

**AN EXPLORATORY STUDY OF THE ROLE THAT IDENTITY DOCUMENTS
PLAY IN THE INTEGRATION OF REFUGEES AND ASYLUM SEEKERS IN
SOUTH AFRICA: REFLECTIONS FROM CAPE TOWN**



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PLAGIARISM DECLARATION

The author hereby declares that this whole project, unless specifically indicated to the contrary in the text, is her own work.

Signature..... Date.....

ABSTRACT

South Africa is one of the top regional destinations for refugees and asylum seekers. The South African government has chosen to adopt local integration as its main strategy in dealing with the refugees and asylum seekers it currently hosts, as opposed to housing refugees in camps. This step has been hailed as progressive, and the Refugee Act has espoused the issuing of progressive identity documents to refugees and asylum seekers as the viaduct through which refugees and asylum seekers can become fully integrated. In this regard then, refugee and asylum seeker identity documents are critical and the study sought to investigate the extent to which this policy intent of using identity documents to facilitate integration had become a reality.

The study began by looking at the evolution of refugee and asylum seeker law in South Africa. From there it looked at the differences between refugees and asylum seekers, and what distinguishes them from other migrants such as economic migrants. Thereafter the study looked at theoretical frameworks surrounding migration and integration, especially as pertains to the refugee and asylum seeker context. In particular, the study sought to present the experiences of identity documents in facilitating integration from two main perspectives namely the refugees and asylum seekers who are issued with and make use of these identity documents, and service providers who interact with these documents on a daily basis and provide services to the refugee and asylum seeker communities.

The findings presented highlight that despite the progressive evolution of refugee law in South Africa, the role of these identity documents, in facilitating access to services and promoting integration, has largely failed, from the practical to the policy level.

Different factors were identified as the causes of this disconnect between policy intents and the actual reality. These factors range from administrative, policy, facility and discriminatory practices. From these findings, the thesis concludes by providing a set of recommendations for each challenge, so that the original intent of the South African government - of using identity documents to promote the integration of refugees and asylum seekers within the South African community - is realised.

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Title:

An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town.

Key words:

Refugees, asylum seekers, identity documents, integration, experiences, section 22, section 23, section 24.

LIST OF ACRONYMS AND ABBREVIATIONS

AA	Affirmative Action
ANC	African National Congress
BBBEE	Broad Based Black Economic Empowerment
CTR	Cape Town Refugee
DBR	Durban Refugee
DHA	Department of Home Affairs
DRC	Democratic Republic of the Congo
EE	Employment Equity
ID	Identity Document
NGO(s)	Non-Governmental Organisation(s)
RRO(s)	Refugee Reception Office(s)
SCRA	Standing Committee for Refugees Affairs
UNHCR	United Nations High Commissioner for Refugees

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CHAPTER 1: INTRODUCTION

1.1 BACKGROUND

Since its transition to democracy in 1994, South Africa has received a considerable number of migrants, including refugees and asylum seekers. The majority of the refugees and asylum seekers are from African countries, seeking sanctuary in South Africa due to factors such as war, mass and personal persecution, and other causes of human insecurity. In 2013, South Africa recorded more than 230,442 individual asylum seekers, making it one of the largest recipients of asylum seekers in the world (United Nations High Commissioner for Refugees, 2013:16). Most of the refugees and asylum seekers are from Malawi, Angola, Ethiopia, Burundi, Democratic Republic of the Congo (DRC), Rwanda, Zimbabwe and Somalia, while others come from Asian countries such as Bangladesh, China, India, and Pakistan. Of the total number of asylum seekers, only 65,233 were officially recognised as refugees (UNHCR, 2013:16).

The South African Constitution of 1996 (Act No. 108 of 1996) provides, for *all* peoples living in South Africa, the right to access socio-economic opportunities such as housing, healthcare, education, and water and electricity. However, the realisation of universal access to these rights remains a dream for many citizens in general, and refugees and asylum seekers in particular (South Africa, 1996).

In terms of the Refugees Act, No.130 of 1998 (Republic of South Africa. Department of Home Affairs, 1998), refugees and asylum seekers have the right to remain in the country and have the protection of the Government. As informed by the Constitution, the Refugee Act also provides refugees with additional rights including the rights to work and study, access to healthcare, and freedom of movement. However, these rights are contained, and preclude refugees and asylum seekers from enjoying certain rights such as voting and, until very recently, accessing social grants (Breen & Gwyther, 2009; Brink, 1996). In addition, refugees and asylum seekers experience numerous challenges in South Africa; many are forced to eke out a living in an environment fraught with difficulties.

Integration of refugees and asylum seekers into local communities or townships is a severe problem that needs to be addressed. Refugees and asylum seekers living in these communities experience harassment and other kinds of violence. Two well-documented examples are the xenophobic violence that took place in May 2008, which left more than sixty refugees and other foreign nationals dead and thousands more displaced. The second example was the threats and violence targeting foreigners post the 2010 FIFA Soccer World Cup (*News24*, 2010). Others are subjected to having their properties and shops looted by locals (*News24*, 2010), and sometimes shop owners are killed, events that are usually attributed to the lack of proper integration of the refugees and asylum seekers within these host communities (Bidandi & Wamundiya, 2009).

Documentation, especially identity documents, of refugees and asylum seekers is another issue that affects their wellbeing. Some researchers assert that the lack of accessible and relevant documentation for refugees and asylum seekers may be the biggest obstacle facing their integration and well being (Bidandi & Wamundiya, 2009). The Department of Home Affairs (DHA), from which many South African citizens have encountered shockingly poor service delivery (*IoL*, 2009), faces additional challenges in processing the existing number of refugee and asylum-seeker applications. In addition, problems of corruption and xenophobia within the Department also exist (Mkwanazi, 2009). Consequently, many refugees and asylum seekers remain undocumented in the country, although the Refugees Act, 1998 gives them the right to documentation, or they are forced to rely on frequently corrupt Home Affairs staff to obtain access to identity documents, which are supposed to be provide for free. However, even when refugees and asylum seekers finally do receive their identity documents, these identity documents are not recognised as legitimate by many service providers in the country, causing additional challenges (Bidandi & Wamundiya, 2009).

1.2 IDENTITY DOCUMENTS

The development and adaptation of refugee law in South Africa has been hailed as progressive (Bidandi & Wamundiya, 2009). Prior to the transition to democracy in South Africa in 1994, no legal instruments or frameworks existed regarding refugees and

asylum seekers. Pre-1994, the then apartheid government refused to ratify laws governing refugees and asylum seekers (Low, 2009), and actively discouraged any migration and immigration, specifically of persons of non-European descent. As a result, the majority of blacks coming to South Africa other than to offer semi-skilled labour, such as working on farms and mines, were explicitly prohibited from invoking and seeking alternative legal protections, including refugee status, and were deemed “illegal aliens”. As such, they were exposed to severe persecution when they contravened these inflexible immigration laws (Low, 2009).

For instance, from the late 1970s and early 1980s Mozambican refugees in South Africa, fleeing from their country’s civil war, found themselves unable to claim refugee status and its accompanying benefits. Subsequently, they remained undocumented and un-integrated, living largely on the fringes of South African society, until their return to Mozambique in early 2000. During this entire period, they were never legally recognised as refugees in South Africa.

However, when the new democratic government ascended to power in 1994 and South Africa re-joined the international community, among the laws prioritised for reform were immigration and migration laws, including those concerning refugees and asylum seekers. The result was the ratification of the Refugees Act, No. 130 of 1998, which was enacted to provide for

1. the reception of asylum seekers in South Africa;
2. recognition and protection of their refugee status; and
3. access to their socio-economic rights and obligations deriving from such status (Republic of South Africa. Department of Home Affairs, 1998).

The significance of the Refugees Act of 1998 lays both in its consideration as a progressive piece of legislation and in that it does not espouse encampment as a ‘solution’. It proposes an urban context, in which refugees and asylum seekers can integrate within local urban communities of their choice, as opposed to being forced into one specific area, with all the restrictions and impediments of a camp setting (Kavuro & Wamundiya, 2010).

However, as opposed to a camp milieu, where the socio-economic needs and requirements of refugees and asylum seekers are progressively adopted by international stakeholders and humanitarian agencies, such as the United Nations High Commissioner for Refugees (UNHCR), Red Cross International and Médecins Sans Frontières (MSF), responsibility for foreign nationals in South Africa (aside from issuing them with documentation) has not been forthcoming.

Beyond offering basic reception and protection through the Refugees Act of 1998, South Africa has only indirectly committed itself to being responsible for refugees' and asylum seekers' needs, mostly through the provision of identity documents. Issuing identity documents was supposed to serve as an all-encompassing and facilitative tool for refugees and asylum seekers to access their socio-economic rights, as well as promote the improvement of their livelihoods, and promote refugee and asylum seekers' integration within the local communities (South Africa. Department of Home Affairs, 1998; Bidandi & Wamundiya, 2009).

Regrettably, this anticipated measure of self-integration has not been successful, and the legal framework for refugees in South Africa, and its implementation, seems to offer less service provision, protection and benefits in comparison to other African countries that offer asylum (Kavuro & Wamundiya, 2010). Until very recently, the South African government did not provide any form of direct social security or assistance to refugees after receiving and hosting them, and even now what little social assistance is offered is fraught with challenges in accessing it.

What is provided, however, in terms of documentation is an Asylum Seeker Permit (issued in terms of Section 22 of the Refugees Act, 1998) and upon successful recognition of refugee status, a Refugee Permit (in terms of Section 24 of the same Act).

Unfortunately, very few South African service providers and other role players, such as education institutions, government departments, civil society organisations and the private sector, are either conscious of, or well-informed about, the rights of refugees and asylum seekers. Worse, many of these service providers and institutions are ill informed

about these ‘foreign documents’, proving a major stumbling block for refugees and asylum seekers, looking to integrate within South Africa (Liebenberg and Pillay, 2000).

As an ‘identity-driven country’, South Africa because of the divisions along racial lines during the apartheid regime, is heavily reliant on the national Identity Document, also known as the ‘ID book’ or ‘Green book’, to the point that anyone who does not possess it is systematically excluded from the system and is limited to the kinds of services they can access (Kavuro & Wamundiya, 2010). This exclusion from the system occurs despite the possibility that they may be carrying other legal documents, such as the ones refugees and asylum seekers are given.

This research study explores those impediments experienced by refugees and asylum seekers in their attempts to obtain or access documentation, and how these impediments affect their experience of integration within urban communities in South Africa, specifically in Cape Town.

1.3 MAIN RESEARCH QUESTION

What role do identity documents play in the integration of refugees and asylum seekers within South African society?

1.4 SPECIFIC RESEARCH QUESTIONS

1. What types of identity documents are issued to refugees and asylum seekers in South Africa?
2. What are the challenges that refugees and asylum seekers face in obtaining their identity documents in South Africa?
3. What are the key issues around refugee and asylum seeker documentation in South Africa?
4. What is the role of identity documents in relation to integration and access to socio-economic services by refugee and asylum seekers in South Africa?
5. What will assist policy makers, officials and administrators in the planning and distribution of identity documents issued to refugees and asylum seekers in South Africa?

1.5 SPECIFIC RESEARCH OBJECTIVES

1. To identify what types of identity documents are issued to refugees and asylum seekers in South Africa.
2. To investigate the challenges that refugees and asylum seekers face in obtaining their identity documents in South Africa.
3. To identify key issues around refugee and asylum seeker documentation in Cape Town.
4. To investigate the role of identity documents in relation to integration and access to socio-economic services by refugee and asylum seekers in South Africa.
5. To assist policy makers, officials and administrators in the planning and distribution of identity documents issued to refugees and asylum seekers in South Africa.

1.6 SIGNIFICANCE OF THE STUDY

The significance of this study is that it will contribute to a deeper understanding of the role that identity documents play in the integration of refugees and asylum seekers in South Africa. It will also provide an understanding of constraints and opportunities regarding identity documents available to refugees and asylum seekers in South Africa. The study will make recommendations on the role of identity documents and what can be done to facilitate integration of refugees and asylum seekers in urban contexts. Finally, the study will identify the links and gaps within policy and implementation of refugee and asylum seeker identity documents in South Africa, and record the experiences of refugee and asylum seekers with regard to the identity documents issued to them.

1.7 SUMMARY

This chapter looked at the background of refugees and asylum seekers in South Africa. It examined the evolution of the concept of identity documents historically in South Africa as it pertains to refugees and asylum seekers. It also presented both the main and specific research questions and objectives, and concluded by expounding on the significance that the study will have.

CHAPTER 2: LITERATURE REVIEW

This chapter covers the literature reviewed for this study. It begins by presenting a discussion on the key concepts underpinning the study, including ‘migration’, ‘refugee’, ‘asylum seeker’, and ‘identity documents’. From there it presents the different identity documents issued to refugees and asylum seekers in South Africa, as well as the corresponding legal frameworks. Conventional theoretical frameworks on migration and integration are presented and discussed in Section 2.2, and their significance in relation to the refugee context. The chapter concludes with a presentation of an integration model, appropriate for the refugee context, which helped guide the study.

2.1 DISCUSSION OF TERMS

2.1.1 Migration

Migration is a process through which a person or family permanently changes their residence, for a period of not less than a year (National Geographic, 2005). For a process to truly qualify as migration, this individual or family must cross-political boundaries (legally or otherwise) from one country to another (National Geographic, 2005; International Migration Report, 2006).

Individuals and families may migrate for different reasons, including the pursuit of employment, educational or even religious opportunities (National Geographic, 2005). Aside from individual and group migration, communities can also experience total displacement as a result of political or environmental factors.

People who move between countries in search of economic opportunities, especially employment, are termed ‘migrant workers’ or ‘economic migrants’. Broadly speaking, refugees and asylum seekers can also fall within the migrant category.

However, whilst migrant workers and economic migrants retain strong links with their country of origins, including its protection and their nationality, identity and travel documents, refugees and asylum seekers automatically become stateless and lose the

protection and services of their countries of origin, as soon as they become asylum seekers and/or refugees.

Another distinction between economic migrants and refugees and asylum seekers is that while economic migrants can return to the home country at any time, refugees and asylum seekers are not legally allowed to return to the countries from which they fled, unless fundamental changes occur back home, which address the issues which caused their flight. Before that occurs however, they remain under the protection of the host country, with no possibility of moving to and from home and host country.

2.1.2 Refugee

According to the Heinemann English Dictionary (Harber & Payton, 1988: 910), a refugee is “*a person who has been forced to leave their country of origin in order to escape some kind of danger or disaster, such as a war, persecution, or natural disaster*”. The word originates from the late 17th century French word ‘réfugié’ meaning ‘gone in search of refuge’ (Harber & Payton, 1988: 910). However, the United Nations (UN) definition of refugee is more comprehensive, and defines a refugee as a person, who

“owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside his or her country of nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country” (United Nations General Assembly, 1951:152).

It is important to note that the UN definition strongly hinges on political unrest and disorder as key features in a person being classified as a refugee, and therefore excludes persons fleeing their countries and seeking protection in outside territories on account of socio-economic reasons, or even natural disasters.

South African refugee law, for example in the Refugees Act of 1998 (Act No.130 of 1998), adopts a definition of refugees as falling into two major categories: those fleeing personal persecution (such as those being persecuted due to their ethnicity, religion or nationality) and those who flee large-scale threats to public order (such as civil wars). Anyone who flees their country of origin or seeks refuge for reasons other than those

provided for above will fall outside these two broad categories and will be automatically excluded from qualifying for refugee status, although they can seek temporary asylum and look for other ways to legalise their stay, outside of the refugee route.

2.1.3 Asylum seeker

The Heinemann English Dictionary (Harber & Payton, 1988: 60) describes 'asylum seeker' as "*someone who has left his or her native country as a potential refugee to seek shelter or protection from danger, and is given that protection from another country*".

Often seen as refugees-in-waiting, 'asylum seeker' is the accepted legal position of someone seeking protection in a refugee-receiving country, before their case is determined and they are granted refugee recognition and status. The United Nations High Commissioner for Refugees defines an asylum seeker as "*someone who says he or she is a refugee, but who is waiting for that claim to be accepted or rejected*" (United Nations High Commissioner for Refugees, 2008-2009:10).

2.1.4 Identity documents

Identity Documents, sometimes called 'identity papers' or 'identity books', are any type of formal papers issued by a (an official) formal establishment or a government for the purposes of verifying one's identity (Collins, 1979; Kavuro and Wamundiya, 2010).

Although identity documents are a common phenomenon all over the world, some countries, including the United Kingdom, Uganda, and Tanzania, among others, forego the idea of formally documenting and issuing identity papers to their citizens. This leaves the choice in the citizens' hands as to what they will use as a form of identity document. Nonetheless, although their citizens are granted some flexibility regarding the form of identity document they should possess, strict measures are enforced to document non-nationals, and alternative identity documents are issued to them, in line with the migration and immigration laws of that country (Collins, 1979).

2.1.5 South African identity documents

In South Africa, an identity document may be issued to a person through one of two routes, namely the national population register route, and the immigration route.

2.1.5.1 The National Population Register

The National Population Register, also known as the civic registry, is a national register that records the birth, marriages and deaths of South African citizens. Its purpose is to record and maintain accurate population dynamics, and “*build a secure, accurate and credible national population register, with a single point of entry at birth*” (South Africa. Department of Home Affairs, 1997:1). Under this register, South African children are issued with birth certificates at birth, and from 16 years old issued with an identity document, called an ‘ID book’ or ‘green book’. These are issued in terms of the Identity Documents Act, No. 68 of 1997 (South Africa. Department of Home Affairs, 1997).

2.1.5.2 Immigration route

Foreigners on the other hand must be documented and issued with identity documents through either the Immigration Act, No. 13 of 2002 (South Africa. Department of Home Affairs, 2002) or via the Refugees Act, No. 130 of 1998 (South Africa. Department of Home Affairs, 1998).

Recognised asylum seekers and subsequent refugees are documented and given different identity documents progressively, that is, as they move through the different stages of the asylum process. To legalise their stay and assist with their integration in South Africa, over time seven documents may be assigned to them, as illustrated below.

2.1.6 A description of the South African context and relevant statistics

The South African context since the dawn of its democratic era has shifted from a refugee sending to a refugee receiving country (Kavuro & Wamundiya, 2010). This had resulted mainly from favourable migration policies, especially as concerned with the protection of human rights, (which South Africa acceded to), which resulted in progressive asylum policies, such as the Refugee Act of 1998.

Consequently many refugees or asylum seekers who face either personal persecution or other threats to their lives in their home countries often see South Africa as the epitome of peace and security, and make their way there to seek said haven.

Consequently South Africa has, over the years found herself progressively becoming one of the leading destinations for forced migrants, be they refugees, or asylum seekers.

In that regard, the UN agency for refugees, the United Nations High Commissioner for Refugees (UNHCR) indicated that by 2013, South Africa had recorded more than 230,442 individual asylum seekers, from more than 50 countries around the world and making it one of the largest recipients of asylum seekers in the world (United Nations High Commissioner for Refugees, 2013:16).

Despite these high numbers of asylum applicants, the process of becoming a fully recognised refugee is not a *fait accompli*, as the road to documentation is less than smooth for many different reasons, as shown in this study.

Consequently of that quarter of a million asylum applicants or potential refugees, only 65,233 have made it through the process to be granted refugee status over the last decade and half, whilst the rest, a large percentage were unsuccessful in their applications and become eligible candidates for deportation back to their home countries, while others become undocumented migrants.

That means that out of the 200,000 odd applicants, only a small percentage successfully goes through the system to eventually become bona fide refugees. The paucity of readily available data regarding the number of refugee and asylum seekers either per province or per city created a challenge for the researcher. To overcome that the researcher was able to produce her own statistical estimates, using some available data sources such as UNHCR's annual asylum trends, as well as census data.

The resultant statistics therefore indicated that there were an estimated 7,248 refugees, and 25,604 asylum seekers per each of the South African provinces, respectively. A more detailed discussion on these statistics and how they were arrived at is given in chapter four, which presents and discusses the results of the study.

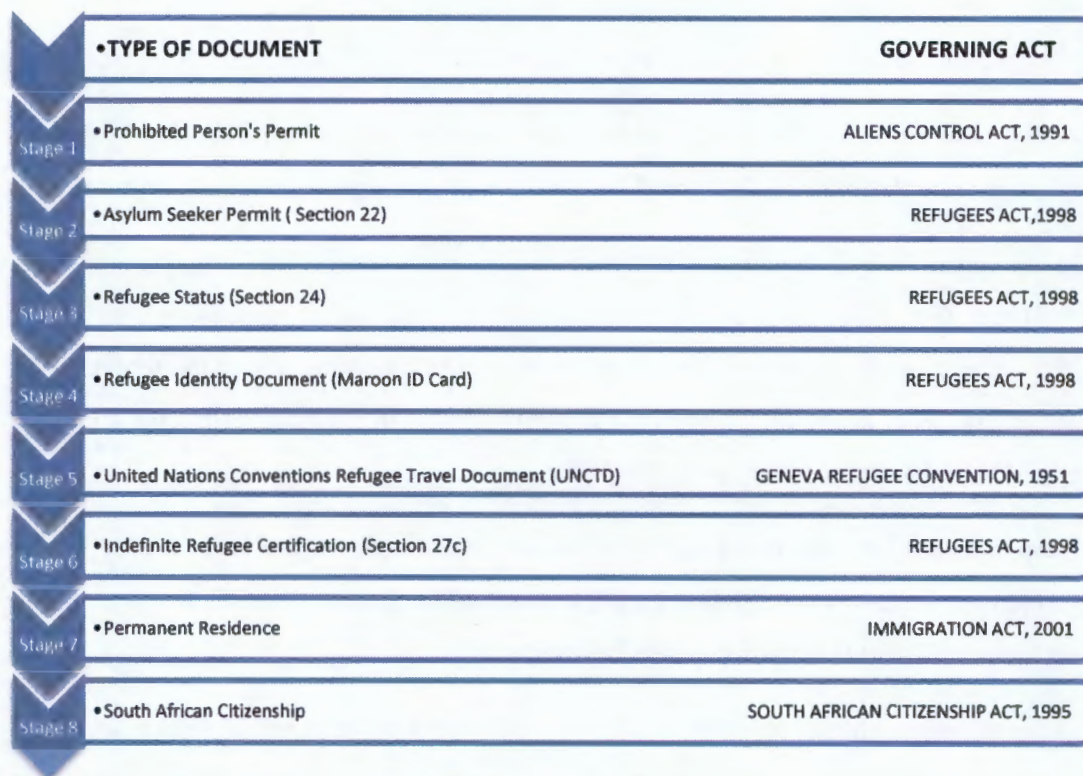


Figure 2.1: Types of identity documents per Act¹

Each identity document is meant to improve on its predecessor in promoting integration and access to services. Possession of one document is meant to enable a refugee or asylum seeker to access the next level. For instance an asylum seeker in possession of a Section 22 permit is not eligible to apply for a Refugee ID card, or a United Nations Conventions Refugee Travel Document (UNCTD). Similarly, although legally a refugee qualifies to apply for permanent residency after living in South Africa for five years, even if a refugee has been in the country for 10 years they cannot apply for permanent residency without first being in possession of an Indefinite Refugee Certification (issued in terms of Section 27(c) of the Refugees Act, 1998) from the Standing Committee for

¹ Although the text mentions seven documents, Figure 2.1 presents eight documents because, even though it was eventually phased out, the Prohibited Person's Identity Document was initially issued to refugees and asylum seekers. All other documents are still in use.

