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University of Cape Town



Department of Social Development

**An exploration into the challenges and experiences of South
Sudanese male refugees living in Pretoria, South Africa**

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**A minor dissertation submitted in partial fulfillment of the
requirements for the award of the Degree of Master's of Social
Science in Social Development**

Supervisor: Dr M. Booyens

Date: 1st June 2011

Compulsory Declaration

I, Viola Aluel Riak, do hereby declare that this dissertation is my own work and has not been submitted in whole, or in part, for the awarding of any degree in another institution. Each contribution attributed to, and quotation in this dissertation from the work(s) of other people has been cited and clearly referenced.

Signature: _____



Date: 1st June 2011

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Finally, I take this opportunity to extend my deep appreciation to my family and friends, for all that they have meant to me during the critical times in this research project.

Dedication

This minor dissertation is dedicated to my late uncle, Mr. Arop Nyok Kuol: it is his contributions towards my education that have enabled me to come this far with my studies. May the Almighty God rest his soul in eternal peace.

List of acronyms

CORMSA	----- Consortium for Refugees and Migrants in South Africa
CPA	----- Comprehensive Peace Agreement
FHN	----- Fundamental Human Needs
GNU	----- Government of National Unity
GOS	----- Government of Sudan
GOSS	----- Government of South Sudan
IGAD	----- Inter-Governmental Authority on Development
IOM	----- International Organization for Migration
JRS	----- Jesuit Refugee Service
LHR	----- Lawyers for Human Rights
LRC	----- Legal Resources Centre
LRF	----- Legal Resources Foundation
MSF	----- Medecins Sans Frontiers
NGO	----- Non-governmental organisation
OAU	----- Organisation for African Unity
RI	----- Refugee International
SPLM	----- Sudan People's Liberation Movement
SRASA	----- Sudanese Refugee Association in South Africa
SSRRC	----- South Sudan Relief and Rehabilitation Commission
UNDP	----- United Nations Development Programme
UNHCR	----- United Nations High Commissioner for Refugees

Abstract

The main purpose of this study is to explore the challenges and experiences of South Sudanese male refugees in South Africa. The 15 South Sudanese men who participated in the current study had left Sudan because of the civil war there. All the participants said that the civil war was characterised by gunshots fired by the Sudanese Government soldiers that were intended to kill the South Sudanese. The participants highlighted certain political, religious and racial inequalities, and the unequal distribution of resources between the South and North Sudanese.

The participants indicated that they had come to seek refuge in South Africa for security, safety and socio-economic reasons. Because there was no war or conflict in South Africa, participants came to South Africa to seek refuge. Participants said that South Africa was one of the most peaceful countries in Africa; and that it has enacted laws that allow refugees to live in its territory. The findings show that, although the participants came to South Africa hoping to improve their quality of life and to be secure and safe, participants also acknowledged that living in a foreign country as a refugee is not easy and has positive, as well as negative aspects.

All 15 participants identified the Department of Home Affairs as the main problem impeding a smooth application process in their attempts to secure refugee status. The participants identified the process as being lengthy, and spoke about the corruption and harassment they experienced at the Department of Home Affairs. The participants blamed the corruption in the Department of Home Affairs on the staff. The findings show that corruption reduces the chances of refugees securing their refugee status. The findings revealed that because the Home Affairs staff knew the importance of refugee status to refugees, they took advantage of this and asked for bribes from these refugees. Those refugees who could not afford their request were either rejected or told to wait for an indeterminate period.

The last chapter of this report, will present some recommendations drawn from the participants, as well as the researcher's opinions, on the strategies that need to be put in place by the South African Department of Home Affairs and the South Sudan Relief and Rehabilitation Commission in order to reduce the challenges faced by South Sudanese refugees living in South Africa.

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CHAPTER ONE: INTRODUCTION

1.1. Introduction

According to the United Nations High Commission for Refugees (UNHCR) (2010), South Africa is estimated to be home to 357 768 refugees and asylum seekers. The UNHCR has further estimated that South Africa is the country that provides refuge to more refugees and asylum seekers than anywhere else in the world. The UNHCR states that South Africa attracts thousands of migrants, refugees and asylum seekers annually. They are all in search of a safe, secure environment and the economic opportunities associated with such an environment.

As rich nations move towards fostering peace by overcoming challenges that result from terrorism and economic downturns, the people from South Sudan are more concerned with challenges that result from the country's involvement in the longest civil war in Africa. One of the major issues that the South Sudanese people are struggling with is how to heal themselves from the effects of a civil war that has left painful wounds and memories. One of the wounds is that many people have been separated from their families, and are now scattered in different parts of the world as refugees.

Although South Africa is a safe and secure environment for many refugees and asylum seekers fleeing from war-torn areas, like Sudan, many are experiencing social and economic challenges in their efforts to integrate successfully into South African communities. One such challenge is access to the labour market. This is a major problem facing refugees and asylum seekers (Guido, 2010).

This research explores the challenges and experiences of South Sudanese male refugees living in Pretoria. Background information on Sudan, the significance of the study, research questions and objectives are clearly articulated in this chapter. The clarification of key concepts, as well as the main ethical considerations of the research are discussed. The concept of reflexivity is explored, and finally, the layout of the report is presented.

1.2. Background information on Sudan

This section is important for the current study, because it provides background information on Sudan, to enable the reader to understand the circumstances which the South Sudanese men who participated in this research had endured.

Sudan was the first African country to be ruled by Britain as a colony; and it was the first to be granted independence from Britain, on 1 January 1956 (Douglas, 2006). Since its independence, Sudan has been torn by two civil wars between the North and the South. The first war started immediately after independence, and was fought from 1956 to 1972. It ended with the signing of the Addis Ababa Peace Agreement. The second war, the longest of its kind, started in 1983 and ended in January 2005, with the signing of the Comprehensive Peace Agreement (CPA) between the Government of Sudan (Goes) and the Sudan People's Liberation Movement (SPLM) (Douglas, 2006).

The Sudan Comprehensive Peace Agreement (CPA) led to the formation of two governments. These were the Government of the Republic of Sudan (GOS), also known as the Government of National Unity (GNU) based in North Sudan, and the Government of South Sudan (Goss), which is also referred to as the Sudanese People's Liberation Movement (SPLM). This is based in South Sudan.

The Comprehensive Peace Agreement (CPA) is the agreement which was signed in 2005 by the Government of the Republic of Sudan and the Sudanese People's Liberation Movement. This agreement ended 22 years of civil war in Sudan, and was mediated by the Inter-Governmental Authority on Development (IGAD) through negotiations in Kenya that took place between 2002 and 2004. Their main goal was the ending of the longest civil war in Africa. The 2005 CPA is a legal document that binds the two parties to implement the six agreed-on protocols within the six years of the interim period (January 2005 to January 2011) (CPA, 2005).

The Machakos Protocol is one of the six protocols agreed on by the two governments, signed in Machakos, Kenya, on 18 June 2002. This led to the establishment of the two interim governments. The Protocol stated that Sudan would remain one country for the six years of the

interim period which would end in 2011. The Protocol gives the people of South Sudan the right to self-determination. This would take effect on 9 January 2011, when the South Sudanese would be able to decide in a referendum whether they wanted a united Sudan, or the secession of the South as an independent country.

The Protocol also gave the people of South Sudan the right to govern and control their own affairs through the Government of South Sudan (GoSS), which is in the control of the Sudanese people's Liberation Movement (SPLM). South Sudan is a region within the greater Sudan, and thus still falls under the jurisdiction of the Government of Republic of Sudan (GOS), based in North Sudan with which it formed the Government of National Unity (GNU). In signing the Machakos Protocol, the two parties committed themselves to the guiding principle of bringing peace to the people of Sudan through good governance, security, justice and equality for all (CPA, 2005).

According to Badri (1998), the civil war in Sudan was caused by ethnic, religious and cultural differences, and the concentration of political and economic power in the hands of the North. It is estimated that during the period of the second civil war of 1983-2005, two million deaths were caused as a result of the war and famine and over four million South Sudanese were displaced, in search of a secure environment for themselves and their families, becoming refugees in the neighbouring countries of Kenya, Uganda, Ethiopia and Zaire, as well as in South Africa and other parts of the world (Schafer, 2007, Global Security, 2005).

The signing of the CPA led to the establishment of the South Sudan Relief and Rehabilitation Commission (SSRRC) with the functions of repatriation, relief, resettlement, rehabilitation and reintegration of the returnees and internally displaced persons and the facilitation of the reconstruction of the conflict-affected areas in South Sudan. Since the signing of the CPA in 2005, the International Organisation for Migration (IOM) has been collaborating with the South Sudan Relief and Rehabilitation Commission (SSRRC) in respect of the return, reintegration and resettlement of South Sudanese refugees and displaced people (IOM, 2009).

It is crucial to note that following the signing of the CPA in 2005, there has been a massive return of internally displaced South Sudanese and refugees. The UNHCR (2009) estimates that 2.3 million people have returned to South Sudan from neighbouring countries and elsewhere since the signing of the CPA in 2005. However, the Refugee International (RI) Report (2009) on Sudan points out that these 2.3 million returnees are faced with extreme poverty, a lack of access to clean water, primary health care, to education and only limited access to employment opportunities as a result of the poor infrastructure in South Sudan.

The Report also highlighted the failure of the South Sudan Relief and Rehabilitation Commission (SSRRC) to implement reintegration strategies and policies aimed at providing the returnees with the opportunity to rebuild their lives and obtain basic social services and access to livelihoods needs (RI, 2009).

1.3. Significance of the study

The idea for this study arose from the researcher's desire to conduct research that would be of possible value to the Government of South Sudan and to the South Sudanese refugees living in South Africa. South African society has emerged out of the socio-historical conditions of apartheid. Apartheid left behind a legacy of inequality. Wealth was, and still largely remains, in the control of a small minority, while the vast majority live in abject poverty (Davids, Theron and Maphunye, 2005).

Research conducted in 2002, by the Legal Resources Foundation (LRF), has revealed that because of the high rate of poverty, the unemployment rate among South African citizens, and the growing number of refugees and asylum seekers, the South African Government has refused to include refugees in its social security system. It believes that it does not have the financial capacity to render material support to the range number of refugees living in South Africa (LRF, 2002).

Despite the fact that the South African Refugees Act (1998) aims at managing the absorption of refugees and asylum seekers into South African society through the provision of legal protection for them, the South African Government does not provide any material assistance to refugees

and asylum seekers living in South Africa. This is unlike Kenya and Uganda, where the majority of refugees are placed in refugee camps, where they are provided with material assistance by the host government, the UNHCR and other non-governmental organisations. The Government of South Africa, on the other hand, has adopted the policy of local integration. The intention was to integrate refugees and asylum seekers into South African communities, where they are expected to be self-sufficient and able to function fully, without any assistance from the South African Government. However, this policy of local integration has proven to be ineffective, because of problems such as xenophobia (LRF, 2002).

The knowledge gained from this study will be made available to the Government of South Sudan Relief and Rehabilitation Commission (SSRRC), the South African Department of Home Affairs, NGOs working on refugee issues, as well as South Sudanese refugees living in South Africa. The researcher hopes that by sharing the experiences and challenges faced by South Sudanese refugees in South Africa with these two governments, they will gain an understanding and knowledge of the circumstances and conditions experienced by South Sudanese refugees. Such an increased awareness may hopefully result in their offering more assistance to South Sudanese refugees.

This research is of significance to NGOs working on refugee issues, because the findings will identify the immediate challenges that are affecting refugees; and once these challenges have been identified, they can be used by these NGOs for planning developmental interventions or programmes for refugees.

1.4. Research questions and objectives

The main research question guiding this study is ‘What are the challenges and experiences of South Sudanese male refugees living in Pretoria, South Africa?’

1.4.1. Research questions

Rooted in the above-mentioned main research question, are the following four research questions:

1. What are the reasons that led these South Sudanese to seek refuge?

2. What were their experiences in attempting to secure refugee status?
3. What are the challenges they have experienced with regard to:
 - 3.1. Educational opportunities;
 - 3.2. Health care;
 - 3.3. Employment; and
 - 3.4. Accommodation?
4. What has been the South Sudanese refugees' knowledge and experience of institutional support available in Pretoria?

1.4.2. Research objectives

The four main research objectives are:

1. To explore the reasons that led South Sudanese refugees to seek refuge in South Africa;
2. To investigate their experiences in securing refugee status;
3. To explore the challenges they experienced with regards to:
 - 3.1. Educational opportunities,
 - 3.2. Health care,
 - 3.3. Employment, and
 - 3.4. Accommodation.
4. To examine the South Sudanese refugees' knowledge and experiences of institutional support available in Pretoria.

1.5. Clarification of concepts

It is important when conducting research to clarify the meanings of the key concepts for a better understanding of the research at hand (Babbie & Mouton, 2007). These concepts are clarified below.

1.5.1. Challenges

In the context of this study, "challenges" are those obstacles that face South Sudanese refugees with regard to educational opportunities, employment opportunities, access to basic health services, and accommodation in South Africa.

1.5.2. Experience

The term “experience” in this study has been used to refer to living situations and conditions faced by South Sudanese refugees with regard to educational opportunities, employment opportunities, access to basic health care services and access to accommodation while seeking refuge in South Africa.

1.5.3. South Sudanese

For the purpose of this study, the term “South Sudanese” refers to people who come from the ten states of the South Region of Sudan, and who are currently living in South Africa as refugees. These ten states are: Central Equatoria, Jonglei, Upper Nile, Western Bahr al Ghazal, Northern Bahr al Ghazal, Unity State, Warap, Lakes, Western Equatoria and Eastern Equatoria State.

1.5.4. Refugees

There are three definitions of the term ‘refugee’ which are used in this study. South Africa is a signatory to the United Nations (UN) Convention Relating to the Status of Refugees (1951) and the Organisation of African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa (1969).

The United Nations Convention Relating to the Status of Refugees (1951) in Chapter 1, article 1, defines a refugee as;

“ any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable, or, owing to such fear, is unwilling to return to it” (UN, 1951).

The UN Convention (1951) definition of a refugee signifies that prior to seeking international refugee protection; if possible, he/she must seek protection in another specific region or area of his or her own country, where there is no risk of any well-founded fear of persecution.

The Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa (1969) defines a refugee in article 1, as a person who;

“owing to external aggression, occupation, foreign domination or events seriously disturbing public order, is compelled to leave his/her place of habitual residence, in order to seek refuge in another place outside his/her country of origin or nationality” (OAU, 1967:2).

The South African Refugee Act (1998) follows the United Nations Convention (1951) and the Organisation of African Unity (1967) definitions, in defining a refugee as;

“any person who has been granted asylum in terms of the Refugee Act” (Refugee Act, 1998: Chapter 1:6).

In this research, a refugee will mean a person who has been recognized by the South African Department of Home Affairs, in terms of the South African Refugee Act (1998), as an asylum seeker or refugee, through the provision of a permit, allowing the applicant to live in South Africa for the period stated in the document.

1.6. Main ethical considerations

“Ethics is a set of moral principles which is suggested by an individual or group, is subsequently widely accepted, and which offers rules and behavioural expectations about the most correct conduct towards experimental subjects and respondents, employers, sponsors, other researchers, assistants and students” (De Vos, et al. 2005:57).

There were a number of ethical considerations which were taken into account during this research. These considerations are: avoidance of harm, informed consent, confidentiality and anonymity, voluntary participation, and the ethical conduct of the researcher.

1.6.1. Avoidance of harm

A researcher has an ethical obligation to make sure that no physical or psychological harm is done to the participants through the research process (Huysamen, 2001). Throughout the study, the researcher was aware of, and responded to, the participants as sensitively as possible. For this

reason, the debriefing session at the end of each interview was important, as the participants talked about their experiences of the interview and asked questions seeking clarification about the aspects of the research.

1.6.2. Informed consent

The researcher obtained informed consent from the participants before conducting the interview process as is required (Huysamen, 2001). The participants were informed of the purpose of the research, its importance, the qualifications and experience of the researcher, the possibility of any discomfort they might feel, whether physical or psychological in nature, and the possibility of their withdrawing during the interview if they so wished. An amount of time was set aside for questions and answers, in case of anything that they did not understand (Huysamen, 2001).

1.6.3. Confidentiality and anonymity

Confidentiality of information and the anonymity of the participants were stressed at all times, as was ethically required (De Vos, et al. 2005). This meant that the information shared by any participant with the researcher was not revealed to any other participant or any other party. In addition, the participants had the right to decide when, where, to whom and to what extent, information about themselves could be revealed (De Vos, et al. 2005). This was linked to the issue of respecting their autonomy. Before the researcher started the interviewing process, she explained to each of the participants that whatever was going to be discussed would remain confidential. The researcher asked the participants to use pseudonyms, in order to keep their identity anonymous and confidential. All the participants in this study used a pseudonym. The findings of this study, which will be discussed in chapter four, will not reveal the names of any of the participants.

1.6.4. Voluntary participation

According to Babbie and Mouton (2007), no-one should be forced to participate in the research process with regard to this current study. The participants were assured that their participation in the research was completely voluntary; and they were given the opportunity to decline or withdraw at any time should they wish to do so. None of the participants who had voluntarily agreed to participate withdrew his participation during the interviewing.

1.6.5. The researcher

The competence and the skill of the researcher to conduct this research was an important aspect of its success. Researchers need to have competence in, and the necessary skills required for, conducting interviews as these are part of an exploratory research design which requires researchers to explore, probe and interpret (De Vos, et al. 2005). As regards to this research, the researcher can confidently assert that she has the required skill and experience to conduct such interviews. Before the commencement of this research, the researcher explored how to conduct qualitative research. This experience enabled the researcher to acquire the necessary skills needed for this study.

1.7. Reflexivity

Reflexivity is;

“the explicit recognition and examination of the researcher’s role in the research process, including the assumptions with which they operate, their identification and misidentification, and their possible influence on the research process” (Terre Blanche, Durrheim & Painter, 2006:563).

“Reflexivity is the ability to formulate an integrated understanding of one’s own cognitive world, especially understanding one’s influence or role in a set of human relations” (De Vos, et al. 2005:363).

There were times during the data collection process that the researcher felt sympathy for some of the participants because of what they had experienced, especially those who came to seek refuge in South Africa, when young and unaccompanied. Throughout this research, the researcher was mindful of the risk of these sympathies influencing the findings and strove to avoid any bias she might have had in the light of her own experiences as a former South Sudanese refugee. Nevertheless, the researcher’s personal experience as a former refugee, gave her a better understanding of the data collected, which enabled her to make better sense out of the data, without influencing the process or findings of this research.

1.8. Layout of the report

This document consists of five chapters as outlined below:

Chapter One: Introduction

Chapter one of this report includes background information on Sudan, the significance of the study and the main research questions and objectives are all clearly set out. The clarification of key concepts, as well as the main ethical considerations of the research and reflexivity are also discussed.

Chapter Two: The literature review

The second chapter of the report consists of the literature review which underpinned the study of the challenges the refugees had experienced. The literature review of this study reviewed the United Nations Report on Human Migration. Chapter Two also reviewed the South African Refugee Act (1998), and the international Conventions and protocols signed by the South African Government. Drawing on findings from previous researchers, factors that influence people to seek refuge are discussed. It also discusses the theoretical framework that underpins the current study on refugees and highlights the challenges related to the securing of refugee status in South Africa. Finally, it discusses those institutions which offer support to refugees in South Africa.

Chapter Three: Research design and methodology

This chapter discusses the choice of research design; and it outlines the methodology that has been followed in carrying out the research project. It presents the research design, the sampling design and the sampling method, data collection method, data collection tool, data apparatus, data analysis, data verification and the limitations of this research project.

Chapter Four: Research findings

Chapter Four of this document presents the main findings drawn from the in-depth interviews conducted with the 15 South Sudanese interviewees. The findings of the study are analysed and compared and contrasted with the findings in the literature review in Chapter Two.

Chapter Five: Conclusions and Recommendations

The final chapter focuses on the conclusions and the recommendations both of which are based on the research findings, as discussed in Chapter Four. This chapter proposes some key recommendations to the Government of South Africa, the Department of Home Affairs, the Government of South Sudan Relief and Rehabilitation Commission (SSRRC), Non-governmental organisations working on refugee issues; and finally, it proposes the need for future research on certain specific issues.

University of Cape Town

CHAPTER TWO: LITERATURE REVIEW

2.1. Introduction

Although a State might not be involved formally in war, its social, cultural and legal structures could favour one group and deny the other group based on their religion, sex or race. Such discrimination may be manifested in various State policies and programmes, which deny access to education and health care (Hayden, 2004). Hayden points out that those people who are being denied are being harmed, and this discrimination is violating their basic human rights. Consequently, they are not at peace, and might migrate to another region or country as refugees looking for peace, security and access to basic social services.

The literature review in this study consists of six sub-sections; and it commences with a review of the United Nations (2009) Report on Human Migration. The second section reviews the South African Refugee Act (1998). This is followed by the factors that cause people to seek refuge. The fourth section discusses the theoretical framework that underpins the current study on refugees. The fifth section highlights challenges related to the securing of refugee status in South Africa. Finally, the last section reviews those institutions which offer support to refugees in South Africa.

2.2. Review of the United Nations Report on Human Migration

The concept of human migration has for many years been associated with negative stereotypes that label migrants as job stealers. However, a shift in people's understanding of human migration came in 2009, with the publication of United Nations' Human Development Report: Overcoming barriers, human mobility and development. This challenges such stereotypes. The report aims at changing the discrimination against migrants to enable them live in a more conducive environment; one which is migrant-friendly. According to the UNDP (2009:15), a migrant is;

“an individual who has changed his/her place of residence, either by crossing an international border or by moving within his/her country of origin to another region, district or municipality”.

The report states that many migrations take place within the migrant's country of origin. It is estimated that there are over 740 million internal migrants in the world as compared with 200 million international migrants. It is further estimated that there are 14 million refugees living outside their countries of origin, because of insecurities as a result of wars and armed conflicts (UNDP, 2009).

It is argued in the UNDP report that because of the huge differences in human development across and within countries, people migrate to other towns or countries as the best option to improve their quality of life. It is believed that human migration has positive rewards for people, and assists them in increasing their personal income, health and educational opportunities, and in the long run contributes to the enhancement of human freedoms. It is reflected in the report, that when people migrate, it is anticipated that they will be involved in economic activities that will benefit them and their immediate family members (UNDP, 2009).

As a counterclaim to the claims that migrant's movements have negative effects on local citizens, the report states that these effects are usually minimal, and in some cases do not exist at all. However, it notes that some States have policies which insist on the fulfillment of too many criteria before any borders may be crossed. These policies, then, constitute a barrier to human migration. Another barrier is employment requirements that give preference to local citizens (UNDP, 2009).

In South Africa, although refugees are entitled to seek employment, they face many challenges when striving to fit into the South African labour market. Factors such as the lack of employment opportunities, bureaucratic hindrances, xenophobia, language barriers, cultural differences, and the low level of education make refugees vulnerable to unemployment (Landau, 2006, Hathaway & John, 1995).

The UNDP report of 2009 is important in the current study, because it proposes that governments should develop policies and strategies that aim at the better treatment of migrants. It highlights the important role of government in designing policies that are inclusive of migrants, citizens and refugees, as a way of eliminating any barriers affecting human development in many parts of the

world (UNDP, 2009). The UNDP 2009 report is linked to this study, because it helps in the understanding that refugees are not threat to local people. It stipulates that refugees migrate to improve their quality of life. This understanding relates to the current study's objective one of exploring the reasons that led South Sudanese refugees to seek refuge in South Africa and research objective two of investigating their experiences of securing refugee status.

2.3. South African Refugees Act, no. 130 of 1998

It is of fundamental importance to note that South Africa only started to implement refugee protection after the democratic elections of 1994. Between 1995 and 1997 the South African Government signed a number of International and Regional Conventions and Protocols. The new democratic South African Government passed the Refugees Act in 1998. This only came into effect in April 2000, two years after its enactment. It is the only piece of legislation governing the status of refugees in South Africa. In pursuance of this act, South Africa has signed the United Nations Convention Relating to the Status of Refugees (1951), the United Nations Protocol Relating to the Status of Refugees (1967), and the Organisation of African Unity Convention Governing Specific Aspects of Refugees (1969).

The South African Government enacted the Refugees Act in 1998 to honour its responsibility to protect refugees living in South Africa, without any discrimination based on refugees' country of origin, race, gender, or religion, and to accord to refugees the rights, benefits and treatment considered as being favourable to refugees. These rights include the rights to housing, public education, public health care and social security.

The Refugees Act (1998) is meant;

“to give effect within the Republic of South Africa to the relevant international legal instruments, principles and standards related to refugees, to provide for the reception into South Africa of asylum seekers, to regulate applications for and the recognition of refugee status, to provide for the rights and obligations flowing from such status, and to provide for matters connected therewith” (Refugees Act, 1998: 2).

The Refugees Act makes provision for refugees to be given a formal written identification of their refugee status. This status enables them to enjoy legal protection whilst in South Africa. There are two stages in the refugee determination process in South Africa. The first is becoming an asylum seeker, and the second is being recognised as a refugee. These two legal documents are issued to the holder, bearing the holder's identity number, surname, all forenames, date of birth, name of place or country of birth and gender. Both legal documents oblige all the refugees living in South Africa to abide by the laws of the Republic of South Africa (Refugees Act, 1998).

The Government of South Africa has mandated the Department of Home Affairs to be the agency charged with the determination of refugees status. Asylum seekers on their arrival in South Africa are expected to go to the Refugees Reception Office, fill in the application form and submit this to the Refugees Reception Officer. Based on the information provided by the applicant, a decision as to whether to issue the asylum seeker with an asylum permit is then taken by the Refugees Status Determination Officer. In those cases where the application for asylum is 'rejected' or 'unfounded', the applicant has the right to appeal the decision of the Refugees Appeal Board or to the Standing Committee for Refugees Affairs (Refugees Act, 1998).

2.3.1. South African Laws impacting on Refugees Act, no. 130 of 1998

The South African Refugees Act (1998) is based on the Constitution of the Republic of South Africa (1996). This research examines the challenges faced by South Sudanese refugees with regard to the accessing the rights guaranteed to them by the Refugees Act within the broader South African constitutional context of achieving rights for all who live in South Africa (Constitution of South Africa, 1996). The Bill of Rights, in Chapter Two of the Constitution, affirms that all people in South Africa should be treated with dignity, equality and freedom. The State's responsibility is to respect, protect, promote and fulfill the rights in the Bill of Rights (Constitution of South Africa, 1996).

The Constitution also tasks the State not to unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and county of birth (Constitution of South Africa, 1996).

The South African Immigration Act (2002) affirms that refugees have all the rights contained in the Bill of Rights in the South African Constitution, except for the right to vote which is specifically reserved for citizens only. The Immigration Act of South Africa aims at setting in place a system of immigration which ensures that temporary and permanent residential permits are issued as expeditiously as possible and on the basis of simplified procedures and objective, predictable and reasonable requirements and criteria, without consuming excessive administrative capacity. This Act also ensures that security considerations are fully satisfied, and that the State retains control of the immigration of foreigners to the Republic (South African Immigration Act, 2002).

2.3.2. United Nations Convention and Protocol

The United Nations established a Convention and Protocol to enable refugees to gain access to safety and security in the country in which they are seeking refuge. These are to be found in the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees. South Africa signed the United Nations 1951 convention relating to the status of refugees on 12 January 1996. The 1951 Convention binds signatories to general obligations or rights that a refugee should be granted by the host country. The Convention also binds refugees to comply with the laws of the host country in order to maintain an orderly society in the country to which they have immigrated.

South Africa became a signatory to the 1967 United Nations Protocol Relating to the Status of Refugees on 31 March 1997. The Protocol obliges the member states to co-operate with the United Nations High Commissioner for Refugees (UNHCR) by providing statistical data concerning the condition of refugees, the implementation of the 1967 Protocol, and information on the laws and regulations protecting the rights of refugees (United Nations Protocol Relating to the Status of Refugees, 1967).

It is important to note that there is only a slight difference between the 1951 Convention and the 1967 Protocol. The Convention applies only to those member states who are signatories to it, whereas the Protocol applies to all states, regardless of whether or not they are signatories to the Convention. Another noteworthy difference is that the Convention provides only the fundamental and basic minimum requirements as to how refugees should be treated by the host

state. The Protocol, on the other hand, clearly articulates how states should apply the terms of the Convention to all refugees.

