



Challenges faced by NPOs providing services to Refugees and Asylum Seekers in the Cape Town Metropolitan Area

Candidate: **Chloé Reiss (RSSCHL001)**

A minor dissertation submitted in partial fulfilment of the requirements for the award of the degree of Master of Social Science in Social Development

Supervisor: **Dr Connie O' Brien**

Department of Social Development

Faculty of the Humanities

University of Cape Town

February 2016

COMPULSORY DECLARATION

This work has not been previously submitted in whole, or in part, for the award of any degree. It is my own work. Each significant contribution to, and quotation in, this dissertation from the work, or works, of other people has been attributed, and has been cited and referenced.

Signature: _____

Date: _____

The copyright of this thesis vests in the author. No quotation from it or information derived from it is to be published without full acknowledgement of the source. The thesis is to be used for private study or non-commercial research purposes only.

Published by the University of Cape Town (UCT) in terms of the non-exclusive license granted to UCT by the author.

Abstract

Non-Profit Organisations (NPOs) providing services to refugees and asylum seekers are hard-pressed to effectively address the many challenges that these individuals face. Many struggling Black South Africans perceive these migrants as competing for scarce resources or as being able to achieve better livelihoods than they have in their own country. This study examines the challenges faced by NPOs providing services to refugees and asylum seekers in the Cape Town metropolitan area. A qualitative research design was adopted and a total of twenty-one respondents from twelve NPOs were purposively targeted. Thus a non-probability sampling strategy was used. Data was collected through face-to-face in-depth interviews using a semi-structured schedule. The findings reveal that the legacy of the past and perpetuating socio-economic inequalities hinder the integration of refugees and asylum seekers in South Africa. Xenophobia remains a major concern and the approach of government toward migration appears contradictory. Documentation, administration and corruption at the Department of Home Affairs (DHA), the closure of the Cape Town Refugee Reception Office (CTRRO), abuse and discrimination, are major challenges for refugees and asylum seekers. NPOs assisting them remain constrained by lack of funding and government cooperation. Further awareness initiatives, community mobilisation and social cohesion programmes are required. These findings inspired some recommendations for further research as well as for NPOs, which include lobbying for the establishment of a Central Migrant Help Desk; enhancing access to psychological services; developing more social cohesion programmes and further facilitating access to basic social services. Other recommendations encourage NPOs to develop a policy document to present to parliament tackling the issues of backlogs, renewal of documents, regulations in the workforce, documentation awareness, improvement of professional training of stakeholders; and advocating for progressive and coherent policy-decision making.

Acknowledgements

This research study is so much more than an academic project. It represents a personal accomplishment in a field that I have always been particularly dedicated to.

I would not have achieved this without the support of many.

- ✚ Firstly, I would like to thank my academic supervisor, Dr. Connie O' Brien, whose expertise, mentorship and support always encouraged me to do better. Thank you for all your stimulating and constructive feedback on my work.

- ✚ I would also like to thank all the respondents who voluntarily accepted to participate in this study, who shared their experiences and precious inputs. I am grateful for your time and valuable contributions.

- ✚ Last but not least, I would like to thank my father without whom I would have not had the chance to pursue this Master's degree; and all my family and friends for their encouragement.

TABLE OF CONTENTS

Abstract	i
Acknowledgements	ii
Table of Contents	iii
List of Tables	vi
List of Acronyms	vii
CHAPTER ONE: INTRODUCTION	1
1. Introduction	1
1.1 Problem Context.....	1
1.2 Rationale and significance of the study	2
1.3 Research Topic.....	4
1.4 Overall Research aim	4
1.5 Research Questions	4
1.6 Main Assumptions	4
1.7 Research Objectives	5
1.8 Clarification of Key Concepts.....	5
1.9 Researcher’s reflexivity	9
1.10 Chapter Outline of Research Report	10
1.11 Summary	10
CHAPTER TWO: LITERATURE REVIEW	11
1. Introduction	11
1.1 Theoretical models and frameworks	11
1.2 Legislative frameworks and policies.....	15
2.2.1 Human mobility in the historical context of South Africa.....	15
2.2.2 Post-Apartheid Migration Policy	17
2.2.3 Refugee Policy in South Africa.....	17
2.3 Migration in contemporary South Africa.....	18
2.3.1 South Africa’s socio-economic context	18
2.3.2 Profile of Refugees and Asylum Seekers.....	20
2.4 The Department of Home Affairs (DHA) and the issue of documentation	22

2.5 Detention, deportation and border control	23
2.6 Issue of access to social welfare and security	25
2.7 The main challenges that NPOs face in providing services to refugees	26
2.8 The role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.....	27
2.9 Summary	28
CHAPTER THREE: METHODOLOGY.....	29
3. Introduction	29
3.1 Research Design.....	29
3.2 Data Collection Approach.....	30
3.3 Data Verification.....	32
3.4 Limitations of the study	33
3.5 Ethical Considerations	34
3.6 Summary	36
CHAPTER FOUR: PRESENTATION AND DISCUSSION OF FINDINGS.....	37
4. Introduction	37
4.1 Profile of Respondents & NPOs	37
4.2 Framework for analysis.....	39
4.3 Presentation and discussion of findings	41
4.3.1 Socio-political and economic context of South Africa in relation to migration and refugee issues	41
4.3.2 Perceptions of NPOs regarding major challenges that refugees and asylum seekers face	47
4.3.3 NPOs' challenges in providing services to refugees and asylum seekers.....	55
4.3.4 NPOs role and scope in protecting and assisting refugees and asylum seekers	58
4.3.5 Role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.....	63
4.4 Summary	66

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS	67
5. Introduction	67
5. 1 Main Conclusions.....	67
5.1.1 Conclusions drawn about the impact of the socio-political and economic context of South Africa in relation to migration and refugee issues.....	67
5.1.2 Conclusions emanating from the perceptions of NPOs about the challenges that refugees and asylum seekers face	68
5.1.3 Conclusions as far as main challenges facing NPOs delivering services to refugees and asylum seekers are concerned.....	69
5.1.4 Conclusions on the role and scope of NPOs in protecting and assisting refugees and asylum seekers	70
5.1.5 Conclusions relating to the role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.....	70
5. 2 Recommendations	71
5.2.1 Recommendations for further research	71
5.2.2 Recommendations for NPOs to assist with service delivery to refugees and asylum seekers	72
5.2.3 Recommendations for NPOs to develop a policy document to present to Parliament	73
5.3 Concluding statement.....	75
REFERENCES.....	76
Appendix I- Interview Schedule for NPO personnel	85
Appendix II- Letter of Research Intent.....	87
Appendix III- Interview Consent Form	88

LIST OF TABLES

TABLE 1 - State expenditure on Migration Policy Enforcement	24
TABLE 2 - Profile of respondents.....	38
TABLE 3 - Framework for analysis.....	40

List of Acronyms

ANC – African National Congress

CoRMSA - Consortium for Refugees and Migrants in South Africa

CTRC - Cape Town Refugee Centre

CTRRO - Cape Town Refugee Reception Office

DHA - Department of Home Affairs

DIRCO - Department of International Relations and Cooperation

DoD – Department of Defence

DoE - Department of Education

DoL - Department of Labour

DoJCD - Department of Justice and Constitutional Development

DRC - Democratic Republic of Congo

DSD - Department of Social Development

IOM - International Organisation for Migration

NPO - Non-Profit Organisation

RRO - Refugee Reception Office

RSD - Refugee Status Determination

SADC - Southern African Development Community

SAHRC - South African Human Rights Commission

SAPS - South African Police Service

UCT - University of Cape Town

UN - United Nations

UNHCR - United Nations High Commissioner for Refugees

CHAPTER ONE: INTRODUCTION

1. Introduction

Despite extensive efforts by some of the most recognised international institutions such as the United Nations High Commissioner for Refugees (UNHCR), the International Organisation for Migration (IOM), and the International Rescue Committee (IRC), increasing human mobility and displacement due to terror and wars continues to be an unprecedented humanitarian challenge. Migration policies must be examined thoroughly to better understand approaches of governments towards refugees and asylum seekers (Baggio, 2014: 5). Research has indicated that displaced individuals throughout Africa face major obstacles in host countries with regards to safety and security (Crisp, 2010: 157). While many asylum seekers would want to resettle in developed countries, statistics reveal that the majority actually live in developing host countries (UNHCR, 2014a). Understandably there are socio-economic and political implications when large numbers of foreign nationals enter a developing host country. The host population especially the poor may not be very welcoming towards refugees and asylum seekers who may be perceived as a competitor for scarce resources (Klotz, 2012: 199).

This chapter will present the problem context; rationale and significance of the study; overall research aims; main research questions; assumptions that undergird these questions; main research objectives; clarification of key concepts; the researcher's reflexivity and an outline of this report.

1.1 Problem Context

In 2009, a UNHCR report indicated at the end of 2008, 42 million individuals were forcibly displaced worldwide, of which 16 million were refugees and asylum seekers, who mostly relocated to developing countries (Rugunanan & Smit, 2011: 705). Despite constituting only 12% of the global population, Africans represent about 28% (i.e. 3.2 million) of the world's 11.5 million refugees and just below 50% (i.e. 9.5 million) of the world's 20 million internally displaced persons (Crisp, 2010: 158). According to the UNHCR, the number of people fleeing their homes to seek protection in host countries due to conflicts and natural disasters on the African continent has now reached more than 13 million (UNHCR, 2014a).

Since the democratic transition of South Africa in 1994, the country switched from being a 'refugee-producing' country to becoming one of the most attractive destinations for asylum seekers (Amit & Kriger, 2014: 271). The majority of refugees seeking asylum in South Africa have fled from the Democratic Republic of Congo (DRC), Ethiopia, Somalia, Zimbabwe and Bangladesh (UNHCR, 2014a). With a total of 778,600 new asylum applications registered between 2008 and 2012, South Africa is at the forefront of receiving asylum seekers (UNHCR, 2014a: 26). On World Refugee Day 2011, the Home Affairs Deputy Minister Fatima Chohan stated that, "as a developing middle income country, South Africa had more asylum seekers to deal with than all 27 countries of the European Union combined" (Rugunanan & Smit, 2011: 705).

Very soon South Africa became overwhelmed by the large influx of asylum claims. Strategies to facilitate the integration of refugees and asylum seekers into local communities were set in motion, but this proved to be challenging and insufficient. Despite post-1994 reconstructive and redistributive efforts of government, issues of poverty, inequality and unemployment continue to affect large numbers of the Black South African population (Davids et al, 2009: 41; Pugh, 2014: 227). Under these circumstances the influx of foreigners have contributed to further challenges. Whilst South Africa does have a clear refugee policy (Khan & Schreier, 2014; Landau & Amit, 2014: 541) the local people as well as some government institutions appear to have scant education about refugee rights. Thus, in major cities, including Cape Town, several NPOs were established to assist refugees and asylum seekers in accessing proper information, documentation and to facilitate their resettlement through various programmes (Barbera & Ochse, 2009: 143).

1.2 Rationale and significance of the study

Some scholars have argued that the current state of migration management in South Africa reflects similar patterns of exclusion of the apartheid era (Handmaker & Parsley, 2001: 44). Their argument is that the conditions of refugees and asylum seekers in the country mirror the discriminatory treatments endured by Black South Africans under the apartheid regime. In 1994, the new government made numerous promises to the large majority of South Africans who had been marginalised and disadvantaged. Twenty-two years later, the legacy of the past seems to have perpetuated socio-economic

and racial inequalities. South Africa has high rates of unemployment particularly affecting the youth (RSA, 2013: 11). An unemployed individual is characterised as someone “completely without work, currently available to work, and taking active steps to find work” (Statistics South Africa, 2014: 3). As early as the beginning of year 1995, Trevor Manuel, former Minister of Trade and Industry, had stated that, “with millions of South Africans unemployed and underemployed, the government has no option but to give its full attention to the task of job creation, and generating sustainable and equitable growth” (Herrington, Kew & Kew, 2010: 8). Youth unemployment constitutes 73% (4.3 million) of the country’s unemployed population (5.9 million) and in 2013 approximately 42% of South Africans under the age of 30 were unemployed (RSA, 2013; Ward et al., 2013: 107). This context of rising inequality and joblessness amongst South Africans has fuelled resentment towards foreigners who are perceived as rivals for scarce resources (Klotz, 2012: 199). Whilst the violations of the basic human rights of refugees and asylum seekers throughout the country have been denounced, xenophobic attacks nevertheless took place, receiving global attention (Monson, 2012: 457; Klotz, 2012: 189).

Although research studies on refugee issues in South Africa do exist, very few have examined the nature of services provided to refugees and asylum seekers in the Cape Town area (Jacobsen, 2002: 579; Maniragena, 2014: 102). Most of the research has focused on refugees and asylum seekers’ experiences in accessing services, whilst the main challenges facing NPOs in assisting them have not been studied extensively. Baggio (2014: 190) stated that while there has been a focus on xenophobia and the causes and consequences of such violence, more attention must be paid to innovative ways to re-conceptualise migration positively.

The main purpose of this exploratory study is to investigate views of the NPOs personnel in the refugees and asylum seekers sector and assess the potential of these NPOs to enhance the effectiveness of their service delivery to their beneficiaries. Another objective was to explore South Africa’s potential to efficiently manage migration considering the post-1994 socio-economic and political context. Legislation pertaining to refugees and asylum seekers and current networks in place was also examined. This evaluation of challenges faced by NPOs in assisting refugees and asylum seekers in Cape Town area hopes to provide meaningful insights for policy development

in the sector. There is a need for more constructive perspectives on migration to reconceptualise the role that refugees and asylum seekers could play in enhancing socio-economic growth. Whilst the researcher acknowledges that this is a limited qualitative study it could serve as a ‘pilot’ to initiate larger scale studies into this area.

1.3 Research Topic

“Challenges faced by NPOs providing services to refugees and asylum seekers in the Cape Town metropolitan area.”

1.4 Overall Research aim

The overall research aim was to investigate the challenges faced by NPOs in assisting refugees and asylum seekers in the Cape Town metropolitan area, through exploring the perceptions that key personnel have about this issue.

1.5 Research Questions

- 1) What is the socio-political and economic context of South Africa in relation to migration and refugee issues?
- 2) What are the perceptions of NPOs regarding major challenges that refugees and asylum seekers face?
- 3) What are the main challenges facing NPOs in providing services to refugees and asylum seekers?
- 4) What role and scope do NPOs have in protecting and assisting refugees and asylum seekers?
- 5) What role do government and other stakeholders play in protecting and implementing the rights of refugees and asylum seekers?

1.6 Main Assumptions

This research study was undergirded by several assumptions:

- The socio-political and economic context of a country strongly influences its approach towards migration and refugee issues. The African National Congress (ANC) relied heavily on other African countries to support its struggle against Apartheid. Thus the present ANC-led government put in place progressive policies, which have been unevenly implemented due to domestic burdens of poverty.

- Despite progressive legislation, actions of government and NPOs, the country cannot effectively manage the large influx of refugees and asylum seekers. Thus an expansion of service delivery rather than service contraction is necessary.
- The existing NPOs assisting refugees and asylum seekers in the Cape Town area are cash-strapped and unable to cope. Despite fiscal constraints, government subsidies to these NPOs should be re-visited.
- NPOs working in this sector should self-evaluate their potential to protect and advocate on behalf of refugees and asylum seekers.
- The role of government and other stakeholders in monitoring and implementing the rights of refugees and asylum seekers would need to be assessed.

1.7 Research Objectives

- 1) To examine the socio-political and economic context of South Africa in relation to migration and refugee issues.
- 2) To investigate the perceptions of NPOs regarding major challenges that refugees and asylum seekers face.
- 3) To identify the main challenges facing NPOs in providing services to refugees and asylum seekers.
- 4) To determine the role and scope of NPOs in protecting and assisting refugees and asylum seekers.
- 5) To evaluate the role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.

1.8 Clarification of Key Concepts

- **Asylum Seeker**

The concept of asylum is built upon the principle that all individuals whose life and freedom is at risk, should be entitled to leave their home country to seek protection of another state (Crisp, 2010: 165). The South African Refugees Act, No. 130 of 1998 (1998: chap 1), defines an asylum seeker as “a person who is seeking recognition as a refugee in the Republic.” Chapter 3 of the Refugees Act lists the conditions linked to the process of application for asylum, the issuance of an asylum

seeker permit, the risk of detention and the criteria for Refugee Status Determination (RSD).

- **Refugee**

According to the South African Refugees Act, No. 130 of 1998 (1998: chap 1), an asylum applicant qualifies for refugee status if:

(a) “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”; or

(b) owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part of the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or

(c) is a dependent of a person contemplated in paragraph (a) or (b)

- **The 1951 Refugee Convention and the 1967 Protocol Relating to the Status of Refugees**

The United Nations (UN) Convention relating to the Status of Refugees was adopted in 1951, officially implemented in 1954 and amended once under the 1967 Protocol (UNHCR, 2010). Initially addressed to European refugees post World War II, the amendment removed such geographical limitation and universalised the Convention. Principles of non-discrimination, non-penalisation and non-refoulement underpin the Convention, known as the key instrument of all international legislation and standards in connection with refugees and asylum seekers (UNHCR, 2010). As stated in the Preamble of the Refugees Act, No. 130 of 1998, South Africa assented to the 1951 Convention Relating to Refugees, the 1967 Protocol Relating to Refugees, and the 1969 Organisation of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, along with other human rights treaties; which attest the responsibility of the country to comply with international obligations.

- **Refugees Act, No. 130 of 1998**

Implemented in 2000 and derived from the 1951 International Refugee Convention and the 1969 Organisation of African Unity Convention, the Refugees Act, No. 130 of 1998

provides the legal standards to operate and regulate the entry of asylum seekers and refugees in South Africa (Landau & Amit, 2014). Under Chapter 5, Section 27 of the Act refugees' rights are listed as follows:

A refugee-

(a) Is entitled to a formal written recognition of refugee status in the prescribed form;

(b) Enjoys full legal protection, which includes the rights set out in Chapter 2 of the Constitution and the right to remain in the Republic in accordance with the provisions of this Act;

(c) Is entitled to apply for an immigration permit in terms of the Aliens Control Act, 1991, after five years' continuous residence in the Republic from the date on which he or she was granted asylum, if the Standing Committee certifies that he or she will remain a refugee indefinitely;

(d) Is entitled to an identity document referred to in section 30;

(e) Is entitled to a South African travel document on application as contemplated in section 31;

(f) Is entitled to seek employment; and

(g) Is entitled to the same basic health services and basic primary education, which the inhabitants of the Republic receive from time to time.

- **South Africa's Immigration Act, No. 13 of 2002 and Immigration Amendment Act, No. 19 of 2004**

Officially implemented in 2003, the Immigration Act, No. 13 of 2002 was amended by s.47 (a) of Act No. 19 of 2004. It aims at regulating admission of individuals entering the Republic and sets requirements for each type of permit available. The amendment substituted the term 'alien' with 'foreigner' to refer to non-South African citizens, as a strategy to reduce resentment towards foreign nationals (Adjai & Lazaridis, 2014: 246). Core principles outlined in the Preamble of the amended Act and particularly relevant to this study are:

(f) The entry and departure of all persons at ports of entry are efficiently facilitated, administered and managed;

(i) The contribution of foreigners in the South African labour market does not adversely impact existing labour standards and the rights and expectations of South African workers;

(l) Immigration control is performed within the highest applicable standards of human rights protection;

(m) Xenophobia is prevented and countered [both within Government and civil society];

(o) The international obligations of the Republic are complied with; and

(p) Civil society is educated on the rights of foreigners and refugees."