Refugee Affairs (SCRA). Consequently, one may eventually be in possession of all seven documents (in various stages of validity), should one ever reach the citizenship stage.

However, this is rarely the case, due to many challenges discussed extensively in Chapter Four of this study. Given the challenges alluded to, many refugees and asylum seekers never apply for the next identity document they qualify for, and rather stay in their comfort zone, that being the identity document currently held.

The Zimbabwean crisis serves as an example of the South African government issuing alternative identity documents. During the crisis, characterized by an economic meltdown and stringent international sanctions, many Zimbabweans were forced to leave their country to seek socio-economic opportunities elsewhere, including in South Africa. As discussed above, currently an economic crisis does not provide legal grounds for asylum and the issuance of refugee status. Hence the South African government created a special project, the Zimbabwean Dispensation Project (ZDP), in which they issued Zimbabweans with alternative identity documents, separate from standard refugee documents, to legalise their stay in South Africa. To achieve this, they allowed Zimbabweans with passports to stay in South Africa without visas.

2.1.5.3 Asylum Seeker Permit (Section 22)

The Asylum Seeker Permit, also known as simply ‘a permit’, is an identity document first issued to any potential refugee upon arrival in South Africa, to legalise their stay and facilitate their everyday functioning as they await the outcome of their refugee status claim. It is issued under Section 22 of the Refugees Act, 1998.

2.1.5.4 Refugee Status (Section 24)

The refugee status, simply called ‘the status’, is the next document issued in the documentation process. ‘The status’ is issued to asylum seekers once their claim for refugee status is processed and accepted by the Department of Home Affairs. It is issued under Section 24 of the Refugees Act, 1998. Legally, this document is to be issued within six months after the submission of a refugee claim by asylum seekers.

2.1.5.5 Refugee Identity Document (maroon card)

The Refugee ID, commonly known as the ‘maroon ID’ due to its colour, is an ID booklet that a refugee can apply for 14 days after they have received their Section 24 refugee status. Similar to that of South African citizens, the ‘maroon card’ contains a 13-digit identifying number, which can be used for administrative purposes across all sectors.

2.1.5.6 United Nations Conventions Refugee Travel Document (UNCTD)

The UNCTD, commonly known as the ‘blue passport’ or the ‘travel document’, is a passport-like booklet issued jointly by the United Nations High Commissioner for Refugees, and the Department of Home Affairs, to facilitate the movement of recognized refugees in and outside South Africa. It is only issued to refugees with both valid refugee status and a maroon ID; therefore asylum seekers do not qualify for access to this ‘travel document’.

2.1.5.7 Indefinite Refugee Certification (Section 27(c))

After five years in South Africa, a refugee may apply for permanent residence. However, before this step a refugee must have received ‘certification’ from the Standing Committee for Refugee Affairs (SCRA), a document certifying that due to the current conditions in the refugee’s home country, the applicant is likely to remain an indefinite refugee in South Africa, and gives them permission to apply for permanent residence.

2.1.5.8 South African Permanent Residence

A permit for permanent residency in South Africa is issued under Sections 26 and 27 of the Immigration Act, No. 13 of 2002 (South Africa. Department of Home Affairs, 2002). A Permanent residency permit allows the holder to stay in South Africa indefinitely, as well as enter and leave as often as they wish. Refugees who have been in the Republic under refugee status for five years or more qualify to apply for permanent residency under category 27(d), provided that the main applicant has refugee status in the Republic.

2.1.5.9 South African Citizenship

Once a refugee has been granted permanent residence, they can, after another five years, apply for South African citizenship in terms of Citizenship Act of 1995, (South Africa. Department of Home Affairs, 1995) thereby completing the circle of integration.

2.2 THEORETICAL PERSPECTIVES ON MIGRATION

Migration is generally understood by scholars (Castles, 2008; Laczko, 2002) as a process through which individuals move from one place to another, in search of a better life or an improved standard of living. The migration process is as old as human existence (National Geographic, 2005), although it has evolved and become the phenomenon of movement of people, with differing factors and characteristics, across time.

Consequently, for most of the 20th century, the field of migration studies, and more specifically neo-classical theories of migration, has been concerned with this phenomenon of movement of people from one place to another in search of a better life. During the late 19th and early 20th centuries, migration studies largely focused on industrialisation and urbanisation movements, especially in Europe and the Americas. Over time, this resulted in many theorists putting an economic slant on migration, culminating in migration studies being a field dominated by an economically deterministic view, to the inclusion of little else (Castles, 2008; Laczko, 2002; King, 1995).

However, the dawn of the 21st century saw significant changes to this predominantly economic view of migration, and migration become a field of concern for policy makers and human right practitioners, resulting in widening the scope of migration studies by including political and natural disasters as an alternative causal force in people's migration trends. With this new development, migration theories began to be fairly expansive, striving to look beyond only economic factors to other aspects such as social and human security and insecurity as additional valid migration causal factors. Some of these theories take into consideration involuntary migration movements such as those of refugees and asylum seekers.

Seven theoretical perspectives on migration, namely modernisation theory, neo-classical theory, the push and pull model, three stylized levels of migration, the new economics of migration theory, dual labour market theory and world systems theory, have been identified as pertinent for this study, and are discussed below.

2.2.1 Modernisation theory

Modernisation theory contends that migration is a natural process with a flow or movement of people, who progress from a 'primitive' to a modern state of being, going through preset 'stages' in order to become modernised (Coetzee, Graaff, Hendricks & Woods, 2001). Modernisation theorists believe that all societies must evolve progressively. Societies, then, move from a 'primitive' or agrarian state, characterised and dominated by farming and primary production, to a modern or sophisticated state, characterised by service provision and technological marvels, as found in contemporary society (Webster, 1990)

Therefore, modernisation theorists assume that migration is the movement of people, indeed whole societies, on an inevitable continuum that transforms these societies from one state of being to another (Giddens, 1989).

For the modernisation theorist, migration is a natural stage on the march towards modernisation, and can occur at either an individual level, such as when an individual 'stumbles' across a more advanced society and decides to join it, or at a group or societal level, such as when large numbers of people join together to further their modernisation process, which may entail moving en masse to another area to bring this to fruition. According to this view, migration forms part of society's unstoppable forward march towards a better existence (So, 1990).

Finally, modernisation theorists believe that migration occurs 'organically' as people, in most cases whole societies, move through pre-determined evolutionary stages, so that they can reach both their own and their society's optimal and most advanced state. Then and only then can migration trends decline, and eventually stop (Coetzee, Graaff, Hendricks & Woods, 2001).

2.2.2 Neo-classical migration theory

Neo-classical migration theory views migration from a geographical imbalance. In other words, for neo-classical theorists, migration occurs because of "*geographical differences in the relative scarcity of labour and capital*" (de Haas, 2010: 4).

According to this understanding, migration occurs mainly between rural and urban areas, on one level, and between countries and between continents, on another level. The reason for migration is because one of the regions or parties ('the sending party') has a surplus of labour and low wages, whereas the other region or party ('the receiving party') has a scarcity of labour but high wages (de Haas, 2010).

As a result an imbalance exists in the system, characterised by an uneven distribution of labour and resources on both ends of the spectrum, which cause movements on either side to restore the geographical equilibrium both in the sending and receiving demographics.

Consequently, migrant workers will move from areas of low wages and surplus labour to favourable areas of high wages and scarce labour, creating what has been termed the migrant worker phenomenon.

The neo-classical model, however, has been criticized (So, 1990) as being too economically deterministic, while the 'push and pull' model, discussed below, has similarly been criticized as being too narrowly simplistic, in that it does not take into consideration other factors that play a role in migration.

2.2.3 'Push and pull' model of migration

The 'push and pull' model is based on the idea that people are 'pushed' and do not have much choice in moving out of their original areas of settlement. They are then 'pulled' to migrate elsewhere as an adaptation strategy, mainly due to non-economic elements, such as the environmental degradation of an area, which results in depleted resources such as deforestation, droughts, and other environmental hazards (Preston, 1996; Hoogvelt, 1982).

Though somewhat similar to the neo-classical perspective, the nuanced differences are that while neo-classical theory sees migration as economically driven with the aim of 'bettering' one's life, 'push/pull' is less choice-driven and is more concerned with maintaining the status quo, albeit in a different location or place. For example, according to this theory a farmer in a drought-driven area will be more concerned with moving to

find alternative grazing-land for his livestock to feed on, and will therefore actively look for such an alternative environment, closely mirroring his previous place of living, as opposed to say, selling all his livestock to go and start a business somewhere else.

2.2.4 Three stylised levels of migration

This model is the most comprehensive of the migration theories discussed above, and appears the most appropriate for the purposes of this study. Based on the belief that migration is a complex, multi-layered process, it looks at the migration phenomenon from a three-tiered perspective, namely the *micro*, *macro* and *meso* levels (Milanovic, 2007).

2.2.4.1 Micro-level

At the micro-level, migration is seen as the process through which individual values, desires and expectancies converge and play a role in motivating the individual to migrate in an effort to improve or secure the individual's survival, wealth, status, comfort, stimulation, autonomy, affiliation and morality, and other 'creature comforts' (Castles & Miller, 2003). Migration at this level occurs because of the individual's decisions, whether forced or voluntary, made for his or her own personal benefit including survival, either in the immediate present or foreseeable future. Refugees and asylum seekers generally fall within this category of migration.

2.2.4.2 Macro-level

At the macro-level, the model explains migration as being driven by collective and social ties and networks, as well as governments and other international organisations with sufficient clout to influence and affect the flows of migration at multiple levels.

At this level, policies, agreements and international laws serve as guidelines and even controls for migration flows. Also at this level, political stability and instability, historical contexts, and legal and administrative rights, laws and regulations play key roles in the kinds of migration patterns that will be experienced between sending and receiving countries, and between migrants themselves (Mobasher & Sadri, 2004). The link with the micro-level is that although the individual has a degree of freedom in making a decision to migrate, whether locally, nationally, regionally or internationally, this decision is often mitigated by factors at the macro-level, often beyond the individual's control. A case in

point is the then apartheid system in South Africa, where even though the different racial groups were all citizens of the country, some groups' movements were restricted, and these groups were not allowed to move freely and settle anywhere they wished in the Republic. Instead they were classified according to racial categories, and legally forced to stay in designated areas, thereby controlling and limiting the extent of their migration. However, at the same time those that could 'migrate' did leave, and were granted political asylum and other sorts of protection in other countries due to international laws and sentiments towards and against apartheid.

2.2.4.3 Meso-level

At this level, the main focus is on social ties and other symbolic and intangible elements that play a role in migration (Castles & Miller, 2003). The theory looks at networks, bonds, and social capital flows that influence the patterns of migration. These may include, but are not limited to, familiar and social bonds between individuals and communities; social ties such as a patriotic attachment to a place; and the links and resources that mitigate these migration trends such as information, access to resources, reciprocity and solidarity (Arango, 2000).

2.2.5 New economics of migration theory

The new economics of migration theory is a fairly recent theory, often seen (Messina & Lahav, 2006) as a direct response and counter to the neo-classical theory of migration. It contends that migration and immigration occur because of voluntary, rational, calculated and pro-active decisions made at the family or collective levels, to minimise risks associated with the markets while maximising its benefits.

Consequently a family or collective makes a decision on emigrating, and chooses which members of the family or collective will migrate. As the chosen members of the family disperse and find favourable economic opportunities, they then contribute to the wellbeing and economic sustainability of their families by sending back remittances and other forms of support (Arango, 2000).

According to this new economic theory, migration and immigration are phenomena emanating from Third World countries, as factors such as insurance and social security

nets, which offer a measure of extra financial protection and security in First World countries, are rarely found in Third World countries (Messina & Lahav, 2006).

2.2.6 Dual labour market theory

Dual labour market theory postulates that migration and immigration are default, inbuilt systemic aspects of a capitalist system, which allows the system to function. Because the capitalist system operates and is maintained on a maximum-profit-and-cheap-labour principle, there is always a demand for cheap labour, often in the form of migrant labour, especially as specialised labour in developed countries becomes increasingly expensive to maintain. Consequently, because capitalism has been the dominant economic system since the late 17th century, migration, especially labour-driven migration, will continue to exist for the foreseeable future (Wood, 1996).

2.2.7 World systems theory

This theory has sociological origins, and explains migration as a result of unfair systems of trade that exist between core and periphery countries. It postulates that the world is divided into core, semi-periphery and periphery countries. Core countries are the most advanced, semi periphery are in the middle and periphery ones are the least developed countries. From this theoretical perspective, capitalistic tendencies lead to unfair trade relations between core and periphery countries, which in turn lead to migration flows (Hertz, 2003).

Historically, this was initiated, maintained and perpetuated by colonial powers, which exploited the raw materials from periphery countries and repatriated them to their home countries for processing, production and marketing, creating work for their own labour force and undermining the development of periphery countries (Preston, 1996).

However, as modes of production have evolved and expanded, businesses looking to minimise operating costs and maximise profits have migrated their operations back to periphery countries, causing previously stable labour forces in their own countries to become migrant labour forces in pursuit of these socio-economic opportunities. This exploitation of resources and labour in periphery countries also means that the local

labour force is exploited, driving it to migrate as a way to find better economic opportunities elsewhere (Preston, 1996; Coetzee, Graaff, Hendricks & Woods, 2001).

For the purposes of this research, the three stylized levels of migration model were used, as it is the most relevant and comprehensive. It was used to help understand the causal factors that result in the refugee phenomenon, as well as the challenges refugees experience, at different levels, due to the status they both acquire and are ascribed.

2.3 INTEGRATION

Scholars and other professionals (Mobasher & Sadri, 2004) have posited many different definitions of integration; the most common postulation being that integration is a very complex, multi-layered process, in which outsiders are accommodated in their host community, and eventually fully accepted. However, many agree that no single universally accepted standard definition of integration exists. In general terms integration is understood to be an act or action of combining or incorporating two or more diverse groups of people into one, to form a coordinated and harmonious whole (Voss, Hammer & Meier, 2001).

Integration assumes that the original individual groups start out at fundamentally different stages, but when put together these differences are absorbed and, in some cases, serve to enhance the end process, which is an integrated group.

Currently, comprehensive theories on integration with regard to immigration and migration remain elusive, because, as mentioned above, integration is a complex phenomenon eliciting wide-ranging responses from different stakeholders. However, some scholars in the field of migration studies have suggested parameters to be used as 'indicators of integration' when dealing with migration, specifically refugees and asylum seekers (Ager & Strang, 2004).

Based on their survey, Ager and Strang (2002), proposed a working definition of integration, as:

"An individual or group is integrated within a society when they achieve public outcomes within employment, housing, education, health etc. which are equivalent

to those achieved within the wider host communities, and are in active relationship[s] with members of their ethnic or national community, wider host communities and relevant services and functions of the state, in a manner consistent with shared notions of nationhood and citizenship in that society.” Ager and Strang (2002:11)

From this definition, they proposed a framework for measuring integration, in communities in general, and refugees in particular, which was used as a guide in this study, illustrated in Figure 2.2 below.

According to this framework, there are ten domains, grouped by four themes, namely ‘means and markers’, ‘social connections’, ‘facilitators’ and ‘foundation’ that play a role in integration.

The four main indicators of full local integration Education, Housing, Employment and Health, are collectively called ‘means and markers’:

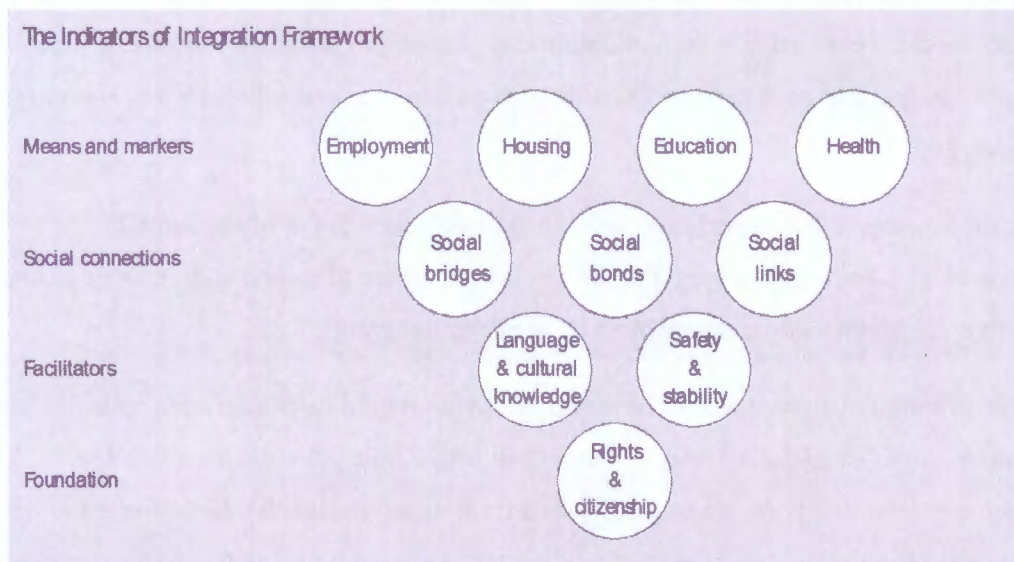


Figure 2.2: Framework of integration indicators

Reproduced from Ager, A. and Strang, A. 2004. *The Indicators of Integration: Final report*. Development and Practice Report, Number 28. London: Home Office.

2.3.1 Means and markers

The means and markers are “*key areas for the participation of refugees in the life of [their host] communities*” (Ager & Strang, 2004:12). These can be seen as the final

visible fruits of integration, because they are the things that potential integration candidates aspire to; thus their realisation can be seen as markers of attainment of integration. Ager and Strang (2002:15) also state that the means and makers of integration “*serve as means to those ends, in that they will often help achieve other things relevant to integration*”.

2.3.2 Social connections

Social connections are the networks and relationships which refugees and asylum seekers, forge, expand or draw upon to achieve integration in their host countries. They facilitate integration because they act as bridges between homo- and heterogeneous communities, i.e. between local and immigrant communities. Once initial bonds are established, social networks solidify the bonds between individuals, groups and wider communities. According to Ager & Strang (2002:15), social connections are important as they “*help to access services and be fully involved as a citizen accessing services and government*”.

2.3.3 Facilitators

Ager & Strang (2002:14), argue that facilitators are “*key skills, knowledge and circumstances that help people to be active, engaged and secure within communities*”.

2.3.4 Foundations

Foundations refer to the rights, obligations and opportunities that derive from the role of being a citizen and other community members who fall under the ambit of the state. These principles include policy and legal directives, roles and scope of access that influence “*the rights that are given to individuals, and the expectations and obligations of citizenship*” (Ager & Strang, 2002:15). In the case of refugees and asylum seekers, they also include their assigned roles and responsibilities in their host countries, which may be combined at both policy and practical levels to launch and facilitate integration.

2.4 Summary

This chapter presented the literature review of a wide variety of resources, including academic journals, Internet sources, books, newspapers and other media. It examined key

terms and concepts informing the study, such as 'migration', 'refugees', 'asylum seekers', 'identity documents' and 'integration'. It also looked at the different identity documents issued to refugees and asylum seekers, and the corresponding Acts. Finally, it looked at a framework for understanding refugee and asylum seeker integration; the researcher adopted this as the guiding framework informing her understanding of integration.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

This chapter opens with a description of the research design and methodology used in the study. This is followed by a discussion of how data was collected and the research instruments used. It goes on to describe the profiles of the respondents interviewed, in terms of demography and respondent code. It then discusses the design and the pre-testing of the research instruments, the sampling methods used, the ethical considerations, sampling and coding of data. The chapter concludes by looking at the researcher's self-reflection as well as the limitations that she encountered during the course of the study.

3.2 RESEARCH DESIGN

The scope of the study was qualitative and descriptive. Qualitative research refers to the investigation of phenomena which takes *"as its departure point the inside perspective on social action ... and aims to understand and describe rather than explain human nature and phenomena"* (Babbie & Mouton, 2001: 49).

Descriptive research is about observing, describing and classifying the dimensions of a phenomenon, and then attempting to understand it (Babbie & Mouton, 2001:80). It provides an accurate portrayal of the characteristics of a particular individual, event, or group, in actual situations. According to Burns and Grove (1993: 766), the purposes of descriptive research are to discover new meaning; to describe what exists; to determine the frequency with which something occurs; and to categorise information.

This exploratory study aimed to see what role different identity documents play in the integration of refugees and asylum seekers in Cape Town. It was conducted using an interview schedule which was administered through semi-structured interviews. The interviews functioned as primary data collection instruments. Data was collected, organised, analysed and quantified to describe and understand the phenomena under investigation.

In social science research, the research design is usually seen as the blueprint for the study to be conducted. Given that this study was empirical, aimed at finding answers to ‘real world problems’ (Babbie & Mouton, 2008), a focus on qualitative data-gathering techniques was made, and primary and secondary data were collected to address the research questions.

Subsequently, primary data, in the form of interviews, observation, and focus groups, was collected. Secondary data to inform and complement that was collected through desktop research and document reviews on the subject under investigation. The search and analysis of existing information included research and policy documents, journal articles, books, news archives as well as video and audio resources on the subjects of refugee and asylum seeker documentation, as well as integration.

During the time of the study, the researcher worked as a volunteer for a local refugee NGO, the Unity for Tertiary Refugee Students, UTRS, which put the researcher in direct contact with refugees and asylum seekers, as well as several organisations including NGOs and Civil Society Organisations (CSOs) working with refugee and asylum seekers. Volunteering with said organisation also made it possible for the researcher to participate in different migration forums, whilst also engaging with relevant state institutions including the DHA. Despite being invaluable learning opportunities, these combined experiences consequently also helped the researcher with the formulation of the research design, as well as the selection and compilation of the appropriate data-gathering techniques.

The researcher chose to use qualitative research methodologies because qualitative research methods are best used to gather rich and experiential data and would be useful in capturing the real, lived experiences of the participants. Consequently not only did the use of this method yield comprehensive primary data to the researcher, but this method also allowed the researcher to capture the varied experiences of the participants in ‘their own words’, thereby allowing the researcher to collect not only the most valid and rounded responses from the participants’ point of view, but the most authentic as well (Creswell, 2003).

The combination of these research tools further enabled the researcher to practice the process of triangulation, a technique most useful in enhancing the validity of the collected data.

Sampling, Participants and Data Collection Techniques

As the study focused on the experiences of refugees and asylum seekers in Cape Town, as well as those of service providers, Cape Town served as the research site.

In terms of the scope of those participating in the survey, refugee and potential refugee and asylum seeker participants with legal residence in South African were eligible to participate.

Snowball/network sampling was used in this study to select participants. In terms of the migrant respondents, initially, the host NGO circulated an invitation to their beneficiaries regarding the study, with the scope and nature of the research explained, and the researcher's contact details provided. After this, interested potential research participants were identified from their responses, and with their consent, their contact emails shared with the researcher. The researcher was then able to compile a list of potential participants' email addresses, and invite them to meet the researcher for an initial introductory session.

From there once the potential participants had consented to being part of the study, dates and times for the next session, which would be the interview, would be discussed and fixed. Two emerging trends here were that some respondents found it easier to meet the researcher in a place organized by the researcher herself, whilst others required the researcher to meet them environments they had chosen, such as at their homes or work place or even study. Once the surveys had been administered then some respondents would indicate having acquaintances or even having family members with relevant experiences the study was concerned with, who could possibly want to participate. The researcher then gave her consent to the 'old' respondents to share her info with interested parties who fit the bill, and if they were interested, alert her so that she could follow up with them.