Although the Protocol relates to the Convention, it should be treated as a separate and independent instrument, because its application is not limited to those states who are signatories to the Convention (UNHCR, 2007).

2.3.3. African Unity Convention Governing the Specific Aspects of Refugees.

The member states of the Organisation of African Unity (OAU) are obliged by the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugees to establish laws that aim at protecting and receiving refugees by securing settlement for the refugees who, for good reason, are unable or unwilling to return to their country of origin. The signatory states are to grant asylum to refugees and offer them a peaceful environment which is refugee-friendly. This Convention gives the refugees the responsibility of conforming to the laws of their host country, so that public order is maintained therein (Organisation for African Unity, 1969).

All the above discussed laws, Conventions and Protocol discussed above are of importance in this current study, because they inform the South African Refugees Act (1998). This is the law in South Africa that regulates the issuing of refugee documents; and this relates to this research project's objective of investigating the South Sudanese refugees' experiences in securing refugee status in South Africa.

2.4. Factors influencing people to seek refuge

There are various reasons why people seek refuge in another country. In Africa, the growing number of refugees has been blamed on civil wars and armed conflicts. These have been identified by a number of authors, as shown below, as the major reason influencing people in Africa to seek refuge.

Various authors argue that, until the early 1980s, wars of liberation accounted for a large percentage of refugees in most parts of Africa. It is strongly believed that massive flows of

African refugees in 1990 were principally caused by armed conflicts (Akokpari, 1998; Adepoju, 1982 and Miller, 1982).

Many countries in post-colonial Africa have experienced an inability to distribute their inadequate political and economic resources effectively among their citizens. This has led to the misallocation of resources by governments, and has resulted in conflicts in society, thereby accelerating the number of African refugees worldwide (Akokpari, 1998).

An example of these conflicts is the Sudan civil war. According to El-Affendi (1990), the conflict in Sudan resulted from the political domination by the North Sudanese which left the South Sudanese excluded from political and economic participation in Sudan. Commenting on the civil war in Sudan, Akokpari (1998) points out that the Sudanese civil war, fought between the Government of Sudan and the Sudan People's Liberation Army (SPLA) claimed thousands of lives and forced many South Sudanese into exile in Ethiopia, Uganda, Kenya, Zaire, Europe, the Middle East and the United States of America.

Handmaker and Parsley (2001) argue that, as much as there is evidence that war is the major reason for people in Africa to seek refuge, there are also economic motivations. They argue further, that recently people tend to seek refuge in South Africa for economic reasons, as opposed to the 1980s and 1990s, when the main reason why people sought refuge was the result of civil wars that were being fought in many parts of Africa. To support their argument, they give the example of Mozambican refugees in South Africa, saying that in 2000, Mozambique experienced poor economic growth and environmental disasters, resulting in its citizens coming to South Africa seeking refuge for economic opportunities.

Handmaker and Parsley (2001) have pointed out that the South African democratic government has embraced neo-liberal economic policies that aim at encouraging international trade and capital. This has enabled South Africa to become a preferred country in Africa for refugees, especially those who are unskilled labourers.

2.5. Theoretical framework

The current study on refugees is underpinned by theories that seek to explain the wellbeing of people in society. Though there are many theories that can potentially guide the study of refugees, this present study focuses on selected humanist theories, namely Max-Neef's human needs theory, a human rights approach, people-centred development, and the understanding of development as freedom. These theories have been adopted in this current study, because they all aim at achieving human needs, human rights, human participation and social inclusion.

2.5.1. Human needs theory

The definition of a human need is based on the values and ideology of the judgment reflecting the profession of the person defining the need (Ife, 2008). Human needs are not ends in themselves, but they are means to achieve a more desirable end. Ife further argues that some needs are more important than others; hence, there is a need for a decision on which need should be given priority (Ife, 2008). In this current study, the researcher explored the South Sudanese access to the need for education, employment, health and shelter.

Max-Neef (1991) in his Fundamental Human Needs (FHN) approach outlines nine fundamental human needs, namely: subsistence, protection, affection, understanding, participation, creation, idleness, identity and freedom. These needs can be understood as being essential for refugees' survival in the sense that a deprivation of these needs would result in unmet human requirements. Max-Neef further outlines four categories of satisfiers that form an existential system, in which all satisfiers are interdependent of each other.

The satisfiers are classified as the need for 'being', 'having', 'doing' and 'interacting'. The current study of refugees is informed by Max-Neef's human needs theory, because in South Africa, for example, refugees and Asylum seekers were attacked in 2008 by some South African citizens, who accused refugees and asylum seekers of stealing their jobs. Given such examples, it is obvious that when there are unmet human needs among the South African, this can lead to violence such as xenophobia in South Africa (see section 2.5.4 for information on xenophobia) which in turn is physical and psychological harmful to refugees (O'Brien, 2009; Davids, et al. 2005 and Staub et al, 2005).

2.5.2. Human rights approach

According to Ife (2008), human rights are those rights that all human beings claim belong to them, regardless of their country of origin, race, culture or gender. “Human rights apply to all humans whatever their cultural background, belief system, age, sex, ability or circumstances” (Ife, 2008:10). The United Nations Declaration on the Right to Development (1986) legislated development as a fundamental human right and not as a privilege. Governments are, therefore, expected to implement policies which also benefit refugees. A human rights approach ensures that development efforts take place in a manner that does not violate refugee rights. This approach calls for protection of refugees, to ensure that they are not discriminated against by seeing that there is equality and equity in the provision of goods and services.

Refugees and asylum seekers living in South Africa have rights in terms of the Refugees Act (1998) and the Constitution of South Africa (1996). These rights are linked to the United Nations Convention Relating to the Status of Refugees (1951), the United Nations Protocol Relating to the Status of Refugees (1967), and the Organisation of African Unity Convention Governing the Specific Aspects of Refugees (1969). All of these aim at enabling refugees to gain access to safety, security, liberty and basic human rights.

Refugees and asylum seekers in South Africa have rights of entry into South Africa and to apply for asylum; and they may not be expelled, extradited or returned to any country, where their life, physical safety or freedom would be threatened. Refugees and asylum seekers have the right to have their application for asylum received by a Refugee Reception Officer, and to be given assistance in completing their application for asylum; to have the application for asylum decided on in a lawful, reasonable and procedurally fair fashion, including written reasons for a rejected application; to appeal an adverse decision; confidentiality in applying for asylum; the right to a safe environment, and the right to access housing, health-care services, sufficient food and water, social security and education (Refugees Act, 1998).

2.5.3. People-centred development

Central to the concept of development is a people-centred approach. This is humanist in perspective, in that it stresses the importance of people's sovereignty and self-determination in seeking to find solutions to their social problems (O'Brien, 2009; Davids, et al. 2005 and Campfens, 1997).

“people-centred development is a process by which the members of a society increase their personal and institutional capabilities to mobilise and manage resources to produce sustainable and justly distributed improvements in their life consistent with their own aspirations”. (Korten, 1990:76, in Davids, et al. 2009:17)

Coetzee (1989, in Davids, et al. 2009) insists that development should, firstly, be for people (by creating opportunities for everyone); and secondly, by people (which implies that people should actively participate in any development initiatives). In the context of this study, this means that there is a need for refugees to participate in the formulation of development interventions that are meant for them so that their basic human needs are met, leading to the development of their self-reliance, self-confidence, pride, initiative, creativity, responsibility, co-operation, skills and capabilities necessary for human development (Davids, et al. 2009; Burkey, 1993 and Max-Neef, 1991).

2.5.4. Development as freedom

“Development is a worldwide concern, which has been taken to mean different things at different times, in different places, and by different people in different professions and organisations” (Chambers, 2005:186).

This research has adopted the definition of development by Sen (1999:3), which proposes that;

“Development is a process of expanding the real freedoms that people enjoy”.

Sen (1999) argues that viewing development in terms of expanding substantive freedoms directs attention to the ends that make development important, rather than merely to some of the means that, inter alia, play a prominent part in the process. He asserts that development requires the

removal of major sources of unfreedoms. These unfreedoms include poverty, tyranny, poor economic opportunities, systematic social exclusion, neglect of public facilities, as well as the intolerance or overactivity of oppressive states.

In South Africa, although the identity and security needs of all people, including refugees, are safeguarded in the Bill of Rights, the United Nations Convention Relating to the Status of Refugees (1951), the United Nations Protocol Relating to the Status of Refugees (1967) and the Organisation of African Unity Convention Governing the Specific Aspects of Refugees (1969), there still remains rampant socio-economic deprivation of the vast majority of refugees (Handmaker, 2001).

Deprivation in South Africa, however, is not only experienced by refugees, but by many South Africans as well. Poverty is a multifaceted concept, and because of this complexity, it is difficult to give a uniform account of the circumstances in which people become poor. Singh (1980) suggests that it is difficult to convey the true meaning of poverty, because the people affected may not have anything in common with each other, other than a lack of resources to meet their basic needs.

According to Burkey (1993: 21);

“poverty can be defined in terms of lack of access to basic needs, such as clean water, adequate and balanced food, physical and emotional security, physical and mental rest, and culturally and climatically appropriate clothing and shelter”.

Kanbur & Squire (1999) in Meier & Stieglitz (2001:183) define poverty as:

“a state when significant numbers of people are living in intolerable circumstances in which starvation is a constant threat, sickness is a familiar companion and oppression is a fact of life”.

The researcher has adopted the definition of poverty given by (Davids, et al. 2009:37)

“Poverty conjures images of starving children, overcrowded informal settlements and ragged street children while for the poor themselves it consists of lack of power, income

and resources to make choices and take advantage of opportunities. Poverty is a state of disempowerment, hopelessness and vulnerability to a myriad of social problems”.

Lehohla (2006) argues that poverty in South Africa includes factors such as the denial of opportunities and choices relating to basic human development. Lehohla argues that poverty in South Africa is caused by the denial of opportunities and the choices most basic to human development, for those who live in it to lead healthy, creative lives and to enjoy a decent standard of living, freedom, dignity, self-esteem and respect. Lehohla further states that poverty is an objective reality, measurable through quantitative indicators of income and access to services, and outcomes such as health, nutritional status, and employability.

According to Stats SA (2010), South Africa has an estimated population of 49.99 million with 54.3% being people within the labour force aged 15 to 65. Of these, 25.3 % are unemployed (Stats SA, 2010). South African society has emerged out of the socio-historical context of apartheid, a system that predisposed its people to poverty and inequality, as indicated earlier and the wealth is still in the control of a small minority, whilst the vast majority live in abject poverty (Davids, et al. 2005).

In South Africa, poverty stems from the legacy of social exclusion emanating from the apartheid regime, as well as the severe global economic recession, increasing unemployment, retrenchments and a lack of decently paid work opportunities (Davids, et al. 2005). According to the official definition of unemployment adopted by Statistics South Africa (2005), the unemployed are those people within the economically active population who (15 to 65 year-olds) did not work during the seven days prior to the interview, want to work, and were available to start work within two weeks of the interview, and had taken active steps to look for work, or to start some form of self-employment in the four weeks prior to the interview.

Sen argues that development requires the removal of social exclusions that prevent people from living the kind of life they wish to live. According to Davids, et al. (2009), social exclusion in South Africa refers to the fact that despite welfare and the general wealth available, there still

remains a group of people excluded from the mainstream benefits of society. These individuals are prevented in some way from fully enjoying the general prosperity of the country.

Handmaker (2001) states that even though the South Africa Constitution guarantees that South Africa belongs to all those who live in it, refugees are still socially excluded from enjoying the fruits of development. He argues that, despite the South African Government's intention to protect their rights, social welfare and the dignity of those seeking refuge in South Africa, the South African Refugees Act (1998) reflects no State obligations for providing specialised assistance not even for unaccompanied children or the disabled. Rather, its explicit obligations are limited to bureaucratic processes intended to facilitate access and integration. Landau (2006) states that there is strong evidence that refugees and asylum seekers in South Africa suffer from social exclusion and discrimination.

According to research findings of the Consortium for Refugees in South Africa (CORMSA), there still remain in South Africa many children of refugees and asylum seekers who are excluded from accessing education (CORMSA, 2007).

Ramcharan (2004) argues that refugees are subjected to harassment and abuses by political parties, the media, and society at large. This is confirmed by Landau (2006) who identifies inadequate documentation, ignorance and discrimination as major obstacles that refugees face in accessing essential social services. Refugee children are arbitrarily denied access to school due to their age (they may be older than the mean for their grade), their perceived lack of language skills, or ignorance on the part of school staff of the fact that refugee children have a right to education.

Landau (2006) states that refugees are still being discriminated against in their efforts to access health-care facilities in South Africa. This is evident, particularly in emergency care units in public hospitals, because of the unwillingness of hospital staff members to distinguish between migrants and refugees (Landau, 2006). This inevitably leads to many refugees being denied access to basic health services and being charged the fees levied on other non-citizens.

According to CORMSA (2007), the national housing code excludes refugees from benefiting from its housing policies, on the basis of their illegal presence in South Africa, without giving sufficient evidence as to who is seen to be legal or illegal. Refugee identity numbers are often not recognised by the Government database. This leads to refugees being excluded from applying for public housing.

Belvedere (2003) states that refugees tend to live in rented rooms, flats, houses or cottages. Belvedere argues that because of refugees' vulnerability, they are charged more for rent by South African property owners than are the South African (or any other) tenants. Because refugees' earnings are limited, they end up living in overcrowded rooms to accommodate friends and relatives, thus leading to health problems.

Refugees and asylum seekers struggle to integrate themselves into South African communities because of xenophobia (Hathaway & John, 1995). The word xenophobia means "hatred" or "fear" of foreigners (South African Pocket Dictionary of Current English, 1994).

According to Harris (2002), xenophobia is characterised by negative attitudes towards foreigners. Harris argues that xenophobia does not affect all foreigners living in South Africa: it is directed at foreigners from African countries, especially towards immigrants and refugees. Tshitereke (1999) argues that xenophobia in South Africa is more than the hatred of foreigners, but it involves extreme tension and violence by South Africans towards immigrants.

Kollapan (1999) states that xenophobia is a form of human abuse inflicted on the victims through physical violence, not just as an attitude, but an activity which may even result in bodily harm and damage.