- **The South African Bill of Rights**

Chapter 2 of the South African Constitution, the Bill of Rights sets out fundamental socio-economic and political rights for ALL individuals residing in the country. Section 27(b) of the Refugees Act, No. 130 of 1998 (1998: chap5) guarantees that a refugee:

“(b) Enjoys full legal protection, which includes the rights set out in Chapter 2 of the Constitution and the right to remain in the Republic in accordance with the provision of this Act.”

- **The Department of Home Affairs (DHA)**

DHA is the department of the South African government supervising and regulating asylum applications and refugee affairs amongst other mandates.

- **The United Nations High Commissioner for Refugees (UNHCR)**

The UNHCR was established in 1950 by the UN General Assembly to coordinate international intervention to protect refugees and asylum seekers and advocate for sustainable resettlement (UNHCR, 2015). South Africa is one of the 123 countries in which the UNHCR is involved, working in partnership with the DHA, with a head office in Pretoria and a field office in Cape Town.

- **Xenophobia**

Section (m) of the Immigration Amendment Act, No. 19 of 2004, entrusts government and civil society to prevent and counter xenophobia. Anti-xenophobic institutions, namely the Counter Corruption Unit and the Counter Xenophobia Unit, were established to collaborate with the Police, Department of Justice and Constitutional Development (DoJCD) and the Social Development Department (DSD), to formulate a comprehensive definition of xenophobia specific to the South African context (Adjai & Lazaridis, 2014: 247). During the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban in 2011, xenophobic crimes were defined as “attitudes, prejudices and behaviour that reject, exclude and often vilify persons based on the perception that they are outsiders or foreigners to the community, society or national identity” (Adjai & Lazaridis, 2013: 192). Comparably, The South African Human Rights Commission (SAHRC) referred to xenophobia as “the deep dislike of non-nationals by nationals of a recipient state” (Ojedokun, 2015: 169).

- **The South African government**

The South African government is divided into three spheres: local, provincial and national; responsibilities at each level are stated in the Constitution. At each level, the government has a political wing, which enacts laws and policies and an administrative wing divided into Departments in charge of implementing the reforms (Western Cape Government, 2016 [accessed 2015, May 24]).

- **Non-Profit Organisations (NPOs)**

The UN (2003) characterise an NPO as an organisation that “is self-governing, institutionally separate from government, non-compulsory, and that meets the non-distribution constraint” (cited in Jegers, 2008: 8). In this context, the term refers to all NPOs delivering services to refugees and asylum seekers in the Cape Town area.

1.9 Researcher’s reflexivity

Born to French parents in Zimbabwe and growing up in Cameroon, Burkina Faso, and Madagascar I was imbued from a very young age with a sense of social justice and always wanted to make a difference in the lives of the most vulnerable. Knowledge gained from my Bachelors in International Studies, Honours and Masters in Social Development has prepared me to undertake this particular study. Being fairly new to South Africa, I found it somewhat challenging but extremely motivating to carry out this research pertaining to refugee NPOs. Having worked in a refugee NPO while conducting my research helped me fully immerse myself in the field. I have not previously carried out such an exploratory study and relied on the support gained in supervision. I acknowledge that I came to the study with a bias that favoured refugees and asylum seekers without critically looking at the dynamics of the socio-political context. I am aware that my small-scale research will not bring about any meaningful change but I know that it has already raised awareness in the NPO network that provides services to refugees and that is already a contribution.

1.10 Chapter Outline of Research Report

This research report will consist of the following five chapters:

- **Chapter 1** - Introduction
- **Chapter 2** - Literature Review
- **Chapter 3** - Methodology
- **Chapter 4** - Presentation and Discussion of Findings
- **Chapter 5** - Conclusions and Recommendations

1.11 Summary

This chapter presented an overview of the study. A study which was first motivated by the fact that South Africa is fast becoming one of the most popular destinations for refugees and asylum seekers. A brief background was given with regards to the global and South African situation with regards to refugees and asylum seekers. The focus of this study however is on the challenges facing NGOs providing services to these refugees and asylum seekers. More specifically, it explores the perceptions of NGO personnel about the challenges that refugees and asylum seekers face along with the challenges faced by the service providers. The socio-political context as well as the role of government and key stakeholders would also be taken into account. The own assumptions of the researcher were presented, and the key concepts used in this study clarified. The researcher's 'positionality' was conveyed briefly in the section on 'reflexivity'. The following chapter offers a review of the literature relevant to this study.

CHAPTER TWO: LITERATURE REVIEW

1. Introduction

This chapter presents an overview of relevant literature by considering various themes namely theoretical models and frameworks; legislative frameworks and policies; human mobility in the historical context of South Africa; post-Apartheid migration policy; refugee policy in South Africa; the profile of refugees and asylum seekers in South Africa; challenges faced by NPOs in servicing this sector and the role of government in relation to refugees and asylum seekers.

In terms of legal instruments, the research will be referring to the 1951 UN Convention relating to the Status of Refugees, the 1967 Protocol relating to the Status of Refugees and the 1969 Organisation for African Unity, the 1993 Basic Agreement between the South African government and the UNHCR, the Refugees Act, No. 130 of 1998, the Immigration Act, No. 13 of 2002, and the Constitution of the Republic of South Africa No. 108 of 1996. Each of these legislative frameworks and policies will be further addressed in the following sections:

- Human mobility in the historical context of South Africa
- Post-Apartheid Migration Policy
- Refugee Policy in South Africa

Furthermore the profile of refugees and asylum seekers in South Africa will be examined in relation to the contemporary socio-economic context of migration in the country and challenges faced will be discussed in the following sections:

- The DHA and the issue of documentation
- Issues of access to social welfare and security

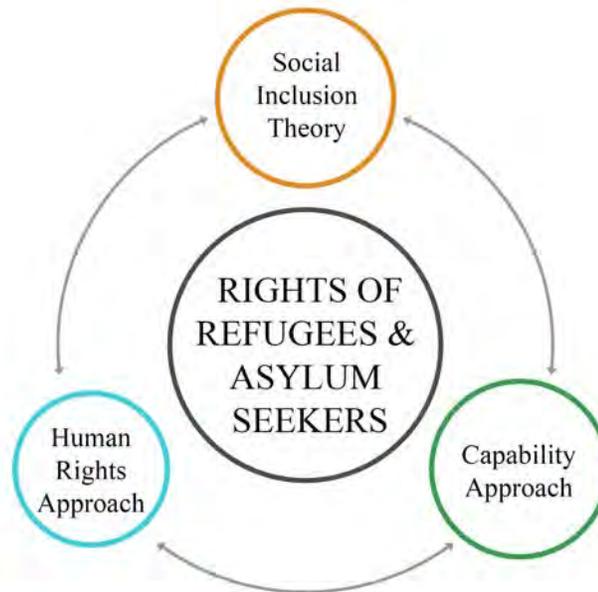
Lastly, the challenges faced by NPOs in assisting refugees and asylum seekers will also be analysed as well as the role-played by government and other stakeholders.

1.1 Theoretical models and frameworks

The following diagram provides a framework for the conceptual underpinning of this study in that it situates the rights of refugees and asylum seekers at its very core and interrogates how various theories such as the human rights approach, the capability

approach and the social inclusion approach have elements that must be incorporated into a holistic conceptual framework that could ground a study such as this one.

Diagram 1: Conceptual Framework



- **The Social Inclusion Theory**

As a multidimensional concept, social inclusion addresses issues of identity, citizenship and multiculturalism based on the principal that all individuals regardless of their status should have an unconditional right to belong (Mansouri & Lobo, 2011: 1). Though it is essential for all human beings to have a sense of belonging, it is always a struggle for refugees and asylum seekers, whom after being displaced from cultural, psychosocial and emotional contexts, which nurtured and sustained that sense of belonging, are transplanted into new environments that are not necessarily accepting of them. A challenge of social inclusion is that “cultural diversity is now increasingly linked in the public imaginary to risk, fear, anxiety, vulnerability and alienation” (Mansouri & Lobo, 2011:1). Thus, social inclusion and social exclusion are key concepts to consider when dealing with the conditions of refugees and asylum seekers, who often find themselves socially, economically and politically marginalised. Taket et al. (2009: 37) defined

social exclusion as a key multi-dimensional concept that offers the opportunity to examine and understand inequality in its different forms and contexts. There are a broad range of factors of social exclusion pertaining to refugees and asylum seekers resettling in South Africa. Taket et. al. (2009: 10) explained social exclusion as a strategy to “prevent people from participating in the mainstream activities of society and accessing the standards of living enjoyed by the rest of society.” In the South African Apartheid context the white minority excluded the disenfranchised black majority from accessing the same standards of living that they had. In present day South Africa, racial inequality still exists, with class inequality escalating, despite discriminatory legislation having been abolished. This history of social exclusion has made the assimilation of foreigners problematic especially among previously disadvantaged South Africans. Xenophobia, racism, discrimination and poverty are major features of social exclusion (Adjai & Lazaridis, 2013: 192) affecting refugees and asylum seekers living in the country. Social exclusion practices may include unnecessary delays in procuring documents from Home Affairs, high handedness of police officers in dealing with foreign nationals and banks refusing to give loans to foreigners (Barbera & Ochse, 2009: 141). Not holding the necessary documentation inhibits chances of accessing basic services and forces many to live with the omnipresent fear of being expelled (Rugunanan & Smit, 2011: 712; Landau & Wa Kabwe Segatti, 2009: 41; Taylor, 2004: 21). In this context, the lack of English proficiency and cultural barriers further prevents foreigners from being able to make meaningful transitions to their host country.

- **The Capability Approach**

Theorist Amartya Sen (1999: 3) defines development as a process that requires “the removal of major sources of unfreedom: poverty, as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over activity of oppressive states.” In this context, the term ‘freedom’ does not necessarily refer to personal abilities but rather structural arrangements generating opportunity. Landau & Wa Kabwe Segatti (2009: 52), argued that South Africa’s approach to migration and asylum should be guided by such a capability approach, as hosting refugees and asylum seekers implies providing opportunity for a better life. While expanding individuals’ agency and welfare, government is expected to

strategize to promote social inclusion. When one takes into account Sen's (1999) approach, the efficiency of migration policy should be examined through the capacity of government to expand opportunities for refugees and asylum seekers to have control over their own welfare (Landau & Wa Kabwe Segatti, 2009: 51). This suggests the need for innovative mechanisms to facilitate the needs of migrants in South Africa (provision of documentation and recognition of legal status). Yet, focusing on refugees and asylum seekers' welfare should be coterminous with expanding choices for all South Africans (Landau & Wa Kabwe Segatti, 2009: 50). This is crucial to the debate on capabilities since the majority of South Africans have still not reached their full potential given the high rates of unemployment and widespread poverty. Expanding the capabilities of one sector (refugees) at the cost of other sectors (disadvantaged South Africans) may prove disastrous and cause further conflict.

- **The Human Rights Approach**

On the 10th of December 1948, the General Assembly of the UN adopted the Universal Declaration on Human Rights (Grech, 2006: 2). The 1986 UN World Conference on Human Rights defined the list of thirty human rights as inalienable, universal and indivisible; recognised by all member states (Grech, 2006: 2). Post-1994, the South African government based its Reconstruction and Development Programme (RDP) on principles of equity, equality and human rights protection. As listed in the South African Constitution, the Chapter Nine Institutions refer to a number of independent organisations created to enforce democratic reforms, advocate for equality and human rights protection and promote accountability and transparency of the government. These include: the Public Protector, the SAHRC, the Commission for the Promotion and Protection of the Rights of Cultural Religious and Linguistic Communities, the Commission for Gender Equality, the Auditor-General and the Electoral Commission (RSA, 1996). Refugees and asylum seekers are by definition individuals who were forced to flee persecution, and who thus endured many violations of basic human rights. Once again the South African government would need to balance the rights of its own citizens and the rights of refugees in a way that all may perceive that their rights are taken seriously and not at the cost of each other (Mupedziswa: 2009). Looking at the conceptual framing of this study, one of the key aspects is that the very same issues

impacting refugees also impact on many ordinary South Africans.

1.2 Legislative frameworks and policies

As indicated in the introduction to this chapter various legal instruments play a key role in safeguarding the protection of refugees and asylum seekers, and these will be referred to in the following three sections.

2.2.1 Human mobility in the historical context of South Africa

The history of migration in Southern Africa is very well documented (Kalitanyi & Visser, 2010: 384). Baggio (2014: 162) stated that the history of South Africa in itself is a history of migration, which is seen in its rich diversity of languages and cultures. South Africa's notoriety as a divided and segregated society dates back to its formation as the Union of South Africa in 1910 (Adjai & Lazaridis, 2013: 193). However in 1948, the legislated apartheid period began with the white minority National Party imposing policies, such as the Population Registration Act No. 30 of 1950, classifying people into four racial groups (white, black, Coloured and Indian) and aimed at excluding the non-white majority from having equal rights (Adjai & Lazaridis, 2013: 193). Black South Africans were restricted from moving between provinces under the Immigration Act of 1913, which defined them as 'non citizens' and subjected them to regulations governing non South Africans (Adjai & Lazaridis, 2014: 238). Legislated immigration measures were meant to exclusively allow white migrants in the country, with the exception of black labour migrants from bordering countries (Amit & Kriger, 2014: 270). Pass laws strictly controlled the movements of black labourers from within the country. The political economy depended on the mining industry, thus the need for black migrant labourers from neighbouring states who were confined to the mines and sent home once their contracts had expired (Landau & Wa Kabwe Segatti, 2009: 11; Adjai & Lazaridis, 2014: 238). In 1972, over 600,000 black migrants were working in the South African mining industry, of which 33% were from Malawi, 26% from Mozambique, 25% from Lesotho, 7% from Botswana, 5% from Zambia and 4% from Swaziland (Adjai & Lazaridis, 2014: 238).

Klotz (2012:192) compared the political economy of South Africa and its migration approach to Germany, which he described as "a corporatist industrial economy that relied heavily on foreign contract labour, alongside exclusionary

immigration policies based on ethno-nationalism”. Landau & Wa Kabwe Segatti (2009: 1) argued that apartheid legislation which governed human mobility, barred a large majority of South African society firstly from rightful citizenship; excluded them from ownership of property and denied them the freedom to live where they chose to. According to Baggio (2014: 164) regulations and management of migration remain directly connected to issues of nationalism, identity, race, political and economic control.

Refugees and asylum seekers only gained particular attention from civil society during the country’s transition to democracy when a large influx of migrants enticed by new human rights reforms and anticipating economic prosperity, settled in South Africa (Pugh, 2014: 230; Landau & Wa Kabwe Segatti, 2009: 1). Amit and Kriger (2014: 271) asserted that, “democratisation transformed the country from a refugee-producing to a refugee-receiving country,” and defined immigration reforms at that time as being “confused, incoherent, reactive, defensive, and lacking in vision.” In fact, until the draft of the Immigration Act No. 13 of 2002, came into being, the Aliens Control Act No. 96 of 1991, amended No. 76 of 1995 was the only migration policy in place (Adjai & Lazaridis, 2013: 201). In June 1996, the South African Minister of the DHA publicly declared his conviction that it remained “a sound legal base for effective alien control” (Crush & McDonald, 2001: 10); yet scholars described the Aliens Control Act No. 96 of 1991 as ineffective and unconstitutional for migration management (Crush & McDonald, 2001:1; Landau & Wa Kabwe Segatti, 2009: 29). It was even argued that the interpretations of this Act reinforced prejudices against foreigners that became institutionalised within the DHA and among police staff (Adjai & Lazaridis, 2014: 252). In 1991, after numerous attempts, the UNHCR was authorised to establish an office in the country, mainly to assist with the return of South Africans exiles (Handmaker, 2001: 3; Klotz, 2012: 196). In 1997, the ANC drafted the Immigration Act No. 13 of 2002, further amended in 2004 (Landau & Wa Kabwe Segatti, 2009: 30; Crush & McDonald, 2001:11). NPOs actively lobbied during the amendment process to ensure that the Act complied with principles of human rights and addressed the issue of xenophobia (Adjai & Lazaridis, 2014: 252).

2.2.2 Post-Apartheid Migration Policy

The end of apartheid marked a time of change and challenge for South African society (Barbera & Ochse, 2009: 129). The Cape Town Mayor Helen Zille declared on World Refugee Day of 2006, “when we look around us, we see many South Africans living like refugees in their own country” (Barbera & Ochse, 2009: 129). Although the South African Constitution (RSA, 1996: Chap 2, s7(1)) affirms that, “South Africa belongs to ALL who live in it; united in our diversity (regardless of citizenship, nationality or country of birth)”, refugees and asylum seekers experience the reality of a society strongly affected by the legacy of its past (Adjai & Lazaridis, 2013: 193; Rugunanan & Smit, 2011: 707). The government faces a dilemma: pressured on one hand to provide for all South Africans of which a large majority remain deprived of their basic rights, and challenged on the other hand to respond to the needs of refugees and asylum seekers after having ratified to international Conventions (Gordon, 2014: 3; Pugh, 2014: 235; Adjai & Lazaridis, 2013: 197).

Refugees and asylum seekers are often blamed for their presence in a country that ‘has enough of its own problems’ (Pugh, 2014: 236; Amit & Kriger, 2014: 271). The socio-economic and political context of South Africa in connection with migration is characterised as one in which “a disempowered populace is not able to access or enjoy the material benefits promised by government, leaving migrants vulnerable in a country where race still plays a role” (Adjai & Lazaridis, 2013: 202). Yet, a 2011 Census revealed that only 1.7m (3.3%) of the total 51.7m population were non-citizens (Mthembu-Salter et al. 2014: 6). These statistics are however open to speculation since large groups are known to be in the country without any legal status.

2.2.3 Refugee Policy in South Africa

Scholars (Landau & Wa Kabwe Segatti, 2009: 29; Crush & McDonald, 2001a: 5) have criticised the lack of interest of government in considering migration as a potential socio-economic strategy for development. The anomaly that exists in this country is that on the one hand it has progressive legislation pertaining to refugees and asylum seekers and on the other hand xenophobia is almost institutionalised (Klotz, 2012: 190; Barbera & Ochse, 2009: 125). The Refugees Act, No. 130 of 1998, which tasked the state with protecting and promoting the integration of refugees and asylum seekers in the country,

was not officially implemented until 2000 (Gordon, 2014: 3). It introduced a new set of measures of protection with detailed information on permits issued to refugees and asylum seekers. Section 22 lays out the circumstances under which an individual qualifies for an asylum seeker permit and Section 24 explains the process of determination of refugee status and provision of legal documentation once status is granted (Klotz, 2012: 197). Yet South Africa's refugee determination procedures lack rigour and efficiency and the daily plight of refugees seeking finalisation of their status is so different from that outlined in the Act (Crush & McDonald, 2001a: 6; Landau, 2014 & Amit: 539). McKnight (2008: 21) indicated that as a result of the large numbers of refugees and asylum seekers entering the country, the government seems to focus more on measures of *containment and deportation* rather than *protection and rights reinforcement* (Klotz, 2012: 197). Despite the clear definition of a refugee provided in the Act, South Africa has one of the lowest refugee recognition rates in the world fluctuating between 5 and 15% compared to a global refugee recognition rate of 37% (Landau, 2014 & Amit: 540). Although the Act gives the right to any individual to apply for asylum, many see their status rejected for unspecified reasons.

2.3 Migration in contemporary South Africa

The socio-economic context and profile of refugees and asylum seekers living in the country discussed below elucidate the current situation of migration in South Africa.