In a similar manner, service provider respondents were also identified through snowball/network sampling. Their contact details were obtained through a series of different processes, including internet searches, NGO networks, forums and meetings attended, telephonically as well as through visits to relevant institutions. Like the migrant respondents, once potential service providers had been briefed on the study, they generally tended to agree to be respondents, and when possible, provide a reference or introduction to a colleague or counter part at another institution that they thought had relevant information or experiences that could better answer the questions of the study.

3.3 RESEARCH METHODOLOGY

Two interview schedules (see Appendix B and C) were used as a research method to guide the research. According to Babbie & Mouton (2001), interview schedules are the most popular way to obtain rich qualitative data in a study.

The interview schedule contained guideline questions, which addressed the primary research questions. A semi-structured interview schedule was chosen in this case because of its adaptability. It allowed for interaction between the researcher and respondents, as well as for follow-up and in-depth interaction during the interviews. Finally, it was an effective instrument for allowing the researcher to adapt, expand and modify the questions on the spot when necessary.

The interview schedule had both open and close-ended questions, and included a short demographic section that was specifically designed to gather quantitative information on the respondents, such as nationality, age, education and gender.

Initially, the researcher designed a two-page interview schedule, but respondents made additional suggestions during the piloting stage, and the final interview schedule became longer than originally intended. The final interview schedule was also modified so that respondents could complete it on their own if they were not interviewed face-to-face.

Refugees, asylum seekers and permanent residents were interviewed using the same interview schedule (Appendix B), while service providers had a slightly modified

interview schedule appropriate for their role (Appendix C). In each category, each respondent was asked the same questions in the same order.

Observation technique was also used as an additional way to collect data. Observation consists of three sub-categories, namely simple or non-participant observation, participant observation and modified participant observation.

In terms of simple observation, the researcher remains a detached observer on the outside of the study group and does not interfere in any way with the study environment (Babbie & Mouton, 2001). Participant observation involves the researcher occupying the dual role of detached observer on the one hand, and member of the study group on the other (Babbie & Mouton, 2008). In modified participant observation, the researcher has some leeway regarding the study setting and is able to pick and choose to attend only key events (Bless, Higson-Smith & Kagee, 2006, quoted in Huegel, 2013: 25)

For the purposes of this research, simple, non-participant observation was chosen as the observation technique to be used, for two reasons. First, this was because it would permit the researcher to have unrestricted observation of the respondents getting their identity documents, and thereby gave the researcher greater insight and understanding of their experiences. In this regard the researcher accompanied willing respondents to Home Affairs.

Second, although the subject under investigation is certainly sensitive, the degree of sensitivity around it did not, for instance, require the researcher to disguise herself to access the respondent groups. For six weeks, the researcher spent time in various places in Cape Town, observing, whether at the respondents' places of work or study, as well as accompanying some of them at different Home Affairs offices where they either had to apply, collect or renew their identity documents. These episodes become an important part of the research because they helped the researcher gain a greater understanding of the everyday lives of the respondents and their challenges, and contextualise them. The resultant experiences and data were documented in a series of observation notes and field photographs included in this study.

3.4 DATA COLLECTION

Data was collected through conducting interviews with the refugees, asylum seekers, permanent residents and service providers, at their choice of venue. This was supplemented by additional follow-up interviews, observation and informal discussions. This was because in some cases the audio quality of the recordings of some respondents' answers was poor. Also, others had made interesting statements that required follow up. Initially, the interview schedule was pilot tested on five respondents (a service provider, a permanent resident, two refugees and one asylum seeker), who did not form part of the study samples. Adjustments were made on the initial interview schedule based on the feedback received, producing a final interview schedule. With this final research instrument, sampling began in earnest. The following tables represent the demographic data of the respondents surveyed.

Table 3.1: Refugees (N=11)

Marital Status	Category	Gender	Age Group ²	No. of Years in SA	Highest Educational Achieved	Country of Origin	Respondent Code
Single	Refugee	Female	25 - 34	15	Master's Degree	Rwanda	REF1F
Married	Refugee/ Work Permit	Male	35 - 49	13	PhD	DRC	REF2M
Married	Refugee	Male	35 - 49	11	Advanced Certificate	Burundi	REF3M
Married	Refugee	Male	25 - 34	6	Honours	Rwanda	REF4M
Married	Refugee	Male	35 - 49	8	Master's Degree	Rwanda	REF5M
Single	Refugee	Male	35 - 49	11	Bachelors	Burundi	REF6M
Married	Refugee	Male	35 - 49	11	Bachelors	Rwanda	REF7M
Single	Refugee	Female	25 - 34	12	Master's Degree	Sierra Leone	REF8F
Single	Refugee	Female	25 - 34	12	Bachelors	Cameroon	REF9F

² The age group variable was preferred to the actual age, as during the pilot stage many respondents were reluctant to provide their real age.

Single	Refugee	Male	25 - 34	Did not respond	Master's Degree	Rwanda	REF10M
Widow	Refugee	Female	35 - 49	16	Bachelors	Burundi	REF11F

Table 3.2: Asylum seekers (N=9)

Marital Status	Category	Gender	Age Group	No. of Years in SA	Highest Educational Achieved	Country of Origin	Respondent Code
Single	Asylum Seeker/Undocumented	Female	25 - 34	4	B. Degree	Zimbabwe	ASY1F
Married	Asylum Seeker	Male	50+	8	Master's Degree	DRC	ASY1M
Single	Asylum Seeker	Male	25 - 34	8	Post Matric Certificate	Ethiopia	ASY2M
Married	Asylum Seeker	Male	35 - 49	4	Matric	Rwanda	ASY3M
Married	Asylum Seeker	Male	35 - 49	9	B. Degree	DRC	ASY4M
Single	Asylum Seeker	Male	25 - 34	8	Matric	Burundi	ASY5M
Single	Asylum Seeker	Male	35 - 49	13	Master's Degree	Eritrea	ASY6M
Single	Asylum Seeker	Male	25 - 34	5	Bachelors	Zimbabwe	ASY7M
Single	Asylum Seeker	Male	25 - 34	7	Master's Degree	Somalia	ASY8M

Table 3.3: Permanent residents (N=2)

Marital Status	Category	Gender	Age Group	No. of Years in SA	Highest Educational Achieved	Country of Origin	Respondent Code
Married	Permanent Resident	Male	35 - 49	15	Honours	DRC	PER1M
Separated	Permanent Resident	Female	35 - 49	15	Matric	Rwanda	PER2F

Table 3.4: Service Providers (N=4)

Title/Position	Type of Organisation	Gender	Time in Organisation	Type of Service	Country of Origin	Respondent Code
Manager	Banking	Male	10 Years	Originally served refugees but no longer , due to documentation issues	South Africa	SER1M
Senior Administrator	Department of Home Affairs	Male	2 Years	To provide legal documentation to refugees and asylum seekers	South Africa	SER2M
Manager	Banking	Male	18 Years	Assist refugees and asylum seekers with banking	South Africa	SER3M
Attorney	Legal	Male	17 Years	Conduct litigation on behalf of refugees and asylum seekers	South Africa	SER4M

Twenty-two (85%) of the respondents from the four samples took part in in-depth, semi-structured interviews, while the remaining four (15%) chose to complete the interview schedule in writing because of their inability to meet with the researcher face-to-face, due to demands on their time.

Although the researcher had originally planned to interview 10 refugees and 10 asylum seekers, in the end, the 10th asylum seeker respondent missed the scheduled appointments and dropped out of communication, so the researcher decided to interview an extra refugee respondent, who was willing to take part in the study. As it happened, this ‘extra’ refugee came with a friend, so both were included.

Regarding the asylum seeker who did not participate, those who had referred me to him believed that he had withdrawn because he was newly arrived in South Africa, and, given the tensions around the imminent closure of the Refugee Reception Office (RRO) in Cape Town, he was anxious, and feared that talking to anyone about his challenges could limit his chances of having his asylum-seeker documents renewed.

Most interviews were conducted in four main places most convenient for the respondents, namely home, institutions of higher learning, work and Home Affairs premises. The duration of the interviews ranged from one hour to three hours.

Some respondents from the four samples participated in a second interview, once the researcher went through their responses and had some follow-up questions. The researcher tried to set up face-to-face interviews, but where this was not possible a compromise was reached and the researcher sent them follow-up questions via e-mail, which they returned to the researcher. In the case of service providers, all were interviewed at their places of work.

Although two institutions of higher learning had been part of the sample of service providers and were contacted and responded positively to being part of the study, when the time came to set up interviews with them they did not respond, and ultimately did not form part of the research study.

Overall the researcher had a positive experience during the research, as the sampled informants were very willing to discuss their experiences, and referred the researcher to other potential respondents, as per snowball sampling technique. This may be attributed to the fact that the researcher has worked in civil society and so could be viewed by the respondents as someone with genuine interest and concern for the field.

3.4.1 Design of the interview schedule

An extensive literature review was conducted, which helped inform the main research questions and specific objectives of the research. These were further translated into specific research questions, as posed in the interview schedule for each respective sample. Two versions of the interview schedule, namely interview schedules B and C (see Appendices B and C) were produced to accommodate the three samples obtained.

3.4.2 Pre-testing of the research instrument

A pre-test is the preliminary assessment of a research instrument, which is handed to five people, a group similar to respondents (a service provider, a permanent resident, two refugees and one asylum seeker) prior to conducting the actual study. The pilot sample selected for the pre-test assessment must display similar characteristics to the final study sample. This way, flaws and any other inconsistencies are identified and corrected, rendering the instrument fit for administration in the actual study. The preliminary testing

of the data collection instrument allows for assessment of the completion time required for the research instrument (Brink, 1996).

This preliminary assessment process also allows issues of validity and reliability to be tested and ironed out, "*by ensuring that the [research instrument] is clearly worded, free from subjectivity and solicits relevant information*" (Brink, 1996: 60).

For this study, five respondents who fit the sample characteristics were identified and asked to participate in the pre-test. They did not participate in the final study. However, their feedback and suggestions were used to draw up the final research instrument, the interview schedule.

3.4.3 Population groups and sampling

Four populations were sampled in this study. These were refugees, asylum seekers, permanent residents, and service providers. Usually in studies of this kind, the researcher tries to 'standardise' or 'control' the interview environment, so as to minimise external interference. To achieve this, sometimes the researcher will conduct interviews in the same place or building. I decided to not follow this procedure for several reasons.

Methodologically this was not ideal as several of the refugee and asylum seeker respondents work in odd jobs at odd hours to survive, so if the researcher had insisted on interviewing each one in a standard pre-determined office, the majority of those eligible to participate would not have been able to. For instance, some respondents work night shift as security guards, then go from their shift straight to school. Others study during the day and then go from school straight to work. Insisting on having them come to the pre-determined environment would have excluded them.

Service providers who agreed to be part of the study were senior officials at their respective institutions, who insisted on being interviewed at their institutions.

All the respondents were interviewed in their 'natural' setting, as they mostly chose the environment and venue in which they wanted to be interviewed. This contributed to the respondents' comfort in a familiar environment, showed respect for their rights and helped gain their trust. Being willing to meet them at their place of choice, as well as

spending time in their everyday environment, also helped the researcher in the observation activity.

3.4.4 Semi-structured interviews

Semi-structured interviews were conducted with the selected samples of refugees, asylum seekers, permanent residents, and several service providers. The specific details of refugees, asylum seekers, permanent residents and service provider respondents are presented in Chapter Three, under tables 3.1, 3.2 and 3.3.

3.5 DATA CODING

All primary data obtained in the course of the study were documented in observation notes and a fieldwork diary, to be added later to the data given by the respondents. Quantitative data obtained from the interview schedules was captured in Microsoft Excel, then analysed and transformed into meaningful information. Recorded qualitative data was transcribed, organised, analysed and coded according to the qualitative data analysis method put forward by Tesch (1990), producing meaningful thematic information as well as graphs presented in Chapters Four and Five.

Tesch's method of data analysis method was chosen as the method of qualitative data for a couple of reasons:

First, this method involves simple and straightforward analytical and sequential techniques that help the researcher not only organize, but also intelligently interpret and present data obtained. The second reason is that Tesch's methods are useful for using data of a small sample, thereby eliminating the need to use either expensive or complicated data analysis programmes.

Generally, Tesch, (1990:145) suggest a straightforward ten point approach to qualitative data analysis, which was used in this study and is described below.

1. Get a sense of the whole by reading all the transcripts

After all the interviews had been transcribed, the researcher then proceeded to read the entire batch of transcripts, with the aim of getting a bigger picture of the respondents.

2. Pick one document- go through it, writing thoughts and ask questions related to the objectives of the study

Thereafter the researcher chose one document for each category of respondents and went through it systematically, trying to get a sense of what it was about, as well as emerging ideas and underlying meanings. The researcher wrote those thoughts down on this document, keeping in mind the objectives of the research.

3. After several transcripts have been read make a list of topics.

The researcher continued to do this for several more transcripts, and after that made a list of topics.

4. Cluster together similar topics

Similar or linked topics were identified and labeled using coloured highlighters, and at the end of this exercise these similar topics were clustered together. This process was repeated a couple of more times to ensure accuracy.

5. Go back to the data. Abbreviate the topics as codes and write the codes next to the appropriate segments of the text

Next, the topics identified were abbreviated, turned into codes, which were then written next to the corresponding segments of the text.

6. Find the most descriptive wording for your topics and turn them into categories

This step then sought the most descriptive word for each of these topics, (as related to the objectives of the research) and began grouping them under main theme and categories.

7. Group topics that relate to each other and abbreviate each category

Similar topics relating to each other were grouped together to reduce the number of themes and categories and make them more manageable during data analysis. There after analysis was made and

8. Identify new categories

Emerging unique themes and categories were also clustered together.

9. Alphabetize these categories/codes

The main themes and categories identified were alphabetized for better presentation.

10. Assemble the data belonging to each category in one place, keeping track of what's been done

Data was then data assembled using a logical, coherent schema, and presented under appropriate theme and category, using a combination of text and visual aids, such as maps and tables. In addition to this, actual respondents' quotes were extensively used to support and emphasize points in relation to either a category or theme.

Field notes captured during the study were also captured into Microsoft Word, and added to the relevant parts of the data.

All respondents were divided into four categories as follows: population A (refugees); population B (asylum seekers); population C (permanent residents) and population D (service providers). Each participant's interview schedule was given a unique code to preserve their anonymity, and to denote which population they were part of. This unique code was formed by a combination of the first three letters of population, plus the order in which they completed their interview per sample group (1 to 10), and finally their gender. Thus unique code REF1M denotes refugee respondent 1, who is male. Similarly, ASY8F is the code for the 8th asylum seeker interviewed, who is female, and SER4M means the 4th service provider interviewed, whose gender is male; and so on.

The purpose of creating such elaborate respondents codes was to help the reader keep in mind the information of the respondents, and have this picture of the respondent in mind when reading, keeping the information and the respondents in context.

3.6 ETHICAL CONSIDERATIONS

According to (Dey, 1993) a research design should always reflect careful attention to ethical issues embodied in research projects. The essential purpose of ethical research planning is to protect the welfare rights of research participants. Consequently, the five pillars of ethical research that an ethical researcher should follow are:

1. Do no harm.
2. Do not deceive and always keep your word.
3. Observe and keep the privacy and confidentiality of the participants.
4. Voluntary participation and
5. Openness of purpose and intended outcome.

The researcher took steps to ensure that the participants were informed of their right to participate voluntarily, and to withdraw from the study at any time should they wish, without being obliged to complete the interview, or being compelled to provide reasons for their withdrawal.

With regard to the issue of confidentiality, the researcher informed participants their responses would not be linked to them in any manner whatsoever, by the researcher or in the writing of the report, unless they indicated otherwise and gave their consent. This was especially important for respondents in populations A (refugees) and B (asylum seekers), as the topic under investigation had the potential to be very sensitive for them, and they needed to feel that their responses would not and could not be used against them.

In addition, the researcher informed the respondents that should they be interested in obtaining a copy of the thesis, she would be willing to provide it.

In keeping with the above sentiment from Dey (1993), which emphasizes the researcher's role in protecting the welfare of the research participants, the researcher followed UCT's the Code of Research Ethics, by obtaining permission from the Ethics committee of Higher Degrees of the University of Cape Town to carry out the study. Mostly, the researcher took necessary steps (such as briefing sessions) to ensure that the participants were informed of their right to participate voluntarily, and of withdrawing from the study

at any time they wished to do so, without being obliged to first complete the study, or being compelled to provide reasons for their withdrawal.

Furthermore, due to the sensitivity of the research topic, the researcher made arrangements with her host NGO, who in turn liaised with one of their relevant partner institutions to make counseling services available (free of charge) for those respondents who might experience emotional or psychological distress as a result of participating in the study. Nonwithstanding the availability of this service, only one participant experienced some emotional discomfort during the course of this study. Despite being offered this readily available service to her though her discomfort, she declined. Lastly, the researcher promised to make available the final research report to the respondents, should they be interested in obtaining a copy.

3.7 RESEARCHER'S SELF-REFLECTION

Self-reflection or reflexive analysis is the process through which a researcher constantly checks on their role and potential influence in the context of the study, and makes sure the influence does not affect or influence the study in any way (Terre Blanche & Durrheim, 1999).

Therefore, the researcher was continuously aware of the power and influence she could wield in the research process, especially with regard to participants, and tried to minimise, or eliminate, that influence stemming from her identity and 'power' position as a researcher by becoming more approachable in using the language that the respondents were comfortable with. This is because such influences can cause bias in the research, causing the findings to be flawed, and eliminating the objectivity and validity of the research, which are central to the research process (Babbie & Mouton, 2001; Terre Blanche & Durrheim, 1999).

In some instances, I chose to ease into the interview process, by first using icebreakers to allow respondents to interact with me freely and put them at ease before launching into the questions. I also was very open and approachable, and always let respondents ask questions to clarify things and put them more at ease.

Several ethical challenges faced the researcher during the course of conducting this study. The first was the sensitivity attached to the subject and the position of the respondents themselves that twice resulted in respondents breaking down and crying.

In the first instance, a permanent resident respondent broke down when she discussed the guilt and sense of helplessness she felt for having achieved her permanent residency status, while her elderly mother had received more than 10 extensions of her asylum seeker papers, and was facing an uncertain future. At this point the researcher stopped the interview and simply listened as a fellow human being. Once the respondent had calmed down the researcher reminded her that she could still withdraw from the study if she wished, but she insisted on completing the interview.

A service provider respondent became deeply upset during an interview, lamenting the situation that refugees and asylum seekers find themselves in. He asked the researcher to pause the recording and then launched into detailed and highly sensitive information regarding where he felt the responsibility for the challenges experienced lay. Although this provided rich and insightful information, it could not be used in the study because of ethical considerations surrounding the circumstances under which it was obtained.

Finally, as the interviews took place at the time when the closure of the Cape Town Refugee Reception Offices was imminent, and emotions, fears and expectations were high with regard to what the researcher could achieve with the research. Consequently the researcher had to remind the respondents that any expectations for the research to impact said closure were unrealistic and beyond the scope of the study.

3.8 LIMITATIONS

Usually a researcher uses a voice-recorder to capture the interviews, so as to be able to devote full attention to the respondents. However, this was not always possible in this study, especially when the interviews were conducted in public spaces, such as at the Department of Home Affairs (DHA) offices, where some respondents had gone for documentation purposes, or at institutions of higher learning, where others were studying. These environments were too noisy, and would affect the quality of the audio recorded and it attracted the unwanted attention of security guards at the DHA, who became

hostile. On one occasion this caused an unnecessary commotion, disturbing other people in the vicinity as people become curious. In these instances the researcher took notes, and recorded only absolutely essential quotes. This also ensured that people were able to stay in their place in the queue (for example at Home Affairs), and so they did not have to forfeit their place to participate in the interview. However, this was a challenge for the researcher, as she had to be extra alert to monitor the change in mood in the crowds around her, and keep focused on the respondent being interviewed.

CHAPTER 4: PRESENTATION AND DISCUSSION OF RESEARCH FINDINGS

4.1 INTRODUCTION

This chapter is divided into two parts. The first part gives a general overview of refugee- and asylum seeker statistics in South Africa and in Cape Town. It also presents the geographic and socio-economic characteristics of the area under study, Cape Town. The second part looks at the research findings. Findings are presented starting with the demographic details of the respondents, their reasons for coming to South Africa, and the challenges identified by respondents. Key findings surrounding identity documents are presented. Last, perspectives of respondents on the role of identity documents in integration are presented, analysed and discussed.

4.2 SOUTH AFRICAN REFUGEE AND ASYLUM SEEKER STATISTICS

As a relatively stable country on the continent, South Africa has become a nexus for migration flows, much of it under the asylum-seeking regime. According to UNHCR (2013), South Africa currently hosts over 60,000 refugees, and has received and is processing over 200,000 asylum seeker applicants, as illustrated in the table below.

Table 4.1: Number of people under the asylum regime in South Africa

Country/territory of asylum	REFUGEES				
	Refugees	People in refugee-like situations	Total refugees and people in refugee-like situations	Of whom assisted by UNHCR	Asylum Seekers (pending cases)
South Africa	65,233	-	65,233	-	230,442

Source: United Nations High Commissioner for Refugees, Midyear Asylum Trends 2013:16.

4.2.1 Western Cape and Cape Town refugee and asylum seeker statistics

Although national statistics exist, provincial- and city- specific statistics remain elusive. The UNHCR and DHA only release country-specific statistics, but tentative reports, such as the Trauma and Violence Report (Cape Town Refugee Forum, 1996), which claimed that there were 4,380 refugees in the Western Cape region, are more than a decade old, and therefore not useful for the purposes of this study.

Some local Non-Governmental Organisations (NGOs) and newspapers have attempted to quantify the number for foreigners in the province in general and refugees and asylum seekers in particular. For instance, a 2000 *Cape Argus* article (quoted in Boaden, 2002:8) placed the number of refugees in Cape Town in 1999 at 14,000 (without mentioning the source), but the Cape Town Refugee Centre estimated the number at only 11,900 (Boaden, 2002:9).

Dorrington (2002), also quoted in Boaden (2002:8), suggested the number of foreigners in the Western Cape at the time as being between 60,000 and 80,000 people. However, this estimate is problematic for the purposes of this research study because it lumps all 'foreigners' together, without distinguishing between refugees and asylum seekers, migrant and seasonal workers, undocumented migrants, 'illegal' migrants, and any other type of non-local persons who may have been living there under the immigration regime.

Most recently, the 2011 national population census (Statistics South Africa, 2011:43) placed the number of foreigners in the Western Cape at 186,807, or 3,2% of the Western Cape's total population of 5,635,830. However, even if accurate, this number includes all non-citizens living in the Western Cape province at the time of the census and not just refugees and asylum seekers.

Consequently a suitable set of nuanced statistics for refugees and asylum seekers in the province, specifically Cape Town, does not exist. During this research, a set of estimates for the number of refugee and asylum seekers currently residing in the Western Cape was constructed. This was based on the 2011 Census data and information from the UNHCR *Mid-Year Trends Report* (UNHCR, 2013). According to the researcher's estimates, the Western Cape refugee population stands at 7,248³ with the number of asylum seekers at 25,604.⁴

³ Assuming equal distribution: 65,233 refugees nationally ÷ 9 provinces = 7,248 refugees per province

⁴ 230,442 asylum seekers in total ÷ 9 provinces, assuming equal distribution = 25,604 asylum seekers per province.