An article in *The Times* (2008) reports that xenophobia is perpetrated against black foreigners because of high levels of economic deprivation in South Africa, such as unemployment and poverty among black South Africans. This results in violence being perpetuated by South Africans against African immigrants and refugees whom they accuse of taking their jobs.

Sen's concept of development as freedom, as discussed above, shows that poverty is a serious hindrance to the development of human beings. The different arguments by different authors above show that refugees and asylum seekers in South Africa experience some form of discrimination.

2.6. Challenges in securing refugee status

The United Nations High Commission for Refugees (UNHCR, 1999) has identified the high flow of asylum seekers to South Africa, the implementation of new refugee legislation, weak or non-existent structures and procedures for refugee status determination, the abuse of asylum, together with corruption at the Department of Home Affairs as major challenges to the refugees and in respect of asylum management in South Africa.

According to research conducted by the Consortium for Refugees and Migrants in South Africa (CORMSA) in 2009, asylum seekers still struggle to access the Department of Home Affairs offices to secure refugee status and asylum permits. The findings reveal that asylum seekers are frequently arrested and detained; and, in addition, they risk deportation, due to the delay in securing the relevant documentation.

Klaaren and Sprigman (2000) point out that the limited number of staff and the lack of skills needed to process the application forms account for the cumbersome system which has consistently failed to achieve satisfactory standards of administrative justice. CORMSA (2009) states that the provision of interpreters to assist applicants to fill in their application forms is still a major problem that slows down the process of refugees securing their status on time.

Handmaker, De la Hunt and Klaaren (2008) argue that it is impossible for asylum seekers to access the Department of Home Affairs on their first visit; and these authors blame some officials at the Department of Home Affairs for processing only a limited number of applications per day.

CORMSA (2009) argues that the reception office staff at the Department of Home Affairs do not fulfill their mandates to assist asylum seekers with the application process by explaining it to

them, and providing protection to those applicants who are fleeing persecution. Instead, the emphasis has been on processing as many applicants as possible, as quickly as possible. This is in conflict with Handmaker, et al. (2008) who maintains that only a limited number of applications are processed per day. Handmaker, et al. (2008) are supported by Kerfoot (2000), who criticises the asylum-permit application procedure as “being clumsy”. According to Kerfoot (2000), there still exists a lack of sufficient staff resources in Home Affairs to process the progressively increasing numbers of asylum applications.

CORMSA (2009) points out that corruption and intimidation, particularly in the queues outside the reception offices, persist in being a significant violation of human rights. Handmaker, et al. (2008) state that the security guards, migrant agents, interpreters and officials solicit bribes from asylum seekers in exchange for the promise of favoured treatment and the speedy processing of their documentation. This is a confirmation of human right violation and is against the provision that refugees and asylum seekers in South Africa have the right to have their application for asylum decided on in a lawful, reasonable and procedurally fair fashion, including written reasons for a rejected application.

2.7. Institutions supporting refugees in South Africa

There are a number of organisations working on refugee issues in South Africa. This research will look at seven main organisations. These are the United Nations High Commission for Refugees (UNHCR), the Sudanese Refugee Association in South Africa (SRASA), Lawyers for Human Rights (LHR), the Legal Resources Centre (LRC), and the Consortium for Refugees and Migrants in South Africa (CORMSA), the Jesuit Refugee Service (JRS), and lastly, Medicins sans Frontiers (MSF).

These organisations use rights-based approaches in their interventions. According to Aall (2001), human rights organisations are those organisations that seek to protect and promote the basic rights of people. Aall further argues that human rights organisations aim to create an environment where people are respected and not abused. This section is linked to the fourth research objective of the current study which seeks to examine South Sudanese refugees’ knowledge and experiences of institutional support available to those who live in Pretoria.

2.7.1. United Nations High Commission for Refugees (UNHCR)

The United Nations High Commission for Refugees (UNHCR) is the agency of the United Nations that is responsible for the implementation of refugee programmes all over the world. The UNHCR has an office in Pretoria, and has been working hand-in-hand with the South African Department of Home Affairs to ensure that the rights of refugees living in South Africa are protected (Crisp & Kiragu, 2010).

The UNHCR assisted the South African Government in establishing the Refugees Act (1998) after the demise of the apartheid regime. The UNHCR, in collaboration with other rights-based organisations, has been advocating effective refugee-protection strategies and policies in South Africa (Crisp & Karamu, 2010). Through its extended outreach programme, the UNHCR has been working with community-based organisations and community leaders in different towns and cities in South Africa. Further, as an early warning system enhanced through peaceful coexistence and conflict resolution, it has been focusing on making community members aware of the potential of xenophobic violence (Crisp & Kiragu, 2010).

Crisp & Kiragu (2010) state that the UNHCR is implementing two major programmes, namely a protection working group and resettlement as a means of protection. These two programmes aim at reducing the risk of xenophobic violence and providing resettlement assistance, targeting particularly people with specific needs, such as women at risk, and survivors of torture, such as victims of xenophobic violence.

2.7.2. The Sudanese Refugee Association in South Africa (SRASA)

The Sudanese Refugee Association in South Africa (SRASA) is a non-profit, non-governmental organisation that was established in 2000 by Sudanese refugees in the Republic of South Africa. SRASA does not have a physical office, but meetings are held quarterly in Pretoria, where the majority of its members live. The main objectives of SRASA, as quoted in NGOs directory (2010) are;

- To fight xenophobia and racism, which are major problems facing refugees in the Republic of South Africa;

- To ensure that Sudanese refugees are legally recognised and issued asylum or refugee status and protection by the government of the Republic of South Africa;
- To work closely with the South African Lawyers for Human Rights NGO to ensure that the rights of Sudanese refugees are provided for under human rights legislation; and
- To provide assistance to Sudanese refugees to cover their basic needs, such as shelter, food, and primary health-care support.

2.7.3. Lawyers for Human Rights (LHR)

Lawyers for Human Rights (LHR) is a human rights-based organisation with offices in different towns and in South Africa cities, such as Durban, Johannesburg, Musina, Stellenbosch, Upington and Pretoria. LHR provides free legal services to refugees, immigrants and South Africans who are vulnerable and marginalised. LHR implements programmes that aim to protect child rights, environmental rights, land and housing rights, refugees' and immigrants' rights and the security of farm workers. LHR is also involved in the formulation of legislation and policies (LHR, 2009).

2.7.4. Legal Resources Centre

The Legal Resources Centre (LRC) is a human rights organisation which provides legal services to marginalised communities. The LRC aims to monitor the protection of refugees' rights in South Africa. The LRC has offices in Johannesburg, Cape Town, Durban and Grahamstown. Its vision states that it is an organisation committed to democracy and equality, and to ensure that the rights enshrined in the South African Constitution are respected, promoted, protected and fulfilled (LRC, 2008/2009).

2.7.5. Consortium for Refugees and Migrants in South Africa (CORMSA)

The Consortium for Refugees and Migrants in South Africa (CORMSA) is a non-profit organisation. The main objective of CORMSA is to promote and protect the rights of refugees living in South Africa. The CORMSA office is based in Johannesburg. CORMSA's vision is that of developing and strengthening a network through the exchange of information and experience between experts working on refugee issues and refugees rights. CORMSA also does monitoring and evaluation of the implementation of refugee policies and laws to ensure that stakeholders

involved in the implementation of refugee law are in compliance with international and national constitutional standards in South Africa. CORMSA provides services such as advocating, lobbying, training, capacity building and networking of institutions supporting refugees in South Africa (CORMSA, 2009).

2.7.6. Jesuit Refugee Service (JRS)

The Jesuit Refugee Service (JRS) is an international non-governmental organisation founded in 1980. It provides refugee services in over 57 countries. JRS is an organisation which aims to provide essential basic human services to refugees. The organisation's main objective is to advocate the rights of refugees in their countries of coverage. It has an office in Johannesburg, and it implements projects such as education, emergency relief assistance, health care, human-rights protection, livelihood projects, social services and peace-building initiatives (JRS, 2000).

2.7.7. Medecins Sans Frontiers (MSF)

Medecins Sans Frontiers (MSF) is a private international association made up mainly of doctors and health workers. MSF has been operating in South Africa since 1990, with its office based in Johannesburg. The main functions of MSF are to recruit medical professionals in the countries where it operates to provide emergency aid to people affected by armed conflicts, epidemics, health-care exclusion and natural or man-made disasters. MSF also aims to raise awareness on health issues through the sharing of information with the public, the media, the South African Government and other non-governmental organisations working on refugee issues. In South Africa, MSF is currently implementing programmes which aim to provide medical expertise and medical assistance to refugees and asylum seekers (MSF Charter).

2.8. Summary

Chapter Two of this report has discussed the United Nations Report on Human Migration. It has reviewed the South African Refugees Act (1998). Factors influencing people to seek refuge have also been highlighted. A discussion on the theoretical framework that underpins the study of refugees has been provided. The challenges in securing refugee status and a review of the institutions which are supporting refugees in South Africa has also been covered. Most of the information discussed in this chapter will be referred to later in the chapter on the analysis of the

findings (Chapter Four). The theoretical framework discussed in this chapter will be used as the basis for the analysis in Chapter four. The next chapter will present the methodology of this research.

CHAPTER THREE: RESEARCH DESIGN AND METHODOLOGY

3.1. Introduction

This chapter discusses the choice of research method that has been followed in carrying out the research project. It presents the research design, the sampling method, together with the process followed to analyse the data, the approach to data verification and the limitations of the study.

3.2. Research design

This research is both qualitative and exploratory. Exploratory qualitative research relies heavily on the subjectivity of the participants. According to Terre Blanche, et al. (2006:559) exploratory studies are;

“studies that make preliminary investigations into relatively unknown areas of research”.

Researchers use qualitative research designs in an attempt to study human action from an insider’s perspective and as a result, the goal of qualitative research is to describe and understand, rather than to explain and predict human behaviour (Babbie & Mouton, 2007). Qualitative research aims to understand the meaning that people attach to social issues and everyday life. It tries to capture people’s accounts of the meaning, and the experiences or perceptions that they attach to certain social phenomena (De Vos, et al. 2005).

Malterud (2001:397) argues that a qualitative approach allows for;

“the exploration of the meanings of social phenomena, as experienced by individuals themselves, in their natural context”.

In this particular study, the use of a qualitative approach was important, because it has the ability to produce data that are unique to an individual participant’s life situation. The use of a qualitative design for this study enabled the researcher to explore the challenges and experiences of the South Sudanese male refugees in order to understand their perceptions of their living conditions as refugees in South Africa.

3.3. Sampling design and sampling method

Before the sampling could occur, the researcher informed the Sudanese Refugee Association in South Africa (SRASA) about the purpose of the research and requested the organisation to forward her the list of South Sudanese male refugees living in Pretoria. The SRASA agreed and forwarded a list of 40 potential participants to researcher via email.

This study made use of a non-probability sampling design. According to De Vos, et al. (2005:201):

“in non-probability sampling, qualitative researchers seek out individuals, groups and settings where specific processes that are being investigated are most likely to occur”.

This research study used a purposive sampling method. According to Singleton (1988 cited in De Vos, et al. 2005:202):

“purposive sampling is based entirely on the judgment of the researcher”.

Non-probability purposive sampling was used to select the research sample. A purposive sample of 15 male participants in Pretoria was selected, and the participants were then interviewed. These participants were from South Sudan; they had legal refugee identification documents, and had been living in South Africa for more than a year. The reason why this research only targeted 15 participants was that this is a minor dissertation: a word count of only 25 000 words is required.

A purposive sample selects people who are known to have rich information about the topic. The researcher decided to interview only South Sudanese men who had been living in South Africa for more than a year, because they should have secured their legal refugee documents by the time of their interview. This means that they had knowledge of the process of securing refugee status from the South African Department of Home Affairs. There are many more male South Sudanese living in South Africa than females, because of the traditional cultural practice common in South Sudan that women, especially young unmarried women, are not allowed to travel to faraway places without being accompanied by their parents or an immediate family member. Pretoria was an obvious choice, because there are many South Sudanese living there,

compared with other cities and towns in South Africa. It should be noted that marital and employability status of participant was not considered as selection criteria.

The researcher made telephonic contact with potential participants a week before she travelled from Cape Town to Pretoria. The researcher was able to briefly explain the purpose of the research. Also discussed was the availability of the participants and their willingness to participate in the study. Once this had been agreed upon, follow-up calls were made to schedule an interview appointment with each participant.

3.4. The data collection method

In-depth, face-to-face interviewing was used to gather in-depth information from the South Sudanese refugees regarding the challenges they had experienced. In-depth, face-to-face interviews are those in which the interviewer is able to explore a theme without being restricted to a series of questions (De Vos, et al. 2005). This method was used, as the study is exploratory in nature and had the potential to draw rich data from the participants (De Vos, et al. 2005). The researcher used various interviewing skills. These included probing, reflection and active listening. This helped build rapport with the participants and limited the distortion of any information provided by the participants.

The participants welcomed the researcher and were very glad that she was interested in exploring the challenges they faced as refugees. They indicated that she created an environment for them, which made it possible for them to share things that had for a long time been of great concern to them. The participants' endorsement of the research meant that the researcher was also positive about the whole process.

3.5. The data collection tool

A semi-structured interview schedule was developed and used. This tool was used to allow the researcher to gain a detailed understanding of a participant's challenges and experiences of what it is like to be a South Sudanese refugee living in South Africa. Because semi-structured interview schedules are flexible, the participants were given the opportunity to raise any other concerns and ideas that the researcher had not thought of. The use of a semi-structured interview schedule allowed the researcher to explore issues based on semi-structured questions.

Semi-structured interviews were conducted with a fairly open framework. This allows for focused, conversational, two-way communication and this approach was used in this study to both give and receive information (De Vos, et al. 2005). The semi-structured interview schedule was guided by the research objectives. The questions related to each objective were placed in the same section under each research objective, thereby allowing the participants to respond to questions that had the same theme at a given time. An interview schedule (see attachment B: interview schedule) was prepared in advance, guided by the purpose of the study. The interview schedule was tested in a pilot study conducted in Cape Town. The researcher and her supervisor made numerous corrections before the interview schedule was considered to have been finalised.

3.6. Pilot study

Pilot studies are;

“preliminary studies on small samples that help to identify potential problems with the design, particularly the research instrument” (Terre Blanche, et al. 2006: 94).

