

DID YOU KNOW?

An asylum seeker and refugee cannot be refused access to education at a public school in South Africa. As the holder of either a Section 22 (asylum seekers) or Section 24 (refugee) permit, a child or adult is entitled to basic education as well as adult and further training in public schools and training institutions. This is cited in Section 29 of the South African Constitution.

WHAT DOES THIS MEAN TO ME AS AN ASYLUM SEEKER OR REFUGEE?

This means that no one has the authority or right to deny a refugee or an asylum seeker right to study at a public school because of their nationality.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) as well as the South African Human Rights Commission say that the right to education must be developed in such a way that: It is **available**. This means there should be physical structures of schools which are open to migrants and refugees.

It is **accessible**. That means there are no limiting factors to a child gaining access to education. These limiting factors include school fees, language, religion or race

It is **acceptable**. This means that the education should add value and build on their cultural practice and language.

It is adaptable. This means that it should be relevant to the present and future needs of the learner.

WHAT DO I NEED TO REGISTER AT A PUBLIC SCHOOL IN SOUTH AFRICA?

In order to get your child or yourself registered at a public school, there are a few things you need to have. According to Section 15 to 18 of the National Educational Policy Act 27 of 1996 the following steps must be taken and some documents will be required, namely:

- Identify and approach a public school close to you. They will give you an application form which you must complete.
- If the child was born in South Africa, a South African birth certificate will be required. This can be obtained at your nearest Department of Home Affairs (DHA) office.
- If you are an asylum seeker, an Asylum Permit will be required. This, like the Refugee Permit, is also obtained at a Refugee Reception Office at DHA.
- Schools will require that you give them proof that your child has been immunized against various diseases such as measles, polio, TB, hepatitis. Immunization can be done free at any public hospital or clinic in South Africa.
- A transfer card or equivalent document from the last school the learner attended.

NB: The principal is obliged by law to assist the parents and the learner to ensure that they get the requirements. The child must however be enrolled conditionally while waiting for the documents.

WHAT IF I CANNOT AFFORD SCHOOL FEES

Many asylum seekers, refugees and undocumented migrants' do not send their children to school because they do not have money for school fees, registration fees as well as uniforms. School fees should not be a barrier to children's access to education. South African law states that no child shall be denied access to education at a public school because their parents do not have money for school and registration fees. Refugees and asylum seekers like South African children can apply for an exemption. **School principals are obliged to assist you in applying for school fee exemptions.** There are four types of exemptions available to you: Full exemption, automatic exemption, partial exemption and conditional exemptions. Your financial status will determine the kind of exemption you should receive. A child who receives a social grant is exempted from paying school fees.

CAN MY CHILD BE DENIED ACCESS TO EDUCATION BECAUSE THEY DO NOT HAVE PROPER UNIFORM?

Uniforms are expensive and often many people cannot afford them. If you cannot afford a school uniform, remember that by law a school uniform is not a requirement for admission at a South African public school. Although schools have uniforms, a student's failure to acquire one cannot lead to them being denied access to the school. Contact your provincial department for more information on programs aimed at assisting in such cases.

WHAT IF MY CHILD IS OLDER THAN THE NORMAL AGE FOR A CERTAIN GRADE, CAN THEY STILL BE ENROLLED?

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CAN LANGUAGE BARRIERS LIMIT MY CHILD'S CHANCE OF GETTING ENROLLED AT A PUBLIC SCHOOL?

Many refugees and asylum seekers entering South Africa do not speak English as a first or second language. Schools do not have the right to deny children a place at a school because they do not speak English or other South African languages. The South African Constitution section 2 (3) stipulates that 'Everyone has the right to receive an education in the official language or languages of their choice in public schools where that education is reasonably practicable' **No one shall be denied their right to education because they cannot speak a local language**

**BELOW ARE SOME ORGANISATIONS AND
INSTITUTIONS WHICH CAN ASSIST
YOU SHOULD YOU HAVE PROBLEMS
ACCESSING EDUCATION IN SOUTH
AFRICA**

**United Nations High Commission for Refugees
(UNHCR)**

351 Cnr Schoeman & Sisulu Streets
Metro Park Building, Pretoria
Tel: **012 354 8303**

Jesuit Refugee Services (JRS)

485 Madiba Street Arcadia, 0002
Tel: 012 323 3116

Lawyers for Human Rights (LHR)

4th Floor Hereengracht Building, 87 De Korte St,
Braamfontein
Tel: 011 339 1960

Refugee Children's Project (RCP)

11 Natal Avenue, Bellevue, Yeoville
Tel: 011 487 0020

Centre for Child Law

University of Pretoria, Pretoria
012 420 4502

Department of Social Development

134 Pretorius Street, HSRC Building, Pretoria
Tel: 012 312 7500/7653

Department of Education

Sol Plaatje House, 222 Struben Street, Pretoria
Tel: 012 357 3000

ABOUT CORMSA

The Consortium for Refugees and Migrants in South Africa (CoRMSA) is a registered Non Profit Organisation whose main objective is the promotion and protection of the rights of asylum seekers, refugees and other international migrants in ways that ensures the well being of all in South Africa. CoRMSA is comprised of a number of member organisations including legal practitioners, research units, and refugee and migrant communities.

CoRMSA's mandate involves strengthening the partnerships between refugee and migrant service providers to provide improved co-ordination of activities. This includes developing working relationships with other concerned organisations to provide an effective forum for advocacy and action



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A GUIDE TO EDUCATION RIGHTS OF ASYLUM SEEKERS & REFUGEES IN SOUTH AFRICA

This booklet was compiled by the
Consortium for Refugees and Migrants in
South Africa.