Table 4.2: National and provincial refugees and asylum seekers in South Africa⁵

National Statistics*	Total	Provinces	Average per province
Refugees	65,233*	9	7,248**
Asylum Seekers	230,442*	9	25,604**

Source: Stats SA (2011); UNHCR (2013)

Notes

* Per UNHCR statistics 2012 - 2013.

** Average number of refugees and asylum seekers, respectively, per province, calculated by the researcher using existing UNHCR, and Census data.

4.2.2 Geographic and socio-economic characteristics of Cape Town

Cape Town is the provincial capital of the Western Cape Province, and is located at the southernmost tip of the country. Partly landlocked and partly coastal, it is surrounded in the northwest by a national park, the east by the Indian Ocean, on the west by the Atlantic Ocean, and in the South by Cape Point. According to the City of Cape Town (City of Cape Town, 2012:1), Cape Town is home to 3,740, 025 people, mainly South Africans of four major races including Black Africans (38.6%), Coloureds (42.4%), Whites (15.7 %) and Asians (1.4%) (City of Cape Town, 2012:2).

The official languages of the city are English, Afrikaans and isiXhosa, whilst French, German, isiZulu, and Dutch are also spoken by some of the City's inhabitants.

Although a major role player in South Africa's economy, driven by its vibrant tourism industry, Cape Town is also one of South Africa's most unequal cities in terms of wealth distribution, and has been tapped as one of the most expensive cities to live in in South Africa (Statistics South Africa, 2011).

Its location has various implications for refugees and asylum seekers. It is remote from the major entry points on the northern and eastern borders of Limpopo and Durban respectively, which means it is literally the last stop for any asylum seeker or refugee from the north, and consequently only the most persistent of these ever reach there. The tough socio-economic conditions also mean that only the most resilient of the refugee and

⁵ These calculations do not take into consideration the recent wave of closures of RROs across the country, which took place in late 2012 and early 2013 and saw 95% of RROs not accepting new comers, causing a large number of refugees and asylum seekers to flock to the 5% of the still open RROs.

asylum seekers arriving there will survive, much less thrive. Nevertheless, being the home to the only Refugee Reception Office (RRO) in the province means it is the top choice of refugees and asylum seekers resident in the province, as staying within close proximity to the DHA offices facilitates the frequent renewal of their identity documents.

4.3 RESULTS OF THE STUDY

This section deals with the presentation and analysis of the study results. It begins with a discussion of the demographic details of the refugee, asylum seeker and permanent resident respondents, to obtain a picture of who they are. The section then follows on to present the experiences of refugee, asylum seeker and permanent resident respondents in terms of identity documents and integration. The chapter concludes with views from service providers regarding identity documents and the integration of refugees and asylum seekers.

4.3.1 Demographic information

The race, gender and linguistic features of the refugee, asylum seeker and permanent resident respondents paint a heterogeneous picture. More information regarding their demographic details of the respondents is captured in Tables 3.1, 3.2 and 3.3 found in Chapter Three, while Figure 4.1 shows the countries from which the respondents originated.

4.3.1.1 Country of origin



Figure 4.1: Countries of origin of respondents

Only two respondents (one from Sierra Leone and one from Zimbabwe) were English first-language speakers. However, the interviews were conducted in English, as all respondents were sufficiently proficient in English.

4.3.1.2 Gender

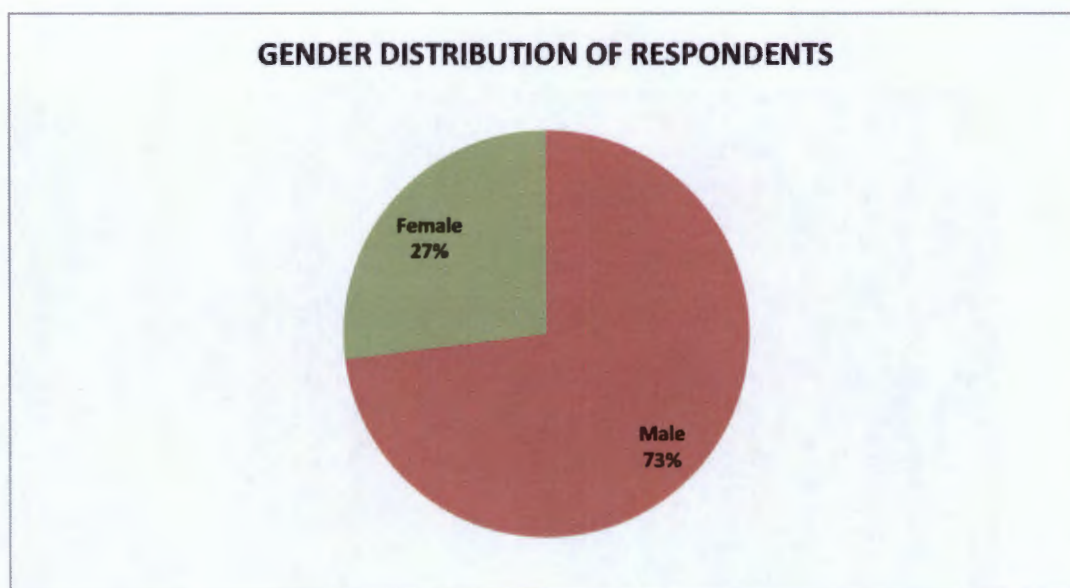


Figure 4.2: Gender distribution of respondents

The tabulated data in Chapter 3, under Tables 3.1, 3.2, 3.3 and 3.4 provides a more detailed picture of the gender composition of the respondents. In both the refugee and asylum study populations, males dominated, except in the permanent resident study population, where the gender distribution was equal.

The first possible factor is that fleeing into uncharted lands is often a hazardous and challenging endeavor, usually undertaken by able-bodied young males who have fewer ties and responsibilities in their countries of origin, and a greater length of their remaining lifetimes ahead of them, so survival and a new life elsewhere are priorities. Another possible reason is that generally in African households men are the primary providers and decision makers, and as a result are more visible, increasing their chances of being part of such a sample, whilst the women are more home-based.

Some authors have suggested that young female refugees and asylum seekers do flee adverse conditions, but in smaller numbers than males (Kavuro & Wamundiya, 2010). Typically, females are less physically fit and able to endure the migration journey through some extremely challenging conditions, whilst still being expected to perform their domestic roles during the migration journey (United Nations High Commissioner

for Refugees, 2008-2009). These factors potentially reduce their physical capability to reach their end destination.

4.3.1.3 Age

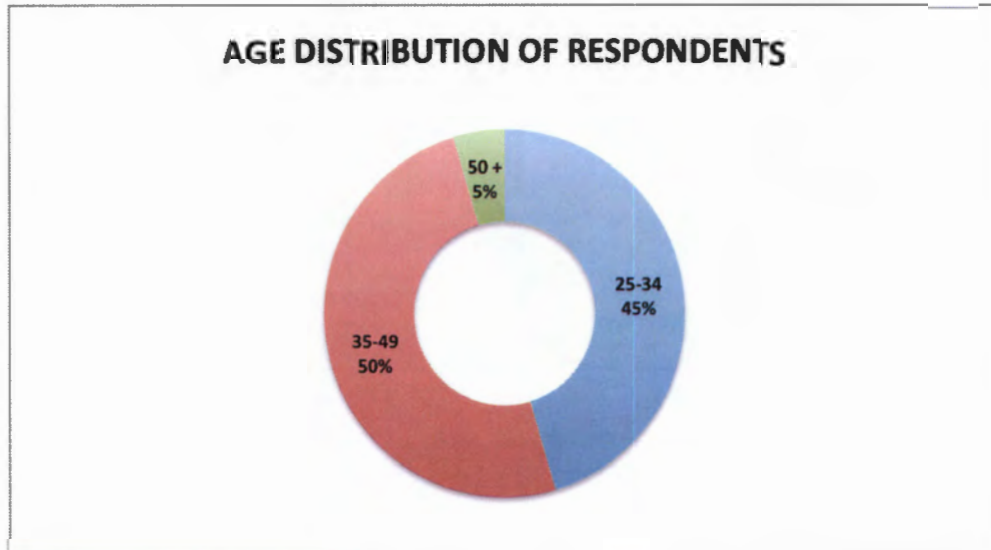


Figure 4.3: Age distribution of respondents

Ten (45%) respondents were within the 25-34 age range. Eleven (50%) of the respondents were within the 34-49 age category, and 1 respondent (5%) fell within the 50+ age group. More information on age is presented in Tables 3.1, 3.2 and 3.3 in Chapter 3.

4.3.1.4 Highest qualifications of Respondents

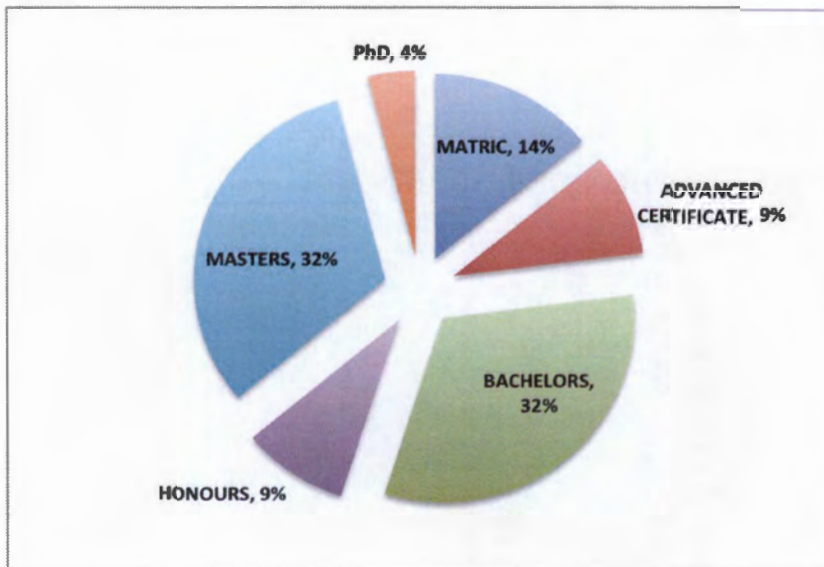


Figure 4.4: Highest qualifications held

All the respondents held at least a matric certificate, with 86% of respondents holding post-matric qualifications: 10 (45%) held a post-graduate degree, 7 (32%) a Bachelor's degree and 2 (9%) an advanced Certificate or Diploma.

4.3.1.5 Countries where highest education was undertaken

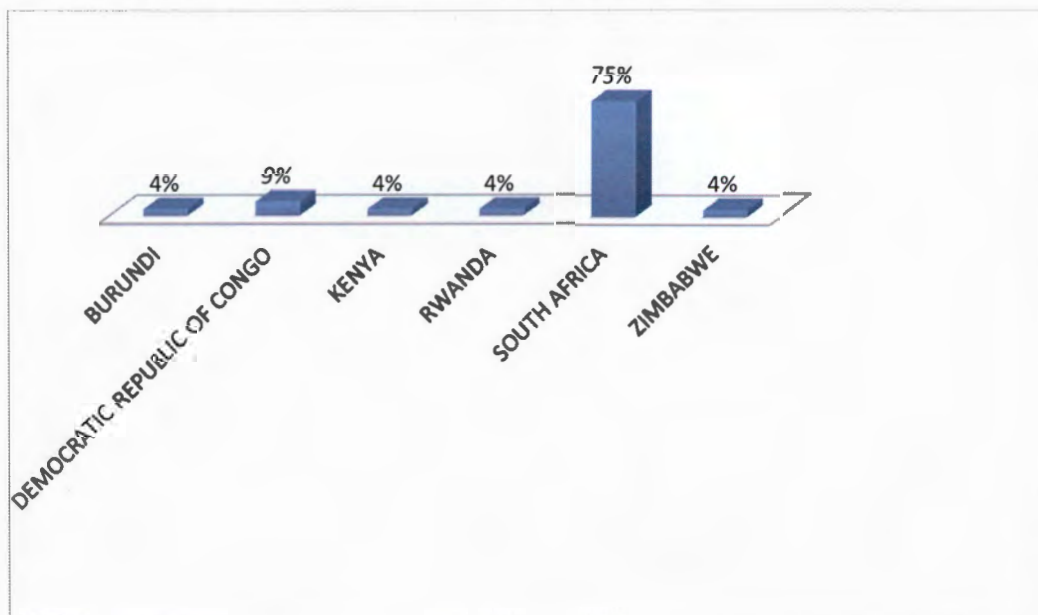


Figure 4.5: Countries where highest qualification was obtained

Sixteen (75%) respondents received their highest educational qualifications in South Africa. Although not part of the research questions, some respondents (six), when asked if employed indicated that they were still pursuing a higher degree in South Africa, either in the same field as they studied for prior, or in a completely different field.

4.3.1.6 Marital status of respondents

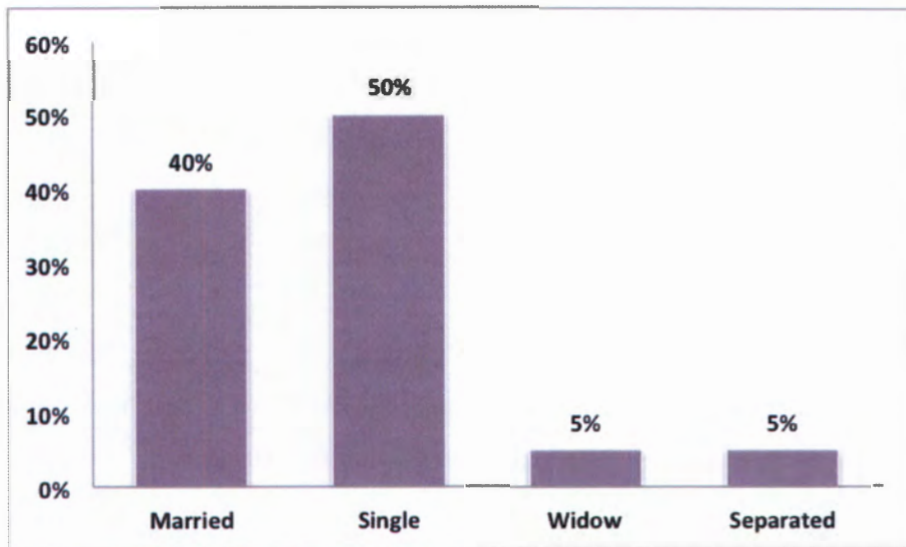


Figure 4.6: Marital status of respondents

As tabulated above, 50% of respondents were single, 40% were married and those widowed or separated fell at 5% respectively. See Tables 3.1, 3.2 and 3.3 for a better understanding of how marital status relates to other demographic details of the respondents.

4.3.1.7 Reasons for coming to South Africa

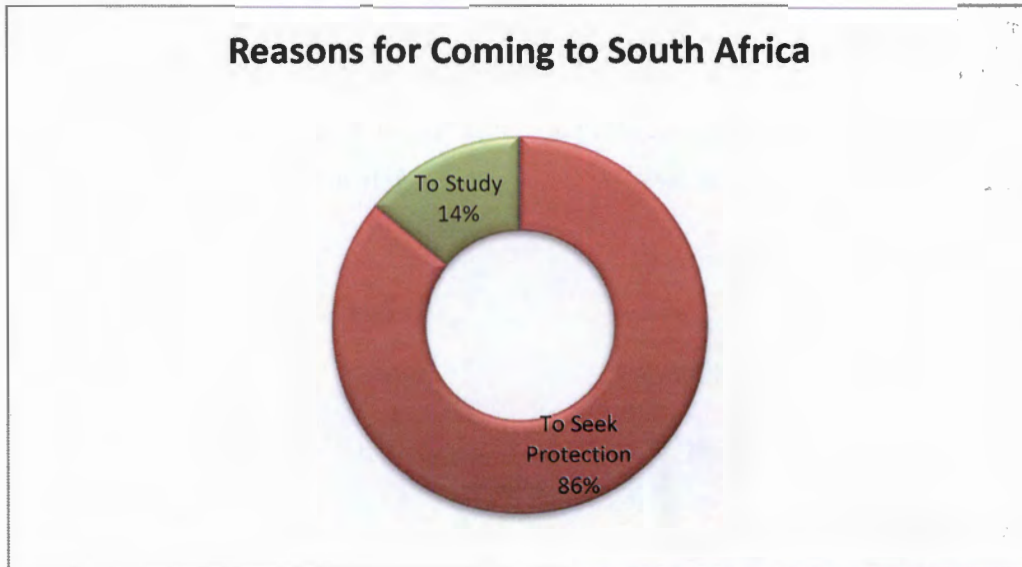


Figure 4.7: Respondents' reasons for coming to South Africa

Eighty-six percent of respondents stated they had come to South Africa as a result of conflict in their own countries, to seek asylum and refuge in South Africa:

"I came here because of the war in my country, mostly political reasons" ASY1M

"I came to South Africa because of the politicals [sic] in my country" ASY2M

"To seek refuge from war in my country" REF8F

"I came to South Africa because of war in the eastern part of my country; there was oppression, political unrest and insecurities". PER1M

No respondents indicated they had come to look for employment, debunking the popularly held myth that all refugees and asylum seekers only come to South Africa to work. Fourteen percent indicated they had come to South Africa to study. One asylum seeker respondent, currently on a work permit, had come initially on a scholarship, completed his studies and returned home, then was forced to flee his home due to civil wars.

4.3.2 Issues surrounding identity documents

The results of the study illustrated, sometimes poignantly, the multitude of problems faced by asylum seekers and refugees. These are summarised in Table 4.3 and are discussed in the sections below.

Table 4.3: Key issues surrounding identity documents

THEME	CATEGORY
Administrative Injustice and Limbo	Administrative discrimination
	Uncertainty around receiving identity document applied for
	No 'guarantee' of full integration
Policy	Lack of implementation
	Stand-alone/non-integrated policy
	Case file sharing challenges
Political	Lack of clear and decisive leadership
	Political liability
	Hardening of attitudes
	Closure of RROs
Transition Process	Long, uncertain, complicated
Identity Documents	Types of documents issued
	Format
	Validity
	Authenticity
	Lack of standardisation

4.3.2.1 Administrative Injustice and Limbo

One of the key issues that emerged from the study was the administrative injustice and uncertainty experienced by respondents as a result of very long and uncertain transition process, which left many respondents in limbo and with no guarantee that full integration, in this case citizenship would be attained, despite fulfilling all the requirements. As respondent PER1M succinctly put it

“...if an asylum comes into a country and applies for asylum, and does not fit the criteria, they should be able to give them a response, a final decision within 6 months, so that they know what to do with their life. Rather than keeping them for twenty years in the country; they get used to the country, they hope for a favourable outcome, then you give them all of a sudden 14 days to leave the country. That is very unfair. After they've had kids...here and the children are [grown] and you are asking people to leave? To where, within 14 to 30 days?”

4.3.2.2 Policy

At policy level, two key issues have been identified. The first is that as progressive a policy document as the Refugees Act is, its subsequent regulations and amendments have seemingly been mainly concerned with short-term reception challenges of refugees and asylum seekers, as opposed to long term solution planning. This in itself is a contradiction to the main intent of the policy, which is local integration. Consequently there is a lack of inter-policy dialogue and collaboration between the Refugee Act and other policies such as the Broad Based Black Economic Empowerment (BBBEE) Act of 2003, (South Africa. Department of Trade and Industry, 2003) or even the Employment Equity (EEA) Act of 1998 (South Africa. Department of Labour, 1998), all which are critical in facilitating socio-economic opportunities for anyone who intends to integrate in South Africa. However none of these 'redress' policies speak to the Refugees Act, or make provisions for this vulnerable group. For example a recognised refugee in South Africa, as well as a bona fide asylum seeker should be accorded treatment as that of a South African citizen, with the exception of voting (Refugee Act, 1998). However, due to the historical racial discrimination policies of the Apartheid regime, the current South African government has implemented redress policies, policies like BBBEE and EEA mentioned above, which are aimed at favouring those identified as 'previously disadvantaged', in terms of education, employment, as well as in other socioeconomic opportunities. In South Africa the category of 'previously disadvantaged' is well demarcated, and is indicated as being 'people of Black, Coloured and Indian descent, who have been previously disadvantaged under the apartheid system'. (South Africa. Department of Trade and Industry, 2003). Consequently although most refugees and asylum seekers are black and certainly in a position of vulnerability and disadvantage, do not fit into the redress policies which are currently espoused, nor are they provided for elsewhere in this regard. Consequently, refugees and asylum seekers, because among other things they lack proper documentation, are in fact classified generally as foreigners, meaning that employing them is equivalent to employing another foreigner, which, according to the general trend of South Africa's labour laws should be done only as a last resort if no qualified citizen is found, and if done, incurs punitive costs for the employer, causing many employers to shy away from employing refugees and asylum seekers.

As explained by PER1M:

“Well the challenges originate from the labour law of this country, when certain position come up they have criterias, they are ammended to certain categories of people and if you do not fit in those criterion of the definition of a potential to occupy the position then you are not qualified and that is mostly blacks and that falls under the Black Economic Empowerment and the Employment Equity Act, and if you do not fit the description of a black person being formally marginalised black or Indian then you are not qualified. I have sent many applications and I have never been called even for a single interview.”

Secondly, in terms of key challenges experienced at policy level, there is are big challenges resulting from a family being part of the ‘main applicant’s file’, in many cases the father, which incurs punitive measures should one of the ‘dependents’ wish to separate from the main applicant. These challenges are discussed in detail later on in this Chapter under the subheading ‘Case File sharing’.

4.3.2.3 Political

Political sentiment as well as Leadership also has been identified as playing a key role in the direction and decisions taken at the Department of Home Affairs. In this case 2 respondents’ (10%) indicated that usually they could judge what was happening to them personally in terms of documentation as a direct reflection of the sentiments and priorities of the departmental leader at the time. According to REF7M:

“I remember the minister of Home Affairs was Mr. Mangosuthu Buthelezi as he was the chief of Home Affairs that time and I remember what I receive from Home Affairs it was 2000, ...I mean it was it was 19 June yeah then I receive I get a permit, I ah get a temporary permit. But I want to go a little bit back to the permit because the permit was, on my permit was saying employment and studies prohibited. And once, you can imagine once you receive that permit paper say employment and studies prohibited, where, where you gonna, I mean if someone give you, if the government give you the paper say employment and studies prohibited, what is the government accepting you to do with that paper? You can’t study and you can’t even work. So which means they throw you in the street, they say go, what throw you on the street, what are you gonna do on the street? They want, they send you to rob the people, they send you to do a crime, what?”

Consequently the perception is that during some administration terms of certain officials things have run more smoothly and conditions ameliorated, while in other leader’s time

in office things have deteriorated and stagnated. Some service providers concur.

According to SER4M

“Yeah its unfortunate that Malusi Gigaba was Deputy Minister [of Home Affairs] for a short time as he was, because he seemed to take a... pragmatic, yet sympathetic approach to asylum seekers and refugees. It is unfortunate that there is no continuity”.