A pilot study was conducted when the researcher interviewed one South Sudanese male refugee living in Cape Town. The researcher acknowledges that piloting should have extended to more than one interview in order to ensure some improvement of the interview questions.

It was important to conduct the pilot study before the actual research, because it enabled the researcher to identify potential practical problems. The pilot study helped to test the adequacy of the research instrument. After the pilot study, the researcher amended the questions. These amendments included: the sequence of questions, and grammatical mistakes, while those questions which were deemed irrelevant to the research objectives were removed from the interview schedule.

Conducting a pilot study helped the researcher to practice her interviewing skills, such as asking, probing questions and making a note of non-verbal clues. The fact that the researcher did a preliminary interview to test the questions before conducting the actual interviewing process was also important to ensure that the questions protected the dignity of the participants. Thereafter, the actual interviewing took place in Pretoria, and 15 South Sudanese refugees were interviewed.

3.7. The data collection apparatus

The participants gave the researcher permission to record the interview electronically on a digital recorder. The use of the recorder allowed the researcher to record a verbatim conversation with the interviewee, and then to transcribe it and use quotes in the research report without anyone being able to identify any particular participant (De Vos, et al. 2005). It gave the researcher the opportunity to observe and record non-verbal cues manually in a notebook. Before the digital recorder was switch on, the researcher explained its significance in the study, and requested permission for its use from the participant.

3.8. The interview process

At the start of the interview, the interviewee was given a briefing about the ethical considerations of research and once permission had been obtained from the participants, the interview process started. During the first stage of the interview, the researcher requested the participant to supply his personal details on a small form (see attachment A: Participant's Personal Details) thereby giving the researcher the opportunity to get to know him better. Once this had been completed, the actual interview commenced.

The face-to-face interview began with an introduction in which the sequence of the interview was explained to the participant; and it ended with a conclusion. Participants were also given ample time to ask any questions about anything that they wanted clarified and to give feedback on their experience of the interview process. The debriefing at the end of the interview was important, because it allowed the researcher to ascertain that no physical or psychological harm had been caused to any participant.

Most of the interviews were conducted in the evening at the participants' residences, because during the day they were at work. Some interviews took place at the researcher's place of residence in Pretoria. This was necessary when a quiet place was needed for a clear recording. Two interviews took place in a restaurant, because the interviewees were free only during their lunch hours. Despite a great deal of background noise, these two interviews were recorded successfully. The average time of the interviews was 58 minutes, with the shortest being 45 minutes, and the longest 70 minutes in length.

3.9. The data analysis

According to Babbie and Mouton (2007), qualitative data analysis refers to the analysis of data collected using qualitative research approach. The researcher used a digital recorder to record the information, and then analysed the data manually using an adaptation of Tesch's (1990) approach to data analysis.

1. The researcher played and transcribed the recorded interviews;
2. The researcher read the transcripts and noted down ideas, as they came to mind;
3. The researcher selected one transcript and went through it, while thinking about the underlying information, and she wrote down in the margin any significant thoughts that arose;
4. This task having been completed, the researcher made a list in which similar topics were clustered together;
5. Armed with this, the researcher returned to the data, abbreviated the topics into codes, which were written next to the appropriate text. New categories and codes were formed as they emerged;
6. These topics were then grouped together into categories which demonstrated similar meanings and displayed relationships with each other;
7. The researcher made a final decision as to the abbreviation for each category, and then alphabetised the codes;
8. The data in the same category were put together, and a preliminary analysis was done to see whether any new categories and sub-categories had emerged and the final analysis was done.

3.10. Data verification

Lincoln and Guba (1985) argue that it is essential that qualitative studies indicate to what extent the data are internally valid, externally valid, reliable and objective to ensure that the findings reflect accurately the true value of the study. Lincoln and Guba suggest four steps for ensuring the validity of a qualitative study, namely: credibility, transferability, dependability and conformability. These steps were considered in the current study.

3.10.1. Credibility

This study explored the challenges and experiences faced by the South Sudanese refugees living in Pretoria South Africa. The questions asked during the interview were guided by the research objectives: to ensure that the findings focused only on what the researcher intended to be the purpose of the study.

3.10.2. Transferability

It is essential to note that the study sample of 15 South Sudanese males cannot be said to be generalisable, or to represent the challenges and experiences of all South Sudanese refugees living in South Africa, or anywhere else, for that matter.

3.10.3. Dependability

Because people's experiences are uniquely shaped by the context in which they reside or live from the past to present. It is important to consider the fact that the South Sudanese studied in this research had all been affected directly or indirectly by Sudan's civil war. Thus, their experiences differed from those of other refugees who did not come from a similar context.

3.10.4. Conformability

Before the researcher embarked on this study, she carried out a literature review to find out what similar studies had been done in the field of refugees. Such studies would surely have revealed the challenges faced by the refugees. The researcher has presented the findings of this current research and compared the findings of this study with the literature review. She can confirm, to some degree, that any other researcher could confirm the findings of this current study, should he/she wish to study the same sample used in this research. The findings from this study are thus a true reflection of what the 15 South Sudanese males revealed to be their challenges and experiences in South Africa.

3.11. Limitations of the research

The limitations of the current study will be discussed in relation to design, the data collection method, the data collection instrument and apparatus, the way the data were analysed, and finally, the limitations regarding the competence of the researcher.

3.11.1. Research design

Exploratory studies rarely provide satisfactory answers to the research questions, as their findings are a true representation of only the participants interviewed and not of the larger population from which they have been selected (Babbie & Mouton, 2005). Thus, the findings do not represent the views of all South Sudanese refugees living in Pretoria or elsewhere in South Africa.

3.11.2. Sampling

The researcher used non-probability purposive sampling. This is a limitation, as the results cannot be generalised to represent the larger population. The fact that all 15 participants were men could also limit the richness of the data and exclude any fuller understanding of the challenges experienced especially from the perspective of South Sudanese women refugees. During the data collection process, the researcher stopped the interview after she had interviewed the 15 participants and thus did not reach a point of data saturation. Data saturation takes place as soon as the researcher does not hear any new information or findings from the participants (Siegle, 2009). This is a limitation, because the researcher feels that should she have continued interviewing more participants, new findings might possibly have arisen.

3.11.3. Research method

As stated previously, the data collection method for this research was face-to-face interviewing. The major weakness of using face-to-face interviews was that the researcher did not get the desired information from the questions asked of some participants during the interview due to their uniquely subjective experiences (De Vos, et al. 2005). Because face-to-face interviews are time-consuming, the researcher at some point in some interviews became tired, and thus failed to take note of some facts which could have been of importance to this research. During the interview, two participants were reserved and because of this, they did not talk freely about their experiences, which could have been valuable to the research findings.

3.11.4. Data collection instrument

The data collection instrument for this research was a semi-structured interview schedule written in English. The researcher feels that she was consistent in following the steps, as written on the

schedule. There was a language barrier problem as four participants were not fluent in English, researcher had to asked questions repeatedly so that she could understand what these four participants were saying. This resulted in some repetitions; two participants became bored, and thus responded with abrupt and not very informative answers.

3.11.5. Data collection apparatus

The apparatus that was used in this research was a digital recorder. This was a limitation, as the fact that their experiences were being recorded was intimidating to some participants. This limited the richness of the data, as they did not want to express some of the negative experiences they had encountered with the Department of Home Affairs officials, as they feared that they would be deported to their country of origin (De Vos, et al. 2005).

3.11.6. Data analysis

Qualitative data analysis involves the researcher's subjective interpretation of the raw material collected from the participants. Hence, the researcher's identity, values and beliefs cannot be entirely eliminated from the process (Denscombe, 2003). This resulted in the researcher bringing out categories with which she is familiar, excluding categories that did not match the research objectives.

3.11.7. The researcher

The researcher acknowledges that she is a novice, as this is only the second research study that she has conducted. She recognises that she has still some way to go before she can be considered a skilled researcher. This inexperience led to researcher bias, in that only certain categories were concentrated on.

3.12. Summary

Chapter Three has discussed the research design, sampling method, the data collection method, the data tool for data analysis, data apparatus, data verification, as well as the study limitations. The following chapter will discuss the findings of the research.

CHAPTER FOUR: RESEARCH FINDINGS

4.1. Introduction

The main purpose of this study, as already stated, was to explore the challenges and experiences of South Sudanese male refugees living in Pretoria. This research used a qualitative research design, and can be classified as an explorative study. This chapter will present and discuss the main findings drawn from the 15 in-depth interviews conducted with the South Sudanese interviewees. A table, which contains personal details of the fifteen participants, makes up the first section of this chapter. This is followed by the second table, a framework for analysis in which the main themes, categories and sub-categories of the research findings are presented. The findings of the study are then analysed and compared with what was found in the literature.

This study aims to achieve a number of research objectives, these being to explore the reasons that led South Sudanese refugees to seek refuge in Pretoria, to investigate their experiences of securing refugee status, to explore the challenges they experienced with regard to: educational opportunities, health care, employment, and accommodation, and to examine the South Sudanese refugees' knowledge and experiences of the institutional support available for those of them who live in Pretoria.

4.2. Profile of the participants

The following table indicates that all the participants who participated in this study were men from South Sudan who had been living in South Africa for between two and 11 years. Six of the participants had refugee status, while nine participants had asylum seeker permits and were still waiting to receive feedback from the Department of Home Affairs on the outcome of their refugee status application. The table shows that only three of the fifteen participants interviewed were married. Only one participant had obtained a degree, while the rest had a diploma, high school certificate or primary school certificate. All the participants were within the age bracket 21 to 40 years. Four participants were employed. Of these four, two had asylum seeker permits and the other two had refugee status permits. Ten participants were self-employed, while one participant was a full-time undergraduate student.

Table 1: Participants' personal details

No	Age	Gender	Marital status	Refugee status	Duration of stay in SA	Level of education	Employment status
1	22	Male	Single	Asylum seeker	2 years	'A' level	An entrepreneur
2	26	Male	Single	Asylum seeker	7 years	High school certificate	An entrepreneur
3	27	Male	Single	Refugee status	6 years	High school certificate	An entrepreneur
4	32	Male	Single	Asylum seeker	5 years	Diploma	Employed
5	36	Male	Single	Asylum seeker	5 years	High school certificate	An entrepreneur
6	26	Male	Single	Asylum seeker	7 years	'O' level	An entrepreneur
7	40	Male	Married	Refugee status	11 years	High school certificate	An entrepreneur
8	33	Male	Married	Asylum seeker	7 years	Primary 7	An entrepreneur
9	37	Male	Married	Refugee status	11 years	Senior 2	An entrepreneur
10	29	Male	Single	Asylum seeker	3 years	Undergraduate student	Employed
11	21	Male	Single	Refugee status	7 years	Diploma	Employed
12	32	Male	Single	Refugee status	7 years	Undergraduate student	Employed
13	35	Male	Single	Asylum seeker	5 years	Diploma	Full-time student
14	25	Male	Single	Asylum seeker	4 years	Diploma	An entrepreneur
15	26	Male	Single	Refugee status	10 years	Degree	An entrepreneur

4.3. Presentation of the findings

This section will, firstly, present the framework for analysis (Table 2); and it will then present and discuss in detail themes and categories arising from the analysis of the data collected through the 15 interviews.

The five research themes are:

4.3.1. Reasons for leaving Sudan;

4.3.2. Reasons for seeking refuge in South Africa;

4.3.3. Challenges and experiences of securing refugee status;

4.3.4. Challenges and experiences as refugees living in Pretoria; and

4.3.5. Knowledge and experiences of institutional support available to refugees.

Table 2: Framework for analysis

Themes	Categories	Sub-categories
Reasons for leaving Sudan	<ul style="list-style-type: none">• Civil war	<ul style="list-style-type: none">• Violation of human rights
	<ul style="list-style-type: none">• Inequalities between North and South Sudanese	<ul style="list-style-type: none">• Discrimination based on religious Affiliation.• Unequal distribution of resources
Reasons for seeking refuge in South Africa	<ul style="list-style-type: none">• Security and safety reasons	<ul style="list-style-type: none">• South Africa is a peaceful country.
	<ul style="list-style-type: none">• Socio-economic reasons• Access to basic social services	<ul style="list-style-type: none">• Refugees' rights are guaranteed in the Constitution of the Republic of South Africa.

Challenges and experiences in securing refugee status	<ul style="list-style-type: none"> • Department of Home Affairs 	<ul style="list-style-type: none"> • Time taken • Corruption • Harassment
Challenges and experiences as refugees living in Pretoria	<ul style="list-style-type: none"> • Inequity in access to opportunities and services 	<ul style="list-style-type: none"> • Inequity in access to educational opportunities • Inequity in access to health-care services • Inequity in employment opportunities • Inequity in access to accommodation
	<ul style="list-style-type: none"> • Attitudes towards refugees 	<ul style="list-style-type: none"> • Xenophobia • Language barriers
	<ul style="list-style-type: none"> • Desire to return to Sudan 	
Knowledge and experiences of institutional support available to refugees	<ul style="list-style-type: none"> • Those with positive experiences 	
	<ul style="list-style-type: none"> • Those with negative experiences 	<ul style="list-style-type: none"> • Time taken to access services • Procedures to access services are cumbersome

4.3.1. Reasons for leaving Sudan

In response to the question “Why did you leave Sudan?” all 15 participants said they had left Sudan because of the civil war. Participants also identified inequalities between North and South Sudanese as another reason why they had fled.

4.3.1.1. Civil war

All participants responded that they left Sudan for fear of being killed. Participants pointed out that during the civil war in Sudan there was a violation of human rights, such as deaths from gunshots. One participant mentioned that he was shot during the war when he served as a soldier. Eight participants said that they had lost immediate family members and relatives during the war, and thus felt that Sudan was not a secure place for them to live. Some of the quotes that illustrate these statements are given below.

“I left Sudan because there’s no way we can stay in Sudan because of the war, there’s no way we can stay in Sudan as you see the situation in Sudan, they are killing still. We just decided to leave Sudan because of killing people at night”.

“Security wise you can’t guarantee anything. Today you’re fine, tomorrow something happens. At least to get out of the stress you are having. Sometimes you feel like you are next on the list, so you just feel let me leave me let me go”.

The findings of the current research concur with the findings in the literature. As mentioned in Akokpari (1998), Adepoju (1982) and Miller (1982), the massive movement of refugees in Africa is caused mainly by the civil wars and the wars of liberation. The South Sudanese participants in the current study left Sudan because of the civil war.

