



Refugee Digest 67

July 2022

Migrants, Refugees and Displaced Persons

The extreme vulnerability of mobile people, especially undocumented mobile people, continues to make headlines internationally. Two months ago we witnessed the discovery of 53 corpses of migrants found in a truck on the border of Mexico and the USA. More recently, a number of migrants died of dehydration while crossing the border between Chad and Libya. We also saw statistics for the more than 3 000 migrants who died in the Mediterranean in 2021. These incidents all point to the vulnerability of mobile people and to the urgent need to establish safe passages and to enhance protection for those making these journeys.

<https://www.nytimes.com/2022/06/29/us/texas-migrants-deaths-truck.html>

<https://reliefweb.int/report/libya/iom-deplores-deaths-chad-libya-border-and-calls-stronger-action-migrant-protection>

<https://news.un.org/en/story/2022/04/1117292>

It is worth reminding ourselves that, while there are long-standing, established grounds for issuing protection to specific groups of mobile people, there is also room in international jurisprudence for less formal, more subjective, grounds for offering protection. The Office of the High Commissioner for Human Rights states: “In the case of migrants who are not considered to have protection needs—where return is legally possible—return might still not be a desirable option based on individual considerations. States should therefore develop or strengthen discretionary mechanisms for entry and stay based on a migrant’s individual circumstances including practical reasons.” We should continue to explore possibilities for extending protection under such options.

<https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/Protection.pdf>

On 15th July 2022, a panel of UN experts condemned the rise in xenophobic violence and racism against foreign nationals in South Africa and called “for accountability against xenophobia, racism and hate speech that were harming migrants, refugees, asylum seekers and even citizens perceived as foreign throughout the country”. It is hard to overestimate the toxicity of the situation on the ground and the grave consequences for the country in every sphere.

In South Africa the politics of exclusion continues to centre around the ongoing public debate on the extension of the Zimbabwe Exemption Permits, the restriction of access to employment contained in draft policies of the Department of Employment and Labour, and the unabated xenophobic narratives and activities in many spheres of national life.

The Department of Home Affairs has recently affirmed that it has a zero tolerance approach to migrants who are undocumented, illegally in the country, or on fraudulent documents. A spokesperson warned that there would be consequences for those employing migrants who are undocumented or, in his

words, 'illegal'. He also established that the Department had worked out a clear mandate with regard to dealing with migrants which included issues of documentation and establishing the status of migrants and refugees, and enforcing existing legislation.

<https://businesstech.co.za/news/government/608132/government-sends-warning-to-businesses-hiring-foreign-workers-in-south-africa/>

In this interview, the Minister of Home Affairs, Dr Aaron Motsoaledi, explains the reasons for the inauguration of the Border Management Agency, with the emphasis on streamlining the co-ordination of the several departments working on the border. He also offers an explanation and rationale for the withdrawal of the ZEPs. An emphasis in both discussions is the notion of legality.

<https://omny.fm/shows/mid-morning-show-702/in-conversation-with-dr-aaron-motsoaledi>

On the ZEP issue, the Minister has announced his intention to sue for defamation one of the lawyers representing Zimbabweans challenging the cancellation of the permits, who has alleged that the DHA defrauded citizens of another country. In another interview the Minister accused the Helen Suzman Foundation and other NGOs engaged in the ZEP matter of "trying to dislodge the government". The Foundation has strenuously denied the allegations.

<https://www.news24.com/news24/SouthAfrica/News/minister-aaron-motsoaledi-to-sue-zimbabwe-permit-holders-lawyer-for-defamation-20220713>

<https://www.youtube.com/watch?v=WJ2LRQYydvq>

<https://www.businesslive.co.za/bd/national/2022-06-28-helen-suzman-foundation-slams-motsoaledi-unbecoming-statement/>

<https://www.news24.com/news24/southafrica/news/home-affairs-accuses-ngos-challenging-zep-cancellation-of-wanting-to-dislodge-govt-20220628>

<https://www.news24.com/news24/southafrica/politics/motsoaledi-explains-deployment-of-border-patrollers-to-protect-entry-points-to-sa-20220704>

This special report on the human costs and the various effects of the cancellation of the ZEPs provides a critical assessment of the government's action.

<https://specialprojects.news24.com/unwelcomed-neighbours/index.html>

There have been appeals to the DHA by some groups, requesting that one of the criteria necessary for the issuance of work permits to Zimbabweans in place of the ZEP, should be dropped. They refer to the requirement that the ZEP holder who applies for a work visa must possess a document from the Department of Employment and Labour showing that they possess a special skill or a waiver.

<https://ewn.co.za/2022/06/27/home-affairs-dept-urged-to-drop-a-work-visa-requirement-for-zimbabweans>

At the recent ANC NEC meeting, participants raised the issue of migrants and called it 'a prickly issue'. Many are said to have supported the approach of Minister Motsoaledi, calling for the issues to be resolved before the 2024 elections. It is reported that former President Mbeki cautioned against hasty moves in this regard and warned of unintended consequences. The debate was apparently heated.

<https://ewn.co.za/2022/07/05/anc-nec-raises-concerns-over-challenges-posed-by-migration-in-sa>

At the last Gauteng ANC Provincial Congress, the executive council called on the national government to finalise issues around immigration, which it saw as a big challenge. It noted that organisations such as Operation Dudula were taking matters into their own hands. There is a fear that political parties who espouse anti-migrant sentiments are eating into the support base of the ANC in the province, and some in the ANC hope that strong actions would curb this haemorrhaging.

<https://www.enca.com/news/gauteng-anc-pec-prioritise-immigration-issues>

The issue of the exploitation of refugees in the formal and informal sectors has long been noted. This article explores the exploitation of refugee security guards.

<https://www.dailymaverick.co.za/article/2022-06-28-exploitation-of-refugee-security-guards-rife-in-south-africa-says-legal-organisation/>

In the area of xenophobia, voices continue to be raised against Operation Dudula, even as they continue to spread their footprint.

<https://ewn.co.za/2022/06/24/one-voice-of-all-hawkers-association-criticises-attacks-on-foreign-nationals>

<https://ewn.co.za/2022/07/22/operation-dudula-embarks-on-quest-to-remove-undocumented-migrants-in-wc>

The following is a reflective piece on the manhandling and arrest of activist and scholar Rekgotsofetse Chikane for 'looking like a foreigner', a dangerous but obvious expansion on where entertaining xenophobic attitudes can land us.

<https://ewn.co.za/0001/01/01/first-they-came-for-immigrants-now-they-are-coming-for-foreign-looking>

This article urges all faith leaders to use their various platforms to combat xenophobia.

<https://www.sowetanlive.co.za/news/south-africa/2022-06-26-use-your-pulpits-to-discourage-xenophobia-pastors-urged/>

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