

State's 'refugee border camps' bid challenged

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LAWYERS for Human Rights (LHR) has claimed that the Department of Home Affairs' decision to close the refugee reception offices (RRO) in metropolitan areas and opening offices in remote areas along South

Africa's borders, will effectively create refugee camps.

Lawyers for Human Rights and the Nelson Mandela Metropolitan University's refugee rights centre have challenged the closure of the Port Elizabeth RRO.

Last Friday, judgment was reserved in the Eastern Cape

High Court in the case challenging the closure of the Port Elizabeth RRO.

"LHR is concerned that the department is implementing drastic changes in policy without engaging the refugee community or organisations which represent their interests," David Cote of

LHR's strategic litigation unit said.

Department spokesperson Lunga Ngengengelele denied any intention to create refugee camps along the borders. "We are closing these offices because of previous court cases in which businesses around the RROs took action

against us, saying they created congestion," he said.

Ngengengelele said the decision to open RROs along the border was part of the department's attempts to assist refugees.

Cote said the department had taken a secretive approach to its new policy direction and

had not engaged stakeholders.

"The closure of each of the offices have been challenged but home affairs still insists it does not need to consult with the public on these changes," Cote said.

While a decision has been taken to relocate RROs to ports of entry, LHR argued that exploring policy

options cannot be relevant to the operation of the RRO.

The state has not denied claims that no alternative reception office has yet been constructed, saying "the Lebombo RRO remains a long way from actually being established in a functional state."

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Cold reception for refugees

Many claim the violation of their rights, including harassment by the authorities

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"WE COME to South Africa to change our lives but we are treated worse than criminals," Moses Puthi, an asylum seeker from Zimbabwe said.

Puthi said that refugee reception offices (RRO) across the country were refugee seekers' "worst nightmare". He said that insensitivity, corruption and maladministration plagued these offices.

"I was shoved by the officials. They push us like we are dogs," Puthi said. He came to SA five years ago from Zimbabwe.

Puthi arrived at the Musina RRO where he spent five days trying to prove that he was a refugee.

"When they interviewed me to see whether I was a refugee, the official didn't care that my story was difficult for me to explain," Puthi said.

Eventually, the father of two received refugee status and he was issued a Section 24 permit after five days at the Musina RRO.

To qualify for refugee or asylum status, a person must be able to present evidence that their life was in danger due to persecution as a result of their race, tribe, religion, nationality, political opinion or membership of a particular social group, or if there is war in the country.

"I moved to Cape Town because people told me there are jobs available for foreigners there, but when I go and renew my permit they say I must go and do it in Musina," Puthi said.

The Musina border, where the RRO is situated, is some 1900km away from Cape Town.

Puthi described how he was asked for a R500 bribe to renew his permit while his friend was jailed for two months without any charges laid. He said he was often stopped by police for his permit and threatened with arrest.

"It is bad. And what is our crime? We are victims of war and we want a better life," he said.

Non-governmental organisation, People Against Suffering,



FIRST STEP: A man jumps over the border fence between Zimbabwe and South Africa but more hurdles lie ahead.

Oppression and Poverty (Passop), has since its inception in 2007 documented dozens of incidences of human rights violations reported at RROs across SA.

Passop director Braam Hanekom, said that officials at RROs did not respect the rights of refugees.

"The Department of Home Affairs is infringing the rights of refugees every day," Hanekom said.

Chief litigating officer at Passop, Langton Miriyoga, said there was a great degree of xenophobia at the RROs.

This was supported by Lawyers for Human Rights' head of strategic litigation unit, David Kote.

"I saw a plainclothes officer at the Marabastad office with guns around his neck while security officials were beating up refugees with sjamboks," Kote said.

"People are bribing security guards to jump the queue. Some

are bribing officials to speed up the process," Miriyoga said.

Kote said refugees resort to bribery as a last resort because "there was no other way of getting their refugee permits."

Zimbabwean refugee, Mary Beli, said she had witnessed officials at the Cape Town RRO requesting bribes in exchange of jumping the queue.

"They only want your money. If you have money you will get done fast," she said.

"Where will we get money from. We come here with nothing and can't afford the taxi fare to go so far to renew our papers and if we don't go in time they fine us," another Zimbabwean refugee, Mohammed Ali, said.

This was a common problem.

Refugees resort to bribery as a last resort because there was no other way of getting their refugee permits



NIGHTMARE: Zimbabwean nationals queue outside a home affairs office where bribery is said to be the norm.

Miriyoga said, as the RROs were far away and Home Affairs did not give sufficient time for refugee permits to be renewed.

Miriyoga said another dilemma that Passop had documented was that people were told to renew their documents at the same RRO they initially applied at.

"This is difficult because they mostly apply at Musina and move to Cape Town and other areas. The problem is that the renewal only lasts for a few months. They can't travel so far every few months," he said.

The Consortium of Migrant and Refugees in South Africa (Cormsa) has noted that the closure of some key refugee reception offices across the country had resulted in a decline in the quality of lives of refugees.

"Many refugees lose a lot of productive time, children missing a number of days of school and also some people being forced to sleep outside the reception offices, a situation which leaves them vulnerable to abuse, theft and is unhealthy," Cormsa spokesperson Gwadimir Majange said.

The Department of Home

Affairs denied that there were violations of human rights and insensitivities against refugees.

"SA is a signatory to a number of international conventions and protocols that protect the rights of refugees," spokesperson Lunga Ngengengelele said.

The Department of Home Affairs, which is responsible for RROs, has also reportedly showed a disregard for court rulings.

The Cape Town RRO is embroiled in a court battle with rights organisation, Scalabrini Centre, including the Minister of Home Affairs, Naledi Pandor.

This was after the department decided to close the RRO in Cape Town in 2012 to new asylum applications.

Judge Owen Rogers of the Western Cape High Court ruled on March 20, that the Department of Home Affairs' decision to close the Cape Town RRO to new asylum applicants was unlawful and ordered that the centre be reopened. The department announced that it would not comply with the order until an appeal against the judgment was heard.

Meanwhile, Lawyers for Human



PORTABLE BEDS: Looking for a place to lay his head, a refugee hopes for a better deal in SA.



WORLDLY GOODS: Refugees are often given the runaround and told to return to the original refugee office far away.



MAKING DO: Gaining refugee status can mean many trips as only Musina, Pretoria and Durban refugee offices remain open

Rights was in the process of challenging the department's decision to close the Port Elizabeth RRO, despite a court order declaring it unlawful.

Last Friday, judgment was reserved in that case.

The Cape Town, Port Elizabeth and Johannesburg RRO remained closed while on Musina, Marabastad (Pretoria) and Durban remained open.

* Not their real names
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