Also respondents have expressed sentiments that the political climate or mood in the country at any given time affects them and the services issued by Home Affairs, and overrides current policy, putting them at risk. According to SER4M, there has been a hardening of attitudes with regards to refugee and asylum seekers, and the recent closure of the refugee reception offices across the country is a clear manifestation thereof. In SER4M words:

“ I don't know if you've seen the [African National Congress] ANC discussion document called Peace and Security? It's a disgrace. But It's the manifestation of the uh, the hardening of discrimination against migrants and asylum seekers. Uh and that attitude is prevalent, and yes, whether its regarded as a priority or not important or just, I don't know, but I mean if they appointed more people to the Standing Committee, the results wouldn't necessarily, especially if they briefed them the way they wanted, the results wouldn't necessarily be better for asylum seekers but at least they would more efficient. At least they might be able to take into account ... or do a bit of research uh, about things but its not happening. Uh and I think, sorry before I go on to that, this issue of 27 (c) the same principle seemed to me to have applied to the Angolans. Really there are so few Angolans in South Africa; I think there are 15,000. To insist on the the majority of them going back to Angola is just ludicrous, and uh hostile. You know it clearly shows an opposition to giving residence, or naturalization to people from other countries uh, uh...and the same thing is manifested with these uh applications for 27(c)s as far as I am concerned... Uh you know far worse for me has been this crazed notion which is by the way unlawful, we've got 4, [another law firm] and ourselves we've got 4 court orders over the years by consent saying that if you originally got your permit in Johannesburg or Port Elizabeth or Pretoria, and you now live in Cape Town, you can have your matter processed in Cape Town. Last year all of a sudden they started saying no, you must go back to your original office, and that's caused great hardship, financial, social, educational, and work related to asylum seekers and even refugees who got their document in other areas, they refused to transfer documents, all this kind of thing. It all nightmarish, all allied to this would be closure of the ...of the Refugee Reception Offices.

But to show you the attitude of Home Affairs, there are now about 600 names on the list of people who've been told to go to other Centres. But Home Affairs says

no, so there is clearly a class, but Home Affairs won't help people who are not on the list. Can you believe it? It's clearly a principle relying on that. So uh, you know, the attitude has become worse there is uh...and Judge Davis commented on it quite recently, he said there is a mean spiritedness prevalent in South Africa which is particularly sad and ironic given the assistance SADC [and African] countries gave to South African exiles during the struggle."

What is interesting about the above is the perceptiveness of the respondents, and how accurate that has been. For instance although the closure of the refugee reception offices across the country has been implemented, it was done without any clear legal or policy backing or foundation. However, what seemed to have triggered this is the African National Congress (ANC) Peace and Security discussion document (as mentioned by SER4M) emergent from the ANC Polokwane annual policy conference in which proposals were made to close all urban refugee reception offices, and move them to the northern borders of the country, where it is perceived that the majority of migrants emerge from, although even this perception is a fallacy and clearly prejudicial towards African migrants. Despite this document being simply a discussion document of the current ruling party with no clear policy standing, all RROs have been closed, despite vigorous legal challenges from NGOs on the illegality of such decisions, with the Cape Town Refugee Reception Office being the last one closing down.

4.3.2.4 Transition process

In South Africa, being issued with an identity document, whether as a refugee or asylum seeker, marks the first step in the process of legalisation, and the beginning of their a life in a new country. Figure 4.8 below shows the number of years it typically takes for an asylum seeker and refugee to transition through each stage on the way to naturalisation, the highest stage of integration. (This process was also discussed in Section 2.1)



Figure 4.8: The road to naturalisation: from asylum seeker to citizen

However, as the following section describes, the transition process is not easy. First amongst many problems are those associated with the identification documents themselves: the types, format, validity and authenticity.

4.3.2.5 Types of identity documents held

Figure 4.9 below shows the different identity documents held by respondents at the time the research was conducted.

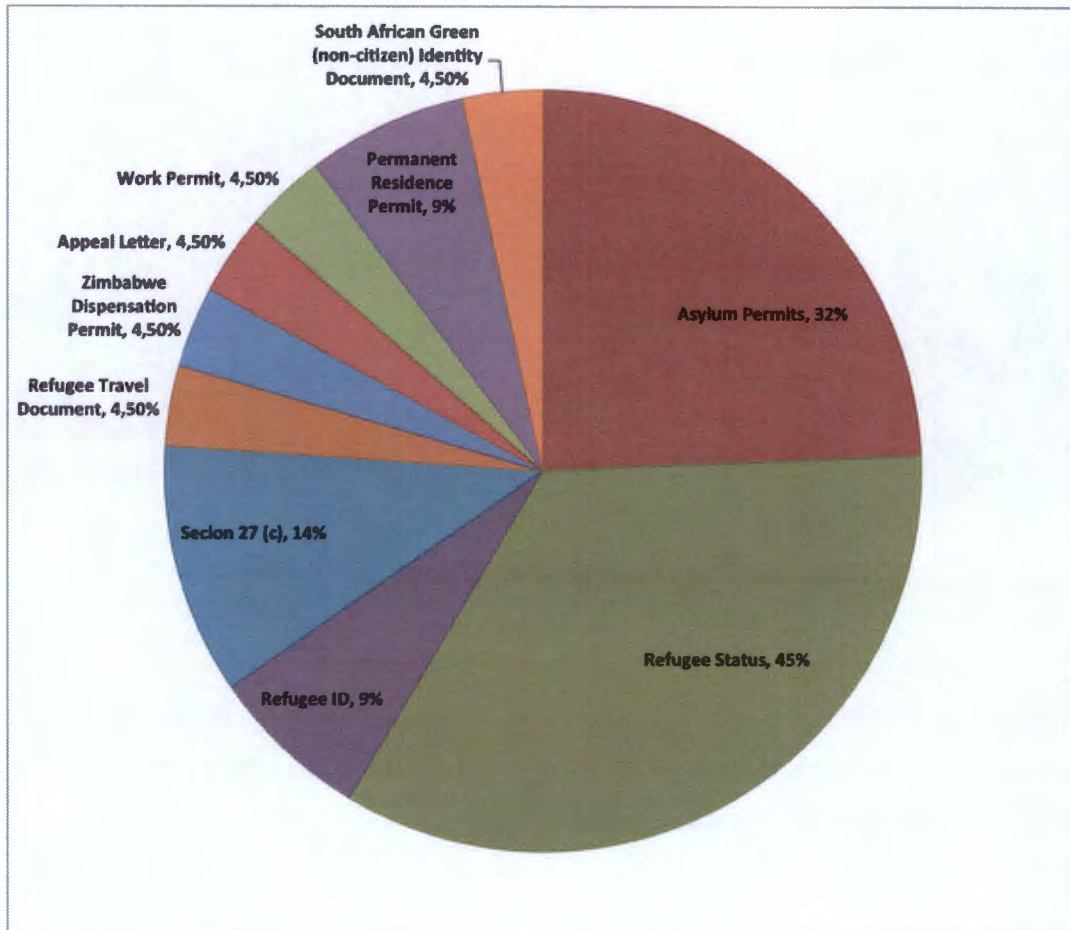


Figure 4.9: Types of refugee and asylum seeker identity documents held

On average the study found that a typical respondent had been issued with four 'identity documents' over a span of five years, ranging from rejection letters to asylum permits, refugee permits, Zimbabwe Dispensation Permits (ZDP) and refugee identity documents. This is why the total percentage of identity documents held (illustrated above) adds up to more than 100%, as several respondents were in possession of more than one identity document at the time of the study.

Typically, being in possession of more than one identity document at a given moment is procedural, as it corresponds to the various legal stages a refugee and asylum seeker must go through to obtain permanent residency and then citizenship, assuming they apply for these. However, 95% of respondents expressed frustration with having different documents for the same category, such as a refugee ID and a refugee status. They saw this as being cumbersome, creating silos, and resulting in some documents being given greater weight than others in the same category.

For instance a refugee will first receive the refugee status (less an identification document than a certificate – see figure 4.10 and 4.11 for a visual comparison of these documents), then eventually the maroon Refugee ID book. Essentially both serve the same function, which is to attest that the holder is a bona fide refugee, is legally recognised by South Africa and is allowed to access socio-economic rights similar to those of South African citizens. The only difference between these two documents is in their formats. Because of this ‘duality’, some service providers have created systems that recognise only one of the two, say the Refugee ID book, which, similarly to the South African Green ID has 13 digits and is easily processed into the system. This precludes those refugees who do not receive a Refugee ID, for the various reasons discussed in this study from accessing services from the service provider in question.

Another frequent issue is that services, for example bank accounts, are frozen when the Refugee ID expires. In practice, a Refugee status document and a Refugee ID expire simultaneously, because they are synchronized so that they will expire at the same time. However, it takes less time for the Refugee status to be renewed, and more time for the Refugee ID. In this regard, 65% of respondents reported trying unsuccessfully to use their newly renewed Refugee status document to re-activate services that had been suspended during their documents’ expiration gap. However, service providers insisted on these respondents presenting the original identity document used initially to access services, in this case the Refugee ID, which these respondents did not have as it had not been renewed.

Thus one can recognise three refugee subgroups if one examines the kind of services they are able to access or not access with their identity documents. The first subgroup consists

of refugees able to access services because they have all the required types of IDs. The second subgroup consists of those not able to access services because the identity document they hold does not correspond with service provider requirements. Finally, there are those who were able to access certain services initially but can no longer do so because their documents have expired and they are experiencing delays in their renewal.

Most respondents (63%) did not contest the steps themselves, but rather the administrative failures that make going through the steps and achieving full integration a challenge, and the fact that service providers can act unilaterally. Respondents gave examples of individuals becoming stuck at one step or the other. For example two siblings, a brother and sister, arrive in the country at the same time, with similar challenges. Both will be given an asylum seeker permit, but 10 years later the sister may have received Section 27(c) certification, allowing her to apply for permanent residency, while the brother may still be on asylum permit. Despite this 10 year time investment, the brother will still have to go through the different stages until he reaches citizenship, which could take another 10 years, making his a 20-year integration journey. The challenge is that the steps that should have assisted the transition process often become the stumbling blocks, and currently there is no administrative way, such as fast-tracking to address this.

To obviate these problems, some refugees and asylum seekers have clandestinely obtained passports from their home countries, which they use in lieu of South African identity documents. While these may be legal in their home countries, they are without visas, and do not permit the holder's legal presence in South Africa. These passports help some respondents circumvent having, or even not having, valid refugee and asylum seeker identity documents.

4.3.2.6 Format and validity

Although respondents were grateful that they were issued with identity documents, they also highlighted the documents' format, validity, and authenticity as being hurdles.

Format

Seven out of 10 identity documents issued to the respondents are A4-sized pieces of paper, certificate style, which, according to SER2M, in terms of practicality are meant more for archiving purposes as opposed to everyday usage.



Figure 4.10: 'The Status', certificate of recognition of refugee status

Later in the process of integration, refugees are issued maroon Refugee ID books. These differ greatly from those issued to locals for purposes of identification, as shown below:



Figure 4.11: Maroon Refugee Identity Card



Figure 4.12: South African national green identity document



Figure 4.13: Front and back covers of new national identity 'smart card' to be issued only to citizens

(Source for all above: www.dha.gov.za)

According to 54,54% of the refugee, asylum seeker and permanent resident respondents, the format of the refugee and asylum identity documents are problematic for several reasons. First, the A4 format is very different to the ID booklet form issued to citizens.

Consequently very few institutions and business recognise it, making it difficult for the refugee and asylum seeker holder to access basic services, as service providers do not understand the document itself or the rights enshrined therein. This is true of service providers in general and even essential service providers, such as the police, who aren't always aware of them or their significance.

According to ASY2M,

“I went to certify at police station, I went to Police Station, to certify, and I gave them the original, and then she say me, ah, ‘We cannot certify this kind of paper, is a paper’ (respondent laughs sadly), so this Home Affairs give me, is given by Home Affairs, so why you don’t want to certify? Do you explain to me the reason why you don’t want to certify? She don’t have a reason and she just keep quiet and look at me. Unfortunately I tried to ask again, no answer, I went. So I don’t carry this paper now, because they say white paper and I am just walking on the way even what’s happened to me when I am walking on Sea Point, I am staying around Sea Point, the police officer, they just uh stop me on the way. They ask me ‘Who are you?’ They ask me (points to his chest), they ask me who am I? Ok, I am John⁶. ‘So Where is your ID?’ I try to explain them, I don’t have ID. So they say, ‘Where is your permit?’ I try to just remember what that other police officers they tell me, and then I say ‘I don’t have this ID, I have a permit’, and they say ‘Where is it?’ ‘I don’t carry anymore’. ‘Why?’ they ask me ‘Why?’ ‘Because they say me they don’t certify this kind of paper, it’s not accepted anywhere that is why I don’t carry that paper’. And then I just show them my student ID. So this is accepted, that is not accepted. So that what’s happen to me in day life”.

Another challenge is the identification number used in these documents. For refugee and asylum seekers, a DBR or CTR or PTA number is issued, linked with six numbers, making a 9 letter/number combination, for example DBR/005145/00. A South African citizen’s identity document is made of a combination of a few features, which culminate in a unique 13-digit identity number, such as 900726 3637 083, which is linked to several national systems, including the National Credit Bureau.

This sophisticated system means that at any point anywhere in the country a green ID holder can be immediately identified, by simply calling up their identity number. On the other hand the refugee and asylum seeker identity numbers exist only in the RROs database, meaning that there is no way for a potential service provider to access the

⁶ Respondent’s name changed to protect his identity

information, making it very difficult for refugees and asylum seekers to engage meaningfully or integrate fully within the system. Two service provider respondents also mentioned that the format of the identity documents causes problems because they are perceived as easily forged, and therefore used in fraudulent activities.

According to SER5M,

“Yes, previously refugees and asylum seekers were allowed to access some of our services, but not all options were open to refugees. They could open normal, low-level account transaction or entry-level accounts but no bonds or higher level accounts. This is an internal policy because we require normal documents, an ID number that is a valid number, to operate. Asylums don’t have it and it makes it extremely difficult for the bank to work with. You must understand that our accounts are designed for residents, permanent residents, and citizens. This is because our systems are linked to the ID systems linked to the National Credit Bureau, based on IDs, so in the case of attempted use of fraudulent IDs or to verify their credit records, for example, you can easily verify within the national system at our finger tips and pick up such problems...” “With refugee and asylum identity documents you can’t...So there are risks for non-residents and non-citizens”.

Validity and Authenticity

The issue of validity was another challenge faced by the majority of respondents. Given that the refugee and asylum documents expire, while the South African one does not, it creates a mismatch between the refugees and asylum seekers trying to access a service, and service providers trying to provide a service. Refugee and asylum seekers explained that when their documents expired, they were unable to open or keep open a bank account; those with open accounts open received suspension notices when their identity documents’ validity dates expired, and they could not access their funds.

SER3M explained this as such:

“Yes, we now require verification of all refugee and asylum seeker permits. If you go back a couple of years, you came in with your document and they would open an account immediately. We would open the account immediately and you would be able to transact. There has been changes obviously now ... If you have refugee documentation, the fact is that we send it off to Home Affairs to make sure that we can obviously confirm that that document belongs to Alice and not to someone else ... It’s the validity of the customer, where they stay, and obviously that the particulars that they carry with them, the ID documents or permits are actually theirs. To my mind, that is the issue that I find difficult to come to grips with...”

The, but the problem as I said is that when you validate a person carrying a permit in terms of the...them being asylum seeker or refugee, that, it takes long ...it takes longer”.

REF7M’s frustration was clear:

“They just give us those big page of paper for expired three months, like permit each and every three months you must go to the Home Affairs, every three months, three months, three months until three years especially like me I was using that permit for three years. Now, just imagine if you are using those status [sic], those status is two years’ time they offer you, they say you can apply for ID, but not green. That ID they give to us is red ID, is not green ID. That ID is also expired in 2 years’ time and once you apply that ID again, you get it in two months before it is getting expired, what can you use with that ID? That ID is not registered on the department of Home Affairs. Is something, there is only the number it shows you there on top it say ID number, that ID no you cannot use it”.

As for REF1F:

“My account was closed with FNB because my document was sent to Home Affairs for verification, and since then I have not heard from them”.

To counteract this problem, DHA instituted a ‘verification’ process, whereby a service provider provides a letter to the refugee or asylum seeker wishing to access a service. The letter requests that RROs verifies the applicant’s refugee or asylum seeker identity document. The verification letter is then sent back to the service provider, and not to the applicant.

However this verification process has several implications. First, this bipartite agreement between service providers and Home Affairs is a tacit violation of the refugee and asylum seekers’ rights to privacy, because it shows their legal status to employers, and can expose them to potential abuse and manipulation in case the verification comes back negative.

Second, by agreeing to do the verification, Home Affairs is acknowledging that the security features in the refugee and asylum seeker identity documents are lax, and consequently easily prone to fraud., and thereby again tacitly enforcing the suspicions around the ‘authenticity’ of refugee and asylum seeker identity documents in general.

The different types of refugee and asylum seeker documents also place a challenge on refugees and asylum seekers, as they must navigate the socio-economic landscape of the country with the ID document currently valid and available to him or her. Refugees can become perpetual fixtures at Home Affairs Offices at best, and at worst are un-integrated, poorly functioning individuals. Service providers, having become exposed to some of these documents, end up picking and choosing those that fit in with their systems, thereby legitimising some, and eschewing others.

Even though the Refugees Act, 1998 makes provision for an identity document to be issued, it does not provide for issuing a refugee status concurrently with issuing a maroon identity book. 'The status' should not be used as an everyday document, but should be stored as any other certificate, and only one document, the maroon Refugee Identity Book, should be issued for everyday use.

As SER4M contends:

"It's essentially the same thing; there is no reason for it, a status. ... It's not as though this document, uh, is necessary. In fact if you look at the regulations it appears that the Act in the regulations make provision for an ID rather than a status certificate, Section 24 thing. Uh, [checks his files and pages turning]... yeah, yeah, I mean Section 27(d), protection and general rights of refugees, uh, uh, a refugee is entitled to an identity document referred to in Section 30. Section 30 says a refugee must be issued with an Identity Document, which contains... a photograph, fingerprint, etc. Section 27(d) and Section 30 of the Refugees Act ... this business with the silly Section 24 status certificates is unnecessary and in fact not really provided for in the Act".

4.3.3 Challenges faced in obtaining identity documents

Respondents also indicated experiencing numerous challenges in their pursuit of being documented. These are discussed below:

4.3.3.1 Infrastructural and hygienic challenges

One of the first challenges faced by the respondent seeking to obtain an identity document is Home Affairs' Offices' physical inability to cater for and accommodate refugee and asylum seeker clients properly.

South Africa is amongst the highest recipients of asylum seeker applicants in the world (UNHCR, 2013), and ‘new comer’ applicants or asylum seekers are processed in the same environment and facility as ‘senior’, recognised refugees, who may have been in the country for years. The physical capacity of the Refugee Reception Offices (RROs) has become overstretched, so that, based on the researcher’s observations during the study, fewer than 30% of those that need assistance are allowed inside, while the remaining 70% have no option but to wait in long queues outside, irrespective of the weather, as can be seen from figure 4.14 below.



Figure 4.14: Queuing at Home Affairs awaiting documentation

(Source: Researcher’s own photograph)



Figure 4.15: The men's line outside Custom's House, Cape Town

(Source: Researcher's own photograph)

The picture above shows applicants waiting in queues, next to make-shift, portable toilets (on the right, indicated by blue arrow), of which only about five out of ten were functional on the few days that the researcher visited the premises during the study.

These kinds of experiences, such as having to queue next to disfunctional toilets, make a trip to Home Affairs to get an identity document a health and safety hazard, according to some respondents.

Three (13,6%) respondents reported hygiene as another challenge. REF8F shared this:

"I have faced long, endless queues there, to the point that at one point I had to beg a friend of mine to drop me there at midnight and stay with me so that I could be in the top ten on the queue, because you never know for sure how many people are going to be served each day... [Y]ou have to stand on queues for the better half of the day until your legs become stiff and started to tingle. I will give them credit that they did eventually install chairs but that was only for the lucky person who got inside the building to be served. If you weren't assisted for the day then you would have to stand in the same spot for six to eight hours, and go home empty handed. Oh and of course the sanitation, phew! First there were no toilets, then they brought those portable ones, I think about four altogether, to several

hundred people. It wasn't very nice ... I can assure you, and I for one decided that whenever I had to go there I wouldn't eat or drink anything because I just couldn't deal with that lack of hygiene (Respondent shudders)".

REF10M's recollection was that the process was "dreadful":

"From whichever angle you look at it, acquiring documentation in this country if you are a refugee is a dreadful process. From the long queues, to the inhumane conditions at Home Affairs departments, ...many refugees including myself ... acquiring identity documents is a process that I wish I could avoid, [but can't]... [P]roblems, namely overcrowding..., [t]he lack of oxygen and proper ventilation leads to unhygienic conditions and in winter when the flu is rampant, I have left Home Affairs with the flu, when I came in clean and flu free".

The researcher personally verified these conditions on a site visit to conduct interviews with respondents. Only five portable toilets were functional for a crowd of over 500 people. Furthermore, these were placed next to the queues of waiting refugee and asylum seeker applicants, creating an unpleasant smell that left the researcher feeling almost physically sick⁷. According to the National Building Regulations and Standards Act, No. 103 of 1977, (South Africa. Department of Trade and Industry, 1977) and the Occupation Health and Safety Amendment Act, No. 181 of 1993 (South Africa. Department of Labour, 1993), public service providers must:

- Ensure the protection of occupants of (their buildings), including persons with disabilities;
- Provide [adequate] sanitary facilities per persons present in accordance with ... the National Building Regulations; and
- [Maintain] the condition of such facilities.

In this case, the RRO was not observing these codes, with negative implications for safety and health.

However, recently the Home Affairs locations for South Africans were revamped (*Mail & Guardian*, 2011), to make them more efficient and productive and responsive to

⁷Observation note # 2.

clients' needs. However, this revamp did not include the RROs, creating the impression that bringing the RROs up to standard is not a priority.

Location of Department of Home Affairs' offices

Respondents also reported that the location of the Home Affairs RROs themselves posed a considerable challenge in obtaining an identity document. First, although there are six RROs countrywide⁸ (Organisation for Refuge, Asylum and Migration, N.d), having less than one RRO per province is clearly not enough. This leads to a number of problems, namely overcrowding and overstretching of facilities, as the entire provincial population of refugees and asylum seekers has to converge on one RRO for documentation. To overcome this overcrowding issue, 14 (64%) respondents reported they tried to get there early to beat the queues. However, they often found others already there, sleeping in queues, a phenomenon termed 'camping' by the researcher. In this case refugee and asylum seekers sleep at the RRO, the night before, in the hopes of being among the handful helped the next day.

In the words of REF10F,

"I remember not to so fondly the ghastly early hours of the morning we had to wake up and embark on a journey to Home Affairs. We had to wake up at 4am and leave at 5 am from Muizenberg to make our way to Home Affairs in order to be there early enough to be processed..."

REF6M had a similar experience:

"It is very challenging. You must wake up very early when you go there, if possible you could even sleep there. There is long queues...you are there every day you don't know until when".

⁸ There were originally five Refugee Reception Offices nationwide, one per every major capital city.



Figure 4.16: ‘Camping’ outside the DHA offices, shortly after midnight

(Source: Researcher’s own photograph)

‘Camping’ has become the norm for respondents not living in the CBD where the RRO is located, and is fraught with its own challenges. For instance, the Cape Town RRO has moved locations four times in the past 14 years. Originally located in the CBD at the Customs House near Cape Town harbour, it was relocated to Nyanga Township,⁹ an unsafe part of the Cape Town, with no integrated public transport facilities, and therefore limited access (Lancaster, 2013). REF6M remembers the experience there:

“... After that they moved to Nyanga and that was tough and a big problem because the building was out of the way of public transport; it was in the warehouse section of the Nyanga Township, so getting there was always a problem. I remember one incident where a family friend gave me a lift to Nyanga to renew my status. Anyway we get there and as soon as we come out of the car we were suddenly surrounded by a group of ‘cockroach’ drivers all shouting and in a flash they had grabbed my friend’s car key. Anyway, to back-track: ‘cockroach’ drivers are these local taxi drivers that drive local taxis in the townships. So after asking them to calm down and explain what was wrong, and to give my friend back his car keys, we found out that they were angry that my friend had dropped me off; they saw that as him stealing their business, their customer, and the only way we would get our keys back was to pay them my taxi fare! Let me tell you that I was shocked, very shocked and angry! But even more

⁹ One of the former apartheid informal settlements, created exclusively to be one of the areas of residence for the black people in Cape Town

upsetting was how Home Affairs security was told about the situation but they just laughed and said we should pay the taxi guys! Anyway in the end we bought those guys some cool drinks and we were able to get the car keys back”.