4.3.1.2. Inequalities between North and South Sudanese

All participants highlighted that inequalities in the distribution of resources had led to the non-existence of basic social services in South Sudan. Participants asserted that development was not being distributed equally in Sudan; that South Sudanese were being discriminated against by the North Sudanese, and that the Government of Sudan, which was based in North Sudan, was directing resources to the development of people in the North only, leaving South Sudanese excluded from the benefits of development.

“I did not feel like we are a part of the development. Of course, everything is under the hands of the Arabs. You have no voice to say any word to them. Of course, they do things according to their will”.

“Well, of course, during the conflict, it's not only me who left Sudan. Many people left Sudan for various reasons, being political, being educational because after the conflict starts, you find people fighting and all that, so people go to another country in order for them to access basic services”.

One participant said that he left Sudan because the North Sudanese discriminated against South Sudanese for being Christians.

“I left Sudan because the Arab people, the way they want us to be Muslims. They even circumcised me by force”, he stated, adding that “Kejoukeji people, they are Christians. They don't like to be Muslims”. [This participant said that he was circumcised against his will by the Muslim Arabs. In his second statement, he said that he came from a place call Kejoukeji, where most people are Christians and their culture does not include circumcision].

The findings reflect Sen's (1999) argument that development requires the removal of social exclusions that prevent people from living the kind of life they wish to live. The current findings show that because of the inequalities between the people of North and South Sudan, the systematic deprivation experienced by the participants in accessing basic social services resulted in their deciding to leave their homeland. They did this to escape the effects of those social exclusions which had restricted the development of their potential.

Furthermore, the participants' responses reflect the importance of the realisation of Max-Neef's basic human needs. The findings confirm that the conflict in Sudan was caused by inequalities in the distribution of material and financial resources between North and South Sudan. In fact, O'Brien (2009) states that most societies with prolonged conflicts have at the core of the conflict unmet needs that include both material resources and abstract needs, such as identity and security.

The findings reflect the need for people-centered development (Davids, et al. 2009) and that development processes should actively involve the people in the design, implementation, monitoring and evaluation of their development interventions. The participants' responses indicate that as South Sudanese, they felt that they were not participating in decision-making on matters that concerned the development of their wellbeing.

4.3.2. Reasons for seeking refuge in South Africa

The findings show that the participants interviewed for this research came to seek refuge in South Africa for security, safety and socio-economic reasons.

4.3.2.1. Security and safety reasons

Eight participants emphasised that they came to South Africa for security reasons. They stated that South Africa is a peaceful and safe country for them to live in.

All the participants said that before coming to South Africa they had lived in other African countries, such as Uganda, Kenya, Zimbabwe and Tanzania. The participants compared South Africa with their previous country of residence, and pointed out that South Africa was a better choice for them because refugee rights are guaranteed by the South African Constitution and the Refugees Act (1998). Three participants compared South Africa with Uganda, and concluded that because there is fighting in Uganda between the Government of Uganda army and the Lord's Resistance Army (LRA), refugees become victims. They added that in South Africa there is no such conflict and gunshots could not be heard regularly.

“I left Sudan because of security problems; there was no peace of mind, so I decided to come to South Africa”.

“I chose South Africa because of the security. There is a certain freedom here, you are free to do whatever you wish, and no one can harass you, so long as you have proper documents”.

“Why I seek refuge in South Africa, where especially in Uganda is not good. Mostly the place where we had been put in, we are put in the border of the Northern Uganda, where

rebels come and capture our people. Although you are a refugee, they capture you and just take you and make you become a part of their army. That is why people themselves were running away from Uganda, and that is why I came to South Africa, to be secure and to find a safe environment so that I can live in peace.”

4.3.2.2. Socio-economic reasons

Ten participants said that, apart from security reasons, they had sought refuge in South Africa because of the employment opportunities.

“I was first living in Uganda as a refugee, but there were a lot of tribal conflicts in the refugee camps and it was not safe. There were no employment opportunities in Uganda, so I thought that it is better to go and look for the better life in South Africa.”

“I came to South Africa to fulfil my dreams of doing business, my dream of becoming someone important to my country in the future”.

This current research finding reflects the view in the UNHCR (2010) report that participants come to South Africa in search of a safe, secure environment and for the economic opportunities. This finding also confirms what has been written by Handmaker and Parsley (2001); the participants came to South Africa hoping to find employment that would help them to meet their needs.

4.3.2.3. Access to basic social services

The participants indicated that the civil war had led to the destruction of the basic infrastructure in Sudan, such as schools. Ten participants said that they had come to South Africa so that they could acquire education.

“I decided to come to South Africa, because I know that in South Africa you can get education and you can live.”

“The reason which brought me to South Africa may be that I can get a better education if somebody to sponsor me, but I tried all means and methods, yea but I failed.”

The finding highlights the importance of human migration, as argued in the UNDP Report on human migration (2009). The findings of this research confirm that human migration played a positive role for the participants in this study. The participants pointed out that although it was not easy living as a refugee, they were making the effort to acquire earnings to meet their needs and those of their immediate family members. One participant said:

“For me I came to South Africa knowing that everything is not easy, wherever you go. So I wasn’t expecting everything to just work out. But what I know is that everywhere you go, life is not easy, but you can make it easy yourself sometimes in certain countries. The challenges of making it easier is more than in other countries you get, so I wasn’t expecting something so quick, so special to happen. But what I was expecting was that my dream and my vision of going to school have to be alive.”

He added that:

“Actually when I moved from Johannesburg to Pretoria, I found that it was better here in Pretoria to begin a small business. It was hard, but I think if I didn’t move from Johannesburg to Pretoria, my situation would have been worse, as compared to now.”

The above participant is 22 years old, who had been in South Africa for only two years, and is an entrepreneur, selling sweets, cigarettes and small commodities on the street in Sunnyside, Pretoria. His dream is that the money he is saving from his small business will enable him to pursue a degree in Medicine at the University of Pretoria.

The findings shows that, although the participants came to South Africa, hoping to improve their quality of life and to be secure and safe, participants also acknowledged that living in a foreign country as a refugee was not easy and that it had its positive and negative aspects.

4.3.3. Challenges and experiences in securing refugee status

4.3.3.1. Department of Home Affairs

All 15 participants identified the Department of Home Affairs (DHA) as the main problem impeding the smooth application process for their securing refugee status. Participants identified the length of the process, as well as the corruption in the Department of Home Affairs and the harassment of asylum seekers and refugees by DHA staff.

Nine participants identified the length of time taken to get the necessary refugee documentation from the Department of Home Affairs. The other six participants said that because they came to South Africa in the late 1990s and early 2000, their experiences were positive, because the population of refugees was not as large as it is currently.

Those with positive experiences

“At that time, we do not get a lot of problems, because we were very few people seeking refuge in South Africa by that time.”

“The first day I came, they give me one day of appointment letter. Then queue at that time 1999 there is not a lot of foreigners around, only a few. They give me two days after the first day and then they give me one-month appointment letter. After one month they give an interview, they give me one year refugee status.”

Those with negative experiences

“One problem which I realised from Home Affairs, what I think is a problem, is that when you come to South Africa you are given asylum seeker but the process at DHA takes too long before you are give a refugee status without giving reasons whether your problems are legally suiting to the constitution regarding refugees. I see people for whom it took 6 years to receive refugee status. Or they did not get refugee decision to decide whether this person is liable to become a refugee, or else he’s supposed to go back to his country of origin. That is the major problem.”

“The process was very hard to do so. You must queue there; sleep outside Home Affairs offices for days until you get the permit.”

“I have asylum document, but Home Affairs is taking too long to issue me refugee status without giving reasons whether my problems are legally suiting to the constitution regarding refugees. I am still waiting for them to make decision to decide whether I am liable to become a refugee or not.”

“I applied in 2000 for refugee status. They rejected me last month” [Ten years later after his application]

Seven participants identified corruption as an obstacle in the Department of Home Affairs. They pointed out that the staff at Home Affairs ask for bribes from refugees in order for them to be given their documents.

“The government gives opportunity to the refugees who have come to seek asylum to be treated fairly. But sometimes corruptions get in the way, in a non-understandable way. So the officials, those who are supposed to issue the papers, tighten the situation so that you have to pay money. If you don’t pay, you do not get the paper.”

“They did not reject me. In fact, I passed the interview. Instead of them printing the status, they asked for money. I had no money to give them. The copy is there. Their aim was just to extend my thing to punish me, so that I must give the amount of money which they wanted.”

“These days, things have now changed at Home Affairs, you get a paper you have to pay money to bribe the staff so that they give your status.

He added that: “Most of the people are paying, especially Zimbabweans. If you do not pay, they do not print for you.”

Four participants claimed that they were the victims of harassment, especially while in the queue outside the Department of Home Affairs offices.

“Sometimes they use a little bit of force, so security guys beating some people you know, instead of just telling them to move aside. That’s unfair.”

The challenges that were identified by participants in their attempts to secure refugee status reflect similar findings to those in the literature. In the CORMSA report of 2009, Kerfoot (2000) and Klaaren and Springman (2000) identify corrupt officials, together with insufficient staff to process the applications from the growing numbers of refugees and asylum seekers, harassment from security guards, and unfairness in the decision-making in determining who is to be granted status and who is not, as major problems still affecting the chances of the asylum seeker in securing the necessary documentation.

4.3.4. Challenges and experiences as refugees living in Pretoria

Participants identified two major challenges. These are inequity in access to opportunities and services in education, health, employment and accommodation, as well as local negativity towards refugees.

4.3.4.1. Inequity in access to educational opportunities

The findings reflect the importance of the attainment of refugee status. Six participants indicated that because of their inability to secure their refugees status on time, they faced discrimination in getting admitted into South African universities and acquiring access to bursaries. Below are some quotations from the participants which support this finding.

“What I’d like these people to actually do is to be faster in giving us our papers. There are some refugees who are live in South Africa as asylum seekers. But they are not able to get all the things they would like in human necessities. Just as some universities don’t take asylum seekers because it is written ‘temporary’. Even bursaries to get them, it’s only for refugee status not asylum seekers. Other way around, they are trying to create problem of creating poverty, rather than eradicating it because everything small they do

matters in a person's life. I applied last year for a scholarship, they didn't take me because I don't have refugee status.”

“The problem that I've realised in South Africa is that most South African universities have problems. In most cases, they say that if you come from a country that has universities, they would give the spot to someone who comes from a place with no university. For example, I've applied to the University of Pretoria; they didn't take me because there is a medical school in Sudan. I don't think this is a wise thing to do.”

“The thing that I don't like, the reason why I couldn't continue in Johannesburg, I needed to pay full fees before I get registered, which I don't think it's true because they don't do it to South Africans, they only do it to foreigners. I don't think it is right because it means that if you don't have money you'll never study! I don't think its right! At least if they are to tell me to pay half of the money to get registered. But they told me to pay full fees nearly 30.000 Rand immediately before I get registered.”

The above quotes illustrate that these participants have difficulty in affording the fees in South African universities. The findings also show that they experience difficulty in getting bursaries from the universities because they don't have a refugee permit or a green identification card to allow them to access the same opportunities as South Africans.

4.3.4.2. Inequity in access to health care services

Four participants highlighted the fact that they have experienced discrimination in public hospitals because they are refugees or asylum seekers. When the researcher asked the participants to describe their experiences in accessing public hospitals, the responses included the following.

“They asked me for a paper and I give them my permit. Some others tell me that you have to come with the money. You don't have money, you go. One day a doctor told me: “Every day you come here, go now!” and I don't feel safe because I'm in a foreign country, a doctor can give you the wrong medication because they hate refugees in South Africa.”

“I was scared of a South African hospital. If you go there, you sit. They ask you in their language. If you can’t respond, they say, ‘Hey, this one is amulungu’. It means that you are a white man. So they just neglect you, because of your speaking English. That’s another problem we don’t have in our country. When they know that you are using a refugee permit, they chase you for some time saying, we cannot treat you. I had to find a private doctor and get treatment, but actually they do not respect us as asylum seekers.”

“Uh, some of them are rude. Last year I was sick, I was in pain and then when I tell them that I am not in a good condition, they won’t attend to me. They let me stay there for 10 hours.”

Participants also mentioned that the hospital staff at the reception desk let the refugees and asylum seekers wait until all South Africans have been served. Refugees and asylum seekers are then served last.

4.3.4.3. Inequity in access to employment opportunities

As indicated in Table 1, four participants are employed by other employers. Ten participants are engaged in unregistered small businesses, in order to meet their basic needs, and one participant is a full-time student. Ten participants said that they are excluded from the employment sector, especially when a potential employer realises that they are not South Africans. The participants pointed out that employers ask them for their green ID book, and if they do not have one, they are not given the job.

The participants stated that even though the Refugees Act (1998) declares that refugees and asylum seekers in South Africa have the right to employment, the situation on the ground reflects the opposite. The following are some responses that support this finding.

“You cannot get a job. If you are a foreigner you have to get an ID book before you get a job. If you sell things in the street, Metro Police always takes your stuff. All the time they issue you fines: 300, 500, 800 Rands, which you cannot afford to pay. You are struggling to pay rent. Even food is not easy, because you have to do something. They take our stuff like this. You want to get a license, they don’t give you. Up to now, I do not know my

rights, I cannot say actually. If you try to look for job, or to get a sponsor, people will fight because they do not want foreigners taking their job. So you feel like, where should you go? Who can help you?”

“The Constitution says, if somebody is recognised as a refugee, he must abide by the law of the country and also has a right to education, but my right is limited in other places, like in when applying for employment. The problem in SA here, if you don't have the green ID book, you can't be employed in some other company.”

The above findings regarding access to employment opportunities in South Africa show that some Government officials, especially health-care practitioners, some employers and some university administrators appear not to be aware of the rights accorded to refugees and asylum seekers who are living in South Africa in the Constitution, Refugees Act and Immigration Act.

As indicated in Table 1, only six participants had secured refugee status and nine participants still awaited feedback from the Department of Home Affairs, as to whether they would be given refugee status or be rejected. These findings reveal that the delay in the attainment of refugee status documents is one of the main reasons why refugees experience discrimination and social exclusion and rejection, when accessing educational opportunities, public health care, employment opportunities, and when seeking admission to universities in South Africa.

