



## **Refugee Digest 63**

**18<sup>th</sup> February 2022**

### **Refugees, Migrants & Displaced Persons**

Narratives around various categories of mobile people continue to be deeply divisive and highly contested. Added to this, new Directives have recently emerged, especially from the Department of Home Affairs (DHA), raising the qualification barriers for permanent residence status. Failures across a range of routine responsibilities have rendered many mobile people unnecessarily vulnerable. The suspension of the Zimbabwe Exemption Permits (ZEP) and the tightening up of processes for holders of critical skills for permanent residence, as well as political discourses from several parties, all make the same point around exclusion. The overall picture, even if implicitly, places the blame for some social ills on migrants. This creates a feeling of vulnerability among them, and engenders an atmosphere conducive to xenophobic discourses and actions. The first article speaks of South Africa's treatment of foreigners as a new low in our political environment.

<https://www.iol.co.za/business-report/opinion/sa-has-sunk-to-a-new-low-as-the-march-against-foreign-nationals-begins-f4600937-e444-4bdd-bcf5-8a22b650a8e8>

Some of the unnecessary process issues at DHA include the fact that many who attempt to renew their permits online are faced with difficulties ranging from not being able to register children at school to not being able to open bank accounts.

<https://www.groundup.org.za/article/refugees-struggle-with-home-affairs-online-system/>

<https://www.dailymaverick.co.za/article/2022-02-04-refugees-left-in-limbo-without-protection-as-they-battle-to-renew-asylum-documents-through-home-affairs-online-system/>

At the end of last year, matric students without documentation were, in some places, threatened with a prohibition forbidding them from sitting for the exams. The students claimed that DHA had not issued, or was unwilling to issue, IDs. It should be noted that a 2019 judgement stated categorically that under the Constitution no child could be refused permission to sit for the exam and that alternate forms of identification must be accepted.

<https://www.news24.com/parent/learn/learning-difficulties/i-have-been-told-that-i-cannot-write-my-matric-without-an-id-but-home-affairs-wont-issue-me-one-20220125>

DHA and United Nations High Commissioner for Refugees (UNHCR) entered an agreement whereby the UNHCR pledged to help South Africa fix its ailing asylum management system. This should have begun in 2020, but delays due to COVID-19 halted implementation. It is hoped that this co-operation will help sort out a critical area of blockage in the system and allow for speedier and more just responses to applications.

<https://www.iol.co.za/news/south-africa/un-to-help-south-africa-repair-asylum-system-1b0b1116-6765-4eaf-8f00-96b246b63c00>

In recent weeks, some political parties have ramped up their policy positions on undocumented migrants employed in local businesses. This has been accompanied by targeted political actions such as 'site visits' and in some cases, such as in the Eastern Cape, members of the Patriotic Alliance stopping work where no locals were part of the working team. This exclusionary attitude is widespread and runs a serious risk of becoming the dominant, and dangerous, narrative.

<https://www.iol.co.za/news/hospitality-blitz-fascism-blending-into-anti-immigrant-sentiment-in-south-africa-says-labour-analyst-33480fba-9fe2-46c5-bf2a-b989757831fe>

The way in which the ‘site visits’ were conducted, for example by the Economic Freedom Fighters (EFF), was criticised by the Department of Employment and Labour, and by some sectors of business. One criticism was that it was politically expedient and bypassed the usual rules of engagement for visiting sites of employment. It was interesting that some days later the Minister, following proper procedures, visited similar sites, checking on employment conditions, etc.; many asked whether, beneath these visits, there was not perhaps a signal to some constituencies that the African National Congress (ANC) was also not being ‘soft’ on issues of foreign nationals and labour.

<https://www.timeslive.co.za/news/south-africa/2022-01-26-from-quotas-to-critical-skills-exchange-four-changes-proposed-for-foreign-workers-in-sa/>

<https://www.iol.co.za/news/south-africa/western-cape/hospitality-blitz-thulas-nxesi-to-lead-labour-law-enforcement-mega-blitz-in-western-cape-37f95fc8-2b70-4866-b281-9521f9a27>

Striking a somewhat different note, the Speaker of the National Assembly said that anybody living in South Africa, irrespective of where they hailed from, should be allowed to stay in South Africa. She quoted the line from the Freedom Charter that ‘South Africa belongs to all who live in her.’

<https://za.opera.news/za/en/politics/amp/a6434deccaabce0cd7364b90d64ef82a>

On 2<sup>nd</sup> February the DHA published a list of ‘101 Critical Skills’ which are needed at present in South Africa. The list was last updated in 2014. It gives guidance especially for those foreign professionals who wish to contribute to the South African economy, providing clarity on what skills are in short supply here. A guide to the technical aspects of the implementation of this list still needs to be published.

<https://businesstech.co.za/news/business/555526/the-list-of-critical-skills-needed-in-south-africa-right-now/>

<https://www.santaferelo.com/en/mobility-insights/news-and-blog/immigration-update-south-africa-new-critical-skills-list-published/>

The upsurge in issues around foreign nationals and labour has made this look as if it is a question of national urgency. For some, the high profile given to the issue is out of all proportion, and there have been calls for clarity on the matter from, among others, Congress of South African Trade Unions (COSATU).

<https://businesstech.co.za/news/business/555526/the-list-of-critical-skills-needed-in-south-africa-right-now/>

<https://ewn.co.za/2022/02/08/cosatu-ramaphosa-s-sona-must-clarify-policies-on-employing-foreign-nationals>

The DHA has cancelled a waiver introduced in 2016 whereby someone completing studies at a South African institution in an area of critical skills could bypass certain requirements such as five years’ work experience. This has become yet another hurdle for people with scarce skills trying to obtain permanent residence in a country which desperately needs their skills.

<https://www.businesslive.co.za/bd/national/2022-02-02-foreign-graduates-face-more-hurdles-to-stay-in-sa-permanently/>

This final link takes us to studies in trying to find easier ways of resolving migrant solutions. The UNHCR says that it takes about twenty years to resolve migrant difficulties and ambiguities.

<https://graduate.carleton.ca/2022/helping-resolve-the-refugee-predicament/>

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