Three and half years later, the RRO closed this office apparently because of complaints of noise and loitering by refugees and asylum seekers¹⁰ and moved to Maitland, a municipality in Cape Town, where it operated for another three and half years. In 2013, claiming to have been evicted for the same reasons for leaving Nyanga, the Cape Town RRO returned to its original home, Customs House in the CBD, where it is still housed at the time of writing. However, a small modification has been made to the old arrangements. Originally all refugee and asylum seeker identity documents were processed at one RRO. As of July 2013, applications for and extensions to asylum seeker permits and refugee statuses are still done at Customs’ House, but the application for and collection of Refugee Identity Cards (maroon card) and Refugee Travel Documents are processed in Barrack Street in the CBD, where one floor has been opened in a Home Affairs office, for the refugees eligible to apply.

This shifting of the RRO has been a negative experience for some respondents: they had to navigate new places every three and half years, and faced challenges and barriers which come with this, including long distances, back and forth trips and transportation costs 10 or (45,5%) and encountering insecurity and assault 4 or (18,3%).

It has also contributed to some respondents carrying expired papers, which poses the risk of arrest and deportation if the police or immigration authorities find them.

Overall, it has created a negative impression in the minds of respondents, who do not understand why government has chosen such ‘dangerous’ places to process them, or why it does not take the necessary measures to protect refugees and asylum seekers who face criminal attacks when they have to go there.

As REF7M commented

¹⁰ Department of Home Affairs (DHA) in meetings with NGOs (attended by the researcher) explained that this was why its lease had not been renewed. *DHA Presentation to Civil Society Organisations on the State of Refugee Reception Offices, Cape Town, 22 May, 2012.*

“Those [previous] Home affairs offices where not there by accident. They wanted to try and frustrate us, to the point that we will eventually give up and go back”.

Whether this is sentiment is valid or not, such perceptions of the ‘other’ will discourage and hamper integration efforts, if not fully addressed.

Late, missing, undelivered, unissued or expired identity documents

Another challenge in obtaining documents lies in their not receiving the identity documents they have applied for.

According to REF10M:

“When that ID expired, I applied for another one in 2008; it is 2013 and I am still patiently waiting”.

REF4M shared that:

“After getting my section 24 I applied for a refugee ID but have been waiting for almost a year and half...”

Often applications go missing and respondents have to re-apply, resulting in respondents not having all the documents they need at the same time. This means losing valuable time waiting, this affecting the activities they can participate in, including studies, employment and travel. Three (13,6%) respondents indicated that at some point Home Affairs reported losing their files, and were therefore unable to issue an identity document to them. Home Affairs could not provide an explanation as to what may have happened to their files.

REF4M recalled:

“Whenever I was scheduled for interview there was always a new story; they cannot find my file; there is no officer to conduct the interview, my file is lost, the IT system is down...I went there for more than 10 times ”

As for ASY1M,

“The other challenge I faced is ‘file misplace’, you go to renew your document and you will be told that your file is missing. As a student you will be disturbed with your studies, you cannot find a job without legal documents”.

Eight respondents or (36,4%) had obtained the identity document(s) applied for, but in different stages of validity, some close to their expiry date, while others had already

expired. In the case of the expired documents, respondents indicated that they counted those identity documents as not received as they were 'useless' by the time they reached the respondents.

According to SER4M:

"There have been terrible delays for, for Refugee Identity Cards over the years which has had grave consequences for people because, uh, for people for, uh, unemployment insurance, loss of employment, even hospitals, you're at a disadvantage if you don't have an identity document, uh, uh, but it has all sorts of problems, because as you know, uh, you apply for a refugee identification document after getting your refugee status certificate ... The problem with refugee identity document was you applied for that and it then took them a year and half to give you your identity document, and they would make it tally with your refugee status, so that you would only have six months validity or less in order to get your refugee identity document. It was really irritating. In many instances the refugee status certificate, I mean the refugee identity document had expired before the refugee received it".

Turn-around time of identity documents

The previously mentioned challenges have several implications for them. First, they are blocked from accessing services. For example, according to SER4M, some refugees had been fortunate enough to receive social assistance, but this was suspended until Home Affairs renewed their expired identity documents.

According to SER4M:

"There is a still continuing difficulty with Social Development. Because as you know SASSA [South African Social Security Agency] is doing quite a lot of good for recognized refugees who need assistance, either because they are disabled or because they have children that they can't afford to feed. And SASSA has been providing monthly grants, but uh if you don't have a Refugee Identity Document they only help you provisionally for three months and only if you have clearly applied for a refugee ID. But there are problems when the three months are up and the refugee ID has not yet been provided by Home Affairs. So again, I think if there any individuals who are having, who are caused hardship because of the delay in the issuing of the Refugee Identity Document, I would like to take it to court because its taking effect on people who need to feed young children".

This is supported by ASY4M who stated:

“I have had my bank account frozen because my maroon ID, which I used to opened it, had expired and when I went to renew it Home Affairs took about a year and half, and when it come back it had only had six months validity on”.

REF6M shared the following:

“I should say that the main problem I faced is that of documentation; and after that it took me 3 years to get my refugee status. In those years it was hard because most of companies, school even some hospital did not recognise my paper. After getting my Section 24 I applied for a refugee ID but have been waiting for almost a year and half”.

REF3M noted

“In terms of documentation I had a tough time just to apply for a temporary asylum permit; it took me almost two weeks from morning till the afternoon standing in the crowded queue at Home Affairs, until I came to apply for my status. I then decided to apply for a refugee ID which took two years but come out already expired. I tried to apply for another which I did not even see, so in total it took me four years for both ID documents and I gave up on them”.

Secondly, those that have family emergencies are unable to attend to them as a result of not having proper identity documents, in this case travel documents. SER4M had the following to say in this regard:

“The travel document fiasco uh...was uh, adversely affected by the incompetence of Home Affairs in issuing status certificates, I mean Identity Documents for refugees because in principle you had to have a refugee Identity Document before you could apply for a refugee travel document. They then compromised by saying as long as you have applied for a refugee Identity Document. Uh, but there was a disaster with uh, refugee passports as you know, travel documents because originally they were provided by South Africa, then again because of fraud and corruption, UNHCR took over that function. And that was a very tortuous and laborious procedure because, they were effectively, UNHCR second-guessed even the department of Home Affairs. So in order to get a refugee travel document, you had to be re-interviewed by UNHCR, and sitting together with Home Affairs, So in order words it was sort of a double jeopardy, because UNHCR could say no, we don't think you are a refugee, whereas the government had. Anyway it took forever because obviously they would only come to Cape Town three or four time a year, and you had to get onto a list, and so on. Then, because of the new issues relating to travel, internationally and the scanning of Identity Documents and passports at airports, uh the UNHCR said they were no longer going to do that and they re-imposed the duty to provide refugee travel documents on South

Africa. But South Africa, Home Affairs of course did nothing for years, so I think in April 2010, having given South Africa two or three years' warning, the UNHCR said you know, we are pulling out of this. So that again delayed for a long time the issuing of travel documents uh until South Africa got its act together. Its still problematic, because now you apply for a travel document they uh are insisting on people uh having appointments, which are often a long way down the line, and the justification for it, again is to say its much more complicated giving a foreign national, a refugee, a travel document than to give a South Africa one. So it takes longer, you have to have interviews; you have to have this delay. So where it does cause enormous trouble is a lot of refugees genuinely have urgent issues to deal with, uh, child careers in different, distant countries die, uh, parents get ill and die, and they need to uh, need to go and see them, even if they are not, I mean especially where they are not in their home country. So, it is not avilment of the protection of their home country. So that has been very, uh problematic in the last while, and we need to go to court about that, I think. I had a client recently who had applied for a travel document uh uh several months before the matter become a problem, her mother then died in Belgium, and she wanted to go to her mother's funeral, and she was unable to go until much later; it took them a three further months to give her a travel document. Provision should be made for urgent issues such as are uh is done for for South African citizens who need to get overseen in a hurry. Uh, but the the issuing of of actual refugee identity documents is getting better, where there is a still continuing difficulty is with Social Development. Because as you know SASSA is doing quite a lot of good for recognized refugees who need assistance, either because they are disabled or because they have children that they can't afford to feed. And SASSA, the department through SASSA has been providing monthly grants, but uh if you don't have a refugee Identity Document they only help you provisionally for three months and only if you have clearly applied for a refugee ID. But there are problems when the three months are up and the refugee ID has not yet been provided by Home Affairs. So again, I think if there any individuals who are having, who are caused hardship because of the delay in the issuing of the refugee Identity Document, I would like to take it to court because its taking effect on people who need to feed young children."

In 2009, a South African youth, S'khumbuzo Douglas Mhlongo, committed suicide because he had applied without success for an identity document (green ID) and had missed several socio-economic opportunities. His suicide note found by his brother reportedly read that he had taken his life *"because not having an ID means I cannot do anything"* (Iol, 2009; News24, 2009).

Despite it being an isolated incident, it received a lot of coverage from the media, and generated outrage from locals, including then Minister of Home Affairs, Dr. Nkosazana

Dlamini-Zuma, who said “[p]eople who work in those [Home Affairs] offices, the majority of them, [think] they rule the world” (News24, 2009).

In the case of refugees and asylum seekers however, this sort of incident seems part of their everyday experience; for some, more than a decade later, little has been done to address it.

4.3.3.2 Socio-economic disruptions

Threat to education

According to 3 (15%) respondents, refugee and asylum seeker children are frequently expelled from school if their identity documents expire. This negatively impacts on the children’s successful completion of their studies. Given that a refugee or asylum seeker child’s identity document cannot be renewed without the child in question being present, refugee or asylum seeker children of school going age must miss school every time they have to have their identity documents renewed, which may take a long time. Such time spent outside school means that they will inevitably miss out on some lessons, which may result in their falling behind academically. Furthermore, it may result in these children failing to catch up with their work, and ultimately failing their grade, which in turn affects their anticipated completion time.

It also puts a great strain on their families to have the children re-instated at school and secure the necessary extensions at the Department of Home Affairs simultaneously. The frequent absences in turn affect their parents’ productivity at work, putting hard-won jobs in jeopardy.

The Department of Home Affairs provides mobile offices for South African children, especially grade 12 learners who are preparing to write their final exams, to be reached at their schools and be issued with the green identity document. No such parallel service exists or has been put in place for refugee and asylum seeker children.

Refugee and asylum seeker students who have managed to enroll at institutions of higher learning also face this challenge. Continued absences from lectures means that they may fail in their studies, if for instance they do not complete required practical hours due to

frequently being away at Home Affairs. Their extended absences may also result in being refused continued access to study.

ASY1M shared that:

“As a student you will be disturbed with your studies... I remember in 2006 I spend two weeks going to Home Affairs to check if my file has been found”.

Threat to employment

Employed respondents face losing their employment because of the many days off they take to apply for an identity document or check on progress. They risk losing their jobs if operating with expired identity documents, which automatically makes them illegal and puts them at risk for deportation, or exploitation by unscrupulous employers.

ASY4M:

“When people come here at seven they've got other thing to do. Some are working as well, and people use to come here for four days, even a week but didn't get served. It is an impact on those who are working”.

4.3.3.3 Other challenges

Maladministration, abuse by staff and corruption

Refugee and asylum seeker respondents trying to obtain identity documents reported additional hurdles, including maladministration, staff abuse and physical threats: 5 (23%) respondents reported being victims of abuse from Home Affairs officials, which hampered their access to documentation.

In terms of abuse by staff, 13 (61%) respondents indicated that they had been victims of this practice at one point, ranging from being ignored or answered rudely when asking questions, being insulted or shouted at and being degraded or humiliated in front of the crowds.

REF6F recalled:

“The day is never without some drama either from a passer-by (usually South African) who feels the need to, publically and obscenely, express their displeasure

at your presence. If it is not the passer-by, the security will grab every opportunity to show you who is “boss”. If you are most unlucky, you are left at the mercy of the Home Affairs officials because if they so much as dislike the way you look or speak you can forget about being helped”.

ASY6F recounted:

“One cold and wet winter morning, when I travelled to Home Affairs, Maitland, to renew my 6 months asylum document, only to be harassed the whole chilly morning by the guards, beaten around and chased away like mad dogs, unattended, hungry and tired like lost souls”.

Xenophobia

Another 7 (31,81%) respondents had experienced problems of xenophobia, from officials themselves or ordinary South Africans, who made derogatory comments or gestures towards those queuing outside, waiting for service. SER4M shared the following insights:

“Again one would have expected after the xenophobic outbreak in 2008 the government would have sought to reduce hostility, xenophobia, exploitation, protection rackets and all that sort of thing, and it just hasn’t. That itself is a problem in South Africa, we are an intolerant society, we are a violent society because of apartheid effectively and you know, it’s hard to say, to persuade there to be a civil society, a popular movement towards acceptance and tolerance of outsiders, when there are all these fallacies about coming here to steal jobs and women and that sort of thing”.

One stereotype, resulting in xenophobic tendencies being targeted toward refugees and asylum seekers, is the belief that there is no such thing as a genuine refugee, and all asylum seekers and refugee applicants are really ‘just’ economic migrants.

The researcher witnessed such a xenophobic incident when, during the course of data collection for this study, she visited the Home Affairs refugee office on Barrack Street. While waiting for a respondent, she interacted with refugees queuing outside the building, waiting for the results of their applications to be called out by a Home Affairs official.¹¹ A Coloured¹² man passed by, stood for a moment observing the big crowd of

¹¹ Refugee applicants applying for the maroon Refugee Identity Book or a Travel Document are given a receipt, which they must present when checking if the requested document has arrived. Previously they had been allowed to wait inside the Home Affairs office, but as of June 2013, they are made to queue outside, wait for a security guard or Home Affairs official to collect the receipts, go inside and check them, then return with the findings. If the document is available, the applicant is taken inside to receive and sign for it. If not, the receipt is given back to the applicant, with a new date stamped on it, usually a month or two later, indicating when the applicant should return to check whether – this time – it has been issued.

refugees and asylum seekers, then began a tirade filled with expletives about how they, the foreigners, were responsible for crime, unemployment and deadly diseases currently facing South Africa. This continued for about three minutes, when suddenly the Home Affairs official paused in his calling out of names and whirled around to confront the man, saying,

“Hey! Hey! You shut up! Who do you think you are talking to? Do you think I am one of these foreigners? No I am not! I am South African, 100%, with green ID, so shut up and don’t call me a foreigner again!”

There was momentary silence, and then activities resumed. For an observer, this was a shocking and disturbing revelation.

Harris (2002) argues that xenophobia in South Africa is, among other things, due to their under-exposure to outsiders during apartheid. But this does not explain why only foreigners of African origin are targeted, when South Africa hosts foreigners from all over the world. It also does not explain why, despite DHA having a mission statement that claims to ‘put people first’, and a professional code of conduct forbidding staff from discriminating against and impugning the dignity of their clients (Public Service Act, 1994; Public Service Regulations, 1999), a Home Affairs official would ignore this and behave unprofessionally on the street.

SER4M offers a possible explanation, which implies that it is also because xenophobic actions in South Africa are not taken seriously, and those who commit them, or even exhibit them, are not properly penalized, leading to a culture of impunity. Respondents indicated that the xenophobic incidents were not limited only to Home Affairs offices or Home Affairs premises, frequented by refugees and asylum seekers, but at all public service points; hospitals were identified as being hot spots for xenophobic tendencies.

Xenophobic sentiments have also been expressed at the highest echelons of power in South Africa: in 2011, ANC Member of Parliament Maggie Maunye, chairperson of the

¹² In South Africa, the Apartheid system classified people according to skin colour. Therefore a Coloured is a person who is not ‘Black’, ‘White’ ‘Chinese’ nor ‘Indian’, but is a of mixed race origins.

Parliamentary Portfolio Committee on Home Affairs, said: *“We’ve never enjoyed our freedom as South Africans. We got it in 1994 and we had floods and floods of refugees or undocumented people in the country, and we always want to play as if no there’s nothing like that”* (News24, 2011).

Although there was an immediate outcry from various organisations country wide, clearly such sentiments exist and run deep even among those in power.

According to ASY6F:

“There is xenophobic treatment from most of black South Africans and racial discrimination by Whites and Coloureds at work or at school. Xenophobic difficulties also when renewing the refugee identity documents that are needed for a refugee to work or study”.

REF1F supported this view as follows:

“In addition to the above challenges, being called names such as ‘kwerikweri’¹³ on taxis is another challenge, and when making use of other services, such as shops, clinics and hospitals. I went to Karl Bremmer hospital, it was a night shift and the nurses were taking their time talking instead of attending to pregnant women, they said ‘Why do you come here when you are not yet ready for labour?’ and they also said that foreign pregnant woman are not strong, they like crying in labour. I don’t know if South African woman don’t cry in labour”.

This xenophobic vein runs so deep that in 2012, Western Cape Premier Helen Zille caused a furor and political backlash, when she called pupils coming from the Eastern Cape province into the Western Cape province to study ‘educational refugees’. The violent reactions re-enforced that ‘refugee’ and ‘asylum seekers’ are not desirable statuses or aspirations within the South African landscape (*Mail & Guardian*, 2012; *DailyNewsOnline*, 2012).

Consequently, the presentation of ‘foreign’ identity documents has often been used as an excuse for respondents to be turned away from accessing basic services, such as healthcare, more or less politely. Respondents recalled being turned away unassisted and told to *“go and get medical treatment in your own country”*.

¹³ This is a derogatory term given to foreigners allegedly because of the way they sound when they speak their respective languages

Corruption

This is yet another challenge refugee and asylum seekers face in trying to access their identity documents: 7 (32%) of the respondents reported that they had been forced to pay a bribe or to cut a deal with Home Affairs officials so that they could get an identity document. Respondents gave various versions, but the message was the same: no deal, no documents.

In REF6M's case

"... I had never been given that opportunity to get my refugee status, I have been waiting for over six months. My permit has been renewed three times for a period of two months. During that time I could not get any job because wherever I was going to apply for a job no one was willing to assist me because my document has a very short validity. That time I have been really in a very tough time, I have been waiting for a year to get my refugee status and the way I did get it I have been assisted by a friend of mine, to get something to give as a bribe to officials at Home Affairs".

As for REF9M:

"I have to corrupt officials in obtaining refugee status and hence why I do not have a file in the Home Affairs".

PER1M had a similar experience:

"When I first came they could not issue me with an initial permit, I came in the country in 1998 but my permit was issued in 1999. At the Home Affairs when I pulled out my wallet, I had foreign currencies and the lady who was assisting me wanted to exchange but I did not know the rates and I refused, she said that she will not assist me to get papers".

Service providers also concur. In terms of corruption, South Africa placed 72 out of 177 on Transparency International's Global Index, 2012 (Transparency International Index, 2013). The Department of Home Affairs was identified as a hot spot because of an alleged shortage of staff in critical anti-corruption offices (Mkhwanazi, 2012). The refugee community, seen as enterprising and cash ready, and desperate for identity documents to legitimize their stay, are clearly a vulnerable group and easy target.

A service provider (SER4M) shared his organisation's experiences of corruption at Home Affairs and the dangers of confronting it:

“Uh, what I have tried to do is to try and eliminate, or try and reduce, corruption. So when someone’s come in and said you know, I had to pay money to get this, I have said are you prepared to for me to try and get you indemnity and to go to the Public Prosecutor and try and get the official charged? Uh, it’s only been a couple of instances where people have come to us with that, and with the exception of one, who latter faded away, no one was really prepared to do that coz they are really frightened of the consequences because we had an intern here, a Canadian intern, and she actually saw someone down at Customs House openly taking money and she pointed it out to another official and the guy who was taking money spat at her and drew his finger across his throat so you know it’s a very lucrative industry and so obviously people are prepared to be violent to sustain it, so that’s been a problem. What we did do once was get a journalist to pose as a Zimbabwean asylum seeker and to take money with him. It appeared on the front page of the Cape Times and was wonderful, uh, and for a few days the police were down at Customs House but after that it become business as usual again. (Laughs sadly). So: terrible corruption”.

Fines and other challenges

Two (9,09%) respondents indicated that being issued with fines was another hurdle they face in trying to obtain an identity document.

Refugees and asylum seekers documents expire and need to be renewed on the expiry date; but sometimes this is not possible because of the many challenges associated with the process, as explained above. The refugee or asylum seeker in such a situation is automatically considered, under the Immigration Act of 2002 (South Africa. Department of Home Affairs, 2002) as an illegal foreigner, and treated as such. This means that they are legally exposed and subject to arrest at any time, even if they are at Home Affairs trying to renew their expired documents.

In many cases they are arrested and subjected to fines of up to R2500 (approximately USD 233,56),¹⁴ which many cannot afford, resulting in extended stays in immigration detention centers.

¹⁴ 1 US Dollar = R10 70; exchange rate as of 7 August 2014.

Others, fearful of facing these consequences, once they have been unable to renew their identity document by the expiry date, use illegal means. This consequently exposes them and makes them vulnerable, as in the case of ASY6F:

“I do not have a refugee’s identity documents because it was difficult to renew it - they (Home Affairs officials) used to give refugees a few days or weeks; so going there often was stressful and expensive, yet upon being late for renewal with a day or more, we were fined large amount of money which we struggle to get and mostly could not get. So in the end I gave up renewing my refugee’s document”.

Refugee and Asylum Seeker Case Files at Home Affairs not opening

Lately, asylum seekers who have reached more than 10 extensions have had a ‘block’ placed on their case file, so that it cannot be opened and they therefore cannot get a printout copy of their newly extended identity document.

PER2F shared what happened to her when she took her 79-year-old mother (who is still on an asylum permit) to extend her identity document:

“She made the interview [refugee status determination interview] in 2012, February. Now it’s almost end of 2013 and we didn’t receive no answer. When I take her there they say file won’t open, because there is a block on the system. File is closed, file is closed, and file is closed, this is all they keep saying. So they didn’t give her no extension, and she became undocumented. I have gone to see a lawyer to help us... and I don’t know what will happen”.

SER4M shed more light on this situation:

“The closing of Refugee Reception Offices is proceeding and the ludicrous issue of the maximum number of extensions you can have on a permit is because of Home Affairs’ incompetence. They frustrate your ability to have your application adjudicated, and then they say we are not going to renew your permit anymore, and there is a block on the computer. It’s just savage... it applies particularly to people who got their permits in other areas, but they are saying, a block appears to have been put on the computer system, which applies if one’s had 10 or more extensions. They just say no, we can’t renew this. So people are wondering around without valid permits. And this was introduced very recently”.