2.3.1 South Africa's socio-economic context

South Africa has made significant progress since 1994, yet issues of poverty and inequality remain major challenges facing the country today (Pugh, 2014: 227). Issues of integration and social inclusion, rooted in the years of segregation of the apartheid era, still strongly impact the conditions of refugees and asylum seekers in South Africa. In fact, refugees and asylum seekers do not only experience the same challenges as local citizens but also find themselves competing with them (Barbera & Ochse, 2009: 128). In a recent report, the UNHCR (2014b:1) confirmed that, "the current socio-economic environment – high unemployment, poor service delivery, and economic inequality, has strained relations between refugees, asylum seekers and host populations." The conditions of refugees and asylum seekers must be examined in conjunction with challenges of host local communities.

Assistance to refugees and asylum seekers must be managed efficiently to avoid the encumbrance of large influx on both the sending and hosting countries (Crisp, 2010: 168). In South Africa, there is a widespread conviction amongst locals that refugees and asylum seekers reduce opportunities for development (Crisp & Kiragu, 2010: 20). Poverty, inequality, unemployment and corruption have fuelled frustrations and resentment of local communities towards foreign nationals (Landau & Wa Kabwe Segatti, 2009: 45; Pugh, 2014: 227). In this context, Landau & Wa Kabwe Segatti (2009: 4) emphasised that demography, development and disparities in a host country are factors to consider when addressing human migration. Thus taking cognisance of the socio-economic and political context of South Africa is crucial for a clearer understanding of government's approach towards migration.

Considered a generally liberal, middle-income country surrounded by some of the world's poorest states, South Africa's approach to migration was described as "an uneasy and unsustainable hybrid of rights and restrictions" (Landau & Wa Kabwe Segatti, 2009: 49). Crisp (2010: 164) stated that the linkage between the country's democratisation agenda and its minimalist approach to refugee security standards has become obvious. The wide gaps between rich and poor and the large numbers of individuals living below the poverty line, meant that scapegoating of foreign nationals became an option as "both government and opposition parties are prone to encourage nationalistic and xenophobic sentiments, and to blame their country's ills on the presence of refugees and other foreigners" (Crisp, 2010: 164). In May 2008, particularly violent attacks from locals on foreign nationals resulted in the killings of 62 individuals, of whom 22 were South Africans, and the displacement of 150,000 immigrants (Human Rights Commission, 2015). Other major waves of xenophobic events followed in De Doorns in November 2009 and Sasolburg in May 2010 (Breen & Nel, 2011: 35). Adjai & Lazaridis (2014: 249) argued that the reactions of the government and the police illustrated a lack of training on the clauses of the Immigration Act. Scholars interpreted comments by Deputy Minister of Foreign Affairs Aziz Pahad as evidence of a lack of awareness of the reality on the ground among political leaders. Pahad said, "you would not have thought that 14 years into our democracy we would suddenly experience such an explosion of attacks against foreigners when we have been trying through education and political processes to inform people about our vision of one Africa and an integrated

Africa” (Adjai & Lazaridis, 2014: 251).

Following the attacks in 2008, the SAHRC released an investigative report including recommendations to address the issue from various angles. The Commission (2009) identified the Department of International Relations and Cooperation (DIRCO), the DHA, South African Police Service (SAPS), the Department of Education (DoE) and the Department of Human Settlements (DHS) as key role players. Seven years later, in 2015, history repeated itself. Another wave of xenophobic attacks on black foreigners from neighbouring African countries shook the country (Ojedokun, 2015: 170). At least 7 individuals were killed, 5000 displaced and a number of foreign owned shops were looted (“South Africa’s Johannesburg marches...” 2015). Though xenophobic crimes are known to be frequent, media coverage tends to diminish the severity of this national issue (CoRMSA, 2011:8).

According to Klotz (2012: 190), there is a lack of awareness on the impacts of immigration policy regulations on the rights of refugees and asylum seekers in an environment prone to exclusion. Scholars argued that the issue of xenophobia and other challenges of migration facing the country have not yet been clearly examined as a political concern (Pugh, 2014: 229; Klotz, 2012: 190). Refugees represent a ‘tricky political problem’, yet often neglected on the agenda of the government (Barbera & Ochse, 2009: 143; Crisp & Kiragu, 2010: 19). Klotz (2012: 190) even argued that Nelson Mandela’s vision of a ‘rainbow nation’ might have made it difficult for the national government to welcome foreigners, due to the expectations of its own people after years of oppression. While Landau (2010) argues that xenophobia is an inevitable phenomenon, Klotz (2012: 203) considers that there are real opportunities for changing the country’s approach to migration and development despite its socio-political context.

2.3.2 Profile of Refugees and Asylum Seekers

Between 2006 and 2011, South Africa received more asylum applications than any other country in the world, and despite the horrendous xenophobic events of 2008 it remained the world’s third largest recipient in 2013 with an estimated 70,000 asylum claims (Amit & Kriger, 2014: 277; Smit, 2015: 39). However, statistics of the DHA revealed that out of the 170,865 applications submitted in 2007, only 36,736 asylum seekers were granted refugee status (Landau & Wa Kabwe Segatti, 2009: 8). At the end

of 2013, the DHA reported that 230,000 asylum seekers applications remained unprocessed.

The great majority of refugees and asylum seekers are those who fled from the war in the DRC, from insecurity in Somalia or are individuals who endured persecution in Burundi, Ethiopia, Rwanda or Zimbabwe (UNHCR: 2014b: 2). Gender is another important variable to consider; in 2013, 46% of the refugees in Southern Africa were women, of which many had children with no male relative support (Smit, 2015: 40). In 2008, Zimbabweans constituted more than 50% of all applications submitted (Rugunanan & Smit, 2011: 705). In 2011, out of 51,031 Zimbabweans' applications for asylum, only 83 were granted refugee status (Amit & Kriger, 2014: 284). As many economic migrants were accused of abusing the asylum system to access the right to work and regularise their stay, the Consortium for Refugees and Migrants in South Africa (CoRMSA), (2011: 110) reported that DHA officials tended to believe these claims and deliberately neglected full status determination interviews. The report even included that former head of Refugee Affairs had stated that status determination interviews of Zimbabweans should not last more than ten minutes, given that they are "all economic migrants" (CoRMSA, 2011: 110). Based on the 2014 DHA statistics report on refugees and asylum seekers, only 8629 (about 12%) of the total of 71914 asylum seekers who submitted their application that year were recognised as refugees (DHA, 2014: 80).

Based on the UNHCR most recent report (2015), 65,000 refugees and 295,000 asylum seekers currently live in the country. These numbers do not include economic migrants accessing the right to work through asylum claims because they do not qualify for any existing category of visas; the DHA stated that international migration policy review would soon address this concern (RSA, 2014: 81). The data on the prevalence of refugees and asylum seekers in the Cape Town metropolitan area and their country of origin remains insufficient (Barbera & Ochse, 2009: 138). Government lacks information on the entry strategies of asylum seekers, their length of stay and activity in the country (Landau & Wa Kabwe Segatti, 2009: 4).

South African legislation, its provisions for the respect of human rights and liberal economic policies made the country attractive as a destination (Adjai & Lazaridis, 2014: 237). Yet, reports from interviews of refugees and asylum seekers, revealed that a great

majority found their life in South Africa far more challenging than expected (Smit, 2015: 44). Being able to link up with social networks play a major role on the conditions of refugees and asylum seekers upon their arrival (Gebre, Maharaj & Pillay, 2011: 25).

2.4 The Department of Home Affairs (DHA) and the issue of documentation

Receiving legal status in a host country is key to successful and sustainable resettlement. In South Africa, refugees and asylum seekers struggle to obtain documents, maintain their legal status, and consequently often face the risk of detention and/or deportation (Landau, 2014 & Amit: 535). Rugunanan & Smit (2011: 712) described the relationship of refugees and asylum seekers with the DHA as ‘tenuous at best’. Findings from a study conducted in 2014 revealed that 40% of refugees and asylum seekers declared having had issues with the DHA, including delays in receiving their documentation (Maniragena, 2014: 72; Gordon, 2014: 4).

Before June 30th of 2012, RROs were accessible in Pretoria (Marabastad), Musina (Limpopo), Braamfontein/Johannesburg (Crow Mines), Durban, Port Elizabeth and Cape Town. The only offices currently operating for new asylum applicants are in Musina, Pretoria and Durban (DHA, 2014: 2). The closure of the CTRRO was a national strategy aimed at better control of the application process. (Landau & Amit, 2014: 541; Amit & Kriger, 2014: 278). The Director General of Home Affairs, Mkuseli Apleni declared on 31 January 2014 (DHA, 2014: 9) that, « economic migrants are exploiting South Africa’s legislative framework and refugees services », thus “77% of applications processed from 2008 to 2012 were rejected as either manifestly unfounded (73%) or unfounded (27%)”. The DHA argued that the closure of the CTRRO would not impact genuine asylum seekers, as the majority of applicants were actually economic migrants. It was also reported that nuisance complaints, violations of zoning regulations and difficulties in finding another office premise, were the main factors behind the closing down of the office (DHA, 2014: 7).

In 2009, the backlog of unprocessed asylum applications exceeded 100,000 (Landau & Wa Kabwe Segatti, 2009: 32). In response to NPOs’ concerns on the foreseeable issue of backlog, the DHA assured that additional resources would be allocated to manage the increased demand at the remaining RROs (DHA, 2014: 11).

2.5 Detention, deportation and border control

The closure of the CTRRO now requires asylum seekers (« including those who were in the Western Cape after 30 June 2012 and who have not presented themselves for processing at a RRO in South Africa ») to renew their permits in person at the RRO where they first applied when entering the country (DHA, 2014: 14). DHA charges a fine of R1,000 for asylum seekers 6 days to one year late in renewing their permits and R2000 for more than one year up to two years. CoRMSA (2011: 110) expressed concerns as RROs have denied renewal of documents until payment of fines, thus making asylum seekers illegal and at risk of detention and/or deportation until they can afford their fines. According to DHA most recent report (2014: 82), a total of 54,169 persons were deported during the 2014/15 financial year, exceeding the national budget for the deportation of foreign nationals. Mthembu-Salter et al., (2014: 6) argued that the deportation strategy has not been effective in controlling migration considering the lack of correlation between the numbers of deportees and the total number of migrants living in the country. In 2013/14, the budget for the DHA's Immigration Affairs programme (combining immigration and asylum services) was estimated at R647m, 9.8% of the DHA overall budget; approximately one third of that amount was spent on deportations in 2012/13 and R90m on the management of the Lindela Repatriation Centre (Mthembu-Salter et al., 2014: 11). [See **Table 1, page 24 - State expenditure on Migration Policy Enforcement**].

Established under Section 34 of the Immigration Act, the Lindela Repatriation Centre receives on average 1,000 detainees a day. Research revealed that over one third of the total population of detainees are asylum seekers (CoRMSA, 2011: 117). It is problematic that asylum seekers are being deported, as they are not governed by the Immigration Act No.13 of 2002 but the Refugees Act No. 130 of 1998 and many end up deprived of legal assistance and deported under conditions that violate the principle of non-refoulement (CoRMSA, 2011: 117; Mthembu-Salter et al., 2014: 10). The Refugees Act No. 130 of 1998 only authorises detention of asylum seekers if the Minister has ordered their removal from the Republic of South Africa. The period of detention should be 'reasonable and justifiable' and examined by a judge of the High Court if exceeding 30 days (Refugees Act, No. 130 of 1998, 1998: chap5). DHA fraudulent practices of detention have expensive repercussions on the national migration budget; Amit and

Zelada-Aprili (2012) reported that in 2009 over a period of 23 months, 90 cases of individuals litigating against their illegal detentions cost the DHA R4.7m (Mthembu-Salter et al., 2014: 8).

TABLE 1: State expenditure on Migration Policy Enforcement

Department	Item	Cost
DHA	Immigration Affairs budget (2013/14) of which:	R647 m
	<ul style="list-style-type: none"> • Asylum Seekers • Immigration Services 	R72.5 m R323.5 m
	Pending legal claims against Immigration Affairs (March 2013)	R.503.3 m
	Spending on Lindela (2012/13)	R90.7 m
	Spending on deportation (2012/13)	R199.9 m
	National spending on special operations with the SAPS (2013)	R13 m
	Refugee Appeals Board budget (2012/13)	R7.6 m
SAPS	Visible Policing (2012/13) of which:	R29, 500 m
	<ul style="list-style-type: none"> • Border security 	R1, 500 m
	Immigration policing (Gauteng, estimate for 2007/08)	R362.6 m
Department of Defence (DoD)	Border safeguarding (2013/14, official estimate)	R550 m

Source: Mthembu-Salter et al. 2014: 16

According to Amit & Kriger (2014: 269), keeping refugees and asylum seekers undocumented and thereby legalising their expulsion makes it extremely difficult to numerate their presence. Landau & Wa Kabwe Segatti (2009: 5) report, “no one knows how many international migrants are in South Africa, how long they have been there, how long they stay, what they do while they are in the country.” Accurate migration statistics would benefit both policy makers and professionals in the field (Baggio, 2014: 190). The UNHCR (2014b: 1) emphasised that accessing the number of refugees residing in urban areas represents a major challenge. Consequently, many refugees and asylum seekers remain unaware of the services provided by local NPOs (CASE, 2003:13).

2.6 Issue of access to social welfare and security

Article 27(g) of the No. 130 of 1998 Refugees Act guarantees that “refugees as well as refugee children are entitled to the same basic health services and basic primary education which the inhabitants of the Republic receive from time to time” (cited in Landau & Wa Kabwe Segatti, 2009: 41). Despite this provision, difficulties in accessing legal documentation hinders refugees’ access to all basic types of social services to which they are entitled including education, health care and police protection (Rugunanan & Smit, 2011: 712; Landau & Wa Kabwe Segatti, 2009: 41). In this context, legal status becomes a social exclusion stratagem, which makes refugees and asylum seekers even more vulnerable (Fiddian-Qasmiyeh et al, 2014: 105). Landau (2012: 224) highlighted that refugees are sometimes overcharged or denied access to basic or emergency health services as medical staff tend to disregard the distinction between refugees and illegal migrants. Findings from a national survey done in 2003 reported that 17% of refugees and asylum seekers had been denied emergency medical assistance (Landau & Wa Kabwe Segatti, 2009: 42).

Competition in the job market and the local rates of unemployment pushes many refugees and asylum seekers towards developing entrepreneurial skills (Kalitanyi & Visser, 2010: 388). Confirming the potential of refugees and asylum seekers’ entrepreneurial skills, Gebre, Maharaj & Pillay (2011: 25) reported that immigrant business owners from the Southern African Development Community (SADC) countries create jobs for an average of 2.65 persons and about 4 people for non-SADC countries. The extent to which legal documentation impacts asylum seekers’ conditions is difficult to assess as many end up working in the informal sector (Fiddian-Qasmiyeh et al, 2014: 105). However since many are unable to seek legal protection against their employer, asylum seekers are often exploited and their fundamental rights violated (Fish, 2013: 240). Discrimination and abuse in accessing affordable housing is another major challenge that refugees and asylum seekers face with many finding themselves forced to live in congested and neglected homes in unsafe areas (Smit, 2015: 45). By preventing refugees and asylum seekers from accessing to their legal rights, both the government and society may in fact, be promoting anti-social behaviour and criminality (Landau & Wa Kabwe Segatti, 2009: 48).

Legal status as a refugee or as an asylum seeker does not necessarily guarantee

safety and protection as official documents are often handwritten and sometimes not legible, which makes them not credible (Gordon, 2014: 5; Fiddian-Qasmiyeh et al, 2014: 105). In response to the widespread belief that foreigners generate criminal and drug activities, Rugunanan & Smit (2011: 713) assert that refugees and asylum seekers are more likely to be the targets of police harassment, discrimination and violence. Many offences against refugees and asylum seekers are often not reported or investigated (Baggio, 2014: 189). Police have been accused of complicity in the violations of rights of foreign nationals, intentionally ignoring requests for protection and not providing the necessary assistance (Breen & Nel, 2011: 35). The Equality Act, the Promotion of Equality and Prevention of Unfair Discrimination Act and Section 9 of the Constitution criminalise discrimination; yet no legislation labelling xenophobic violence as an intolerable hate crime has been implemented (Breen & Nel, 2011: 33; Adjai & Lazaridis, 2014: 242). Scholars also insisted on the need for government to increase the education and training of police staff and put measures in place to regularly monitor and evaluate SAPS services (Adjai & Lazaridis, 2014: 250).

2.7 The main challenges that NPOs face in providing services to refugees

Since South Africa is one of few countries that prohibit the establishment of refugee camps, there must be cooperative efforts in urban settings to efficiently manage the resettlement of refugees and asylum seekers (Barbera & Ochse, 2009: 129). The three main key role players confronted with refugees and asylum seekers challenges are the government, the non-profit sector and refugees and asylum seekers themselves (Barbera & Ochse, 2009: 142). Studies have shown that the non-profit sector often struggles to lobby political authorities in addressing the issue of backlog and mobilising resources to enhance refugee determination processes (Gordon, 2014: 4). A number of NPOs in Cape Town focus on providing a range of services to facilitate refugees and asylum seekers' transition, including legal assistance, English courses, training and employment assistance, access to basic needs and social services (Pugh, 2014: 241). However, one of the major challenges that these institutions face is advocating for individuals who the state does not necessarily seem to prioritise considering the socio-economic needs of the local population (Pugh, 2014: 232; Klotz, 2012: 198).

Despite an apparent lack of political will in improving conditions of the asylum system, the Director of the Cape Town Refugee Centre (CTRC) also highlighted the lack of funding that these NPOs receive, which limits their services. NPOs in Cape Town metropolitan area have been seeking collaborative strategies to strengthen their capacity with their constrained budgets (Maniragena, 2014: 105). While NPOs struggle with scarce resources, the provincial government could play a central role in strengthening relationships between stakeholders at all levels (Barbera & Ochse, 2009: 148). Klotz (2012: 204) suggests that human rights advocates should assist refugees and asylum seekers in developing their own legitimate political voice as this would help NPOs in dealing with xenophobic outbursts in communities. Scholars estimate that initiatives of the government in regard to the issues of documentation and xenophobia remain insufficient (Landau & Wa Kabwe Segatti, 2009: 45; Klotz, 2012: 190).

2.8 The role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers

The role of local government in assisting and protecting refugees and asylum seekers is not clearly stated in the No. 130 of 1998 Refugees Act or in any other pieces of legislation (Barbera & Ochse, 2009: 143). Thus, there is widespread belief that refugee and asylum seekers issues are exclusively responsibilities of the national government and the non-governmental sector. As of 2009, the City of Cape Town did not have policies for refugees and asylum seekers residing in its urban settings (Barbera & Ochse, 2009: 143). Landau (2012: 224) even stated that a critical challenge facing the local government is the limited knowledge of politicians on the profile and conditions of refugees and asylum seekers living in the country. Section 153 (a) of the Constitution (1996) clearly states that local municipalities “have the responsibility to structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community.” To be able to carry out this mandate, politicians and stakeholders can no longer turn a blind eye to the presence of refugees and asylum seekers, who should be included and involved in integrated development planning processes (Landau, 2012: 220). Additionally, to ensure protection of all citizens, refugees and asylum seekers included, the state must further intervene to transform local negative attitudes towards

foreigners. Refugees and asylum seekers should rather be acknowledged for their potential to positively impact the country's socio-economic development (Jacobsen, 2002: 586).

