



## **Refugee Digest 48**

**December 17<sup>th</sup> 2020**

### **Refugees, Migrants and Displaced Persons**

As the possibility of a roll-out of vaccines to deal with the COVID-19 pandemic becomes a reality, there are concerns about refugees being discriminated against in such a roll-out. Activists point to the fact that in South Africa there is, under section 27 of the Constitution, an obligation to provide basic health care to all people irrespective of status.

<https://www.dailymaverick.co.za/article/2020-05-14-we-all-lose-when-we-exclude-refugees-asylum-seekers-and-migrants/>

A recent High Court judgement ruled that the Department of Home Affairs could not regard documents for asylum that had not been renewed timeously as having been abandoned, and on that basis deport them to their home countries, which were often dangerous places for them. The Court held that forcing them to return was not part of our law.

<https://www.groundup.org.za/article/high-court-suspends-abandonment-provisions-for-asylum-seekers/>

<https://www.dailymaverick.co.za/article/2020-12-02-win-for-refugees-high-court-suspends-measures-against-asylum-seekers/>

Robust arguments have recently ensued around the insistence that refugees must follow the path of integration with host communities. The arguments centre on the contention that high levels of xenophobia exist in many South African communities, making integration an impossible option.

<https://www.dailymaverick.co.za/article/2020-11-06-home-affairs-moves-against-cape-town-refugees/>

<http://www.capetalk.co.za/articles/394482/small-network-of-twitter-accounts-fueling-xenophobic-sentiments-says-researcher>

<https://www.groundup.org.za/article/refugees-unhcr-protest-separated-their-families-and-facing-deportation/>

<https://www.capetalk.co.za/articles/398568/anti-refugee-sentiment-widespread-in-the-western-cape-according-to-report>

Refugees in several parts of South Africa have complained that, despite the government's blanket extension of the validity of all documents that expired during the lockdown until 31 January 2021, many law enforcement agencies routinely ignore this and arrest people for having expired documents. Pleas for the Minister of Police to publicly state the correct position so that the police comply with directions, have not been heeded.

<https://www.groundup.org.za/article/home-affairs-closure-durban-refugee-centre-making-life-unbearable-immigrants/>

<https://www.groundup.org.za/article/concern-over-huge-number-refugee-documents-expiring-end-october/>

There is a growing concern that the offices of the DHA that deal with issues pertaining to foreign nationals have not been re-opened since the lockdown, while services for South African citizens are fully functional. This appears to be discriminatory and is possibly designed to dissuade people from continuing their stay in South Africa.

<https://www.groundup.org.za/article/home-affairs-closure-durban-refugee-centre-making-life-unbearable-immigrants/>

<https://www.capetalk.co.za/articles/397778/south-african-police-complicit-in-fuelling-xenophobic-violence-argues-researcher>

In early November 2020, the Minister of Home Affairs issued a statement regarding some of the above issues. A number of the comments are now moot as the situations have developed. However, we include the statement here because it offers an insight into the government's approach to the resolution of these problems.

<http://www.dha.gov.za/index.php/statements-speeches/1390-enforcement-of-immigration-laws-by-the-department-of-home-affairs>

In December the Scalabrini Institute for Human Mobility in Africa published a paper looking at section 3 of the Refugee Act and the protection it offers people who fall within the definition of refugee. It also looks closely at the exceptions stated in the Act and at the various amendments, offering a comprehensive understanding of who is protected under the law and the practice that has emerged from it.

<https://www.sihma.org.za/Blog-on-the-move/refugee-status-included-in-or-excluded-from-refugee-protection>

In the international arena, the following article looks at some of the recent trends in international policies with regard to migration. It shows that the increase in populist politics has led to policies that make access to protection for mobile people much more difficult. These include the shift towards criminalising aid to migrants, and policies aimed at returning people to dangerous situations.

<https://www.thenewhumanitarian.org/migration/shifting-responses>

A recent article points out that while Pope Francis is certainly the face of refugee and migrant discussion in faith communities, the church has consistently taught that care for migrants is a moral imperative.

<https://international.la-croix.com/news/religion/church-teaches-that-welcoming-migrants-is-a-moral-imperative/13446>

In the USA, the Trump Administration in its final weeks is trying to finish as much of the separation wall between the USA and Mexico before the new Administration takes office.

[https://www.washingtonpost.com/immigration/border-wall-feuds-trump/2020/12/03/30430116-3580-11eb-b59c-adb7153d10c2\\_story.html](https://www.washingtonpost.com/immigration/border-wall-feuds-trump/2020/12/03/30430116-3580-11eb-b59c-adb7153d10c2_story.html)

On a more hopeful note, after much advocacy the Trump Administration has at last handed over much-needed information that will allow authorities to reunite families separated at the border. There has been robust criticism of this practice by many, including Pope Francis.

<https://www.nbcnews.com/politics/immigration/lawyers-say-trump-admin-has-handed-over-data-will-help-n1249782>

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