The findings reflect those of Ramcharan (2004) and Landau (2006), who have recorded the problems facing refugees in South Africa, despite the law clearly stating that refugees have the right to be treated just like South African citizens when accessing basic services.

Social exclusion and discrimination against refugees and asylum seekers in accessing their rights to basic education, health care and employment are identified by the participants as being the main barrier to refugees and asylum seekers being able to enjoy the rights guaranteed to them in the Refugees Act (1998).

These findings also reflect those of Hathaway and John (1995), that although refugees are entitled to seek employment in South Africa, they face many challenges in fitting into the South African labour market, because of the lack of employment opportunities and xenophobia, as well as the language barrier. All of the above make it very difficult for refugees and asylum seekers to find employment in South Africa.

4.3.4.4. Inequity in access to accommodation

All the participants said that they had not tried to apply to the Department of Housing for a house because one of the criteria for one to be given a house is permanent residence or a green identity card. Participants reported the following:

“When I came here in 2008, I had to call somebody from home, although I didn’t know that person very well. His brother was my schoolmate. He kept me with him for about three weeks; he was the one who was taking care of me.”

“When I first arrived in South Africa, I found a Ugandan guy. I was talking to him, when he said he knew someone who could help me, so he took me to a Sudanese. It was a miracle for me to mingle with another Sudanese on my first day. He accommodated me for some time.”

This interviewee added:

“It went well, although he was also going through something difficult. He told me that here we are not at home, and you could not depend on people. You should look forward to working hard, to at least be able to lead your own life, so that you can be able to do something for yourself. He told me he would keep me only for about one or two weeks, and that after that I would have to look after myself.”

Although the current research did not identify any particular problem with regard to refugees being charged more, as indicated by Belvedere (2003), participants mentioned that even before they came to South Africa, they knew of other Sudanese already living in the country. On their arrival in South Africa, they were accommodated by fellow South Sudanese for the first few weeks or until they were able to find accommodation for themselves.

In summary, the current research findings indicate that a friend, a family friend, or a relative gave the participants accommodation when they first arrived in South Africa, until they were able to find accommodation for themselves. This finding concurs with the finding of Belvedere (2003), that some refugees end up living in overcrowded rooms to accommodate friends and relatives.

4.3.4.5. Attitudes towards refugees

The participants identified language barriers, the fear of xenophobic attacks and harassment from South African citizens as being the major problems making their integration into South African communities difficult.

Language barrier

“Sometimes there are people who do not want to speak English. When they see that you are African but you speak English, they attack you, ‘Why do you speak English? You have to speak our language.’”

“The language is one. Because when you come to a foreign country, the thing that you have to focus on at first is the language. So I was having problems in the language, learning the local language, because most of the students do not want to speak English. So you have to force yourself to learn the language to make them understand what it is that you are talking about.”

Xenophobia

“Xenophobia was something I’d never heard about in my life, since I was born. Not even in the books I’d read, not in radio, not in other media; it was my first time to hear about that. I didn’t know South Africa would have war. Kenya did after the elections in 2007. But the problem is that when things happen and you are threatened you are tempted to go back home. When I came here, it was a different war altogether” (This participant was referring to xenophobia as war).

“The way they handle us Sudanese, they do not respect us. The police officers when they find out that you are Sudanese, they harass you, so you feel a lot of pain.”

“I said here in South Africa, they are discriminating against us. They say it is because of the skin because we are from North Africa or East Africa, with dark complexions and tall people. That’s how they treat us. And here they’re calling us makwerekwere. I cannot say it’s, it is a bad word because according to their language, it’s the foreigner.”

The findings show that all the participants, in one way or another, had experienced some form of discrimination from local South Africans. The findings related to xenophobia match the literature that indicates that xenophobia is perpetrated against foreigners because of high levels of economic deprivation, unemployment and poverty among black South Africans. This results in violence being perpetrated by South Africans against African immigrants and refugees whom they accuse of taking their jobs (*The Times*, 2008).

4.3.4.6. Desire to return to Sudan

Eleven participants said that they were not happy with their refugee life in South Africa and expressed a desire to return to Sudan if they could get the necessary travel documentation from the Government of South Africa. When the researcher asked these participants if they intended to return to Sudan, this is what two of the participants said:

“Yes, in fact my interest was to go back to Sudan. The problem I have is that I do not have the travel documents. Someone told me there are a lot of vacancies in my field.”

“Well, I am ready to go because this is where I was born, and uh? Towards this, I’m still having the pain of how do I make my access of going, because I don’t have any paper to go back. I have been living as a refugee. I wish if I can even tell them that I need a document that will let me go home to see whatever is happening there.”

Three participants said that they are not yet ready to go back to Sudan, because they feared that war may break out there at any time, especially after the referendum. One participant said that the Government of South Sudan needed to treat all the South Sudanese equally, or else there would also be some discrimination among the South Sudanese themselves, and there would never be peace in the South.

“I will say that as a refugee in the country, I would like to go back home, but I will only go back home when the Government of Southern Sudan has started a culture of good governance, where we have democracy.”

“Yes I do. If things come right at home, then I am ready to go home, because right now I’m looking at the situation. They are saying unity or separation referendum; I am looking at it and things that will result in North Korea and South Korea, because right now it’s already North Sudan and South Sudan. It will be a problem. We do not know what will happen next. Imagine a family that is both North Sudan and South Sudan. Families will be cut! It will be tearful. If separation happens, both countries will be in difficulty.”

“It is very difficult, it is hurting me. I would like to go back. I’m not enjoying being in South Africa, but because of the situation I have to be patient until everything comes right in Sudan. I’m not happy to be here.”

One participant said that he was not planning to go back to Sudan at all. He disappointedly said, “I don’t want to go back to Sudan. Sudan is not yet a good place to go. Sudan will never be good.”

4.3.5. Knowledge and experiences of institutional support available to refugees

Five participants said that they were not aware of any institutions that dealt with refugee issues in South Africa. Four participants said they knew of some institutions, but said they had never gone to them because of the bureaucracy in their procedures. These are some of their responses:

“Well, to be honest, I haven't been to them, because there are also certain procedures that we have to follow.”

“UNHCR (United Nations High Commission for Refugees) take time to consider. It takes time and the system is completely different. Most of us do not waste our time going there.”

Only six participants indicated that they knew of a number of organisations that support refugees in South Africa. They identified corruption, too much bureaucracy, and nepotism in some institutions, as obstacles preventing refugees and asylum seekers from benefiting from the services provided by these organisations.

Two out of the six participants who went to some of these organisations said that they had positive experiences, while four said that their experiences had been negative.

4.3.5.1. Those with positive experiences

“I prefer to go to MSF (Medecins Sans Frontiers). It’s an NGO. It’s a medical organisation from France. I think they’re also in Sudan. It’s free. I go there because medical personnel there are good; they treat you well. They attend to you.”

“The JRS (Jesuit Refugee Service) helps you when you arrive here; when you arrive, you really don’t know who to ask. If you know people who know where you can ask help, they can help you to pay for rent. Not really a house but a shelter. It’s like a place to sleep. By five at dawn you have to leave the place. Sometimes, if you want to have an education, they can sponsor you.”

4.3.5.2. Those with negative experiences

“I was operated on in Johannesburg Hospital. There was a complication in my intestines, and then I went to the JRS (Jesuit Refugee Service), the one which helped refugees. I went there to ask for help, so that they would pay the bill. I spent five days in the hospital, so the whole bill came to R15,000 I think. When I took the bill to them, they refused to pay the bill. I had to go to the UNHCR (United Nations High Commission for Refugees) and those were just dodging me, they did not process my needs. There is a lot of corruption within these organisations.”

“Okay, JRS (Jesuit Refugee Service). Most of the staff are Congolese, so if you are not Congolese, they do not consider you; they don’t help you, so all the assistance which they are giving to people they give to their own people only. Starting from management down

to the receptionist, they are all Congolese, one nationality only. So they have some kind of tribal issue.”

In summary, participants only mentioned three institutions in their responses. These institutions were: the United Nations High Commission for Refugees (UNHCR), the Jesuit Refugee Service (JRS) and Medecins Sans Frontiers (MSF).

The literature review in this study on the non-governmental organisations working on refugee issues describes the services these organisations render to refugees in South Africa. However, it does not describe the actual experiences of refugees, when seeking the services of these organisations.

4.4. Summary

The main findings were presented and discussed in this chapter, according to themes related to the research objectives. The researcher has offered an analysis of the challenges and experiences of South Sudanese males living in Pretoria. The findings traced the reasons why they left Sudan and why they chose South Africa as their country of refuge. This chapter has also highlighted some the challenges facing the participants in securing their refugee documentation.

The chapter also analysed the challenges and experiences of the participants with regard to the attainment of their refugee rights, as guaranteed by South African legislation and the South African Constitution. These rights comprised the right to obtain the necessary refugee documentation, right to basic healthcare, their eligibility to pay local fees in tertiary institutions and their right to equal and fair treatment in South Africa.

The last section analysed the participants’ knowledge of and experiences with institutions supporting refugees in South Africa. The next chapter will cover the conclusions and recommendations that have emerged from this research.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.1 Introduction

This chapter will build on the data analysis presented earlier, drawing conclusions from the research findings, as well as providing recommendations as to how the research could be put to use by the Government of South Africa's Department of Home Affairs, the Government of South Sudan's Commission of Relief and Rehabilitation, organisations that support refugees, and future researchers.

5.2. Conclusions

This section will first offer a conclusion on the research design and methodology employed in this study. It then offers conclusions based on the findings drawn from the study using the research objectives as the headings.

- Research design and methodology;
- Reasons for leaving Sudan ;
- Reasons for seeking refuge in South Africa;
- Challenges and experiences in securing refugee status;
- Challenges and experiences of refugees living in Pretoria; and
- Knowledge and experiences of institutional support available to refugees.

The above objectives were addressed during this study through an in-depth interview process with each of 15 participants. The findings of the current study were then compared with the findings in the literature review, and with theoretical frameworks, such as the human-needs theory, human-rights perspective, people-centred development and development as freedom.

5.2.1. Research design and methodology

This study has made use of a qualitative research approach, together with in-depth face-to-face interviewing, as discussed in Chapter Three. The use of this research design and methodology in this current study has enabled the researcher to answer all the research questions. These

questions were structured in advance, and they were structured with the intention of producing findings on the challenges and experiences of South Sudanese male refugees living in Pretoria.

The use of this research design and method made it possible for the participants to describe their personal experiences, and to give the reasons why they left Sudan, and also why they chose South Africa as their country of refuge, where they had sought refuge before coming to South Africa. This research has highlighted the challenges they are currently experiencing in South Africa, with regard to: educational opportunities, access to health-care services, employment opportunities and access to acceptable accommodation.

5.2.2. Reasons for leaving Sudan

The South Sudanese men who participated in the current study had left Sudan because of the civil war. All participants said that the civil war was characterised by gunshots fired by the Sudan Government's soldiers that were aimed at killing the South Sudanese civilians. The participants pointed out political, religious and racial inequalities, and the unequal distribution of resources between South Sudanese and North Sudanese.

The participants had lost some of their immediate relatives during the civil war. Their insecurity prompted them to leave Sudan, as they feared that they might become the next victims.

The literature revealed, as did the participants' responses, that the civil war in Sudan was fought because of structural inequalities between the North Sudanese and the South Sudanese (Douglas, 2006; Badri, 1998). The participants also mentioned religious inequalities between the North Sudanese, who are mostly Muslims, and the largely Christian South Sudanese. They said that South Sudanese were being forced against their will to convert to Islam, and to abandon their traditional customs, values and beliefs in favour of Islam.

Participants said that the Government of Sudan made all the decisions concerning the development of Sudan with the aim of improving the lives of the North Sudanese. This meant that South Sudan was left with no infrastructure, such as schools, roads and hospitals. The participants also mentioned that the Government of Sudan was directing all the country's resources to developing the North only.

The participants explained that there were racial inequalities between black African South Sudanese and the Arab North Sudanese. They mentioned that the Government and the Arab people in the North were treating the South Sudanese as second-class citizens. They further pointed out that they had left Sudan because they felt marginalised and discriminated against on account of their religion and race. They said that as citizens of Sudan, there was no harmony or peace in the country, and any development interventions by the Government were meant to benefit the North Sudanese.

It is clear that the participants believed that the civil war came about as a result of structural inequalities of racial, political and socio-economic disparities. It was these inequalities between the South and the North Sudanese that forced the participants to leave Sudan in order to escape the effects of war, and to find a secure environment for themselves.

5.2.3. Reasons for seeking refuge in South Africa

This study revealed that all the participants interviewed for this research had lived in other African countries before coming to South Africa. Participants mentioned countries such as Kenya, Uganda, Tanzania, and Zimbabwe. In their response as to why they chose South Africa, the participants compared South Africa with their life in Sudan and with their previous country of residence. Participants indicated that they had come to seek refuge in South Africa for security, safety and socio-economic reasons. Because there was no war or conflict in South Africa, they came to South Africa to seek refuge.

They said that South Africa is one of the peaceful countries in Africa that has enacted laws that allow refugees to live in its territory. They mentioned that the Government of South Africa has passed the Refugees Act (1998) which, in theory, gives refugees the right to live in South Africa, the right to work, the right to be treated for free in public hospitals, and the right to pay local fees when attending academic institutions.

Most participants said that the inadequate infrastructure that was in South Sudan was destroyed during the civil war. This left people without any basic social services, such as schools and hospitals. Participants said that they had come to South Africa to become educated, their aim being that in the near future they could be important people in Sudan. Those who had managed

to complete their secondary education in Sudan or in the countries of their previous residence mentioned that they had come to South Africa in the hope of getting a scholarship from the South African Government, or from a non-governmental organisation, to enable them to receive a university education.

They said, further, that there were no job opportunities in Sudan during the war, and the few available jobs were given to North Sudanese, leaving them unemployed with no opportunities for self-employment. The Government of Sudan was arresting South Sudanese men in Khartoum in order to recruit them by force into the army so that they could go to fight their fellow South Sudanese countrymen.

They had come to South Africa, they asserted, in search of employment opportunities, so that they would be able to earn an income for their own use and for that of their immediate family members, whom they had left behind in Sudan. The participants highlighted the fact that in South Africa, refugees are free to open their own small businesses for self-employment an opportunity, which they said was not available in Sudan or in their previous host country, such as Uganda or Kenya.

