanied minors in Children's Court proceedings to obtain Care Orders in terms of section 46(1)(k) and section 23(1)(b) of the Children's Act, 2005. The Care Order means that undocumented children can be

added to the files of the appointed guardians and be issued the same type of documents as their guardians. This procedure significantly enhances the protection of minor refugee children.

#### **e. Outreach Initiatives**

The Centre has conducted outreach initiatives in East London, Mthatha, Butterworth and Komani. Over 500 people were assisted during these initiatives with a wide range of services, the majority of which were online permit renewal applications and undocumented new asylum seekers. Detention monitoring in police holding cells was also part of these outreach initiatives. Such Initiatives enable refugees who do not have the means to visit the Centre in Gqeberha to access certain services from their residential areas.

The Centre also intervened on behalf of an undocumented female Congolese asylum seeker, who had been detained for 3 weeks and was due for deportation. She was released and the Centre provided her with a protection letter pending the reopening of the RROs.

#### **f. Trainings**

On March 12 this year, the Centre facilitated a training on arrest and detention in terms of the Refugees Act vis-à-vis the provisions of the Immigration Act to seven prosecutors at the Gelvendale Magistrates Court

in Gqeberha. These prosecutors acknowledged that they were not well acquainted with the provisions of the Refugees Act. Subsequent to this training, over 40 undocumented foreign nationals, who were arrested as illegal immigrants, were released at this Court based on the provisions of the Refugee Act.

The Centre also facilitated a three days training on Refugee Law for the staff of the University of the Free State Law Clinic and other relevant stakeholders in Bloemfontein. Staff members from different Advice Offices and representatives of the National Prosecution Authority were also among the 16 attendees. Attendance certificates were issued to all the delegates.

#### International Committee of the Red Cross (ICRC)

The ICRC has recently launched a new app, Red-Safe. This app has been designed to provide safe and secure services for people affected by conflict, migration and other humanitarian crises. The app helps to get access to humanitarian services and information in a safe and secure manner. Users can also save their important documents on the app and access them anytime, anywhere. People in Zimbabwe and South Africa will be the first users to benefit from these services. The app is currently available for use. For more details watch the video in the link below:

Link : <https://www.icrc.org/redsafes>

#### MESSINA LEGAL ADVICE OFFICE (MLAO)

The Messina Legal Advice Office (MLAO) has been actively involved in the following activities:

One a week MLAO conducted an awareness campaign through a community radio addressing socio economic issues affecting members of the local community and the migrant community. And the Office continues with their regular legal advice and support programmes.

In April this year, MLAO, in partnership with CoRMSA, was involved in the distribution of food parcels. About 100 food parcels were distributed to citizens and non-nationals.

The Office participated in the Limpopo Human Rights Commission hearing on Bullying from 17 to 20th May this year.

It is also worth mentioning that MLAO has been currently busy conducting COIDA workshops on behalf of the Department of Labour.

#### CoRMSA Funders

*The work of CoRMSA is made possible by the funding support of :*

1. Norwegian People's Aid (NPA)
2. Amplify Change (AC)
3. Open Society Foundation for South Africa (OSF-SA)
4. Olof Palme International Centre (OLOP)
5. Kindernothilfe (KNH) with Federal Ministry of Economic Cooperation and Development (BMZ).

#### REFUGEE SOCIAL SERVICES (RSS)

Refugee Social Services (RSS) has been actively involved in the following activities:

RSS has been conducting daily consultations and psycho-social counselling sessions for an increased number of refugees and asylum seekers who have lost their jobs due to the Covid-19 pandemic and are now struggling to survive. However, the office has been involved in some awareness raising programmes on issues related to health care including Covid-19 pandemic and HIV.

From January to March this year, RSS has assisted a number of refugees and asylum seekers who lost their businesses and were forced out of their trading spaces by members of the MKMVA. Most of these people have not been able to return to trade. In order to address this, RSS has been part of the advocacy initiatives involving many partners including the Ethekwini Municipality, the SAPS, Metro Police and the UNHCR to ensure that these affected refugees and asylum seekers resume their trading activities. Stakeholders managed to collectively report these

incidences to the SAHRC. The National Commissioner of the SAHRC and UNHCR did a site visit in March. It was also reported that in March, the Police fired rubber bullets at the refugees that were sleeping outside RSS offices in an attempt to disperse them and one woman allegedly broke her leg as a result of a stampede.

Many refugees and asylum seekers have been assisted with online extensions of their permits and visas. Awareness related to such services was also raised through different platforms.

RSS has also reported some trends that are noticed among many refugees and asylum seekers. It was noted that during this period, some refugee children do not attend school as parents are unable to afford transport fares. Some refugee parents have no choice but to send their children whenever they can afford. This has a serious impact on the performance of many children at school.

Depending on their needs, many refugees and asylum seekers have been referred to UNHCR and encouraged to call UNHCR toll free helpline for support.

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