



Refugee Digest 38 **3rd March 2020**

Refugees, Migrants, Asylum Seekers & Displaced Persons

This Digest concentrates particularly on some of the critical issues facing migrants, refugees and asylum seekers in South Africa. Recent policy developments have raised deep concerns that South Africa's policies in this regard are becoming more and more restrictive. Many argue that a hermeneutic of limitation is emerging, in line with a similar creeping international practice of restriction.

In these circumstances we would do well to remember the words of President Nelson Mandela on World Refugee Day 1997:

'Yet, our continent today has the largest refugee problem, in the world. Sadly, armed conflict and violation of human rights continue to be the fundamental causes. In turn large-scale population displacements pose a threat to regional and continental peace and security. Unresolved refugee problems become a source of instability, violence and further population displacements.'

http://www.mandela.gov.za/mandela_speeches/1997/970620_refugee.htm

A number of issues in this vulnerable sector continue to hold the public's attention; among these are the regulations accompanying the Refugee Act of 2017. In a nutshell, some of them are thought to be restrictive and to limit a number of rights, while others remain vague.

<https://www.dailymaverick.co.za/article/2020-02-04-change-to-the-refugees-act-moves-south-africa-much-closer-to-donald-trumps-america/>

<https://www.dailymaverick.co.za/article/2020-01-17-sas-new-refugee-regulations-could-have-been-drafted-by-trump-says-activist/>

Despite this important shift in policy, a number of other critical issues continue to cause great concern.

The status and the future of Angolan refugees remains unresolved even after some positive earlier interventions and dispensations. These will expire at the end of next year and there is no definite sense of what will transpire after that.

<https://www.dailymaverick.co.za/article/2020-02-06-frozen-futures-the-uncertain-and-inhumane-fate-of-angolan-refugees-in-sa/>

The saga around the refugees camped out in and around the Central Methodist Church has an added dimension now that the High Court has ruled that the City of Cape Town may enforce its by-laws, which would mean the eviction of those refugees living on the streets outside the church.

<https://www.dailymaverick.co.za/article/2020-02-18-we-have-nowhere-to-go-cape-town-refugees-fear-the-worst-after-court-grants-interdict/>

<https://www.dailymaverick.co.za/article/2020-01-28-methodist-church-refugees-are-not-homeless-says-city-of-cape-town/>

<https://www.dailymaverick.co.za/article/2020-01-16-things-fall-apart-in-the-church-of-refugees/>

Issues of corruption and inefficiency have plagued the Department of Home Affairs for the longest time. This has been shown to be true in a number of areas. In recent times, corruption with regard to officiating at marriages of asylum seekers has surfaced. It is reported that despite a court ruling that the DHA must allow asylum seekers to marry, the necessary infrastructure for that to happen has not been put in place.

<https://www.dailymaverick.co.za/article/2020-01-22-officials-take-bribes-to-marry-refugees-as-home-affairs-stalls-on-implementing-court-order/>

<https://www.dailymaverick.co.za/article/2019-11-27-unhcr-refugee-protest-stems-from-failures-at-home-affairs/>

More broadly, the question of people being displaced because of climate change and other negative environmental issues is increasingly being seen as a justification for migration. Interestingly, it is also being seen as a right to life issue. There is a growing jurisprudence around this matter.

<https://www.dailymaverick.co.za/article/2020-01-21-sending-back-climate-refugees-may-violate-right-to-life-u-n-body/>

<https://www.climatechangenews.com/2020/01/29/un-ruling-climate-refugees-gamechanger-climate-action/>

https://en.m.wikipedia.org/wiki/Environmental_migrant

This is also a growing concern in South Africa and across the African continent. Studies have shown that changes to the climate and environmental changes affect poor black people most adversely.

<https://africatimes.com/2019/12/24/africas-climate-refugees-are-already-here-and-there/>

<http://climatemigration.org.uk/climate-change-and-migration-in-south-africa/>

<https://issafrica.org/amp/iss-today/is-climate-change-creating-more-environmental-refugees-than-war-in-africa>

Peter-John Pearson
Director