Corruption and poor management at the DHA largely stems from staff who lack key competencies being recruited as well as lack of on-going education and training concerning issues related to refugees (Landau & Amit, 2014: 541; Landau & Wa Kabwe Segatti, 2009: 31; Handmaker, 2001: 5; UNHCR, 2014b: 1). With no strong political will to reinforce the protection of the rights of refugees and asylum seekers, efforts of the DHA, the UNHCR and local NPOs cannot be fully effective (Klotz, 2012: 190). Thus, the focus should no longer be on whether or not migration should be embraced but rather how the country could manage it more effectively and turn the refugee question to its advantage (Kalitanyi & Visser, 2010: 377).

2.9 Summary

This chapter presented the key legislation and policies as well as theoretical models applicable to this study. The historical, socio-economic context of South Africa from the Apartheid era to the Post-Apartheid period with its evolving migration policies provided a contextual background. Furthermore, it presented an overview of relevant literature in relation to the main objectives of this research

The purpose of reviewing relevant literature was to gain some clarity about the conceptual underpinning of this study, which could enable a more nuanced analysis of the study's findings. The following chapter presents the methodological considerations.

CHAPTER THREE: METHODOLOGY

3. Introduction

This chapter presents the methodological framework adopted for this study. The research design; population and sampling strategy; data collection process i.e. collection approach, data collection instrument, data analysis approach; data verification; limitations and ethical considerations will be discussed in this chapter.

3.1 Research Design

The term research design refers firstly to the entire design of the study and secondly to the specific choice of design as to whether it is qualitative or quantitative or a mixed methods approach (Babbie & Mouton, 2001: 72). Considering the purpose of this research study and its objectives, an exploratory, qualitative design was deemed most appropriate. An exploratory approach examines phenomena that are relatively new and since little research has been done into the NPO sector that services refugees and asylum seekers such an exploration was estimated useful as a starting point (Babbie & Mouton, 2001: 79). De Vos et al. (2005: 240) defined a qualitative design as a “multi perspective approach to social interaction, aimed at making sense of, interpreting or reconstructing this interaction in terms of the meanings that subjects attach to it.” This research study focused on the views of personnel of NPOs concerning the challenges that their organisation face in assisting refugees and asylum seekers in the Cape Town metropolitan area.

- **Population and Sampling Strategy**

The population for this study consists of NPOs servicing refugees and asylum seekers in the Cape Metropolitan area. According to a refugee NPO network there are not many such service providers. There are approximately:

- ✓ Six providing welfare support
- ✓ Four providing paralegal advice and referrals
- ✓ One providing legal advice
- ✓ One providing psychological support and counselling
- ✓ One providing sexual and reproductive health services
- ✓ Five providing education and skills training

Some of these organisations offer more than one service.

From this ‘population’ of NPOs, twelve were purposively selected. Thus a **non-probability, purposive sampling approach** was adopted. This kind of sampling is also referred to as ‘typical case sampling’. This implies that the researcher purposively selects respondents knowing that they have the attributes to best contribute to the study (De Vos et al., 2011: 392). The criteria for selection of the NPOs involved in this study were based primarily on the fact that they were providing various services to refugees and asylum seekers; they were willing to participate when approached and they were all located in the Cape Metropolitan area.

- **Sample Group**

The researcher interviewed a total of **twenty-one respondents**, of which eighteen were from eleven direct service providers to refugees and asylum seekers and three from an NPO dealing specifically with human rights issues at an advocacy level.

[See Table 2, Chapter 4, page 38].

Respondents consisted of nine females and twelve males, living in the Cape Town area.

3.2 Data Collection Approach

Data was collected through face-to face semi structured interviews, aiming to give each participant the freedom to discuss unanticipated aspects relating to the topic. The concept of qualitative interviewing is to engage a ‘guided conversation’ to cover specific points but also to allow space for participants’ additional insights (Babbie & Mouton, 2001: 289). Data was collected over a period of two months (July to September 2015) and each interview lasted a minimum of 45 to 60 minutes.

- **Data Collection Instrument**

A semi-structured interview schedule was designed [See Appendix I], in relation to the research objectives so that relevant data could be collected in an ethical responsible manner (De Vos et al., 2011: 352). Such prepared set of questions can be used as “an appropriate instrument to engage the participant and designate the narrative terrain” (De Vos et al., 2011: 352).

- **Data Collection Apparatus**

With the consent of all respondents, each interview was recorded digitally, dispensing

with extensive note-taking during the actual interview and allowing the researcher to fully engage in the conversation and pick up on the non-verbal cues.

- **Data Analysis**

Bogdan and Taylor, cited in Tesch (2013: 113) defined qualitative data analysis as: “a process which entails an effort to formally identify themes and to construct hypotheses as they are suggested by data and attempt to demonstrate support for those themes and hypotheses.” There are various approaches to qualitative data analysis based on the topic research. As Tesch (2013: 4) stated, “no one has ‘codified’ the procedures for qualitative analysis, and it is not likely that anyone ever will.” For this study, the researcher followed guidelines from Tesch (1990)’s qualitative data analysis model of organising and coding data, cited in De Vos et al., (2005). The process entailed a two- stage level of analysis:

First stage of analysis -

- Transcribe all interviews and read transcriptions thoroughly for meaning and start with the first one by labelling the text with defining phrases in the margins.
- Do the same for all transcriptions and review the labels assigned to the text grouping them into categories and sub-categories of main themes. (Use colour pens to label common themes and their categories).
- Develop a framework for the presentation of findings ensuring that the main themes link to the objectives of the study
- Refine this framework so that themes, categories and sub-categories are logically presented.

Second stage of analysis –

- Write up the findings following the framework
- Select the most relevant quotes that illustrate these categories and critically compare these findings with similar studies.
- In comparing and contrasting findings with other studies presented in the literature review bear in mind the limited scope of this study and do not make spurious statements

- Add the researcher's critical commentary after discussion of a major theme.

3.3 Data Verification

Data verification is the process of checking for consistency and accuracy after the data has been collected. This is best done using Guba and Lincoln (1981) constructs of dependability, transferability, credibility, and confirmability in relation to this study.

- Dependability refers to the role of the researcher to “provide its audience with evidence that if it were to be repeated with the same or similar respondents in the same context, its findings would be similar” (Babbie & Mouton, 2001: 278). As far as this study is concerned, some degree of dependability may be possible as there is a limited population of organisations in the Cape Town area that services refugees and asylum seekers. Despite a limited sample size of twenty-one respondents from twelve NPOs there is a strong possibility that other organisations in a similar context would yield similar results.
- Transferability refers to “the extent to which the findings can be applied in other contexts or with other respondents” (Babbie & Mouton, 2001: 277). Some aspects of this study's findings may be more readily transferable to other urban locations in South Africa but aspects may not be given the impact of local government structures and other context-specific variables.
- With regards to credibility, one is trying to “understand if the constructed realities that exist in the minds of the respondents and those that are attributed to them are compatible (Babbie & Mouton, 2001: 277). This is best done through triangulation, referential adequacy through audio recording, and peer debriefing (Babbie & Mouton, 2001: 277). Within this study it may be possible to have a high level of credibility because more than one individual per NPO were interviewed, which may confirm certain data and thus there would be some measure of triangulation of findings. All interviews were digitally recorded to capture the verbatim responses with accuracy and ensure referential adequacy. Thus this study, albeit a limited one, has some degree of credibility.

- Confirmability is “the degree to which the findings are the product of the focus of the inquiry and not of the biases of the researcher” (Babbie & Mouton, 2001: 278). In regards to confirmability, the researcher involved in this study will construct a confirmability audit trail, which allows for conclusions, interpretations, and recommendations related to the research to be traced to their source (Babbie & Mouton, 2001: 278). This is best done with raw data, which comes in the form of transcriptions taken from digital recordings. Notes on Tesch’s model of analysis provide a detailed account of how the researcher examined findings in relation to the objectives of the study. Lastly, thanks to supervision, the potential biases of the researcher have been checked.

It is necessary to be aware of the criteria for data verification as this provides a critical framework for assessing the quality of this study.

3.4 Limitations of the study

- **Research Design**

The choice of any research design has its own inherent limitations. Qualitative designs embrace the subjective nature of the inquiry as it focuses on the meanings that respondents give to the topic being explored. It is essential that the researcher take note of the criteria that assesses the trustworthiness of qualitative data [See Section 3.3]. The researcher has taken care to minimise the pitfalls of this design.

- **Sampling**

As Babbie and Mouton (2001: 277) stated, “purposive sampling seeks to maximise the range of specific information that can be obtained from and about that context, by purposely selecting locations and informants that differ from one another.” Non-probability sampling does not allow for generalisation but the purpose of this study was exploratory in nature and the sampling approach best suited the design of this study as well as its purposes.

- **Data Collection Approach**

The use of face-to-face semi-structured interviews presents both advantages and disadvantages. The value of such an approach is that it allows the researcher to lead the conversation and probe when necessary to encourage the respondent to share in-depth

information. The challenges however, lie in the time constraints; developing rapport, remaining unbiased and eliciting unbiased answers (Creswell, 2014: 191).

- **Data Collection Instrument**

The risk of using a semi-structured interview schedule could be that a novice researcher follows the order of questions too rigidly, limiting the scope for spontaneous information that the respondent wants to volunteer. The researcher tried to keep open-endedness in the interview process allowing sufficient opportunity for probing, clarifying and harvesting more information.

3.5 Ethical Considerations

The term ‘research ethics’ is commonly understood in the field of social research as “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., 2011: 114). Ethical considerations that the researcher gave particular attention to were the following:

- **Voluntary Participation**

All respondents voluntarily agreed to contribute to this study after receiving a letter of research intent [See Appendix II]. The researcher also offered to send a copy of the research proposal to all potential respondents.

- **Informed Consent**

To obtain informed consent means to share with the potential participant all information about the purpose of the study and to clarify the pros and cons of such a participation as well as clearly setting out the parameters of study and its process (De Vos et al., 2011: 117). All respondents received a consent form via email prior to their engagement. The form clearly stated the purpose of the study and the estimated time of the interview. All respondents had the right to withdraw at any time, were guaranteed that their identity would not be disclosed and that all data would remain confidential [See Appendix III]. At the start of each interview, respondents were asked for their permission to be recorded and reminded that they could withdraw at any phase and could also switch off

the recorder should they so wish.

- **No Deception of subjects**

This implies not withholding or altering information to ensure the participation of a respondent who would have refused to partake in the study otherwise (De Vos et al., 2011: 119). As explained beforehand, the researcher took all necessary measures to appropriately approach and inform all respondents.

- **Avoidance of Harm**

Questions asked were formulated so as to ensure that, as far as is possible to determine, participants never felt uncomfortable answering them. The researcher also conducted each interview within a respectable time limit to ensure that it did not impact on the professional activity of the respondent. For those who requested it, the researcher sent a copy of the transcription of their interview to ensure referential adequacy.

- **Privacy, Anonymity and Confidentiality**

De Vos et al., (2011: 119) defined respecting privacy as “keeping to oneself that which is normally not intended for others to observe or analyse.” The researcher respected the right of privacy for all respondents and made sure that their identity and the name of their organisation do not appear in the study. Anonymity implies that, “no one, including the researcher, should be able to identify any subjects afterwards” (De Vos et al., 2011: 120). All recordings and transcriptions will be kept in a secure place and destroyed after a period of two years.

- **Competence of the researcher**

Competence of the researcher is crucial, as it requires a professionally rigorous approach to carrying out research with integrity and expertise. The competent researcher has to design plan and report on “the composition of the research population, the sampling procedure, the methodology utilised and the processing of the data to the writing of the research report” (De Vos et al., 2011: 123). As a Masters student in Social Development, the researcher was well prepared to carry out this study with expert supervision.

- **Publication of the findings**

The findings were analysed objectively and no personal biases, as far as is possible to determine, were allowed to impact on the report. It is hoped that that this research will

raise awareness about the refugee service delivery challenges that NPOs face. The researcher will also make sure that all NPOs receive a summary of the main findings.

3.6 Summary

This chapter introduced the methodology that was adopted for this study. The research design, sampling, data collection process, data analysis, data verification, limitations and ethical considerations were discussed. An exploratory, qualitative approach was adopted and the twenty-one respondents from twelve NPOs were purposively sampled. A semi-structured interview schedule was designed to collect data through face-to-face in-depth interviews. Guidelines from Tesch (1990)'s data analysis model for organising and coding data were followed. Guba & Lincoln's (1981) criteria for assessing qualitative data was adopted and the 'trustworthiness' of this study's data was interrogated according to four constructs namely: dependability, credibility, transferability and confirmability. The main limitations of this study were also highlighted.

The next chapter presents and discusses the findings.

CHAPTER FOUR: PRESENTATION AND DISCUSSION OF FINDINGS

4. Introduction

This chapter presents and discusses the findings that emerged from this research, and compares them to related studies. Firstly, the main objectives of this research will be restated, the profile of respondents will be presented in a table, followed by a second table laying out the framework used for discussing the findings. Further critical commentary will be presented when relating the findings to similar studies and theories previously examined in the literature review.

The main objectives of this study are:

- (1) To examine the socio-political and economic context of South Africa in relation to migration and refugee issues.
- (2) To investigate the perceptions of NPOs regarding major challenges that refugees and asylum seekers face.
- (3) To identify the main challenges facing NPOs in providing services to refugees and asylum seekers.
- (4) To determine the role and scope of NPOs in protecting and assisting refugees and asylum seekers.
- (5) To evaluate the role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.

4.1 Profile of Respondents & NPOs

A total of twenty-one respondents took part in this study. Eighteen respondents were from eleven NPOs working directly with refugees and asylum seekers and three others from a human rights NPO involved in the sector. Respondents consisted of nine females and twelve males, living in the Cape Town area. **Table 2** on the following page gives further information on the professional status and the years of experience in the sector of each respondent as well as the main types of services of their organisation.

TABLE 2: Profile of respondents

Respondents	Gender	NPO	Job Title	Experience (years)	Main types of services of the NPO
R1	Female	A	Advocacy Officer	3	Paralegal advice and education and skills training
R2	Male	B	Director	13	Welfare, psychological support and counselling
R3	Female	B	Senior Social Worker	2	
R4	Male	C	Training Officer	5	Sexual and reproductive health services
R5	Female	C	Refugee Health Project Coordinator	8	
R6	Female	D	Field Associate	12	Paralegal advice and referrals
R7	Female	D	Resettlement Expert	12	
R8	Male	D	Protection Associate	8	
R9	Male	E	Refugee Legal Assistance & Advocacy Manager	4	Education and skills training
R10	Male	E	Assistant Campaign Manager	3	
R11	Male	F	Senior attorney	6	Legal advice
R12	Female	G	Office Administrator	15	Paralegal advice and referrals
R13	Male	G	Director	4	
R14	Male	H	Director	14	Welfare, education and skills training
R15	Male	H	Youth Peer Educator Coordinator	2	
R16	Male	I	Director	12	Education and skills training
R17	Male	J	Founder/ Executive Director	5	Welfare support
R18	Female	K	Director	8	Welfare, education and skills training
R19	Male	L	National Advocacy Manager	8	Paralegal advice and referrals
R20	Female	L	National Director	3	
R21	Female	L	Paralegal Fieldworker	8	

Discussion of Table 2: The majority of the NPOs are service delivery organisations. The average number of years that respondents have been engaged in providing assistance to refugees and asylum seekers is 7. All respondents have senior or associated positions that enabled them to best contribute to this study. The sample group consisted of a total of 12 males and 9 females.

4.2 Framework for analysis

Table 3 on the following page presents a framework developed based on Tesch's (1990) qualitative data analysis model cited in De Vos et al., (2005).

TABLE 3: Framework for analysis

Themes	Categories
1. Socio-political and economic context	<ul style="list-style-type: none"> ➤ Legacy of the past ➤ Xenophobic violence ➤ Motives for resettlement in South Africa
2. Perceptions of NPOs regarding major challenges	<ul style="list-style-type: none"> ➤ <u>Major challenges of refugees and asylum seekers</u> <ul style="list-style-type: none"> ▪ Documentation, administration and corruption at the DHA ▪ Closure of the CTRRO and permit renewals ▪ Deportation ▪ Psychological Trauma ▪ Access to basic social services ▪ Employment abuse and discrimination ▪ Housing abuse and discrimination ▪ SAPS ➤ <u>Coping mechanisms of refugees and asylum seekers</u> <ul style="list-style-type: none"> ▪ Post-trauma resilience ▪ Kinship relationships & networking ▪ Overcoming the language barrier
3. Main challenges facing NPOs in providing services	<ul style="list-style-type: none"> ➤ <u>Major constraints of NPOs in assisting refugees and asylum seekers</u> <ul style="list-style-type: none"> ▪ Access to funding and staff shortage ▪ Lack of political will and government support ▪ Accessing refugees and asylum seekers ▪ Addressing the language issue
4. Role and scope in protecting and assisting refugees and asylum seekers	<ul style="list-style-type: none"> ➤ NPOs strategies in assisting refugees and asylum seekers with major challenges <ul style="list-style-type: none"> ▪ Partnership: Advising and Referrals ▪ Cooperation with government ▪ Advocacy ▪ Mobilising community awareness ➤ Disseminating information about NPOs services ➤ Inclusivity of eligibility for assistance
5. Role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers	<ul style="list-style-type: none"> ➤ Legislation and policies ➤ Promoting social cohesion ➤ Re-conceptualising migration

4.3 Presentation and discussion of findings

The findings will now be discussed in relation to the logical format set out in the framework [Table 3]. Where relevant, the findings will be compared and contrasted to other studies and various theoretical models discussed in the literature review.

4.3.1 Socio-political and economic context of South Africa in relation to migration and refugee issues

Respondents were asked about their perspectives on the socio-political and economic context of South Africa and how it impacts the integration of refugees and asylum seekers in the country, particularly in the Cape Town metropolitan area.

➤ Legacy of the past

All respondents referred to the complexity of the socio-political and economic dynamics of South Africa, which poses a major challenge for the integration of refugees and asylum seekers:

“South Africa is still trying to delink from its past. When the Convention was adopted, it was purely because we were in exile as well... Starting with the President of this country, we were assisted by these neighbour countries therefore we all owed them as well. We were not ready in terms of capacity and there is a feeling that people on the ground were not consulted. They were not aware that the government was signing this Convention” (R2: Org B).

“We have been facing our own problems and as people always say, South Africa is a very closed society, we were deprived of a number of opportunities at the time and now when we had the green light to be able to have our own the borders were opened. The socio-economic problems that we have now started way back and have not been resolved; thus you find it very difficult to integrate refugees into the communities because that gap has not been breached” (R8: Org D).

Respondents’ perspectives clearly illustrate the predicament of government pressured to fulfil the needs of its own people, yet obligated to respect the rights of refugees and asylum seekers according to international law (Gordon, 2014; Pugh, 2014; Adjai & Lazaridis, 2013). Respondents emphasised that twenty-one years after South Africa’s democratic transition, patterns of poverty and inequality remain similar to the pre-1994 era. Barbera & Ochse (2009) stressed that refugees and asylum seekers do not only face the same challenges as disadvantaged locals but also find themselves competing with them.

While there has been a large influx of refugees and asylum seekers into the country, adequate structures and favourable conditions for resettlement were not in place (Adjai & Lazaridis, 2013):

“When South Africa opened up its gates to refugees they did not expect that millions of people would come, they never projected this number of people coming into the country” (R15: H).

“From 1994 to 1998 there were no refugee laws, you could not even apply for asylum, everything was new, the government did not know what to deal with first and remember there were serious issues in the country” (R14: Org H).

