



Refugee Digest 64

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Refugees, Migrants and Displaced Persons

Issues involving foreign nationals ranging from the sharp rise in xenophobia to the ongoing contestation around Zimbabwe Exemption Permits (ZEP), the 'quota system' in employment for foreign nationals, and the failure to physically re-open services for mobile communities at The Department of Home Affairs (especially the Refugee Reception Offices, RROs), all contribute to a growing anxiety amongst mobile people and a sense of exclusion in policy issues. On the international scene, the number of Ukrainians fleeing their country after the invasion by Russia, was estimated to be about 500 000 in the first five days alone. It is now many millions. It is interesting to note how tragedies of such magnitude as this war also reveal some of the insidious contradictions in those societies. One such example has been the steadfast refusal by some of the neighbouring countries to the Ukraine to welcome refugees in the past, especially those from the places like Syria, contrasting with the warm embrace of the Ukrainian refugees and the implicitly racist reasons given for this change of mind. It is also sad to note that racism has also been a part of the experience of the exodus from Ukraine, such as black people not being allowed to board trains to exit the country, or having to wait to board only once everyone else was on board.

<https://www.france24.com/en/europe/20220228-pushed-back-because-we-re-black-africans-stranded-at-ukraine-poland-border>

<https://www.brookings.edu/blog/how-we-rise/2022/03/03/the-russian-invasion-of-ukraine-shows-racism-has-no-boundaries/>

<https://abcnews.go.com/International/nonwhite-refugees-fleeing-ukraine-caught-theyre-limbo-borders/story?id=83211545>

Recently the Minister of Home Affairs commented that there were about 4m foreign nationals of various status in South Africa.

<https://www.iol.co.za/news/politics/aaron-motsoaledi-says-almost-4-million-foreigners-live-in-sa-624e9ae6-705f-479d-aa20-b57c535235a8>

In SA, the exclusion or partial exclusion of foreigners from certain jobs is evident in the Minister's response in a court case seeking recognition for foreign lawyers to have their qualifications recognised in SA and to be allowed to practice here. In the Minister's response he makes reference to locating the issue within the envisaged quota system.

<https://www.news24.com/news24/southafrinews/concourt-reserves-judgment-in-battle-over-admission-of-foreign-lawyers-20220224>

The RROs are still closed while other services of DHA have been fully functional for several months. This unfairly disadvantages foreign nationals wishing to renew documents.

<https://www.dailymaverick.co.za/article/2022-02-15-immigrants-question-continued-closure-of-reception-offices-while-all-other-home-affairs-facilities-are-open-for-service/>

Probably the most obvious areas of anti-foreign sentiment are witnessed in the increasingly blatant xenophobic public narratives and actions. In Gauteng in particular, branches of the xenophobic movement, Dudula, are being established and they seem to be gaining more and more of a following. In a recent statement Cabinet condemned the rise of xenophobia.

<https://www.polity.org.za/print-version/cabinet-welcomes-conclusion-of-purchase-and-sales-agreement-for-saa-2022-02-24>

In his State of the Province Address, the Premier of Gauteng called on people to “stop chasing” foreign nationals.

<https://www.enca.com/news/makhura-calls-end-xenophobia-violence>

<https://www.businesslive.co.za/fm/opinion/editorial/2022-02-10-editorial-xenophobic-job-curbs-are-a-red-herring/>

<https://www.dailymaverick.co.za/article/2022-02-21-xenophobia-accused-operation-dudula-returns-to-hillbrow/>

<https://www.news24.com/news24/opinions/fridaybriefing/david-monyae-hateful-politics-and-lawlessness-the-pull-of-campaigns-to-remove-foreign-nationals-20220224>

<https://www.news24.com/news24/opinions/fridaybriefing/david-monyae-hateful-politics-and-lawlessness-the-pull-of-campaigns-to-remove-foreign-nationals-20220224>

There has also been criticism of a recent trend – when describing details of crimes – to specifically point out the number of foreign nationals, by nationality, involved in such crimes. It has been cited as another form of xenophobic attitude.

<https://www.timeslive.co.za/news/south-africa/2022-02-28-it-does-not-make-us-xenophobic-modise-defends-police-identifying-suspects-by-nationality/>

The Department of Employment and Labour recently published the Draft National Labour Migration Policy for public comment. The Minister commented that this policy, which makes provision for quotas limiting the employment of foreigners in any designated labour category and for refusing licences to trade in certain areas, is a way of establishing a balance between reducing the unemployment rate of South Africans and complying with international protocols that oblige South Africa to open employment to foreign nationals, especially refugees.

<https://ewn.co.za/2022/02/28/nxesi-releases-national-labour-migration-policy-for-public-comment>

<https://www.timeslive.co.za/sunday-times/business/business/2022-02-20-experts-back-immigrant-jobs-plan-but-say-it-needs-a-moral-balance/>

<https://www.702.co.za/articles/438457/you-can-hire-a-foreign-national-only-after-diligent-search-for-a-local-failed>

<https://www.timeslive.co.za/news/south-africa/2022-02-22-these-laws-will-protect-everyone-equally--motsoaledi-defends-job-quotas-for-foreign-nationals/>

<https://www.businesslive.co.za/bloomberg/news/2022-02-11-government-sues-huawei-for-employing-too-many-foreign-nationals/>

<https://www.businesslive.co.za/bd/national/2022-02-13-job-reservation-is-on-the-cards-government-confirms/>

There was a widespread expectation that President Ramaphosa would use the State of the Nation Address (SONA) to announce government plans to implement a form of job reservation. In the end he did not.

<https://www.businesslive.co.za/bd/national/2022-02-07-ramaphosa-may-announce-job-reservation-in-new-blow-for-foreigners/>

In a recent submission to Parliament, Business Unity South Africa warned that proposed legislation, noted above, could have serious consequences and could introduce an unnecessary level of rigidity into a number of sectors.

<https://businesstech.co.za/news/government/561556/business-warns-of-stricter-transformation-laws-planned-for-south-africa/>

On 2nd February, after a protracted process including public hearings, the final Critical Skills List was published. It is meant to assist in the visa application process for holders of skills and thus also to enhance economic growth. It is noted that in some instances the required qualifications have been raised and that visas issued previously would be renewed according to the 2014 list, but that any new applications would be handled in terms of the 2022 list.

<https://mybroadband.co.za/news/technology/433668-south-africas-list-of-critically-scarce-tech-skills.html>

<https://www.news24.com/fin24/opinion/busisiwe-mavuso-xenophobia-wont-create-jobs-but-foreigners-with-critical-skills-might-20220210>

<https://www.dailymaverick.co.za/article/2022-02-09-no-fanfare-but-south-africa-finally-has-a-critical-skills-work-visa-list/>

Peter-John Pearson

Director

pearson@iafrica.com

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