5.2.4. Challenges and experiences in securing refugee status

Although the South African Refugees Act (1998) gives refugees the right to legal documentation, the participants identified the process of securing refugee status from the Department of Home Affairs as being very time-consuming. Some Home Affairs staff asked for bribes from refugees before they were given refugee status.

Participants blamed corruption in the Department of Home Affairs on the staff. Corruption reduced the chances of refugees securing their refugee status. The findings revealed that because the Home Affairs staff knows the importance of refugee status to refugees, they take advantage of this and ask for bribes from refugees. Those refugees who cannot afford their requests are either rejected or told to wait for an unknown period. Participants also said that the Department of Home Affairs was understaffed, consequently limiting the number of applications that were processed daily.

Participants also pointed out that because of the growing refugee population in South Africa and the limited number of staff, the Department of Home Affairs was always packed with people, and security guards habitually harassed the refugees in their attempts to receive assistance.

Participants pointed out that it often takes six or more years to secure refugee status. When the researcher asked them why refugee status was more desirable than that of an asylum seeker, the response was that refugee status has greater recognition in State and private institutions, as compared with the asylum seeker. The chances of a refugee with refugee status being given a job opportunity are higher than one with an asylum seekers' permit.

Participants blamed Home Affairs staff for having a negative attitude towards refugees. They said staff were always negative when they interviewed asylum seekers, their language was unsympathetic, and the refugee was made to feel uncomfortable when staff used an African language other than a language that the refugee understood. Participants commented that they thought Home Affairs staff were hesitant to give refugees their documents, as they feared that refugees were going to take away job opportunities meant for their fellow South Africans.

5.2.5. Challenges and experiences faced as refugees living in Pretoria

There were many common challenges cited in this research by the participants. Participants identified that delays in receiving their refugee status prevented them from accessing the necessary services in public institutions, such as hospitals and universities. They said that the staff of hospitals and institutions of higher learning did not recognise the asylum seeker permit as a legal document, and therefore, those permit holders were always charged for hospital visits or had to pay international tuition fees at universities.

Participants further mentioned that there was a lack of awareness of refugee and asylum rights on the part of many South Africans. They believed that some hospital staff were not aware that refugees and asylum seekers had been guaranteed equality when seeking treatment in public hospitals.

Participants complained that some hospital desk staff, and black South Africans generally, were often rude and discourteous. They referred to a refugee as a “white man”, because he used

English as his language of communication and not the local vernacular. Participants cited the language barrier and the negative attitudes of local black South African citizens as challenges. All the participants mentioned that they had experienced situations where they were blamed, and discriminated against, for using English. The researcher found that some local black South Africans expected the participants to speak their languages without considering the fact that Africa is a vast and diverse continent, and that the languages spoken in South Africa are different from those spoken in other African countries. Their expectation that refugees in South Africa should be able to speak a South African language was unrealistic, particularly since black South Africans did not want to associate with refugees whom they refer to as “job stealers”.

Participants mentioned that, some personnel at the reception desks of hospitals discriminated against refugees and asylum seekers by making them wait until South African citizens had been attended to.

The participants highlighted the negativity displayed towards refugees by local black South Africans as a challenge to their integration into South African society. They said that in as much as they tried to feel at home in South Africa, they were made to feel unwelcome by South Africans who, as indicated above, accused them of being job stealers. Participants had consequently opted for self-employment, by either selling sweets and small items on the streets or doing mechanical work in order to meet their daily needs. Participants said they were fearful of being victims of xenophobia and that they wanted to avoid being victimised by black South Africans.

Participants angrily expressed their fear of xenophobia, describing it as another war. Even though they came to South Africa in the hope of finding a secure place and peaceful environment, the threat of xenophobia made them feel insecure and unsafe, as they feared being attacked or even killed.

Participants mentioned that they had been referred to as “dirty people”, who had come to South Africa to make South African citizens poorer by their willingness to accept low paid jobs offered by employers. This then led to the employers giving job opportunities to refugees, and not to

South Africans. This study found, in fact, that this was not the case, as employers favoured South Africans and did not give job opportunities to refugees because they were not native South Africans, and that they did not recognise their refugee documents. None of the participants of this research had applied for state housing, because to be eligible requires a green identity card. None of the participants had this card and, even though some had applied for it, they were still waiting to get a response to their application from the Department of Home Affairs.

Although they recognised the effort made by the Government of South Africa in allowing them to live in its country, ten participants said they would like to return to South Sudan after the signing of the Comprehensive Peace Agreement (CPA). However, their inability to obtain the necessary travel documents from the South African Government was a challenge that prevented them from leaving South Africa.

They no longer felt secure in South Africa because of the xenophobia, and it was for this reason that they wished to return to South Sudan, especially now that there was the prospect of peace. Five participants, however, believed that peace in Sudan could not last. They said that they would like to continue staying in South Africa as refugees until South Sudan had become independent.

5.2.6. Knowledge and experiences of institutional support available to refugees

In their responses, participants mentioned only three organisations that had given them assistance, these being the United Nations High Commission for Refugees (UNHCR), the Jesuit Refugee Service (JRS) and Médecins Sans Frontiers (MSF). The comments given below were made in reference to these organisations.

The findings show that not all of the participants were aware of the organisations supporting refugees in South Africa. Some said that although they had heard of these organisations, they felt it would be pointless going to them, because the reports that they had received about them were negative. Some of these organisations employed people from only one African country, and it was difficult for refugees from other countries to access their services, because their staff helped only those refugees who came from their country of origin.

Only two out of the six participants who had visited these organisations maintained that they had been supported and were pleased with the services rendered to them. The other four said their experiences were negative, and they would not return to them for help, as these organisations were not at all supportive.

Those who approached these organisations said it was very difficult to access their services because their staff would attend only to refugees with refugee status. This made it hard for those with asylum seeker permits only. They also complained that it took a long time for them to get assistance since the procedures to be followed were time-consuming and cumbersome, and the chances of getting help were minimal. This was very frustrating.

In conclusion, only six participants made it abundantly clear that they were aware of three organizations providing services to refugees in South Africa. These six Participants expressed their unhappiness with these organisations, either because of their own experiences or, because of what they had heard from their friends, who had gone to these organisations for assistance.

5.3. Recommendations

The following recommendations are drawn from the participants, as well as from the researcher's opinions on the strategies that need to be put in place by the South African Department of Home Affairs and the South Sudan Relief and Rehabilitation Commission to reduce the challenges faced by South Sudanese refugees living in South Africa. This section will also highlight key recommendations to organisations supporting refugees in South Africa. The last section will offer recommendations for future research.

5.3.1. Recommendations for the Department of Home Affairs

Key recommendations to the Department of Home Affairs of the Republic of South Africa are as follows:

- Consider recruiting more staff to manage the processing of issuing refugee documents to the growing number of refugees in South Africa;

- Train the staff in issues of human rights and the importance of treating refugees with dignity, so that staff are sympathetic and understand the range of reasons that have led refugees to come to South Africa for refuge;
- The Department should consider setting timelines, as to how many applications should be processed per day, and if this target is not met, reasons for this should be given;
- There is also a need for supervision procedures to be established. Staff need to be monitored when performing their duties, and the supervisors need to be sensitive concerning those applications that are not processed timeously. This could reduce the levels of corruption with the staff asking for bribes. The actions of such staff members could be monitored by installation of a closed circuit television security system;
- The Department of Home Affairs should try to negotiate with the governments of countries of origin, so that economic policies are implemented that would attract refugees living in South Africa to return to their countries of origin. In respect of Sudan, for example, where there is now peace, the Department of Home Affairs should negotiate with the Government of Sudan to assist with the necessary travelling documents so that those Southern Sudanese living in South Africa who wish to return home would be able to do so;
- The Department of Home Affairs should encourage the timeous issuing of refugee status. It is important that refugees secure this status, because without it they are vulnerable to unemployment and discrimination in accessing government services, as the asylum seeker permit is not recognised as being legally binding; and
- The Department of Home Affairs should educate South African citizens to treat refugees fairly. This can be done through holding dialogues in the media, or having some refugee actors included in local television programmes, such as Generations, so that the public is aware that refugees are people who are searching for security and for opportunities to improve their quality of life.

5.3.2. Recommendations for the South Sudan Relief and Rehabilitation Commission

The South Sudan Relief and Rehabilitation Commission should:

- Consider implementing rehabilitation programmes, whereby refugees returning to South Sudan are reconnected with their communities and provided with assistance for six months, until they are able to integrate into the society;
- Establish communication networks with the governments of countries where South Sudanese are seeking refuge, so that they would be able to identify those refugees who are willing to return home. The commission should fund those who cannot afford transportation costs;
- The Commission can also liaise with Sudanese embassies all over the world, to ensure that those South Sudanese who are abroad and willing to return are assisted with permits that allow them to leave their host country to return home without any obstacles from immigration authorities; and
- There is also a need for the Commission to lobby with the Government of South Sudan ministries to establish policies and strategies that have elements of peace building, in order to ensure that civil society encourages peaceful coexistence in order to avoid a recurrence of conflicts and of war.

5.3.3. Recommendations for organisations supporting refugees in South Africa

The following are recommendations that organisations supporting refugees should consider:

- Sponsoring media campaigns to discourage xenophobia in South Africa;
- Working closely with the Department of Home Affairs to ensure that refugees are guaranteed their legal documentation timeously; and

- Employing staff from all different counties to avoid the practice of favouring only those refugees who share their nationality.

5.3.4. Future research

- Research needs to be done in South Sudan on returned refugees in order to compare their experiences as refugees in their country of refuge with that of their current life in Sudan, since the signing of the Comprehensive Peace Agreement.
- Research could be conducted in South Africa on the impact of refugee status on the lives of refugees, in order to draw a comparison between the experiences and challenges of those with refugee status and those with the asylum permit.

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ATTACHMENT A: PARTICIPANT'S PERSONAL DETAILS

No	Question	Answer
1	What would you like me to call you during this interview? (Please note that you have the right to use a pseudonym).	
2	Age	
3	Gender	
4	Place of residence	
5	Marital status	
6	Number of Siblings	
7	Country of siblings residence	
8	Year in which you left Sudan	
9	Your age when you left Sudan	
10	Year in which you came to South Africa	
11	Length of residence in South Africa (in Years)	
12	Current refugee status	
13	Year in which your refugee status was obtained	
14	Length of time it took to obtain the refugee status	
15	Level of education (highest grade successfully completed)	
16	What do you do for a living?	

ATTACHMENT B: INTERVIEW SCHEDULE
UNIVERSITY OF CAPE TOWN
DEPARTMENT OF SOCIAL DEVELOPMENT

Introduction

My name is Ms. Viola Aluel Riak, I am South Sudanese student at the University of Cape Town in the Department of Social Development, pursuing a Masters Degree in Social Development.

Purpose of research

The purpose of this study is to explore the challenges experienced by South Sudanese male refugees living in Pretoria, South Africa. The knowledge gained from this study will be made available to the South Sudan Relief and Rehabilitation Commission of the Government of South Sudan and the Department of Home Affairs of the Republic of South Africa. It is the hope of the researcher that by sharing the experiences and challenges faced by South Sudanese refugee with these two governments that these governments will be able to render some assistance to South Sudanese refugees living in South Africa.

Voluntary participation

Your participation in this study is completely voluntary and you have the right to terminate your participation in this interview session at any time. All the information you will share with me regarding your experience as a refugee in South Africa will be treated as confidential. Your name will not be revealed in any publication resulting from this study.

Tape recorder

I request your permission to use a tape recorder to record the interview session. The importance of recording the information is that I will be able to refer to your response word by word and this will allow me to quote your words during the reporting of the findings. No one will however recognise that the words are from you because your name will not be mentioned.

Section A: Getting to know the participant

1. Clarify any of the participant's personal details if necessary.
2. What is it like being a South Sudanese refugee living in South Africa?
3. What were your experiences in attempting to find accommodation when you first arrived in South Africa?
4. Have you ever attempted to apply to the South African Department of Housing for house? (If yes, explore the outcome).

Section B: Reasons for seeking refugee status in South Africa

1. What were the security issues that you and your family faced during the civil war in Sudan?
2. Why did you leave Sudan? (explore the conditions that led his departure)
3. Where did you live before you came to South Africa? (explore the living conditions in the said country of previous residence)
4. What are the reasons you chose to seek refuge in South Africa and not another country?

Section C: Experiences of securing refugee status

1. What challenges did you face during the process of securing refugee status? (explore the offices accessibility, time, the attitude of Home Affairs staff towards refugees and the cost involved).
2. In general, what is your own opinion about the entire process of securing refugee status in South Africa?
3. What recommendations, if any would you like to make to the South African Department of Home Affairs that would facilitate the process of securing refugee status?

Section D: Challenges experienced by South Sudanese Refugees within a human rights framework

1. What range of challenges have you experienced as a South Sudanese refugee living in Pretoria, South Africa?
2. What is your employment situation? (explore if they are employed or unemployed); if employed explore if it is a full time or part job, casual, temporary, contract) if

unemployed explore where they get support from in order to meet their basic needs, eg food, shelter and clothing)

3. Where do you go for treatment when you feel sick? (explore if private or public, fees payment, the general reception from hospital staff).
4. What educational challenges have you encountered if any so far?
5. What are some cultural differences you have experienced since you came to South Africa?
6. What social and economic rights, if any, do you have as a refugee living in South Africa?
7. What are your experiences in accessing these rights that you have identified? (explore their knowledge of their right to free primary education, free health care and their eligibility to pay local fees if he/she is attending tertiary education).
8. Is there any issue that you would like to bring to the attention of the Government of South Sudan regarding your residence in South Africa?

Section E: South Sudanese refugees' knowledge and experiences of institutional support available for refugees in South Africa

1. Are you able to name any governmental or non-governmental organisations that deal with refugees in South Africa?
2. What is your experience if any with these organisations? (explore the services used by the participant and whether the service was satisfactory, explore the accessibility, cost, agency staff attitudes towards the participant).
3. What recommendations do you have for these organisations regarding their services?

Final section

1. What expectations did you have when you came to South Africa? {explore whether these expectations have been achieved)
2. Do you intend to go back to South Sudan in the future?
3. Do you have any question or any additional comment?
4. How did you find this interviewing process?

Thank you very much for your time. Your participation in this research is very much appreciated. Thank you.