This confirms that even though refugees and asylum seekers were already living in the country, post the Apartheid period government took years to enact necessary measures to protect refugees and asylum seekers’ rights and to facilitate their integration (Gordon, 2014). It would appear that the South African Government’s priorities lie elsewhere.

The majority of respondents maintained that, as long as South Africans’ access to basic needs and expectations were not met, understanding and tolerance towards refugees and asylum seekers and their needs would not be taken seriously.

“People started coming into the country while South Africans themselves had not yet enjoyed the benefits of democracy and liberation... challenges that face South Africans were not dealt with!” (R8: Org D).

“There is a huge gap between the haves and have-nots; Apartheid destroyed human capital. Many black people do not have means to live and now you also have refugees coming on top of that; that is why you have xenophobia” (R16: Org I).

“South Africa does not have as much of a big pie to share and that makes a lot of those dynamics much more complicated and much less friendly towards foreigners” (R18: Org K).

Local communities feel that their own needs are not being taken seriously and hence have little concern for the needs of foreign nationals. This situation could fuel conflict. Landau & Wa Kabwe Segatti (2009) and the UNHCR (2014b) pointed out how strained relationships between refugees, asylum seekers and locals can have a damaging impact on the economic development of a country. Thus government would do well to deliver resources and opportunities to their own local citizens but at the same time also consider how they could maximise the benefits of having foreign nationals.

“We are to our fault the most unequal country in the world, with the highest unemployment ratio particularly affecting young people, so the expectations for

delivery is extremely high. People who do not have the formal skills that are needed in the current market economy are the first to suffer and the last to recover and so the competition for already scarce resources increase” (R19: Org L).

“Largely refugees are seen as people who just come and take resources, wealth but they can also contribute to the development of the country” (R15: Org H).

“Some refugees got skills and are professional doctors and nurses but because they cannot be included in the South African system those people end up doing any job available” (R12: Org G).

According to Crisp & Kiragu (2010) many locals seem convinced that refugees and asylum seekers minimise opportunities for development. Some respondents suggest that political leadership have failed in their dealings with foreign nationals in the country and that mixed messages have been sent out:

“The situation would be very different if the leadership was clear in explaining to South Africans on a multitude of platforms that refugees are not here to take their jobs. That is so easily spread and perpetuated. We have been sending out mixed messages; we have let people in officially, and yet in some ways we have said ‘you are not welcome’; that is problematic” (R18: Org K).

“There is no clear distinction between the categories of ‘foreign nationals’; you’ve got refugees, asylum seekers, economic migrants... and when you put them all under the same umbrella it becomes dangerous” (R4: Org C).

“The conditions and policies that keep on being twisted and not followed make it seems as if government does not really want to make things easier for refugees” (R15: Org H).

“I think that xenophobia is very much settled in the public service sector and it just spirals down from there; so it is quite political” (R1: Org A).

Amit and Kriger (2014) have indicated that the country’s immigration policies lack coherence. Crisp (2010) accused the South African government of contributing to xenophobic sentiments through scapegoating refugees and asylum seekers.

➤ **Xenophobic violence**

Whilst one cannot condone any xenophobic attacks, the exasperation and frustration of a great majority of South Africans about the high rate of unemployment has fuelled intolerance towards any foreign national perceived as ‘making it good’:

“If you look at video footages, when there is the looting of a shop you hardly find a 50 year old, its mostly the youth; those who are not working and who are

frustrated. Some got qualifications but they cannot use them for anything because there is just no job opportunities” (R8: Org D).

“If you look at South Africa today, these restaurants, petrol stations, shops, houses...long before we received asylum seekers and economic migrants, we had people working...What happened to them? In the farms, where people had been working for years, what happened to them? That means that many lost their jobs to cheap labour” (R6: Org D).

Interestingly xenophobic attacks are not carried out against white foreign nationals but against black foreigners. This may suggest some kind of class and race-based reaction to foreigners ‘making it good’ when in fact the locals are struggling:

“We do have a lot of migrants that are white from Europe, you never see them being attacked but if you are a black person then you are exposed to those attacks” (R4: Org C).

“Almost every single week people are attacked, sometimes even killed, they have a business that they open early and close late, sometimes because they cannot access bank accounts they keep money in their premises when they go to buy stock so it is very easy to track them.” (R7: Org D).

South Africans living in disadvantaged situations rarely tolerate the economic success of refugees and asylum seekers. From a social exclusion perspective, Taket et al., (2009) indicate that xenophobic violence may be seen as deliberately disempowering and traumatising refugees and asylum seekers so that they do not have access to better socio-economic standards of living which the disadvantaged host community members believe that they should have first access to. Adjai & Lazaridis (2013) highlighted that race remains a factor in social exclusion and this is a feature of xenophobic violence in South Africa.

➤ **Motives for resettlement in South Africa**

Despite the challenges of integrating into South African society, South Africa remains a particularly attractive destination on the continent.

“Even though people know that there is xenophobia they keep on coming... South Africa has an attractive economy!” (R15: Org H).

“Somalis would say, ‘these guys [referring to local xenophobes] can continue to attack me, I will never go home, I would rather die here than go back to Somalia.’ Why? Because to them South Africa is the best place to be” (R8: Org D).

“There is a guarantee for peace and security that’s why asylum seekers prefer to

come here; but when you arrive in South Africa, peace is something else” (R4: Org C).

Thus despite the xenophobia, migrants want to come to South Africa since comparatively speaking it is not a country at war or in widespread civil conflict. Furthermore the country does have a relatively stable economy and is known for receiving some of the highest number of asylum applications worldwide (Amit & Kriger, 2014: 277).

“They [referring to refugees and asylum seekers] know that South Africa is much more developed than other countries and I think the quality of life here is generally much better” (R7: Org D).

“Yes, there is high level of unemployment but at least the economy is better managed than the rest of the countries on the continent” (R2: Org B).

Respondents confirmed that a large majority of asylum seekers entering the country have fled political instability and armed conflicts in Zimbabwe, Somalia, the DRC, Rwanda and Burundi.

“There are people coming because of the situation back home, let’s take examples of Somalia, DRC, Rwanda, Burundi, Central Africa...” (R13: Org G).

“The majority flee their countries of origin for reasons of war” (R3: Org B).

“Those countries like DRC, Rwanda, Angola, despite the violence of wars are also not well run, which means that the youth is in total despair...That is also a reason to make them leave their countries. South Africa is one of the strongest economies” (R16: Org I).

Asylum seekers have come to South Africa despite long distances and the opportunity to resettle in other neighbouring countries for varying reasons:

“I can assume that someone would come all the way from Somalia for example because they expect green pastures. I can tell you for sure that refugees cannot hang around Tanzania they always use it as a transit and the Tanzanian authorities are very strict whenever they come across a refugee; you are either taken back to Kenya or you are sent to Malawi. You are first detained and then brought into the refugee camp, so it is very strict” (R7: Org D).

“It is like a safe haven to them [referring to refugees and asylum seekers] either politically, socially or economically. Most of them refer to South Africa as the Europe of Africa” (R8: Org D).

“Political, social, even sexual orientation... which I think South Africans are not taking into consideration and it is a big issue. In some countries based on your sexual orientation your life is in danger” (R5: Org C).

“Natural disasters, social reasons... for example in Uganda the law does not recognise same sex relationships and people found or suspected to be in same sex relationships are in extreme danger [pause] killed, persecuted by the government so they flee their home countries” (R10: Org E).

However, the ‘golden era of Mandela’ is long over and many refugees and asylum seekers are aware of the hardships facing them in South Africa and also the anger that is beginning to be felt towards South Africans:

“Mandela era is finished, the dusk of Constitutional democracy amongst other things... there is a rising swell of resentment against South Africans” (R20: Org L).

Nevertheless despite all these challenges the fact that South Africa does not have camps for refugees is a draw card for many refugees:

“Do I really want to spend the rest of my life in a camp or do I really want to integrate and make something out of my life? That is why they chose South Africa...this liberal Constitution allows them to make something out of their lives. Now the fact that South Africa does not have camps is also somehow a challenge for refugees upon their arrival because you are on your own in an urban setting with very little if any resources” (R6: Org E).

Refugees and asylum seekers have perceived this right to freedom of movement as well as South Africa’s refugee policy in a positive light. Respondents objected to camps:

“We know that the degree of corruption and exploitation and mismanagement by the DHA is very high and we would expect that if they were to try to now organize a sort of a camp environment it would be chaos” (R11: Org F).

However, various respondents believe that government should provide some kind of assistance:

“Even though there are no camps there should be some kind of assistance from government, formally structured, but at this point nothing really is in place” (R17: Org J).

“Integration is not properly managed by government, people are doing it on their own, which is creating this tension that we see” (R2: Org B).

The urban refugee policy (on paper) facilitates socio-economic integration and allows refugees the opportunity to resettle. However the lack of statistics tracking the numbers of refugees have led to misperceptions especially among disadvantaged locals who fear that foreigners are gaining access to resources that rightfully belong to them. Rigorous monitoring measures should be put in place (Baggio, 2014), which could help authorities

with proactively assisting with integration and facilitating the raising of awareness about the rights of refugees and asylum seekers.

The majority of refugees and asylum seekers have established informal support systems and have developed good entrepreneurial skills. Respondents reported that the majority of asylum seekers would manage to sustain themselves upon arrival via the support of a friend, relative or random contact with someone of the same country of origin:

“Very few people actually chance to come all the way here without knowing someone, they usually have the friend of a friend or a cousin” (R7: Org D).

Many asylum seekers and refugees living in South Africa today come from countries, which once welcomed South African exiles during the apartheid period. Hence, there is a feeling that it is South Africa’s turn to help other Africans in need. One respondent that arrived in the country as a refugee pointed out:

“Again remember these people from those countries they used to help South Africans before apartheid; when your house was burning I came with water to stop the fire in your house, now your house is fine, today is my time. Even when we were kids I remember we used to bring clothes to school to send to Soweto, I knew Soweto because of apartheid” (R4: Org C).

4.3.2 Perceptions of NPOs regarding major challenges that refugees and asylum seekers face

➤ Major challenges of refugees and asylum seekers

Respondents described documentation, administration and corruption at the DHA, the closure of the CTRRO and new procedures of permit renewals, deportation, psychological trauma, access to basic social services, employment and housing abuse and discrimination and SAPS as major challenges faced by refugees and asylum seekers.

- **Documentation, administration and corruption at the DHA**

The issue of access and recognition of documentation and Home Affairs’ administration were a major source of stress for applicants:

“The main obstacle is accessing Home Affairs, there are only 3 RROs in the country that accept new applications and getting into those offices is a struggle; it’s either corrupt or the officials just refuse to help. I even think that it’s a strategy to deter people” (R1: Org A).

“It is very easy to get a Section 22 permit but to follow up and get a Section 24 permit is factually impossible. We have people who have been Section 22 holders for even 10 years” (R7: Org D).

“Some people spend 10 years with an asylum seeker status. That permit allows you to work and study but if I own a company there is no way I can hire someone with papers that expire every 3 months” (R13: Org I).

“Without documentation you have no access to services, you technically do not exist” (R6: Org E).

Refugees and asylum seekers struggle to obtain a legal status within six months (Crush & McDonald, 2001a; Landau & Amit, 2014). Very few genuine asylum seekers thus have access to the benefits of a legal refugee status (Landau & Wa Kabwe Segatti, 2009).

Respondents raised concerns about the lack of awareness and recognition of refugees and asylum seekers’ permits:

“The fact that wherever you go, you need to produce that asylum seeker or refugee status document; it has become a tool for discrimination” (R15: Org H).

“Even though the document clearly states that they [referring to refugees and asylum seekers] have the right to work and study, that right is abused or not given because of people’s ignorance” (R7: Org D).

Respondents gave accounts of Home Affairs officials abusing refugees and asylum seekers:

“There is this case of a client who went to Home Affairs, been here for 15 years, had to renew his refugee status when he went there he was told ‘your file is not here’ and he has never moved out of Cape Town... ‘We can see your name but can’t find your file, come back tomorrow’. His permit was expiring the next day. The next day he came, they said ‘come tomorrow’, the third day he went there they said ‘it’s too late’ your paper has already expired you must pay R2500 fine.’ He came, we called Home Affairs and he was given two years, when others get four years” (R13: Org I).

Gordon (2014) & Maniragena (2014) advocated that the numbers of asylum seekers desperately waiting on their refugee status should be speedily determined. Landau & Wa Kabwe Segatti (2009) further argued that by preventing refugees and asylum seekers from maintaining a legal status and accessing their legal rights, the government may be encouraging criminality and anti-integration behaviour.

- **Closure of the CTRRO and permits renewals**

Supported by other organisations in the sector, the Scalabrini Centre took the lead in lobbying for the re-opening of the RRO in Cape Town. Upon the closure of this office, the intention was to establish another facility closer to the border in Limpopo. The closure of the office now requires refugees and asylum seekers to travel to ports of entry where they first claimed asylum and to renew their documents. Maintaining a legal status has become a new challenge. Despite all other financial constraints that refugees and asylum seekers face upon arrival, the absence of a service that should be easily and freely accessible is now placing them under further strain:

“We have a woman who has four kids, she was shot, she is disabled, she cannot get a grant because she does not have a refugee status and we cannot assist her with that because Home Affairs rejected her. Her permit expired and she has been told to go to Pretoria to renew it. Now, where is she going to get money to go there?” (R13: Org I).

Respondents are beginning to see the impact of the reduced number of RROs in the country since most refugees and asylum seekers hold expired documents since they cannot afford transportation and accommodation costs. The rising number of Section 22 and 24 permits holders who failed to renew their documents on time have to contend with their illegal status making them more vulnerable. This inevitably also impacts on service organisations in the sector.

“Moving forward we need to have organisations that will be able to provide assistance for people to travel to offices of application to renew their documents” (R6: Org E).

Government’s strategy to restrict refugees and asylum seekers to the borders is being resisted by refugee organisations since Home Affairs’ offices for South Africans could easily provide services to refugees as well:

“There is this effort made by the DHA to make it such that every South African who wants to walk to Home Affairs will be able to access an office within I think it is a 50km radius ...they are building offices all over the country so if they have these facilities...why for a particularly small foreign population of asylum seekers and refugees, they could not provide a similar service at some of these offices” (R11: Org F).

“It is strategically planned! South Africa did not expect this high volume of people so now they are trying to put in place mechanisms to limit that number of people. Is it going to be effective? I think that the issue of backlog will be worse” (R15: Org H).

“Whether it is in Cape Town or at the border the challenge of tracking refugees is still there” (R17: Org J).

Respondents perceive the closures and relocation of offices as part of a national strategy to limit the numbers of asylum seekers coming into the country (Landau & Amit, 2014; Amit & Kriger, 2014).

Besides the administrative constraints, there are increasing numbers of economic migrants claiming an asylum permit 22 to access the right to work in the country:

“Too many people are using asylum seeker permit to work in the country though they are economic migrants” (R14: Org H).

“Many foreigners who are coming to South Africa do not come as refugees but they use the pretext of being a refugee or asylum seeker to get proper documentation which allows them to work and study” (R9: Org G).

A great majority of these ‘illegal’ Section 22 permit holders often seek undeclared employment opportunities, and give up on seeking legal status. This is ultimately an alarming concern for the country, which does not provide for rejected applicants to be repatriated to their country of origin.

Respondents reported that some genuine asylum seekers are rejected by Home Affairs for unspecified reasons years after the first submission of their claim and that this encourages ‘illegality’:

“A client came in saying ‘look I have been formally rejected by Home Affairs and told to leave the country within 30 days. She applied in 2009 and they found out that her application was not successful. If this person could have been told within six months after entering the country then it would be different, but after living in this country for more than six years...most of them decide to stay illegally” (R13: Org G).

“The law says that within six months they should finalize applications but we have found out that some people have remained asylum seekers for more than 10 years...then you see applications being rejected. Some people have been on appeal for 5 years still waiting for the result and sometimes there is misplacement of documents” (R13: Org G).

“The Refugees Act says that a person cannot stay with the asylum permit for more than 180 days” (R4: Org C).

The DHA must take responsibility over the issue of backlogs and manage the applications process within the expected timeframes (Crush & McDonald, 2001a).

- **Deportation**

Respondents explained that refugees and asylum seekers often face the high risk of deportation while traveling to renew their documents:

“On top of the transportation cost, accommodation, you face the risk of deportation, the risks are huge” (R20: Org L).

“They run the risk of getting deported and then those that fled persecution cannot be taken back to a country where they face persecution or death but does the country care?” (R6: Org E).

Governments often place the focus on restrictive measures of containment and deportation rather than the safety and rights of refugees and asylum seekers (McKnight, 2008). Respondents highlighted the unfair and illegal nature of deportation, which was often the outcome of maladministration at the DHA (Taylor, 2004).

- **Psychological Trauma**

These refugees and asylum seekers may have been traumatised by conflict in their own countries and by the struggles they had to endure whilst journeying to another country. Very little counselling/psychological support is being offered to them.

“...Refugees and asylum seekers come from very degrading situations so they do need counselling; we know that when some of them try to access the Republic, whether or not they do that legally is another question, their rights are violated in the process; we heard stories of rape at the borders from some of them” (R10: Org E).

A respondent explained how they designed a programme to address this need for mental health support:

“What we found and that is what guided the design of a programme we run is that there is a real lack of psychosocial mental health type of support” (R18: Org K).

- **Lack of access to basic social services**

Ignorance about refugees and asylum seekers’ rights and/or xenophobic behaviour are two major factors hindering access to basic social needs (Rugunanan & Smit, 2011; Landau & Wa Kabwe Segatti, 2009). NPOs in the sector play a large role in persistently advocating on behalf of refugees and asylum seekers who struggle to access their basic rights, such as receiving proper healthcare assistance and being able to enrol their children in schools:

“A lot of Somalis that I interviewed have had very bad experiences especially women when they go to deliver their babies because apparently staff members tell them ‘you are coming to South Africa to give birth’. The medical staff usually sees it as ‘you are coming here to fill our country and take advantage of us and the facilities’. There is a lot of stigma and abuse” (R7: Org D).

“When you go to look for a place, let’s say a primary school, they would tell you ‘the school is full’ but if a South African walks in just after you they get the place” (R15: Org H).

- **Employment abuse and discrimination**

Refugees and asylum seekers are vulnerable to exploitation in the workforce:

“Young men would come here and try to find work with people who have been here for longer as a shop assistant, but then the owner of the business would refuse to pay them. The owner would say ‘I am not going to pay you because I am giving you food and a place to sleep’. Otherwise you sleep on the streets, if you are lucky you might get into a shelter or contact an NPO to assist you but even then you are assisted for a short period of time” (R7: Org D).

“Government has a lot to do with it and they should be held responsible for a lot of things but there are businesses who are violating the law and fuelling the problem, they need to be held accountable as much as the state” (R19: Org L).

Respondents agree that South Africans’ beliefs that refugees and asylum seekers are taking their jobs must be addressed through community education and that employers’ exploitation also warrants some lobbying and advocacy (Crisp & Kiragu, 2010).

The inability of highly qualified refugees to find proper jobs is also problematic.

“You would find an engineer, for instance from Congo, Burundi, Rwanda...some people are very well educated and here they are washing cars, others are security guards. So you see the potential that the country has but it is being wasted” (R13: Org I).

- **Housing abuse and discrimination**

Respondents explained that because of financial constraints and discrimination, refugees and asylum seekers are often forced to share small premises. Though refugee organisations are aware of the detrimental effects of such conditions on the wellbeing of refugees they do not have the resources to intervene effectively.

