



Temporary reprieve for refugees

By Thabiso Thakali

Victims of xenophobic violence still seeking refuge at six Gauteng temporary shelters have been granted a reprieve to remain on the sites until Monday.

"Because this matter is still before the Constitutional Court - we have put everything on hold," said Gauteng government spokesperson Thabo Masebe on Friday, shortly before the court issued a directive to the same effect.

The court set Monday afternoon as the time to hear the application by the Wits Law Clinic and Consortium for Refugees and Migrants in SA (Cormsa) to challenge the government's plans to shut down the camps.

The hearing will be limited to whether the application for leave to appeal the decision of the Pretoria High Court should be brought directly before the constitutional court and - if it is refused - whether interim relief should be granted.

There was further confusion when provincial government officials claimed that the 2 000 people remaining at the shelters were in the country illegally and it had no responsibility over them.

"We were ready to close the shelters today and if we had closed them the department of home affairs would have made arrangements for the illegal people," said Masebe, "but we will wait for the outcome of the court and make a further announcement in the next few days".

Gauteng MEC for Social Development Kgaogelo Lekgoro, who heads the interministerial task team set up to attend to the situation of the victims of xenophobic violence, said people seeking refugee status were never the responsibility of the provincial government.

"The 2 000 were denied asylum status by Home Affairs because they did not meet the criteria for such status," he told a media briefing on Friday.

"As the provincial government, we don't handle refugee issues - that's not our competence."

Amid conflicting and ambiguous statements, the two government officials were at pains to explain what plans their government was going to put in place to help those who had nowhere to go.

"It was never our intention to put people on the streets, and therefore the closing of the shelters, as we announced, was not going to leave anybody on the streets," stressed Masebe.

"Nobody was going to be left on the streets because we had a plan but we cannot talk about the details now."

Government has also insisted that its reintegration plans were working without hitches as the majority of displaced people had returned to their various

communities.

Masebe said other things that government had to do to ensure smooth reintegration included stabilising the security system so that the violence could stop.

Lekgoro said once they had studied the outcome of the Constitutional Court challenge, they would make a decision on whether contracts of services providers such as security companies and managers would be extended.

"We will determine government's course of action that... will include our expenditure patterns," he added.

"We are left with people that we categorise as illegal so should we continue to spend? That is the matter we are arguing in court. We are there to present our case and hopefully they will hear our side of the story."

Cormsa spokesperson Duncan Breen said it was possible that many of those who were without documents at the time of the attacks were people who had previously approached refugee reception offices but had not yet been assisted.

"Yes, they may have no documents but their new [temporary ID] cards approved by the Minister do give them legal status," he said.

"Even people who had their initial application for refugee status rejected are entitled to an appeal and during this time they still have all the rights."

He said the appeal process was important as there are many cases where genuine claims to status are not picked up initially by home affairs.

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