Case File sharing

At a policy level, the South African Refugees Act, 1998 places refugee and asylum seeker applicants at a disadvantage in terms of identity documents. First, the Act

espouses a traditional, nuclear family premise, known as the 'co-join' policy, with the expectation that asylum seekers and refugee claimants are either single, in which case they are processed individually, or they are married, in which case the entire family is 'declared', that is, their particulars are disclosed to Home Affairs and the husband, as the 'head' of the family, undergoes the interview for the entire family, with the futures of his wife and children riding on the outcome of this interview. If the husband's asylum or refugee claim is successful, the wife and children are automatically granted asylum, under one case file, that of the husband as the principal applicant. This is notably an advantage for the whole family, as the rest of the family members are presumably spared the trauma of re-telling their stories. However should the husband's asylum claim be rejected, again the entire family will automatically be unsuccessful, even if the husband and wife have different reasons for seeking asylum.

Sometimes the trauma of living in exile puts a strain on the marriage and the couple separates or divorces. In the case of separation, the woman usually is not able to get any child support from her estranged husband, and she is unable to access any of his case files as 'principal applicant' to support her case.

In the case of a divorce, the husband maintains ownership of the original case file and the ex-wife is required to lodge a new application for asylum and undergo an interview as a new comer, based on what is happening in her country of origin at that time. Years spent with the ex-husband on the refugee status do not count and will be nullified. Many women 'fail' these 'new' interviews and are denied refugee identity documents because the interview is based on current circumstances in their countries of origin, yet most would have left several years previously and aren't up to date with the current state of affairs in their country of origin. The issue then is the discrimination against the woman, as only she has to start from scratch in the documentation process, instead of both her and her ex-partner.

Refugee and asylum seeker youths, who came with their families and have spent over 10 years in exile, may have now become adults. If they try to 'separate' from their parents' file to become independent adults with their own file, the 10 years spent as a refugee in South Africa will be forfeited, and they will also be required to undergo a fresh interview.

Upon successful completion they will be given an asylum seeker document. This means forfeiting those years spent in the country, and any integration or contribution made by the applicant during that time. If the new interview is successful, they have to go through the asylum system from the very beginning, requiring an average of 10 years to attain citizenship. If they fail the interview, they face deportation and separation from both nuclear and extended family should all appeal avenues be exhausted.

4.3.4 Identity documents and integration and access to services

In terms of identity documents and integration, respondents were first asked if they understood what integration meant and if they thought that identity documents played a role in integration. Those who answered in the positive were then further asked what role they thought identity documents played in integration.

4.3.4.1 Refugees' understanding of 'integration'

Twenty-one (98%) respondents indicated they understood what integration meant, while only 2% indicated that they didn't understand the term. Of those who understood what 'integration' meant, twenty (95%) agreed that identity documents played a major role in integration, as shown in Figure 4.17 below:

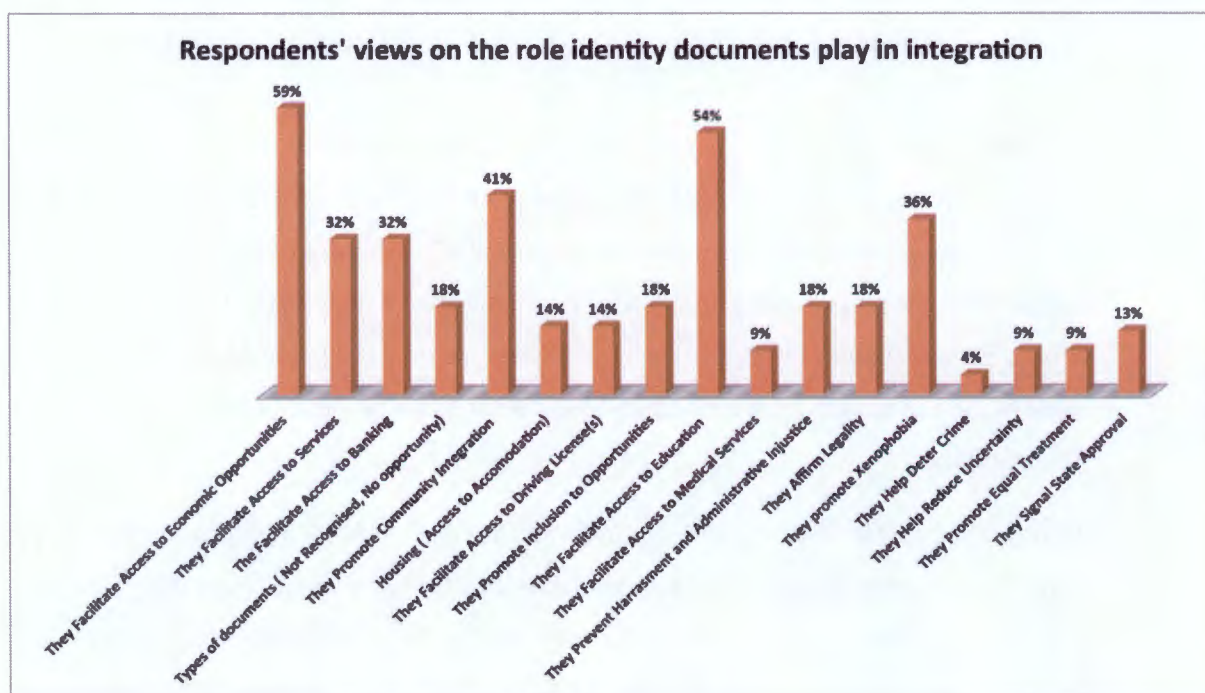


Figure 4.17: Identity documents and integration

4.3.4.2 Economic integration

Employment

Fifty-nine percent (12,98%) of respondents agreed that identity documents played a major role in their access to employment or lack thereof. Respondents indicated that with the right identity documents they could integrate economically and become self-sufficient, thereby lessening the burden for their welfare on the state. However, their access to employment was often deterred by their lack of identity documents, coupled with the redress policies¹⁵ of the South African government which classified them as foreign and consequently the last employment option.

Eighty-seven percent (19) of respondents had experienced not getting a job applied for, despite being qualified, because of the identity documents they possessed, or did not possess, thereby hindering their employment integration.

Seventy-three percent (16) of respondents reported they had given up trying to find employment and had chosen to become self-employed, while others had resorted to other means, including changing from refugee or asylum identity documents to work permits in an effort to bypass the refugee and asylum seeker identity document hurdles. PER1M explained:

“Well the challenges originate from the labour law of this country. When certain positions come up they have criterias, they are amended to certain categories of people and if you do not fit in those criterion of the definition of a potential to occupy the position, then you are not qualified, and that is mostly blacks, and that falls under the Black Economic Empowerment and the Employment Equity Act, and if you do not fit the description of a black person being formally marginalised, black... then you are not qualified. I have sent many applications and I have never been called even for a single interview”.

Some service providers indicated that refugees and asylum seekers' lack of identity documents hindered job integration, as they were unable to offer them long-term employment. According to SER3M:

¹⁵Broad Based Black Economic Empowerment, Employment Equity Act, and others similar preferential treatment Acts.

“How do I know Alice is going to be staying around for years and years? When you recruit people, uh, Alice and I am talking as people, I am not talking categories of people, or classes of people in terms of IDs, and passports and permits, I am talking about recruiting people, ok, the banking industry is such that you need today to have specific skills and that, and if you haven't got the skills but you have the right attitude and qualifications, obviously attitude is important because with the wrong attitude you will never work in a bank, but you see, if you've got the right attitude and the education, which is the minimum requirements by law, we can train you and we are going to invest in you. And we are going to hope and believe that by doing so you are going to progress through the ranks and eventually take up a more senior position in the bank, right? Like myself, I have now been in the bank 31 years now. That is a commitment that the bank has to make ... You're making a particular investment, you know, you've got your own business. I am going to give you an example now, all right? When you spend or invest money, you have to know that your money is well spent and that you are going to get a return on your money. If you invest money thinking I may not get anything out of that, in two years' time I will have spent so much investment, so much quality in the person, and now I'm gonna lose that resource, uh you know that is, from banking, there has to be continuity from a banking perspective. You know we want people to come into the system and grow in the system, and have careers in the system, uhm, but again, I think the point is well made because you could find that good quality individual who is not given the opportunity because of the process of not employing people with a permit. But again as I said, you've got to, you really have to, weigh up the pros and cons on that, and I, personally, I believe if the person is good enough, you know maybe you should invest in that person”.

Access to services

Eleven (50%) respondents felt that ‘proper’ identity documents play a role in integration as they allowed the holder the freedom to access any services wanted, and conversely, refugee and asylum seekers were prevented from accessing services because the identity documents they were issued with were seen as ‘improper’.

SER1M clarified that the main criterion for anyone accessing the services of his company was what he termed ‘proper’ IDs, that is, the green, 13-digit, bar-coded ID. Anyone who did not have this ID could not access this service provider’s services. In his own words:

“No valid ID, no contract with us... We have decided to end our relationship... We won't continue that relationship and so they can't open a new one, a new account”.

Consequently, despite the ‘alternative or equivalent’ identity documents refugees and asylum seekers have been issued, as long as they do not match the standard green ID

issued to South African citizens, the kinds of services refugees and asylum can access are limited, resulting in a challenge to integration.

ASY9M argued as follows:

“I think if refugees get ID documents ... not different from the ones of South Africans [have], [we] will be accepted in their communities and get jobs and other services easily ... They will help refugees accessing to many services and open doors to employment and other opportunities”.

4.3.4.3 Community integration

Forty percent (8) of respondents felt that being in possession of ‘proper’ identity documents complemented their feelings of, and attachment to, their host community, thereby contributing to their community integration.

REF10M noted:

“I feel 50 percent integrated because ... somehow I feel related to the community I live in but there is still a long way ... if refugees are given real and proper documents they will feel part of the community, therefore they would strive to contribute”.

Key to access opportunities

Twenty (92%) respondents also indicated that ‘proper’ identity documents were crucial, a key to their everyday functioning and total integration, and helped in accessing opportunities. REF5M explained

“The [proper] identity document is like a key to open the door of opportunities. Without it, you are excluded to any service. You can’t get a formal work, you can’t study, you can’t have access to the medical services, you can’t open a bank account, you are even treated as a criminal (illegal immigrant) and you risk to be deported back into your country”.

Legality

Another trend was that of the role that identity documents played in both their legal and psychological integration: 4 (19%) respondents identified this, and ASY1M had this to say:

“My experiences are that documents facilitate you with many things, firstly it makes you legal in the country, but [also] when you want this document can make you feel good and at other time make you feel guilty, you do not feel integrated”.

PER1M, now a permanent residency holder, reflecting on his expectations of what he wanted to get out of the ‘proper’ identity documents he now has, shared the following:

“My expectations are that I will at least receive administrative justice so that I can interact with institutions and be treated with some respect. If you go, when you go to the bank and you want to open an account they want to see your ID, at least it’s an ID. And I am assuming that I ... that Stellenbosch [university] won’t reject my application [for studies] because I will now have that ID that they wanted last time. And there are also some other advantages regarding bursaries and all these small things that are given to you. It is a step towards being naturalised, and at least at a legal level, politically, you will be part of some community. Even if it’s not a cultural community at least it will be a political community. But it gives you some respect and I will say that will be the most positive thing. And I am expecting to also to... jobwise, I think it will be better, because when you fax that document its not like you are submitting this maroon, [or] this piece of paper”.

He continued:

“In my view, integration would be the level whereby an individual is forming part of the community, legally, in terms of culture; you are part of the main stream society, you are respected, accepted, but it comes with responsibilities also, with the rights to interact, negotiate and equal with everyone, you receive administrative justice, wherever there is rules of law there is guide”.

PER2F, another former refugee who also has become a permanent resident, also expressed the high sense of identity and pride and acceptance she now has, derived from her new, ‘proper’ identity documents:

“Getting the citizenship, my life has changed completely, I can apply for a loan at the bank, I also can go to the hospital and will be served easily. Also, before when I did only have red refugee ID, people ask me for ID, I show them that one, they say is not ID. Then I get angry and go buy a green ID cover and I put it. So when they ask me again for ID, I show them my red ID with green cover but again they refuse. Now I can show them real green ID. [Its] very good!” (Smiles broadly).

Deters crime and exploitation

Eight (36,4%) respondents indicated that to access certain services, such as collecting parcels from the post office or obtaining operating permits for their businesses, they had to ‘front’, that is, request the assistance of someone with a green ID, or put their services and businesses in the names of a South African citizen. In the case of collection of parcels from the Post Office, one respondent shared how she often paid strangers to go

with her to collect parcels on her behalf from the Post Office, as her refugee documents were not accepted and she risked having those parcels sent back to sender. This is what REF8F shared:

“...The Post office doesn't accept a permit or status to collect your registered/insured mail. They would rather ask you to get someone off the streets, or accept an ID or passport from a different national. A few times I have had to pay someone on the streets to come and collect a package for me, because they have a Green ID or foreign passport, and that's just crazy and humiliating. What's the point of a government issuing documents to us if their own people won't accept them?”

Although a workable solution around the identity document issue, such practices are risky and may encourage crime and exploitation of refugees and asylum seekers.

According to ASY3M, who had opened a small taxi (cab) business after failing to get a job as a driver in local companies because of lack of proper identity documents:

“The people who offer permit do not offer to foreigners, so we look for a South African citizen we can trust and put the vehicle on that person's name and act as if I am working for him, we do so by getting the affidavit from the police station that says that I am working for him, because no foreigner is allowed the business permit. But it is risk because anytime he can claim that taxi to belong to him”.

Consequently having proper identity documents gives the refugee and asylum seeker a position and support to act independently, and conduct their own businesses without fear or exploitation or having to circumvent the law.

4.3.4.4 Views from service providers

Service providers made similar points on the role of refugee and asylum seeker identity documents in integration, although they made their points from different perspectives (Figure 4.18 below). Some felt that identity documents issued to refugees and asylum seekers played a major role in their integration, but others believed the opposite was the case, and that refugee and asylum seeker documents actually hampered their integration.



Figure 4.18: Views from service providers on identity documents and integration

‘Wrong’ identity documents promote xenophobia

Two service provider respondents (50%) indicated that refugee and asylum seeker identity documents contributed to xenophobia and lack of assimilation, because these documents were easily able to isolate and ‘out’ them as the ‘other’. As SER4M put it:

“I think, uh, having those documents in fact makes you stand out as an ‘alien’, to use that word. They haven’t helped”.

He was suggesting that identity documents held by refugees (a paper permit, or maroon card or blue travel booklet – anything except the coveted ‘green book’) made it difficult for refugees and asylum seekers to blend in, and normalise, thereby hindering their attempts at integration.

Legality and education

One service provider respondent noted that identity documents facilitated both legal and educational integration. However, such attempts at legal and educational integration were only truly possible once they achieved ‘proper’ identity documents, by becoming permanent residents. According to SER2M, a Home Affairs official,

“Yes they are important, if you read this document I’m showing you, it’s says that a refugee has the right to work, study and the right to basic and healthcare. It’s not like with the UN refugee camp where you are not allowed the right of movement, to work and study. I have met some refugee guys who have obtained

permanent residence, they did their studies and have good job. Refugees' documents are very important".

'Right' identity documents essential for integration, securing employment and survival
Another 3 (75 %) of the service provider respondents noted that refugee and asylum seeker identity documents insured the refugee and/or asylum seeker's survival. SER1M stated

"Yes, it does. Documentation that supports integration is important, and banks play a role. Otherwise no proper identity document, no agreement with us. No agreement, no bank account. No bank account, no job; no job, no survival. No survival, no place in the community, and so on and so forth, as you can yourself see".

Identity documents promote legitimacy and equal treatment

Another service provider indicated that identity documents contributed to integration because they promote legitimacy and equal treatment. SER4M (sighing deeply), said

"I think the idea of a green identity document, which nevertheless can have a number or something else that shows that you are not South African, that would have helped enormously. Even a proper, even if it's the red, refugee ID document. An identity document I think tends to help. It tends to legitimatise you. Uh, so, uh, only in the sense that it means you are not vulnerable to exploitation by South Africans: if you haven't got valid documentation and you are obviously vulnerable to arrest. Do the asylum seeker permits and refugee status certificates help? Uh, at least that means that you can't really be exploited because you are visibly legally here, but I think it would take proper identity documents, uh, or identity documents that from the outside are indistinguishable from South African ones, to really help with integration. 'Wrong' identity documents cause mistrust and de-legitimise refugee and asylum seeker attempts at integration."

Two service provider respondents felt that refugee and asylum seeker identity documents hampered integration because they created an impression of mistrust. These views are well captured in SER3M's responses:

"Uh, yes, well the thing is, Alice, quite frankly from the bank's perspective ... relates directly to the integration of a customer. I mean I wish you were here yesterday when I was sitting with Alex, a perfect example where, uh, he had been declined at another bank and that, and his documents were totally in order! It was totally 100% in order and I asked him 'But why? What were the reasons why it was declined?' and he couldn't understand as well, he was very frustrated, very upset and annoyed in fact. But the point is, I understand people get upset because as a human being, do you always want to be questioned...? Do you always want to

be questioned on your honesty, because you carry this piece of paper called the permit? You know, does it make you any less of a person? And the question is, people get upset with that particular thing because it pertains to them as individuals, you know, why question my integrity, why question who I am? All I wanna do is have an account, work hard, I wanna support my family and that is basically in essence what people do. This is the position they find themselves in”.

4.3.5 Contextualisation of findings in terms of the literature review

Migration:

Several of the study’s findings seem to correspond with those suggested by the literature review. For instance modernization theory suggests that inevitably countries progress from less desirable conditions to more positive ones, which not only benefits said countries’ in social, economic and political terms, but also others who may be indirectly liked to said countries (So, 1990).

This seems to fit in somewhat with the South African context, in that when the country moved from an oppressive, closed off apartheid regime, it become an open one that finally allowed those that sought protection to be admitted and hosted. In the South African context one can therefore argue that by successfully ‘modernising’ in terms of both political, social and economic context, South Africa become a beacon for candidate refugees and asylum seekers, who perceived these progressive changes to be advantageous to their own life situations.

In addition to the above, some aspects of Neo-Classical theory seem to explain the motivations given by a few of the respondents as their reasons for coming to South Africa other than for protection. According to this theory, geographical imbalance in terms of scarcity and availability of economic opportunities such as labour or education causes some immigrants to move from their countries of origin in search of surplus labour, better wages, or better educational opportunities (de Haas, 2010). This would then serve to explain why three refugee respondents chose to come to South Africa to either study, work, or open their own businesses, as their indicated in their respective responses as their motivation for coming to South Africa.

Finally, in the context of migration, the Three Styled Levels of Migration's micro - level posits that not all migration is voluntary, due to local, national regional or even geopolitical trends. Consequently individuals or families are forced to migrate for their own personal benefit including survival, either in the immediate present or foreseeable future. Refugees and asylum seekers generally fall within this category of migration, and this explains and corresponds with 98% of the migrant respondents who gave survival and search for safety and security as their only motivation for seeking asylum in South Africa.

Integration:

Ager & Strang's indicators of integration framework is perhaps most seminal in interpreting the majority of the study's findings. On the first level, called means and markers, a majority (98%) of the migrant respondents indicated that they perceived their lack of access to employment, housing, education and health derived from their documentation as 'means and indicators' that they were not integrated. Conversely, having access to proper documentation that facilitated these things would make them more integrated. On the other hand service providers also indicated a mirrored view on their perceptions of refugee and asylum seekers in these key areas. This fits in very succinctly with what Ager & Strang postulate regarding their so-called 'means and markers', "*key areas for the participation of refugees in the life of [their host] communities*" (Ager & Strang, 2004:12).

In terms of social connections, again many migrant respondents (96%) indicated not having built social bridges, links or bonds with their local counterparts, despite wanting to. Again this links with Ager & Strang's notion of social connectedness as bridges between homo- and heterogeneous communities, i.e. between local and immigrant communities. If they are fully achieved, they, according to Ager and Strang (2002:15) "*help [migrants] to access services and be fully involved as a citizen accessing services and government*". In South Africa, the reverse seems to have prevailed, thereby contributing to the migrants' perceptions and experiences of not being integrated.

The facilitators' aspects of Ager & Strang's model seemed to have echoed those of the respondents', as they (81%) indicated that they experienced xenophobia and other forms of insecurity and instability deriving from their documentation, among other things, which further exacerbated their already tenuous experiences of trying to integrate.

Finally a proper foundation for integration, as conceptualized by Ager & Strang (2002), not only recognized but also afforded refugees and asylum seekers recognition of their rights as well as the possibility of acquiring citizenship seemed to be the stumbling block. Many (96%) of the migrant respondents indicated their aspirations for attaining citizenship as the epitome of full integration. However, the study showed that even though this possibility is provided for in South African refugee laws, attaining it is nearly impossible, as various respondents indicated.

CHAPTER 5: SUMMARY, RECOMMENDATIONS AND CONCLUSION

This chapter summarises the findings of the previous chapter and presents, in the form of three possible scenarios, recommendations to address the challenges identified in this study. It proposes one of these three scenarios as the best solution, and concludes with a summary of recommendations to relevant stakeholders.

5.1 SUMMARY OF FINDINGS

Migration and immigration, especially forced migration that produces refugee and asylum seekers, have become part of the geopolitics of the 21st century, and as such no country can successfully shut them out.

In many refugee-receiving countries, local integration is seen as a solution to ending the protracted problems of refugees and asylum seekers. However, although integration is often a preferred solution, it is usually seen as the last of three options, the other two being indefinite refugee hosting (camp policy) and return of the refugees to their home countries (cessation). Consequently, many refugee-hosting countries have policies that embrace the first two options in their asylum and refugee management, to the neglect of the third option, integration.

More recently, new imagined ways of ‘managing’ asylum have become increasingly more militant, further suppressing the noble idea of local integration as a solution.

South Africa chose local integration as a lasting solution from the outset, by allowing refugees and asylum seekers to settle in any area of their choice in the country.

To realise this, issuing identity documents to refugees and asylum seekers has been embarked upon, as the pre-eminent process to promote both self-integration and denizenship.

Although this process has achieved some small successes, overall it has produced even greater negative results. Refugees and asylum seekers in South Africa frequently face having their legality questioned, and challenges of xenophobia and criminal attacks, as

they are perceived by the public as ‘economic migrants’, and therefore as abusing their asylum regime to exploit the socio-economic resources of the country. Consequently, access to identity documents, which are the keys to integration, and eventually escaping the asylum regime, is blocked and refugees and asylum seekers are kept in limbo for many years; some never to reach this goal. Even the pro-poor socio-economic policies designed to assist South Africa’s poor and marginalised groups exclude refugees and asylum seekers, leaving them on the fringes of society, with nowhere to turn.

This study explored refugee and asylum seeker identity documents and their role in integration from the perspective of refugees, asylum seekers and service providers. It identified the challenges around identity documents, and their role in integrating their owners into Cape Town society. Furthermore the study gauged what problems, if any, exist, and how these impinge on the integration-orientated policy of the Refugees Act of 1998.

The findings indicated a high correlation between identity documents issued to refugees and asylum seekers, and their integration. Further, the results show systematic challenges exist and persist, from administrative and structural to xenophobia, which impinges on the refugee and asylum seekers’ ability to access identity documents. There is also another level of systemic challenges, which have been identified at policy level.

This study also found that, despite common stereotypes of forced migrants as being scheming and desperate opportunity grabbers come to drain resources of the host country, the migrants studied were resilient and entrepreneurially orientated, with a strong will to integrate in South Africa. The respondents of the study were also very grateful to the efforts made by South Africa to host them, and only wished for the opportunity to be given ‘proper’ identity documents so that they could fully integrate, become self-sufficient and give back to their host country.