“There is a huge challenge with accommodation especially for many refugees who do not have documents, they cannot get a lease agreement form from the landlord so they have to squat with someone else” (R13: Org I).

“You will find a house of 3 bedrooms and you will see 3 different families staying in each bedroom of that house” (R17: Org J).

“No one is really dedicated to look into the issue of housing for refugees because it is very expensive and I don’t think that any NPO would manage. There is an issue of sustainability and there is a need for a more holistic well approach” (R7: Org D).

- **South African Police Service (SAPS)**

Respondents denounced the lack of protection of refugees and asylum seekers. Excessive violence and/or lack of protection of refugees and asylum seekers’ rights have dissuaded many from seeking legal protection and justice.

“People with concerns are unable to open cases. It could be the fact that they are afraid because perpetrators can always say ‘if you are going to open a case against me I am going to kill you or any of your family member’; or they know that they will be undermined by the police” (R8: Org D).

Rugunanan & Smit (2011)’s study suggests that refugees and asylum seekers are more often victims rather than perpetrators of crime:

“There seems to be this link between criminality and migrants which is not really based on any evidence” (R1: Org A).

Respondents accused the police of contributing to xenophobic violence:

“During the recent xenophobic attacks in Soweto, South Africans were looting an Ethiopian shop, 3 police guys passed by and they did not even pay attention to it they kept on walking. There is a picture of that went viral.” (R15: Org H).

“We have quite a lot of cases of people being arrested without documentation and according to the law, they must be charged within 48hours or released; but often time people are just kept in cells and not given the right to phone people” (R18: Org K).

The safety and protection of refugees and asylum seekers needs to be taken more seriously (Gordon, 2014). The issue of the language barrier is another factor, which contributes to various kinds of violence. Refugee victims of domestic violence struggle to report these incidences due to their lack of English fluency.

“We have a lot of cases of women victims of sexual gender based violence from their partner; they want to report it but they struggle with English, which is also why they are soft targets for the males” (R17: Org B).

Some organisations in the sector have been trying to assist refugees and asylum seekers in building relationships with local police stations in their area. There is clearly a need for further training of police officers around the issue of refugees and asylum seekers with greater transparency and accountability being demanded of them.

➤ **Refugees and asylum seekers coping mechanisms**

• **Post-trauma resilience**

A number of respondents used the terms ‘resourceful’ and ‘resilient’ to describe refugees and asylum seekers’ ability to cope:

“I take my hat off for the brilliant resilient strategies that refugees employ generally in this country you have to have a particularly thick skin” (R20: Org L).

“People are remarkably resilient and resourceful and that is very humbling to see, because it is easy to forget but it is not easy to leave your home country regardless of why you are leaving. No one really wants to leave where they loved ones and families are and then people do survive, sort of against all odds and so many refugees and migrants have got horrendous stories of what they have to survive. Amazing adaptation to be able to survive!” (R18: Org K).

“I would say that refugees and asylum seekers are particularly resourceful in coping or adapting in order to make the best, to survive” (R11: Org F).

“Those people are very resilient they can cope with difficult challenges. I think that refugees by nature develop within themselves mechanism to cope with whatever the situation is. After xenophobic attacks, their businesses are looted, they would lose everything they had and they still cope... see some people ask ‘why are they not going back?’ that is the reason, because they want to stay in South Africa and see it as better than if they were to go back to their country” (R2: Org B).

• **Kinship relationships & networking**

Kinship relationships and the shared sense of brotherhood amongst refugees and asylum seekers communities are very strong:

“When we do home visits we see that there are multiple families staying together because they cope in numbers” (R17: Org B).

“Many of them stay together because it is easier to be surrounded by people who speak your language and have a sense of community” (R6: Org D).

“If you look at Somali people, in their country you hear a lot about civil wars but once you come here they would all say ‘this is my fellow brother from Somalia’ that is how most people cope. You tend to support each other because you understand that you are working in solidarity. You can even live with someone that you don’t even know who is just helping you saying ‘I can just accommodate you for 3 months while you are looking for a place’ so that is how the aspect of community helps a lot” (R15: Org H).

“In each and every community, we have community leaders feeding us with information and Somalis they communicate very well, you tell someone

something here and within 30 minutes it will be spread to 1,000 Somalis” (R8: Org D).

- **Overcoming the language barrier**

Opportunities to gain employment is linked to language ability and integration into the local communities is also dependent on being able to speak the language of the locals.

“The Somalis and Zimbabweans are actually different in how they integrate with society maybe because of the language barrier” (R8: Org G).

“One of the other coping mechanisms that refugees use is language, little bit of Afrikaans or Xhosa so that there is a little more acceptance when dealing with South Africans” (R21: Org L).

Thus, some refugees and asylum seekers realise that part of their survival will include learning the local languages so as to facilitate their integration.

4.3.3 NPOs’ challenges in providing services to refugees and asylum seekers

This section will address the major challenges by looking at constraints.

The major constraints facing NPOs in assisting their refugee beneficiaries were linked to funding and staff shortages; lack of government support; accessing refugees and asylum seekers as well as the language issue to a lesser degree.

➤ Funding and staff shortages

All respondents saw the lack of adequate funding as a major constraint.

“We are quite constrained funding wise because we are not eligible for funds from the South African government because our employees and our beneficiaries although they are Black, they don’t count as Black by their BEE [Black Economic Empowerment]” (R18: Org K).

Many organisations have, or see the need to have, satellite offices in other provinces of the country but are limited by a lack of funding:

“We have an office in Port Elizabeth which is still running as a satellite office but we are unable to make the full flesh of it because of financial constraints. We are the first organisation to provide in the Eastern Cape and we cannot meet the demand” (R2: Org B).

“There is a need for us to extend to other places, other provinces” (R14: Org H)

“I think funding is challenging most organisations; some are even closing but we have managed to survive” (R12: Org G).

Certain organisations rely on volunteer staff:

“This organisation is largely run by interns, volunteers or peer educators who are also not necessarily paid” (R15: Org H).

“We have less staff now because some left to study and some left for better opportunities” (R12: Org G).

“So what we have decided now is to do what we can, for what we cannot do we become an advice office and do referrals” (R16: Org I).

Due to financial constraints, organisations have had to operate more strategically given their limited resources (Maniragena, 2014).

➤ **Lack of government support**

Recent regulations put in place by government have been challenging NPOs in the sector:

“Migration is not only a problem of NPOs it is a national problem; our capacity can only be effective if we also have the local government, municipalities coming in. Up to date it is mostly civil society working alone” (R15: Org H).

“The main block is the structural failure of the asylum system in general, structural failure of the Refugee Appeal Board, Standing Committee and just the RSD process. There is not enough resources put into it and not enough will to make it work basically” (R1: Org A).

It could appear that government is not inclined to prioritise the needs of refugees and asylum seekers since they do not have voting rights. The fact that they are a potential force for further economic development is also not taken seriously (Landau & Wa Kabwe Segatti, 2009).

“Sometimes there is a need for us to speak out and use activist movements, protesting against the government because sometimes when you don’t protest they don’t listen that is one of Home Affairs weaknesses, they don’t assist if there is no pressure” (R13: Org G).

Respondents explained that if they had a more collaborative relationship with Home Affairs, service delivery could be a lot more effective (Gordon, 2014).

“There are some officers, once you walk into their office and say which organisation you work for then they are very rude, they don’t want to talk to anyone outside of Home Affairs” (R13: Org G).

“We were all going to their premises then in 2012 they stopped all organisations because apparently NPOs were interfering with their work, it was like we were spying on them” (R4: Org C).

➤ **Accessing refugees and asylum seekers**

Fear and lack of organisation within their communities keep many refugees and asylum seekers marginalised:

“We try by all means to involve refugees and asylum seekers but we find that there is a resistance on their sides to partake in our workshops” (R10: Org E).

“The complexity of the lives of refugees makes running our programme difficult because we go into the communities to run groups, so trying to find venues and times that suit people” (R18: Org K).

While Klotz (2012) suggests that refugees and asylum seekers should gain a legitimate political voice it would appear that refugees and asylum seekers tend to keep a low profile in the communities they live in:

“If there is a pipe that bursts, the community is affected whether they are South African or refugees so those refugees have equally the same responsibility to report it to the municipality. So they need to be empowered and equipped to understand what are the processes to report or to approach the municipality or the council in the area if there is a problem” (R2: Org B).

“There is an issue of trust and religion. When we ask them ‘why cannot you at least have one or two South Africans working for you?’ they say they would prefer not to and would rather have four Somalis working for them, because they also sleep in those shops” (R8: Org D).

There may well be issues of fear (xenophobia) compounded by a lack of documentation, which may be exposed if they lodge any complaints. All these factors could explain CASE (2003:13)’s claim that many refugees and asylum seekers remain unaware of the services that local NPOs provide. It also reasserts the need these NPOs have to further publicise their role and activities (Maniragena, 2014: 102).

➤ **Addressing the language issue**

Most often staff and volunteers of these refugee NPOs come from various cultural backgrounds and can speak a minimum of two languages. Some NPOs also hire trained interpreters to assist refugees and asylum seekers in various contexts:

“Our peer educators are mixed, refugees and locals, and after the trainings you are free to run your workshops in your own language, which makes it more impactful” (R15: Org H).

4.3.4 NPOs role and scope in protecting and assisting refugees and asylum seekers

Various strategies adopted by NPOs to assist refugees and asylum seekers will now be discussed. NPO strategies in servicing refugees/asylum seekers include using partnerships with other NPOs and making referrals; collaborating with Government; advocacy; mobilising community awareness; disseminating information about NPOs services as well as promoting inclusive eligibility for services.

➤ Partnership: Advising and Referrals

Given the small number of NPOs working in this sector, partnerships are important as these NPOs need to share their resources and expertise:

“We have a good relationship with other organisations in the sector, we meet on a two monthly basis, with some we meet more and we work in collaboration for more specific things” (R1: Org A).

“Any social challenges we have to refer to the CTRC for further assistance as we cannot assist in that regard. It is just unfortunate because a person might have a dire need when you speak to them but to actually get help they would have to go to another service provider” (R6: Org E).

Such collaboration facilitates a better service delivery for refugees and asylum seekers and gives them wider and more diverse access to services. NPOs are thus better able to focus on what they do well and are able to refer to other NPOs where necessary.

“Certainly when we are aware or informed of some kind of desperate situation somewhere, we would make the referrals we would follow through as required but in the most part it is about equipping people so that they can take care of their own rights” (R18: Org K).

“Most refugees do not know where the service providers are. One of the major things that we do is to refer” (R15: Org H).

“We also stay updated on recent trends via our partners and try to see how we can strategize” (R7: Org D).

➤ Collaboration with government

Some respondents saw the need to establish cooperative relationships with government to enhance their service delivery capacity:

“Advocacy is about partnership and working hands in hand. Home Affairs in Pretoria, no NPOs are allowed. At least here when you go with a client you get an understanding of what takes place. Now you cannot come with any paper, camera, nothing so you monitor with your eyes.” (R16: Org I).

“Recently we signed a Memorandum of Understanding with the Pan African Parliament on promoting the aspect of cultural exchange. This is a way of improving our capacity as well, when you have the backup of the Pan African Parliament policy makers are more collaborative.” (R15: Org H).

Although some organisations have better relations with government than others, respondents were not altogether optimistic about the outcomes of such collaboration:

“I think that it is becoming worse. For the past years we have been engaging with Home Affairs, trying to open dialogue and have discussions... but now we decided to challenge them publicly through social media, press statements and sometimes we protest” (R13: Org G).

➤ **Advocacy**

NPOs play a crucial role advocating on behalf of refugees and asylum seekers:

“We basically assist with documentation, appeals in case of rejections, advice and rights awareness workshops involving foreign nationals and South Africans as well as government officials. We also do policy reform through submissions to Parliament and relevant Portfolio Committee to lobby and motivate for favourable policies to be enforced and enacted” (R9: Org E).

Respondents of organisations providing legal assistance are principally assisting with documentation and dealing with Home Affairs. Organisations strategically involve the media to raise further awareness on abuse, and to encourage victims to seek justice:

“Recently we had a parent whose kid was shouted at by the teacher saying really harsh words that were insulting because the kid was a foreign national. The father came saying that he wanted to sue that teacher and we helped him on the case; even the media are waiting because there is an on-going court case” (R15: Org H).

NPOs advocate for asylum seekers and refugees both through building individual legal cases and lobbying political authorities to implement policy that favours their beneficiaries (Adjai & Lazaridis, 2014: 252). Issues of corruption and the backlog at DHA limit the capacity of these NPOs to assist their clients (Gordon, 2014: 4).

➤ **Mobilising community awareness**

Respondents from various NPOs spoke about mobilising community awareness by targeting the youth:

“The whole strategy behind our peer education programme is to change behaviours and mind-sets of young South Africans” (R15: Org H).

“We need to go where the refugees reside and recondition the mind-set of host communities so that they can be welcoming towards refugees and asylum

seekers” (R10: Org E).

Respondents reiterated the importance for NPOs to also build relationships within the local communities. The following descriptions of two social cohesion programmes highlight the nature of these initiatives.

“We run campaigns in the townships where we try to promote peaceful coexistence between South Africans, refugees and asylum seekers. We equip them with negotiation, mediation and conflict management skills so that conflicts can be resolved more peacefully” (R10: Org E).

“We have trained refugees living in Cape Town communities to run a 12 week programme during which support groups meet for 4 hours every week. They share life stories etc. so it is quite therapeutic, then they do a couple of sessions on things like goal setting, problem solving, communication skills etc. then the second half of the support group process deals with information about rights, resources and health and sort of access and information to that” (R18: Org K).

These initiatives highlight the potential of focusing on the youth to transform integration relations between local communities and refugees and asylum seekers (RSA, 2013: 11; Ward et al., 2013: 107). These social cohesion programmes ultimately aim to encourage solidarity in communities by giving to both locals and refugees and asylum seekers the sentiment that their concerns aim to be addressed (Klotz, 2012: 199). Studies highlighted the limited knowledge of policy makers on the conditions under which local communities and refugees and asylum seekers cohabit (Landau, 2012: 224). Mobilising communities to assess their needs and encourage ownership of development initiatives is the way forward for social cohesion and nation building.

➤ **Disseminating information about NPOs services**

Accessing accurate information about much needed services is crucial for refugees and asylum seekers trying to settle in a host country. Information is passed on by word of mouth; through referrals; mobilising community awareness programmes; social media/websites and pamphlets.

“Access particularly to information that is correct because sometimes they [referring to refugees and asylum seekers] are told about a service, they go and spend all their money that they might have borrowed, and they cannot be helped because they don’t have the necessary documents or don’t qualify...” (R18: Org K).

- **Word of Mouth**

Since the number of organisations involved in this sector is limited, refugees and asylum seekers are able to pass on the nature of services rendered by word of mouth to others.

“There is also a system of communication between themselves; when they arrive they get information from friends where they stay” (R17: Org J).

“They hear about our services by word of mouth; those we assisted they tell their families and then they would also come here” (R2: Org B).

- **Referrals**

Based on the individual’s status and needs, organisations would do referrals when necessary.

“Sometimes we get referrals from other organisations; from the Social Development Department or from Home Affairs” (R1: Org A).

“We also have referrals from organisations that we partner with. A lot of refugee assistance organisations would refer to us, and also organisations that are in the legal sphere but don’t deal specifically with refugees” (R11: Org F).

- **Community mobilization**

NPOs spread information through community leaders, run workshops and provide training in the communities:

“We have influential people on the ground that we train to be peer educators” (R15: Org H).

“When we do home visits there are a number of refugees staying together and mostly we see them the next day because they see us in the area” (R3: Org B).

- **Social Media, Website and Pamphlets**

Some organisations try to run talk shows on local TV channels or on the radio. All respondents also mentioned their organisations’ websites, which introduce staff members and describe all services available. However, it was acknowledged that technology is not easily accessible for everyone, thus there is a need to distribute pamphlets in public places frequented by refugees and asylum seekers:

“I try to distribute pamphlets when I go out to the communities. I have a serious concern with making pamphlets available to Home Affairs because of the fact that people would come with an issue that we cannot address. If they go to Home Affairs and see a flyer, some refugees would automatically try to come here” (R9: Org E).

“We have pamphlets in the hospitals, at the police station” (R17: Org J).

➤ **Inclusive eligibility for assistance**

Though the demand is high and funds restrict the nature of services rendered, NPOs are largely inclusive and will render services to all, which includes referrals to NPOs that are better equipped to provide particular services.

“We don’t even ask whether they have a document or not, we think everyone has a right to information” (R4: Org C).

“Anyone can come and get assistance we do not have any criteria, we are not immigration officers so even without documentation we would assist” (R12: Org G).

“We are not even only concentrated on refugees because remember we don’t have any refugee camps in South Africa, they are living with the local communities so when we are running a workshop everyone is welcomed” (R4: Org C).

“The only thing is that we do not help young people under the age of 18 and that is because I think that working with youth is sort of a different model that requires different skills. In time I would like to expand to include youth. We really try to be inclusive; we provide babysitters so that women can actually come as opposed to be stuck at home with their children. We go to elderly places so that we can include them.” (R18: Org K).

This approach of inclusivity augurs well for better integration and social cohesion especially in those situations where local South Africans and refugees/asylum seekers may be using the same resources or attending the same workshops that are providing them with skills. Some organisations are particularly mindful of women and the disabled. Specialised programmes for refugees/asylum seekers’ children are still lacking. With regards to access to some services the NPOs must take into account the level of vulnerability:

“Due to financial constraint we are forced to have a criteria of vulnerability. The UN would tell us that we cannot fund someone from Zimbabwe, Malawi, because those are not refugee producing countries” (R2: Org B).

Lastly, based on the nature of services, some NPOs only assist asylum seekers with genuine claims and legal documents:

“It depends on the service, for instance for legal assistance there is an assessment that you have to go through before you are found eligible for a service” (R10: Org E).

➤ **Numbers of refugees and asylum seekers assisted annually**

Based on respondents' estimations, on average, the majority of organisations assist between 2000 and 6000 refugees and asylum seekers per year. The numbers vary based on the nature of the services provided by each organisation. For those mostly involved in communities, it is more difficult to get a definite measure of the numbers that are reached. Some organisations work on a much smaller scale than others.

4.3.5 Role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers

➤ **Legislation and policies**

Considering the sample of respondents and their qualifications, the majority were well informed about the legislative frameworks and policies in place to protect refugees and asylum seekers, even though implementation 'on the ground' was lacking.

"Lots of legislation are in place but implementation is another story because the issue also is to combat corruption" (R16: Org I).

"Legislations are there but most of the people on the ground are not aware" (R17: Org J).

According to most respondents, refugees and asylum seekers often lack access to proper information about their rights and obligations once entering the country.

"One of the big issues is that refugees termination offices are not set up at the border so the first experience would be with an immigrant official; most of them are not properly trained with respect to the Refugees Act so people might not be advised of their rights not to be arrested detained or in any way punished for unlawful entry when claiming asylum" (R11: Org F).

In addition to the lack of training of immigrant officials, respondents reported the lack of assistance provided to asylum seekers throughout their application process. Consequently, refugees and asylum seekers tend to rely on advice from other refugees, which often fuels confusion and misinformation:

"I know many people who do not understand their rights and do not have access to NPOs so they only get news from their friends...You may find out that someone has been rejected and only printed out the rejection document...That is what you call lack of information! DHA should explain that they have 30 days to appeal" (R13: Org G).

"It is one thing to understand your right it is another to access that right. I think that is where there is an intervention needed by organisations like us to ensure that we build capacity" (R2: Org B).

