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SA's 'increased danger of sending refugees back to face persecution'

SOUTH Africa is experiencing a major shift in its approach to asylum seekers and refugees, Lawyers for Human Rights (LHR) said yesterday.

"The changes amount to a substantial reduction of asylum-seeker and refugee protection culminating in increased danger of sending people back to face persecution," it said.

"Since early 2011, these shifts have resulted in group exclusion, access barriers, the limitation of basic rights, the closure of existing refugee reception offices with the intention of moving them to borderlines, and finally, backlogs in appeal cases due to the restructuring and under-capacitation of the Refugee Appeals Board."

LHR released a report, "Policy Shifts in the South African Asylum System: Evidence and Implications", yesterday.

It said there was compelling reason why the country's asylum policy development should be of concern to people beyond Home Affairs and asylum-seekers, refugees and NGOs.

"There are implications for the respect for constitutional rights and administrative justice, for the rational use of tax monies, as well as public

health concerns."

The government and the ANC had viewed the management of asylum as a question of security and had reoriented Home Affairs as a security department, it said.

In the policy document on peace and stability, the ANC stated that "as a security department, Home Affairs will contribute to achieving two overriding goals – national security and public safety".

However, LHR said there was no evidence provided of how asylum seekers and refugees posed a security threat to South Africa.

"LHR is particularly concerned that the state has been preoccupied with asylum seeker numbers and this has been a major driving force behind the new policies and irregular practices which have developed in the last two years," said Kaajal Ramjathan-Keogh, head of LHR's refugee and migrants' rights programme.

"There is also an increased focus on security and this is being directed at efforts to prevent and limit asylum seekers from entering and residing legally in the country."

Home Affairs had closed several

refugee reception offices, saying it intended to move them from major cities to border areas.

This impacted on the basic principles of asylum protection, particularly with regard to access, administrative efficiency and fairness.

LHR said its report was based on the belief that revised government policies should meet basic criteria to enable the country to meet its domestic and international commitments.

Policies and practices had to be clearly formulated, justified and communicated, and be developed in consultation with affected constituencies.

It called on the Public Protector to investigate border officials denying asylum seekers entry into the country, and whether the proposed move of the refugee reception offices was cost-effective and appropriate.

"We also call on the Public Protector to investigate Home Affairs's repeated non-compliance with court orders regarding the closure of refugee reception offices and in other asylum and detention-related matters," it said. – Sapa