What is needed is facilitation for integration, at a political, policy, administrative and practical level, a commitment that should not be easily disregarded, as it is the best solution both for the host country as well as the refugee and asylum seekers themselves.

The rest of this chapter looks at the recommendations derived from the research, before ending with conclusions. Three scenarios are presented and discussed. These look at the past, present and possible roles of identity documents, and their impact on integration. One scenario is recommended as the way forward. Final thoughts and conclusions are then presented.

5.2 RECOMMENDATIONS

The following section is a discussion of the three possible, competing scenarios mentioned earlier. After a detailed discussion of each scenario, one scenario is chosen and is recommended as the best scenario to address the challenges identified in the study.

5.2.1 Scenario 1: Continue the current asylum system and welcome and process everyone

What if every potential refugee or asylum seeker entering South Africa is welcomed, and given asylum through the identity documentation process, and allowed to integrate and become naturalised?

Technically, this is what is happening in the country, with regard to the asylum process. People do come to South Africa from all corners of the globe and seek refuge and asylum. Some are accepted, processed, issued with identity documents to legalise their stay in the country and enable integration, and eventually become naturalised.

However, as shown in this study, this process is fraught with challenges and gaps at many levels, from policy to implementation, and infrastructural. However, the Department of Home Affairs alleges that the ‘simplicity’ of the process makes it easy to abuse, and consequently is abused by many economic migrants who are not genuine refugees or asylum seekers.

Whatever the reality of the applicants, this scenario and process has not worked well for all stakeholders, and as shown in the study impinges on refugee and asylum seekers’ rights. Clearly it should be reviewed, as it is not working in its current form.

Continued implementation of this system in its current form will mean that xenophobia and lack of integration will continue. Furthermore, the problematisation of the 'other' will persist, negatively contributing further to a fragmented South African society. In addition, it will further contribute to the under-utilisation of refugee and asylum seeker human resources, which could otherwise have made a positive contribution to their host community, which is facing a skills shortage.

5.2.2 Scenario 2: Close all existing loopholes in the current asylum system

What if the current 'open door' asylum policy is scrapped, all possible roads and loopholes are tightened or closed, every potential refugee or asylum seeker is comprehensively and thoroughly 'interrogated' and 'assessed' before only a small number is let through and granted asylum, but is never allowed to fully integrate and is kept on the asylum regime until their repatriation?

De facto, this is what the asylum system in South Africa is doing and where it is headed.

For many years there have been rumblings in the South African political system that since independence locals have not been able to enjoy the fruits of their freedom, because of the influx of foreigners, and this needs to be stopped.

This has been taking place surreptitiously since 2012, from delay tactics in not issuing identity documents to qualifying applicants, to the closure of RROs across the country, or moving them to the northern borders as discussed in the study.

Although this scenario seems like the preferred solution in the current DHA approach to the management of asylum seekers, in the long term it has several implications, many of them negative. First, current levels of corruption are likely to rise. As the number of reception offices diminishes or are centralised, inordinate power will lie in the hands of the few refugee reception officers, turned gatekeepers, at the borders. It is highly probable that genuine refugees and asylum seekers who cannot or are unwilling to pay a bribe, risk falling outside the system, contributing to the current number of undocumented migrants.

Border towns, that is towns close to the border posts where new RROs will be located also risk health issues and problems of shantytowns, over-crowding and crime.

Shantytowns will develop in these border towns, as refugees and asylum seekers already in the country are forced to wait in one place to be given their identity documents when they come to renew them or apply for new ones.

Finally, experience elsewhere, such as in Italy and Australia, shows that very desperate refugees and asylum seekers will not be deterred, and will risk everything, including their lives, to escape harsh conditions in their countries of origin and reach potential places of asylum.

Therefore in the event that this process is fully implemented, it will result in large numbers of undocumented people entering the country and needing temporary housing while awaiting repatriation, causing a strain on South Africa's finances as it engages in continuous arrest and deportation measures.

5.2.3 Scenario 3: Improve the current asylum system, address backlogs and render administrative justice

What if the current issues, including xenophobia, corruption, administrative injustice and inadequacies, and policy loopholes, are seriously looked at, and then addressed?

This means that a task team is appointed to develop a plan to overhaul the system, starting with an assessment of the current systemic and administrative issues, from all stakeholders, including the refugee and asylum seeker communities. The plan is then drawn up in consultation and partnership with the refugee and asylum communities. An interim team of contract workers is appointed, with the sole purpose of dealing with backlogs and fast-tracking cases that have been neglected or forgotten.

Refugees and asylum seekers who have been in the country legally for five years or more are fast-tracked (provided they fulfill all other requirements), and then given the correct identity documents corresponding with their length of stay in the country. For instance, a refugee who has been in the country since 2000 and is still on refugee status could be issued with citizenship, as their length of stay in the country corresponds to the time

required to achieve citizenship. Similarly an asylum seeker who has been on an asylum permit for longer than the required six months is fast-tracked to the correct identity documents, corresponding with their time in South Africa, provided all other requirements are met, and so on. Once all these categories have been identified and dealt with, their cases are closed and expunged from the asylum system, and they are finally allowed to integrate fully.

Removing these cases from the asylum system will relieve the clogged system and enable more efficient and effective processing thereafter.

Simultaneously better measures must be put in place to identify genuine new applicant refugees and asylum seekers. If necessary, applicants are made to go through various interviews, or are interviewed jointly by Home Affairs and the UNHCR, so that various officials contribute to their status determination.

If amendments are required to the relevant immigration laws, these should be targeted towards administrative justice, and should not be intended to discourage or ‘punish’ those who have already invested 5 – 10 of their lives in the country.

Currently closed down Refugee Reception Offices around the country should be re-opened, but under a clear and different mandate. If the measures suggested above were implemented, the RROs’ workload would be considerably diminished.

Finally, as new comers are processed, they are told within 30 days the final answer on their application, and if negative, they are encouraged to make alternative plans to seek asylum elsewhere. Those whose applications are approved are timeously processed, and allowed to reach full integration, in this case citizenship, within the timeframes prescribed by the law.

This is the scenario that the researcher would recommend to the South African government.

Table 5.1, next pages, summarises the recommendations.

Table 5.1: Summary of recommendations

AREA OF CONCERN	RECOMMENDATIONS	KEY ACTIONS	LEAD ACTOR	COOPERATING PARTNERS	TIME FRAME
LEGALITY	Facilitate access to proper identity documents	1. Facilitate access to and renewal of identity documentation in an accountable manner	DHA	Civil Society Organisations, Private Sector	Immediately
		2. Enhance staff competency through staff training on refugee related issues	DHA	Civil Society Organisations	Immediately
		3. Proper upgrade and maintenance of Home Affairs facilities is needed and must be implemented	DHA	Department of Public Works	Immediately
		4. The refugee status, and the red (maroon) refugee ID should be scrapped	DHA	Government Printing Works	Immediately
		5. A 13-digit green identity document, with some distinguishing feature from those of South African citizens should be issued	DHA	Government Printing Works	Immediately
		6. Special care and priority should be given to refugee/asylum seeker women, children elderly and disabled when receiving documentation. They could be assigned specific days or time periods when Home Affairs could attend only to them	DHA	Civil Society Organisations, Employers, Department of Education	Progressively
		7. Documentation should not be given for less than a minimum of one year to ensure that renewal procedures do not negatively impact on the lives of refugees and asylum seekers, especially women and children	DHA	-	Immediately
		8. Refugee and asylum seekers' identity documents should not be linked, so that they do not expire at	DHA	-	Progressively

		the same time, rendering the holder undocumented or exposing them to punitive fines or possible arrest			
		9. Asylum seekers who have been on Asylum Permits for more than 2 years to be issued with the proposed green refugee ID	DHA	-	Immediately
		10. Applicants on Appeal Letters for more than 2 years should be given the proposed green refugee ID	DHA	-	Immediately
		11. Refugees who have been on refugee status for more than 5 years should get permanent residence	DHA	-	Immediately
		12. The synchronization of documentation must be implemented, so that recognised refugees should get a refugee ID, and should be able to apply for a travel document at the same time	DHA	-	Immediately
POLICY	Amend the Refugee Act to address the 'gender-bias' and 'co-join' policy challenges	1. The current refugee policy should be reviewed and amended and the gender-biased slant, as well as the 'co-join' policy currently espoused addressed	DHA	Civil Society Organisations	Immediately
	Review or reverse recent Amendments to Refugee Act which espouse short term reception rather than long term integration	2. The proposed review of the Refugee Act should bring about an alignment between the Refugee Act and other critical Acts mentioned in the study, including the Broad Based Black Economic Empowerment Act, the Employment Equity Act, the Housing Act and others which are meant to empower disadvantaged groups	DHA	Departments of Education, Trade and Industry, Social Development, Labour, Human Settlement, Health; civil society, private sector, refugee-led organisations	Progressively
	Create inter-policy dialogue between Refugee Act and other Key Policies such as Black Economic Empowerment Act, Employment Equity Act,	3. The South Africa government should develop an awareness campaign that educates the public and	DHA	Civil society, the private sector,	Immediately

	Housing Act	private sector of the rights held by refugees.		refugee-led organisations, media	
FACILITY	Recently closed down Refugee Reception Offices across the country should be re-opened	1. Re-open all Refugee Reception Offices which have been shut down	DHA	Department of Public Works	Immediately
	Proper maintenance of facilities currently used as Refugee Reception Offices	2. Proper upgrade and maintenance of Home Affairs facilities is urgently needed and must be implemented and maintained	DHA	Department of Public Works	Immediately
	Increase capacity and effectiveness of Refugee Reception Offices	1. Open an additional two satellite Refugee offices per province, with the exclusive mandate of addressing backlogs while the main RROs continues to handle current refugee and asylum seeker cases and needs	DHA	Department of Public Works	Progressively
ADVOCACY	Remove backlogs and render administrative justice	2. If a refugee or asylum seeker documentation related matter isn't disposed of within 5-10 years, they should be fast tracked to permanent residence (after 5 years) and citizenship (after more than 5 years)	DHA	Government Printing Works, Police services, civil society, private sector, refugee-led organisations	Immediately
ACCESS TO SERVICES	Promote and Facilitate Access to Services	1. Advocate for access to banking and other critical services by asylum seekers, and refugees	Banking Sector	NGOs and service providers	Progressively
	Facilitate access to socio-economic opportunities	2. Increase access to essential socio-economic opportunities for asylum seekers, and refugees, such as mainstreaming them into the formal economy	Department of Labour	Departments of Trade and Industry and DHA	Progressively

	Targeted Awareness Campaigns for promotion of refugee and asylum seeker rights	3. Carry out financial sector campaigns to ensure the enjoyment and portability of social benefits.	Banking Service Providers	Departments of Trade and Industry, Labour and DHA Private Sector and Civil Society	Progressively
		4. Introducing the possibility of access to bursaries, reduced rates, exemptions and facilitation of payment in the same way as South Africans especially since the refugees rights are legally similar to those of citizens	Departments of Basic Education, Higher Education and Labour	Departments of Trade and Industry, labour and DHA Private Sector and Civil Society	Immediately
		5. Partnership and education. The private sector should support and partner with refugee-led organisations so that they can find mutually beneficial solutions	Banks, Tertiary Institutions, Employers	Private Sector and Civil Society	Immediately
ADMINISTRATIVE CHALLENGES	Facilitate access to services in a humane and dignified services	1. Provide dedicated resting areas for pregnant, disabled, elderly and ill refugee and asylum seekers coming to get documented	Department of Home Affairs	Department of Public Works	Immediately
	Training of Staff	2. Provide uniform training for all DHA staff across serving in RROs so that there is minimum standard of practice across the country	Department of Home Affairs, Civil Society	Departments of Trade and Industry and DHA	Immediately
	Carry out appropriate action when misconduct issues such as corruption are reported	4. Investigate and discipline staff members who have been identified and found guilty of being xenophobic, or engaging in illegal activities such as corruption	Department of Home Affairs, Civil Society	Department of Home Affairs and the National Prosecuting Authority (NPA)	Immediately

5.3 FINAL THOUGHTS

It is clear that an identity document is ‘the book of life’: if a person has it, their everyday functioning is enhanced. Without it, life quickly becomes more difficult, and challenges that initially were navigable become stumbling blocks, leaving one to operate as an outcast on the periphery, surviving on those small loopholes that are not so heavily guarded. This is especially so in a foreign country, where being given such an identity document may mean the difference between inclusion and exclusion, and survival and destitution.

For refugees and asylum seekers, identity documents affect their everyday functioning, and are essential to their integration, at all levels of society in their host country. Identity document issues compound exclusion through not being consulted, being seen as part of the greater foreign community, xenophobia and general systemic and systematic hurdles.

5.4 CONCLUSION

It is true that the study identified several challenges relating to refugee and asylum seeker documentation and their roles in integration. While the challenges are many, and many quite serious, the good news is that none are insurmountable and can be quite overcome with appropriate strategies. This then presents unique opportunities for South Africa and how to use documentation in promoting integration.

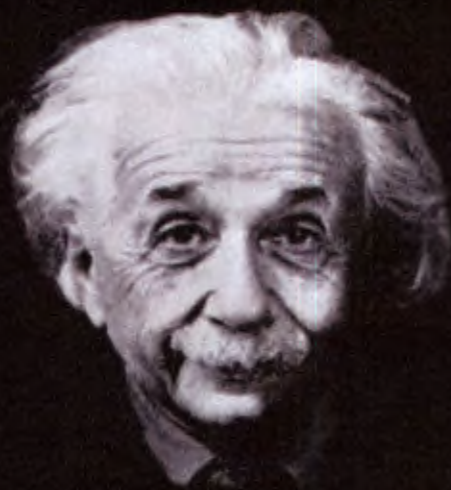
Firstly, the spirit, if not the will of South African refugee policy already has in place policy frameworks that facilitate this kind of integration a reality. This should be taken advantage of and the Refugee Act and its regulations brought in line with other relevant socioeconomic policies so that these policies can accommodate refugee and asylum seeker documentation, and make the intents of documentation acting as a viaduct to integration a reality.

Secondly, South Africa has had more than two decades of practice documenting refugees and asylum seekers. This journey has had both highlights and setbacks. Consequently, instead of periodically amending its migration policies with the aim of ‘closing loopholes’, it should turn its focus more on creating local strategies, (based on their

experiences) which will facilitate the maximum utilization of refugee and asylum seeker document to facilitate local integration.

With that in mind, it is said that 'a picture is worth a thousand words'; so I thought it appropriate to end this study with a picture (Figure 5.1). In the end, integrated refugees and asylum seekers are an asset to themselves and their families, their host countries, and the entire world, as in the cases of world-renowned scientist Albert Einstein, former US Secretary of State Madeleine Albright, celebrated actor Jackie Chan, supermodel Alek Wek, and many others. Facilitating their full integration in their host communities, and by extension allowing them to develop and reach their full potential, should therefore be a priority to host states and pursued diligently as it has the potential to change the course of society and the lives of our future generations.

**A bundle of belongings
isn't the only thing a refugee
brings to his new country.**



Einstein was a refugee.



UNHCR

United Nations High Commissioner for Refugees

UNHCR is the Office of the United Nations High Commissioner for Refugees.
Our job is to assist the world's most vulnerable people to solve their problems.
To protect the basic human rights of refugees.
The right to work, to education.

Freedom of religion. Travel documents.
Legal protection.
We do not ask your help to support refugees for ever and ever.
We need your help to make refugees self-sufficient.
Let us be a useful presence and happy life everywhere in the world.
Let us work for you.

Figure 5.1: Einstein was a refugee (poster courtesy of UNHCR)

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APPENDICES

Appendix A: Consent Form



CONSENT TO PARTICIPATE IN RESEARCH

Research Project: *An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town*

PURPOSE OF THE STUDY

The purpose of this study is to understand your experiences in terms of refugee and asylum seeker documents, and how that relates to integration within South African Society.

If you have any questions or concerns about the research, please feel free to contact Professor Eric Atmore, Research Supervisor , Humanities Department, University of Cape Town, South Africa by telephone at [021] 650 4221 or by email at eric.atmore@uct.ac.za

PROCEDURES

If you agree to participate in this study, the following things will take place:

You will be asked to participate in a recorded interview, in which you will be asked a series of questions about your involvement and experiences with regards to refugee and asylum seeker documentation.

This interview should take approximately 1 hour, and will be held at a mutually determined private location that is convenient for you.

PARTICIPATION AND WITHDRAWAL

You can choose whether to be in this study or not. If you volunteer to be in this study, you may withdraw at any time without consequences of any kind. You may exercise the

option of removing your data from the study. You may also refuse to answer any questions you don't want to answer and still remain in the study. The investigator may withdraw you from this research if circumstances arise that warrant doing so.

RIGHTS OF RESEARCH PARTICIPANTS

You may withdraw your consent at any time and discontinue participation without penalty. You are not waiving any legal claims, rights or remedies because of your participation in this research study.

SIGNATURE OF RESEARCH PARTICIPANT

I have read the information provided for the study "*An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town*" as described herein. My questions have been answered to my satisfaction, and I agree to participate in this study. I have been given a copy of this form.

Name(Optional) of Participant (please print)

Signature of Participant _____

SIGNATURE OF RESEARCHER

Appendix B: Semi-structured Interview Schedule For Populations A, B and C

INTERVIEW SCHEDULE

1. INTRODUCTION

A. My name is Alice Wamundiya and I am a student at the University of Cape Town. I am doing research entitled *“An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town”*. I would like to find out from you what your experiences have been in terms of either using, or being exposed to the refugee and/or asylum seeker identity documents. Please note that your responses are private and confidential and you are free to withdraw from the study at any time.

Do you give your consent to participate in this research? Please sign next to your choice:

Yes?----- No?-----

2. BACKGROUND QUESTIONS

(i) Name?----- (Optional) (You can give your name or an alias or choose to remain anonymous)

(ii) Age a) 13 – 18 b) 19 – 24 c) 25 – 34 d) 35 – 49 e) 50 +

(iii) Gender?-----

(iv) What is your marital status?-----

(v) Where do you live?-----

(vi) How long have you lived there?-----

(vii) Are you a refugee or asylum seeker?-----

(viii) What is your country of birth?-----

(ix) In what year did you come to South Africa?-----

(x) Why did you come to South Africa? -----

(xi) Have you faced any challenges since moving?-----Yes?-----No?-----

(xii) If yes, what kind?-----

3. (Topic) Education

(i) What is your highest qualification?-----

(ii) Where (in which country) did you obtain your highest qualifications?-----

4. (Topic) Employment

(i) Are you currently employed? Yes ---- No?-----

(ii) If yes, where?----- What kind work do you do?-----

(iii) If no, why not?-----

(iv) For how long have you worked there? -----

(v) How long were you in SA before you got a formal job?-----

(vi) Did you experience any challenges in finding employment? Yes?-----No?----Please explain-----

B. PERSONAL EXPERIENCES, PERCEPTIONS AND VIEWS ON REFUGEE/ASYLUM SEEKER DOCUMENTATION

Personal experiences and views

(i) Do you have any identity document now? Yes?----- No?-----

(ii) If yes, which?-----

(iii) If not, why not?-----

(iv) What was the first identity document you received here in South Africa?-----

(v) When did you first receive this document?-----

(vi) How long did you have that document for?-----

(vii) Is it still valid? Yes?----- No?-----

(viii) If no, how long was it valid for? -----

(ix) Did you have to renew that document?----- Yes?--- No?-----

(x) How often? -----

(xi) What kind of document(s) do you have now?-----

Please select as many as you have. (Asylum Seeker Permit, Refugee Status, Refugee ID, ZDP Permit, Section 27 C/ Certification, Permanent Residence Permit or Green ID)?

(xii) How long have you had this document?-----

/these permits-----?

(xiii) Did you have any challenges in obtaining them?-----Yes?--- No?-----

If Yes, what kind of challenges?-----

(vx) What is your typical day at Home Affairs like when you go to renew your document(s)? (Please give as much detail as possible) -----

(xv) What are your feelings or opinion towards refugee documents? -----
(xvi) What do you understand about integration?-----
(ix) Would you say that you are integrated in the South African community? -----
(x) If yes, please explain?-----

If no, please explain?-----

(xi) What do you think needs to be done to help you feel more integrated?-----
(xii) Do you think your identity documents are important? Yes ___? No ___? Please explain?-----

(xiii) Do you think that the documents you have, affect your daily life?-----Yes?/No?
If Yes, How? Please explain?-----

If No, Please Explain?-----

-----?

(ix) In your experience/opinion, do you think that documents play a role in your integration? Yes---? No---? If Yes, Please explain?-----

If No, Please Explain? -----

C. ASPIRATIONS, FUTURE PLANNING

(i) Looking back, what would you say has been the most positive thing that has happened to you as a result of these documents you have?-----
-----Don't Have?-----

(ii) Looking back, what would you say has been the most negative thing that has happened to you as a result of the documents you have?-----

You don't have? -----

(iii) Finally, is there anything specific you would like to recommend in terms of the documentation process? -----

(iv) Anything else you would like to say?-----

Well, it has been a pleasure finding out more about you and your experiences regarding the refugee and asylum seeker identity documents. Thanks a lot!

Appendix C: Semi-structured Interview Schedule For Population D

INTERVIEW SCHEDULE

SERVICE PROVIDERS DISCUSSION PROTOCOL

INTRODUCTION

A. (Establish Rapport) [Greet] My name is Alice Wamundiya and I am a student at the University of Cape Town. I am doing research entitled "*An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town*". I would like to find from you what your experiences have been in terms of either using, or being exposed to the refugee and/or asylum seeker identity documents, either personally or in your organisation.

Before we start, I would like you to please note that everything you say to me is confidential. It remains between you and me. Should you find some of the questions uncomfortable let me know and we will skip them or discontinue the interview.

B. (Purpose) I would like to ask you some questions about your general background and experiences.

C. (Motivation) I hope to use this information to learn more about you just to better understand where you are coming from before we start.

D. (Time Line) The interview should take about 1 hour. Will you be able to stay that long to answer some questions that I have?

1) How long have you been with this institution? _____

2) What is your current position at this institution? _____

3) Are you aware of the identity documents issued used by refugee and asylum seekers? _____ Yes?__ No?__ If yes, which ones? _____

4) What is your institution's/ organisation's policy, on refugee and asylum seeker documents? _____

5) What are your institution's requirements for refugee and asylum seekers in terms of documentation to obtain services from your institution? _____

6) Have your organisation's requirements for these documents changed over the years? _____

7) What, if any, has been the challenges experienced by your institution, in terms of these identity documents? _____

8) What would you like to see changed, to facilitate your institution's better service provision to refugees and asylum seeker clients? _____
Please give examples? _____

9) Under what conditions or circumstances will refugees or asylum seekers not be able to access services provided by your institution? _____

10) In your opinion, do you think refugee and asylum seeker identity documents play a role in their integration? Yes?_ No?_ Please elaborate? _____

11) Based on your institution's experiences dealing with refugee and asylum seeker identity documents, are there insights you would like to share, or recommendations or suggestions you would like to make?

To the refugees/asylum seekers?

To Government?

To Policy Makers?

12) Is there anything else we have not discussed that you would like to speak about?

Thank you once again for your time and contribution!

Appendix D: Observation Journal



RESEARCHER'S OBSERVATION JOURNAL

Research Project: *An Exploratory Study of the Role that Identity Documents play in the Integration of Refugees and Asylum Seekers in South Africa: Reflections from Cape Town*

Date:

Start Time:

End Time:

Location:

Activity Observed:

Notes: _____