It was clearly stated that NPOs in the sector need further support from government. NPOs can play an important mediating role between refugees, asylum seekers, local communities and government. Yet, respondents estimate that government should play a more active role in allocating resources and promoting trainings of community stakeholders, the police and staff of DHA and basic services providers.

“People interpret things however it suits their agenda and unfortunately their agenda is almost always in contradiction with the needs and rights of foreigners” (R18: Org K).

“Sometimes we realise that it is actually impossible for refugees to comply with all these laws” (R7: Org D).

“The difficulty is that there seems to be a reducing protection space in South Africa; the Refugee Amendment Bill is very restrictive it wants for instance to limit the right to work to asylum seekers and that is something that is being challenged” (R11: Org F).

Klotz (2012: 190) alluded to the additional constraints that refugees and asylum seekers face due to political decisions. Responses indicate that there is a general belief that government’s agenda is to control migration without really taking into account the rights of refugees and asylum seekers or the challenges they may be facing.

➤ **Promoting social cohesion**

Respondents emphasised the need for a government strategy in promoting social cohesion:

“There needs to be a comprehensive strategy on integrating the refugees in the country, where all departments understand their roles because what we are seeing right now is that DHA has been the lead department” (R2: Org B).

Pugh (2014) and Klotz (2012)’s arguments that migration should be examined as a political concern corresponds to the need for all government departments to further acknowledge their responsibilities and play an effective role in promoting positive integration of refugees and asylum seekers. Government must assist in creating platforms for effective exchange on the current situation and facilitate need assessments for refugees and asylum seekers and members of the communities they live in. Refugees and asylum seekers must be consulted and participate in initiatives to facilitate integration:

“We sat on, I don’t even know how many meetings at parliament especially on xenophobic issues. They should include refugees more to see how to integrate these people into the communities, but local government would tell you ‘these people are invisible’ [laugh] so that is the mind-set!” (R16: Org I).

Landau (2012) argued that politicians are not sufficiently aware of the conditions of refugees and asylum seekers living in the country. Respondents suggested that local government representatives be more involved on the ground and engaging with local communities to build effective integration and protection strategies.

➤ **Re-conceptualising migration**

Respondents concluded that a crucial issue in protecting the rights of refugees and asylum seekers is the local population’s lack of understanding of the conditions that determine their legal statuses. Respondents insisted on the role that government should play in sensitising locals to refugees and asylum seekers:

“We realised when running workshops that even in hospitals, staff don’t understand what it means to be an asylum seeker or a refugee, why they come here... they mostly think that people are here to take jobs” (R15: Org H).

Findings from workshops in various high schools in the townships revealed that learners’ knowledge about other African countries remains limited:

“One of the questions we asked was: ‘is Somalia in Africa?’ and some people did not even know that!” (R15: Org H).

This lack of education about the rest of the continent reinforces the concept of ‘otherness’ and exclusion towards refugees and asylum seekers. Respondents emphasised the important role that both government officials and the media must play in transforming the discourse on foreign nationals to positively reconceptualise migration:

“Largely refugees are seen as people who just come and take resources, but they can also contribute to the development of the country” (R15: Org H).

If given the right to work, refugees and asylum seekers do contribute to the local economy and create job opportunities (Jacobsen, 2002). Respondents also believe that, if managed properly, the presence of foreign nationals could be viewed more positively as benefiting the economy rather than being a liability. Landau & Wa Kabwe Segatti (2009: 29) however state that government is unable to see migration as a possible political and economic strategy for the development of the country.

4.4 Summary

This chapter presented the findings through actual respondent quotes and discussed it in relation to various theories and similar studies. The researcher also offered some critical commentary on the findings. The main findings reveal that on-going socio-economic inequalities hinder the integration of refugees and asylum seekers in South Africa. Government's approach to migration appears to be contradictory despite clear policies and xenophobia still abounds. Issues pertaining to documentation, administration and corruption at the Department of Home Affairs (DHA), the closure of the Cape Town Refugee Reception Office (CTRRO), experiences of abuse and discrimination, are some of the major challenges for refugees and asylum seekers

The main conclusions drawn from this study as well as some recommendations are presented in the following final chapter.

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5. Introduction

This exploratory research study examined views of twenty-one NPO personnel of twelve organisations assisting refugees and asylum seekers in the Cape Town area. The main purpose of this research study was to evaluate the challenges faced by these NPOs providing services to refugees and asylum seekers. [See Chapter 3, Section 3.1]. This final chapter will discuss the main conclusions and recommendations that arise out of this study. The following conclusions will be aligned with the study's objectives as outlined in Chapter 1 as well as in Chapter 4, Section 4.

5.1 Main Conclusions

5.1.1 Conclusions drawn about the impact of the socio-political and economic context of South Africa in relation to migration and refugee issues

One of the first conclusions that may be drawn is that South Africa's legacy of the past with its racial tensions and its present inability to combat widespread poverty and joblessness among its own people has made it difficult to integrate migrants from other African countries without fuelling tensions. The socio-political and economic context of a host country strongly influences the level of integration of refugees and asylum seekers into local communities. Though the majority of the refugees and asylum seekers originate from countries that assisted South African exiles during the apartheid period, presently economically disadvantaged South Africans have resented their presence. These South Africans believe that refugees and asylum seekers are draining the country's resources and/or are competing with them for jobs and other resources [Section 4.3.1, page 46].

Most respondents stated that government has not sufficiently prioritised migration [Section 4.3.1, page 43] but rather seems to deal with the increasing numbers with restrictive measures and expulsion [Section 4.3.1, page 51]. It would appear that the political will to deal with refugees and asylum seekers is lacking since contradictions exist between progressive approaches to refugees and asylum seekers, and the lack of actions to assist with integration or accessing services [Section 4.3.1, page 43]. The closure of the CTRRO has been interpreted as a national strategy to limit the entry of

asylum seekers into the country by restricting them at the borders. Recent regulations in connection with the renewal of permits have given rise to a larger number of expired document holders.

The increasing danger of xenophobia becoming institutionalised is another major concern. The magnitude of xenophobic violence in 2008 and 2015 highlighted how South Africa was dealing with their refugees and asylum seekers. NPOs in the sector indicate that government has not demonstrated sufficient willingness and efforts to promote social cohesion in local communities where large numbers of refugees and asylum seekers have resettled [**Section 4.3.1, page 46**].

Despite these challenges emanating from the local socio-political and economic context, the findings indicate that the country remains an attractive destination for asylum seekers [**Section 4.3.1, page 44**]. Though South Africa struggles with high rates of unemployment, the lax border controls; ‘no camp policy’; its stable political/economic climate makes it a host country of choice for many fleeing violence and wars in their own countries [**Section 4.3.1, page 46**]. Most of these refugees are able to set up small businesses with the help of friends and relatives [**Section 4.3.1, page 47**]. Thus despite the context, the chances of them making a livelihood appears to outweigh the challenges they face.

5.1.2 Conclusions emanating from the perceptions of NPOs about the challenges that refugees and asylum seekers face

The findings indicate that NPO personnel working in this sector believe that there are several challenges with regard to documentation; administration and corruption at the DHA; closure of the CTRRO and permits renewals; deportation; psychological trauma; lack of access to basic social services; abuse/discrimination with regards to employment and housing abuse as well as the treatment received from SAPS.

Inefficient administrative practices and corruption at the DHA impact negatively on refugees and asylum seekers’ ability to access the necessary documentation timeously [**Section 4.3.2, page 48**]. Long queues, backlogs and inconsistencies in the service delivery at the DHA make it difficult to gain legal status. Since the closure of the CTRRO, many refugees and asylum seekers in particular are unable to travel to the RRO where they first claimed asylum and to renew their documents on time. Thus, the

number of asylum seekers holding expired documents is of concern. The national strategy of government to move RROs closer to the border now requires NPOs in the sector to be innovative in the way they provide services [Section 4.3.2, page 49].

Many of these refugees and asylum seekers have experienced much trauma in their own countries and on their journeys to South Africa. Having to face challenges in the host country also further adds to the trauma. Yet it became apparent through this research that psychological support and counselling services are lacking in the NPO sector and most NPOs do not seem to have sufficient resources to deliver such services [Section 4.3.2, page 51]. Accounts from respondents confirmed the abuses experienced by refugees and asylum seekers in the labour and housing sectors. Since living in the townships is not a preferable option due to the xenophobic violence many opt to rent in the suburbs. Though highly qualified in their country of origin the majority find it difficult to access and complete the necessary documentation and end up in low-skilled jobs [Section 4.3.2, page 52].

Years after entering the country, many genuine asylum seekers find their claim rejected by the DHA for unspecified reasons. Based on the fact that the refugee status of an asylum seeker should be determined within a period of six months, it seems absurd that government forces individuals/families who have established themselves over the years to suddenly leave. Thus deportation is another traumatic challenge. Furthermore, the inability to obtain their permits as well as the prejudices that they encounter from various social services means that enlisting their children at school, or accessing medical care or welfare benefits are extremely challenging [Section 4.3.2, page 51].

5.1.3 Conclusions as far as main challenges facing NPOs delivering services to refugees and asylum seekers are concerned

Access to funding is a major stumbling block limiting the potential of service delivery of these NPOs, particularly visible through the issue of staff shortage. Many NPOs expressed the need to establish satellite offices in other provinces to adequately respond to the needs of refugees and asylum seekers on a national scale; yet financial limitations and the lack of government support make it hardly conceivable [Section 4.3.3, page 55].

Another major challenge remains NPOs' capacity to reach refugees and asylum seekers who do not manifest themselves and/or remain marginalised out of fear and for language barrier reasons [Section 4.3.3, page 57].

5.1.4 Conclusions on the role and scope of NPOs in protecting and assisting refugees and asylum seekers

The number of NPOs providing services to refugees and asylum seekers in the Cape Town metropolitan area remains relatively small, which encourages a system of partnerships and referrals. Through such network, duplication of services can be limited and each NPO can strategically invest in specific programmes [Section 4.3.4, page 58].

To enhance their capacity some NPOs strongly believe in building a collaborative relationship with government. Yet, this study revealed perpetual struggles between NPOs advocating for the rights of refugees and asylum seekers and the DHA quite often resulting in litigations [Section 4.3.3, page 59].

As a social cohesion strategy, NPOs play a crucial role in mobilising communities in which many refugees and asylum seekers have resettled to raise awareness about their rights and encourage their participation in local decision-making and development. Although the majority of respondents believe that refugees and asylum seekers are well informed about the services provided in the sector, there remains a need to further promote the spread of accurate information [Section 4.3.4, page 60].

5.1.5 Conclusions relating to the role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers

Despite the high legislative standards and various policies meant to protect the rights of refugees and asylum seekers in South Africa, implementation remains a serious concern [Section 4.3.5, page 63]. Additionally, NPOs expressed concerns about recent reforms that rather seem to complicate conditions of refugees and asylum seekers than favour their integration. There is a general consent that the country's approach and agenda towards migration is unclear and that NPOs should be empowered to influence government's decision-making and ensure that the wellbeing of refugees and asylum seekers remains prioritised [Section 4.3.1, page 43 and Section 4.3.1, page 44].

The issue of access to adequate information influences the vulnerability of refugees and asylum seekers to succumb to illegality. Respondents insisted on the need for government to allocate more resources and monitor the training of community stakeholders, the police, DHA officials and the staff of basic service providers [**Section 4.3.5, page 64**].

To build understanding and acceptance towards refugees and asylum seekers, both government and the media have an educating role to play in transforming the current pejorative conception of migration. This research confirmed that the lack of awareness amongst the youth on the rest of the continent is a factor of social exclusion [**Section 4.3.5, page 65**].

5. 2 Recommendations

The main findings of this research inspired some recommendations, which will be presented in three different sections. First, recommendations for further research will be discussed, followed by some recommendations for NPOs in the sector with regards to better service delivery and finally, some recommendations, which could be included in a policy document to be presented to Parliament.

5.2.1 Recommendations for further research

The main purpose of this research was to understand the challenges faced by NPOs providing services to refugees and asylum seekers. This could serve as a pilot study for a larger scale study encompassing all NPOs throughout the country. It is imperative that statistics be gathered on the numbers of immigrants entering South Africa so that policies can be put in place to properly address issues of education and training of all stakeholders engaged with the provision of services at various levels as well as targeted efforts being to further integration and social cohesion.

A mixed method approach could be adopted and studies aimed at obtaining ‘the voice of the refugees and asylum seekers’ as well as service providers and relevant stakeholders could be carried out. The findings could be triangulated to gain a holistic view of the scope of the problem. Comparative studies of the challenges faced by NPOs in all provinces would help identify the gaps on a national scale and encourage collective action for better service delivery and assistance to refugees and asylum seekers.

This research also confirmed the need to clarify the distinction between refugees, asylum seekers and economic migrants.

5.2.2 Recommendations for NPOs to assist with service delivery to refugees and asylum seekers

➤ Lobby for the establishment of a Migrant Help Desk

Referrals from one NPO to another are frequent in the sector to ensure that beneficiaries can be assisted properly. Lobbying for the establishment of a Central Migrant Help Desk in Cape Town could be a strategy to avoid refugees and asylum seekers going from one place to another to seek information. This Central Migrant Help Desk could serve as a conduit through which the migrant is assisted in accessing the services he/she needs. Referrals could be made to other NPOs for services and linkages made on behalf of the migrant when it comes to dealing with relevant stakeholders. The existing Migrant Help Desk in Johannesburg has played an important role as a centre of information on services available for refugees and asylum seekers; promoting social inclusion; developing anti-xenophobia awareness campaigns with City staff and local communities; partnering with NPOs to bridge gaps and lobbying provincial government departments on migration issues (City of Johannesburg, 2015).

➤ Enhance access to psychological services for refugees and asylum seekers

Psychological services for refugees and asylum seekers are lacking. Some NPOs should consider allocating funds for a small counselling unit in their premises to be run on specific days and regulated by an appointment system. As many NPOs benefit from the presence of interns, it is assumed that postgraduates who are specialists in trauma counselling could assist in filling this gap.

Clients in need of trauma counselling have thus far been referred to the Trauma Centre of Cape Town; yet resource constraints have limited the capacity of the Centre to respond to demand (Handmaker et al., 2011). NPOs could implement programmes aiming at developing psychological support groups, through which refugees and asylum seekers could share their experiences, build new relationships and feel more connected. These support groups could be created through workshops also involving local community members as a strategy to promote social cohesion. Innovative strategies could be adopted and social work students from universities in the Western Cape could

also play a role in assisting refugee children and their parents to work through their trauma.

➤ **Develop more social cohesion programmes**

Some NPOs have successfully been running social cohesion programmes in local communities where large populations of refugees and asylum seekers resettled. The scope of such initiatives remains limited due to financial restrictions; however the feedback from the areas impacted have been positive. NPOs should collaborate in sharing ideas to strategically duplicate effective programmes on a larger scale.

➤ **Facilitate access to basic social services**

NPOs should continue to build relationships with clinic staff and police stations in areas where their beneficiaries reside. More interpreters should be trained to assist refugees and asylum seekers in accessing proper assistance in those establishments. This could generate employment opportunities for refugees and asylum seekers with language and medical or legal skills, as well as encourage cooperation between locals and foreigners.

5.2.3 Recommendations for NPOs to develop a policy document to present to Parliament

➤ **Tackle the issue of backlogs**

There must be some innovative measures to control the issuance of asylum seekers' permits so as to reduce the numbers of economic migrants claiming asylum to enter the country and benefit from the right to work. Government recently suggested amendments to the Refugees Act including strict measures to regulate the right to work for asylum seekers. Yet, these new regulations would directly impact asylum seekers and further complicate their lives. Some respondents suggested the design of a new category of working visa such as a low skilled permit to control the influx of economic migrants and encourage more trade between SADC countries. The government has taken a similar initiative issuing low skilled permits for Zimbabweans from 2010 to 2014 and 2014 to 2017. It is suggested here that this be further considered with a quota for each SADC member country.

➤ **Renewal of documents**

The DHA should compile a list of asylum seekers who lodged their applications over 10 years ago and whose status remains undetermined. Additionally, to remediate the number of expired permits holders, government must provide assistance to those expected to travel repeatedly in short amount of times to their first port of entry for the renewal of their documents. Permit holders should have the option of setting up an appointment prior to their travels and a system of accommodation should be considered for those required to stay over a certain maximum number of days.

➤ **Regulations in the workforce**

Fair competition in the market must be encouraged. Business community forums involving both foreign and local spaza shop owners should be developed to encourage collaboration and peaceful cohesion. If small businesses were properly regulated, there would be fewer tensions between locals and foreign nationals based on unfounded convictions that foreign business owners do not own a licence and contribute to the local economy through taxes.

The Department of Labour (DoL) should have the capacity to better monitor the exploitation of foreign nationals' cheap labour by local employers.

➤ **Documentation Awareness**

Further initiatives must be taken to spread information about what the refugees and asylum seekers' legal documents look like as well as the rights they entail. National media campaigns should not only be launched in times of xenophobic crisis and information should be spread on a regular basis through advertisements in the newspapers, on television and the radio.

➤ **Enhance professional training**

The lack of professional training of many immigration officials and ignorance of legislation pertaining to refugees and asylum seekers often results in violations of human rights. Staff at various institutions should be better equipped so that upon entry into the country, asylum seekers receive fair treatment and are properly informed about their legal rights and responsibilities while lodging an application.

There should be more training for staff of police stations in areas where large numbers of refugees and asylum seekers live. Further measures should be implemented to

regularly monitor and evaluate performance of the police in protecting refugees and asylum seekers, as well as to promote criminalisation of xenophobic violence.

➤ **Progressive and coherent policy-decision making**

The unpredicted adverse effects of recent policies on refugees and asylum seekers show a lack of knowledge from political authorities on the status and conditions of refugees and asylum seekers. This implies that government should be more involved on the ground and include refugees and asylum seekers in integrated development planning.

5.3 Concluding statement

Regardless of the small sample of respondents from a limited number of NPOs selected for this exploratory study, the voices of these NPO personnel provided many insights into the conditions of refugees and asylum seekers and the challenges that these organisations face in assisting them. Needless to say these findings reflect only the tip of the iceberg and much more research is needed. At the same time the conclusions and recommendations that emanate from this study's findings suggest a rich reservoir of insights that need to be taken into account. NPOs assisting them remain constrained by a lack of funding and limited government cooperation. Further community education initiatives, and social cohesion programmes are required. Government needs to be lobbied with regards to a more coherent migrant policy with adequate monitoring and evaluation with respect to its implementation. Finally, further large-scale research in this area is required.

REFERENCES

- Adjai, C. & Lazaridis, G. 2014. People, State and Civic Responses to Immigration, Xenophobia and Racism in the New South Africa. *Int. Migration & Integration*, 15: 237-255.
DOI: 10.1007/s12134-013-0277-5
- Adjai, C. & Lazaridis, G. 2013. Migration, Xenophobia and New Racism in Post-Apartheid South Africa. *International Journal of Social Science Studies*, 1 (1): 192- 205.
DOI: 10.11114/ijsss.v1i1.102
- Allen, R. 2009. Benefit or Burden? Social Capital, Gender, and the Economic Adaptation of Refugees. *International Migration Review*, 43 (2): 332-365.
DOI: 10.1111/j.1747-7379.2009.00767.x
- Amit, R. & Kriger, N. 2014. Making Migrants ‘Il-legible’: The Policies and Practices of Documentation in Post-Apartheid South Africa. *Kronos*, 40 (1): 269-290.
- Anderson, K. 2011. “We’d Go Home if We Could” – *Political Xenophobia, Citizenship and Human Rights of Asylum Seekers and Refugees: Cape Town, A Pilot Study*. Master’s Thesis. University of Cape Town.
- Babbie, E & Mouton, J. 2001. *The practice of social research* (South African Edition). Cape Town: Oxford University Press.
- Baggio, F. Ed. 2014. *Africans on the Move: Human Mobility in Ghana, Nigeria, Angola and South Africa*. Cape Town, South Africa: Scalabrini Institute for Human Mobility in Africa.
- Barbera, F. & Ochse, E. Eds. 2009. *A Game of Mirrors: Economic development and social cohesion in Piedmont and South Africa*. Italy: Frame-Lab.

- Breen, D. & Nel, J. A. 2011. South Africa - A Home for All? The need for hate crime legislation. *SA Crime Quarterly*, 38: 33- 43.
- CASE. 2003. *National Refugee Baseline Survey: Final Report*. Johannesburg: Community Agency for Social Enquiry.
- CoRMSA. 2011. *Protecting Refugees, Asylum Seekers and Immigrants in South Africa during 2010*. CoRMSA, Johannesburg April 2011[accessed 2015, October 29]. Available at: <http://www.cormsa.org.za/wp-content/uploads/2008/06/CoRMSA-Report-2011.pdf>
- Crea, T. M., Calvo R. & Loughry, M. 2015. Refugee Health and Wellbeing: Differences between Urban and Camp-Based Environments in Sub-Saharan Africa. *Journal of Refugees*. DOI: 10.1093/jrs/fev003
- Creswell, J., W. 2014. *Research Design: Qualitative, Quantitative & Mixed Methods Approaches*. 4th ed. SAGE Publications, Inc.
- Crisp, J. & Kiragu, E. 2010. *Refugee protection and international migration: A review of UNHCR's role in Malawi, Mozambique and South Africa*. Switzerland: United Nations High Commissioner for Refugees, Policy Development and Evaluation Service. 1- 31.
- Crisp, J. 2010. Africa's Refugees: Patterns, Problems and Policy Challenges. *Journal of Contemporary African Studies*, 18 (2): 157-178. DOI: 10.1080/02589000050080986
- Crush, J. & McDonald, D. A. 2001a. Introduction to Special Issue: Evaluating South African Immigration Policy after Apartheid. *Africa Today*, 48 (3): 1-13.
- Crush, J. & McDonald, D. A. 2001b. *The South African White Paper on International Migration: An Analysis and Critique*. Migration Policy Brief No.1. Cape Town: Southern African Migration Project. Available at: <http://www.queensu.ca/samp/sampresources/samppublications/policybriefs/brief1.pdf>

- Davids, I., Theron, F., Maphunye, K.J. 2009. *Participatory Development in South Africa. A development management perspective*. Pretoria: Van Schaik.
- Department of Home Affairs. 2014. *Re: Reasons for the decision of the Director-General of the Department of Home Affairs made on January 2014 in respect of the future of the Cape Town Refugee Reception Office*. 7 February 2014. Cape Town: Department of Home Affairs. Available at:
<http://www.scalabrini.org.za/wp-content/uploads/2012/11/Decision-of-Director-General-on-future-of-Cape-Town-Refugee-Reception-Office.pdf>
- De Vos, A.S., Strydom, H., Fouché, C.B. & Delpont, C.S.L. 2011. *Research at Grass Roots: For the social sciences and human service professions*. 4th ed. Pretoria: Van Schaik.
- De Vos, A. S., Stydom, H., Fouché, C.B., and Delpont, C.S.L. 2005. *Research at Grassroots: For the Social Sciences and Human Service Professions*. 3rd ed. Pretoria: Van Schaik.
- Fatoki, O. 2014. Immigrant Entrepreneurship in South Africa: Current Literature and Research Opportunities. *Journal of Social Sciences*, 40 (1): 1-7.
- Fiddian-Qasmiyeh, E., Loescher, G., Long, K., & Sigona, N. Eds. 2014. *The Oxford Handbook of Refugees & Forced Migration Studies*. United Kingdom: Oxford University Press.
- Fish, J. N. 2013. *Rights across borders: policies, protections and practices for migrant domestic workers in South Africa*. In *Exploited, Undervalued – and Essential: Domestic Workers and the Realisation of their Rights*. D. du Toit, Ed. Pretoria: Pretoria University Law Press. 213-265.
- Gebre, L. T., Maharaj, P. & Pillay, N. K. 2011. The Experiences of Immigrants in South Africa: a Case Study of Ethiopians in Durban, South Africa. *Urban Forum*, 22: 23-35.
 DOI: 10.1007/s12132-010-9105-6

- Gordon, S. L. 2014. Welcoming refugees in the rainbow nation: contemporary attitudes toward refugees in South Africa. *African Geographical Review*. 1-17.
DOI: 10.1080/19376812.2014.933705
- Grech, O. 2006. *A Human Rights Perspective on Development*. Ireland: 80:20 Educating and Acting for a Better World.
- Hammersley, M. & Atkinson, P. 1983. *Ethnography: Principles in Practice*. London: Tavistock.
- Handmaker, J., de la Hunt, L. A., Klaaren, J. 2011. *Advancing Refugee Protection in South Africa*. Oxford: Berghahn Books.
- Handmaker, J. 2001. No Easy Walk: Advancing Refugee Protection in South Africa. *Africa Today*. 1-28.
- Handmaker, J. & Parsley, J. 2001. Migration, Refugees and Racism in South Africa. *Refugee Reception and Integration*, 20 (1): 1 – 51. Available at:
<http://refuge.journals.yorku.ca/index.php/refuge/article/view/21246/19917>
- Herrington, M., Kew, J. & Kew, P. 2010. *Tracking Entrepreneurship in South Africa: A Gem Perspective*. University of Cape Town: Graduate School of Business.
- Human Rights Commission. 2015. *SAHRC calls on Government to act quickly on xenophobic tensions*. February 2015. Available at:
<http://www.sahrc.org.za/home/index.php?ipkArticleID=320> [2015, September 26]
- Immigration Amendment Act, No. 19 of 2004. 2004. *Government gazette*. 472 (26901). 18 October. Government notice no. 1206. Cape Town: Government Printer.
- Immigration Act, No. 13 of 2002. 2002. *Government gazette*. 443 (23478). 31 May. Government notice no. 766. Cape Town: Government Printer.

- International Organization for Migration (IOM). 2013. *World Migration Report 2013: Migrant Well Being and Development*. Switzerland: International Organization for Migration: 1-208.
- Jacobsen, K. 2002. Can refugees benefit the state? Refugee resources and African state building. *Journal of Modern African Studies*, 40 (4): 577-596.
DOI: 10.1017/S0022278X02004081
- Jegers, M. 2008. *Managerial Economics of Non-Profit Organisations*. London and New York: Routledge.
- Kalitanyi, V. & Visser, K. 2010. African immigrants in South Africa: Job takers or job creators? *SAJEMS*, 13 (4): 376- 390.
- Khan, F. & Schreier. Eds. 2014. *Refugee Law in South Africa*. Cape Town: Juta & Co. Ltd.
- Klotz, A. 2012. South Africa as an Immigration State. *Politikon*, 39 (2): 189-208.
- Landau, L. B., & Amit, R. 2014. Wither Policy? Southern African Perspectives on Understanding Law, 'Refugee' Policy and Protection. *Journal of Refugee Studies*, 27 (4): 534-553.
- Landau, L. B. 2012. Changing Local Government Responses to Migration in South Africa. *DIE ERDE*, 143 (3): 213-232.
- Landau, L. B. & Wa Kabwe Segatti, A. 2009. *Human Development Impacts of Migration: South Africa Case Study*. (Research Paper 2009/05). United Nations Development Programme Human Development Reports.
- Maniragena, J. E. 2014. *An Evaluation of service effectiveness of selected refugee service providers in urban and surrounding areas of the Cape Town Metropolitan area*. Master's Thesis. Cape Peninsula University of Technology.

- Mansouri, F. & Lobo, M. 2011. *Migration, Citizenship and Intercultural Relations: Looking through the Lens of Social Inclusion*. Studies in Migration and Diaspora. England: Ashgate.
- Marais, H. 2013. *South Africa pushed to the limit. The political economy of change*. Claremont: UCT Press.
- McKnight, J. 2008. Through the fear: a study of xenophobia in South Africa's refugee system. *Journal of Identity and Migration Studies*, 2(2): 18-42.
- Monson, T. 2012. Alibis for the State? Producing Knowledge and Reproducing State Borders After the May 2008 'Xenophobic' Attacks in South Africa. *Geopolitics*, 17: 455- 481. DOI: 10.1080/14650045.2011.595438
- Mthembu-Salter, G., Amit, R., Gould, C. & Landau, L. B. 2014. *Counting the Cost of Securitising South Africa's Immigration Regime*. Working Paper 20, Migration out of Poverty Research Programme Consortium. Available at: <http://migratingoutofpoverty.dfid.gov.uk/files/file.php?name=wp20-mthembu-salter-et-al-2014-counting-the-cost.pdf&site=354>
- Mupedziswa, R. 2009. 'All That Glitters Is Not Gold': Johannesburg and Migrant Access to Social Services. In *Quality of Life and the Millennium Challenge*. Moller, V & Huschka, D., Eds. Netherlands: Springer. 139-158.
- Neuman, W. L. 1997. *Social Research*. Boston: Allyn and Bacon.
- Official Website of the City of Johannesburg. 2015. *Migrants' Helpdesk*. [Accessed 2015, November 06]. Available at: http://joburg.org.za/index.php?option=com_content&task=view&id=2180&Itemid=68
- Ojedokun, O. 2015. An ethical approach to the xenophobia against foreigners in South Africa. *OGIRISI: a New Journal of African Studies*, 11(1): 169-191.

- Pugh, S. A. 2014. Advocacy in the Time of Xenophobia: Civil Society, the State, and the Politics of Migration in South Africa. *Politikon: South African Journal of Political Studies*, 41 (2): 227-247. DOI: 10.1080/02589346.2014.905255
- Refugees Act, No. 130 of 1998. 1998. *Government gazette*. 402 (19544). 2 December. Government notice no.1558. Cape Town: Government Printer.
- Robeyns, I. 2005. *The Capability Approach: An Interdisciplinary Introduction*. Netherlands: Department of Political Sciences and Amsterdam School of Social Sciences Research.
- RSA. 2014. *Annual Report 2014-2015*. Department of Home Affairs.
Available at:
http://www.dha.gov.za/files/Annual%20Reports/Annual_Report_2014_15.pdf
- RSA. 2013. *Youth Enterprise Development Strategy 2013-2023*. Department of Trade and Industry, Republic of South Africa.
Available at: https://www.thedti.gov.za/news2013/YEDS_strategy2013.pdf
- RSA. 1996. *The Constitution of the Republic of South Africa, 1996: Act 108 of 1996 as amended by Act No. 35 of 1997*. Pretoria: Government Printers.
- Rugunanan, P. & Smit, R. 2011. Seeking refuge in South Africa: Challenges facing a group of Congolese and Burundian refugees. *Development Southern Africa*, 28 (5): 705-718.
- Sen, A. 1999. *Development as Freedom*. New York: Anchor Books.
- Shenton, A. K. 2004. Strategies for ensuring trustworthiness in qualitative research projects. *Education for information*, (22): 63-75.
- Smit, R. 2015. 'Trying to Make South Africa My Home': Integration into the Host Society and the Well-being of Refugee Families. *Journal of Comparative Family Studies*, (1): 39 – 55.

Times Live. SA braces for economic backlash from xenophobic attacks. April 2015. Available at: <http://www.timeslive.co.za/local/2015/04/26/sa-braces-for-economic-backlash-from-xenophobic-attacks> [accessed 2015, October 26]

South Africa White Paper for Refugee Affairs Task Team: Draft refugee white paper [submitted by the White Paper for Refugees Affairs Task Team, 1998]. Pretoria: Government Printers.

South Africa's Johannesburg marches against xenophobia. 2015. *BBC News*. April 23. Available: <http://www.bbc.com/news/world-africa-32432205> [accessed 2015, November 2].

Statistics South Africa. 2014. *National and provincial labour market: Youth, Statistical release P0211.4.2*. Statistics South Africa: Pretoria. Available at: <http://beta2.statssa.gov.za/publications/P02114.2/P02114.22014.pdf>

Taket, A., Crisp, B.R., Nevill, A., Lamaro, G., Graham, M. & Barter-Godfrey, S. (Eds). 2009. *Theorising social exclusion*. London: Routledge.

Taylor, J. 2004. Refugees and social exclusion: What the literature says. *Migration Action*, 26 (2): 16-31.

Tesch, R. 2013. *Qualitative Research: Analysis Types and Software*. London and New York: Routledge.

The United Nations High Commissioner for Refugees. 2015. *About the Office of the United Nations High Commissioner for Refugees*. Available at: <http://www.unhcr.org/pages/49c3646c2.html> [accessed 2015, October 26].

The United Nations High Commissioner for Refugees. 2014a. *UNHCR Global Trends Report 2013*. Geneva: UNHCR. Available at: <http://unhcr.org/trends2013/>

The United Nations High Commissioner for Refugees. 2014b. *UNHCR Global Appeal 2015 Update – South Africa*. 1- 6. Available at: <http://www.unhcr.org/5461e604b.htm>

The United Nations High Commissioner for Refugees. 2012. *Handbook on Procedures and Criteria for Determining Refugee Status: Under the 1951 Convention and the 1967 Protocol relating to the Status of Refugees*. Geneva: UNHCR.

The United Nations High Commissioner for Refugees. 2010. *Convention and Protocol Relating to the Status of Refugees*. UNHCR. Available at: <http://www.unhcr.org/3b66c2aa10.html>

Ward, C. L., Van der Merwe, A. & Dawes, A. 2013. *Youth Violence: Sources and Solutions in South Africa*. Cape Town: UCT Press.

Western Cape Government. 2016. Available: <https://www.westerncape.gov.za> [accessed 2015, May 24].

Appendix I- Interview Schedule for NPO personnel

Respondent Number:

Biographical Details (Identity of interviewees will not be disclosed)

- Gender:
- Name of the Organisation:
- Mission/Vision of the organisation:
- Job title:
- Motivation for working in the sector:
- Number of years working in the organisation/ sector:
- Qualifications:

Objective 1: Examine the socio-political and economic context of South Africa in relation to migration and refugee issues.

- How would you describe the socio-political and economic context of South Africa?
- How does this context impact on the integration of refugees and asylum seekers in South Africa and particularly in the Cape Town metropolitan area?
- What experiences of abuses of rights of refugees and asylum seekers have you had?
- How informed or misinformed are refugees and asylum seekers about their rights?
- What are some of the main reasons as to why refugees and asylum seekers come to South Africa in the first place?
- What support systems and resources do refugees and asylum seekers need with regards to their socio-economic conditions?

Objective 2: Investigate the perceptions of NPOs regarding major challenges that refugees and asylum seekers face.

- Could you please identify some of the major challenges that refugees and asylum seekers coming to your organisation face?
- Which fundamental needs of refugees and asylum seekers are not being met and why?
- How does your organisation try to respond to these challenges?
- Could you please describe some of the coping mechanisms that refugees and asylum seekers adopt to meet these challenges?

Objective 3: Identify the main challenges facing NPOs in providing services to refugees and asylum seekers.

- Could you please identify the range of services that your organisation provides to refugees and asylum seekers?
- How effective or not do you consider these services and why?
- What prevents your organisation from fulfilling its mission as fully as it intends to?
- Could you please identify the major constraints that your organisation faces in rendering services to refugees and asylum seekers?

Objective 4: Determine the role and scope of NPOs in protecting and assisting refugees and asylum seekers.

- Which protocols does your organisation use in protecting and providing services to refugees and asylum seekers?
- How many refugees and asylum seekers does your organisation support per year?
- How are refugees and asylum seekers informed about the services you provide?
- What are the criteria that have to be met for refugees and asylum seekers to receive assistance?
- Could you please describe your capacity to manage the number of refugees and asylum seekers that seek assistance from your organisation?
- Could you please elaborate on your organisation's strategies to improve delivery of services

Objective 5: Evaluate the role of government and other stakeholders in protecting and implementing the rights of refugees and asylum seekers.

- Which legislative frameworks and policies are you aware of that currently protect refugees and asylum seekers?
- In which way does the local government play an important role in protecting and implementing the rights of refugees and asylum seekers?
- How should policy be improved to strengthen the protection of refugees and asylum seekers in the Western Cape?

Thank you kindly for your participation.

Appendix II- Letter of Research Intent

Department of Social Development
Private Bag Rondebosch 7701
Telephone: +27 21 650-3480

MASTERS RESEARCH STUDY INTERVIEW INQUIRY

Dear Sir/ Madam

My name is Chloé Reiss, I am a French international student completing a Master's degree in Social Development at the University of Cape Town as well as currently working at ARESTA as their legal assistance and advocacy intern.

As a requirement for my degree but most importantly to gain further professional knowledge in my field of passion, I am conducting a thesis on the **challenges experienced by NPOs providing services to refugees in the Cape Town metropolitan area.**

Although much research on refugee issues in South Africa exists, very few have examined the nature of services provided to refugees in Cape Town. While most studies have been focused on refugees' experiences in accessing services, I believe that it is important to bring further attention to the perspectives of NPOs and their challenges in assisting refugees. Furthermore, while many researchers have examined the causes and consequences of xenophobia, the current literature lacks incentives on conceptualising a positive approach to migration.

The purpose of this study is to explore South Africa's capacity to effectively manage migration taking into account the country's socio-political and economic struggles since 1994, focusing on the potential of NPOs to enhance the efficiency and effectiveness of service delivery to refugees.

It is believed that such an evaluation of challenges that NPOs face in Cape Town metropolitan area could provide meaningful insights for policy development in the area of refugee assistance.

Your contribution would be highly valuable, I would be extremely pleased to hear your views and experience in the sector.

I am writing to enquire if you would be interested and available for an interview, which should not take more than 45mins to one hour.

Please find attached to this email a **consent form** with further information on the procedures and confidentiality matters. I can also send you a copy of my research proposal for more insights.

Thank you for your time and consideration,

Warm Regards,

Chloé Reiss

(E-mail: clo.reiss@gmail.com)

Appendix III- Interview Consent Form



Department of Social Development
Private Bag Rondebosch 7701
Telephone: +27 21 650-3480

Research Study - Consent Form

You are requested to participate in a research study that is conducted by a Masters student, Chloé Reiss who is registered at the University of Cape Town, Department of Social Development. This form contains information explaining this research study. If you agree to participate as a respondent please complete your details below and then sign and date this document.

Research study title: Challenges experienced by NPOs providing services to refugees in the Cape Town metropolitan area.

Purpose: The purpose of the study is to explore the views and perspectives of NPOs personnel providing services to refugees and asylum seekers.

I am requesting that you grant me an interview, which should take about 1 hour.

Participating in this study is completely voluntary, and you are free to withdraw at any time, should you wish. All information provided during the interview will be recorded with your permission. None of your personal details nor your identity will appear on the final document. Thus, anonymity will be ensured. The time and venue for the interview will be negotiated with you according to your availability.

Should you request any further information please contact me on 07 25 01 59 65 or via email at clo.reiss@gmail.com. My supervisor, Dr Connie O'Brien can be contacted at constance.obrien@uct.ac.za.

Thank you in advance, Chloé Reiss.

Having read and understood the above I agree to voluntarily participate in this study.

Name:
Signature:
Organisation:
Date: