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South Africa – Researched and compiled by the Refugee Documentation Centre of Ireland on 26 January 2011

Attitudes of South African government and society towards Zimbabwean migrants.

A report from the *United States Department of State* under the heading 'Internally Displaced Persons (IDPs)', states:

"Foreign African migrants were displaced during the year following xenophobic attacks. On November 17, a mob chased approximately 3,000 Zimbabwean migrants out of the town of De Doorns by attacking and destroying the migrants' shacks. Police fired rubber bullets to disperse the mob and arrested 24 persons for public violence. The minister of home affairs sent a delegation to the town to assist those migrants who lost their identification documents during the attack. The migrants set up an informal IDP camp on a local rugby field and remained there at year's end. The attacks were reportedly sparked by competition for seasonal farming jobs, with residents accusing the Zimbabweans of agreeing to work longer hours for less pay. On December 17, Witswatersrand University's Forced Migration Studies Project (FMSP) released a study that indicated that dissatisfied local labor brokers pressured local leaders and residents to chase the Zimbabweans away because they were angered by income losses blamed on Zimbabwean labor brokers.

In May 2008 xenophobic attacks against foreign African migrants and ethnic minorities by South African civilians in townships in Johannesburg escalated into a national wave of violence in which 62 persons were killed in Western Cape, Gauteng, and KZN provinces. Of these, 21 were South African citizens, 11 were Mozambican, five were Zimbabwean, and three were Somali. The remaining 22 bodies were not identifiable. Fifty-three of the killings took place in Gauteng Province. An estimated 670 persons were seriously injured nationwide. The perpetrators blamed the immigrants for job and housing losses and increasing levels of crime. Most attacks were perpetrated by small mobs adopting vigilante tactics, in some cases under the influence of alcohol. Some victims were beaten to death, others were stabbed, and their shacks were looted and burned." (United States Department of State (11 March 2010) *2009 Human Rights Report: South Africa*)

In a section titled 'Protection of Refugees' the same report continues, adding:

"In practice the government generally provided protection against the expulsion or return of those recognized as refugees. However, refugee advocacy organizations charged that police and immigration officials abused refugees and asylum seekers and forcefully repatriated some asylum seekers, particularly Zimbabweans. Applicants for asylum and NGOs assisting refugees also reported that immigration authorities sought bribes from those seeking permits to remain in the country. The Department of

Home Affairs (DHA) adopted anticorruption programs and punished officials or contracted security officers found to be accepting bribes.

Following concern about the expulsion or return of refugees and asylum seekers to countries where their lives or freedom would be threatened, the government took steps to address these concerns during the year, which were welcomed by some watchdog organizations. On May 1, the government suspended deportations of Zimbabweans; introduced a 90-day visa-free entry for Zimbabwean nationals and an associated right to work; and proposed a system of longer-term permits, known as special dispensation permits, for Zimbabweans already in the country under the Immigration Act. The proposed permit would allow holders to remain in South Africa for six months and afford the right to education, work, and access to basic health care; however, the permit system had not been implemented by year's end." (ibid)

A May 2010 report from *Amnesty International* under the heading 'Refugees and migrants' notes:

"The political and economic crisis in Zimbabwe fuelled the flow of migrants and asylum-seekers into South Africa. In April, the government introduced a 90-day visa-free entry for Zimbabweans and announced plans for immigration permits for Zimbabweans already in the country. The permits had not been implemented by the end of the year. An informal shelter for Zimbabweans in the border town of Musina was abruptly closed in March, with many occupants seeking shelter in Johannesburg, particularly at the Central Methodist Mission (CMC). By the end of the year, several thousand Zimbabweans were still sheltering at the CMC with the authorities failing to meet their humanitarian needs.

In July, the police arrested hundreds of mainly Zimbabwean nationals for "loitering" near the CMC. Medical evidence indicated that in some cases the detainees had been beaten, kicked, pepper sprayed and shocked with electric stun guns. Some were verbally abused as makwerekwere (foreigners) by police. All 350 detainees were released uncharged three days later. In October, the CMC and Lawyers for Human Rights sought an order in the High Court declaring the arrests unlawful and prohibiting the further use of the anti-loitering municipal by-law. The case was ongoing at the end of the year." (Amnesty International (28 May 2010) *Amnesty International Report 2010 - South Africa*)

The January 2011 *Human Rights Watch* annual report states:

"South Africa's immigration system has struggled to deal adequately with the millions of asylum seekers and migrants who have entered the country-up to an estimated 1.5 million of whom are Zimbabwean. Thousands fleeing the political and economic crisis in Zimbabwe who have applied for asylum in South Africa have faced unlawful deportation.

On April 3, 2009, then-Minister of Home Affairs Nosiviwe Mapisa-Nqakula announced a positive shift in migrant policy toward Zimbabweans, which included visa-free entry and "special dispensation permits" to legalize Zimbabweans' stay and give them work rights and access to basic healthcare and education. The Department of Home Affairs at the same time announced an immediate moratorium on the deportation of Zimbabweans from South

Africa. However, the government has yet to implement the special dispensation process, which would lessen the vulnerability of Zimbabweans to violence and exploitation both in their homeland and in South Africa.” (Human Rights Watch (24 January 2011) *World Report 2011 – South Africa*)

Another report from *Human Rights Watch* under the heading ‘Living Conditions’ states:

“Migrants who are able to move on and settle in urban areas live in cramped and poorly ventilated conditions. Refugees displaced in the xenophobic violence told Human Rights Watch how they were pushed out of the affordable townships where they lived, and forced into more expensive neighborhoods they hope will be safer. However, the higher rents in the new neighborhoods necessitate more roommates, heightening the risk of disease and conflict. Other migrants, unable to pay rent, spend nights in informal shelters like the Central Methodist Mission Church in downtown Johannesburg, in an abandoned tire garage in Pretoria, or in a borrowed room in a community center in Cape Town. These shelters are overwhelmingly provided by volunteers and small, local community organizations, with little or no cooperation with, or support from, local government. In fact, the Methodist Church has been threatened with eviction actions by local government and neighboring businesses for allowing between one and three thousand Zimbabweans to take shelter in and around its floors each night. Police have raided it twice in the last two years, and hundreds of homeless asylum seekers were arrested and threatened with deportation. Wherever they take shelter, migrants in South Africa frequently live in hazardous conditions, vulnerable to illness, violence, arrest, eviction, food insecurity, and lack of basic services.” (Human Rights Watch (7 December 2009) *No Healing Here Violence, Discrimination and Barriers to Health for Migrants in South Africa*)

Under the heading ‘Political Rights and Civil Liberties’, a June 2010 *Freedom House* report states:

“Increased illegal immigration, particularly from Zimbabwe and Mozambique, has led to a rise in xenophobic violence by police and vigilantes, including a wave of attacks in May 2008 that killed 62 suspected foreigners (21 were in fact South African) and temporarily displaced some 80,000 others. Sporadic attacks picked up in 2009, particularly during the service-delivery protests in July. In November, about 2,500 Zimbabweans were forced to flee the de Doorns informal settlement in the Western Cape after being attacked by other residents. Immigration and police forces have been accused of abusing illegal immigrants and detaining them longer than allowed under the Immigration Act.

The number of foreign nationals in South Africa is contested, with estimates ranging from two to seven million, including between one and three million Zimbabweans. In April 2009, the government announced a moratorium on the deportation of Zimbabweans, and granted most 90-day visa waivers. The government also announced plans to create six-month “special dispensation permits” for many Zimbabweans, legalizing their presence and giving them access to workers’ rights and basic health care and education. However, the program had not been implemented by year’s end. Separately, the nomadic Khoikhoi and Khomani San peoples, indigenous to South Africa, suffer from

social and legal discrimination.” (Freedom House (1 June 2010) *Freedom in the World - South Africa (2010)*)

A *SW Radio Africa* report under the heading ‘Zimbabwe: Nationals in SA Plea for Extension of Documentation Deadline’ notes:

“Zimbabweans in South Africa are pleading for the deadline to regularise their stay in the country to be extended, as thousands of people look set to miss the cut off date next week.

But the December 31st deadline looks unlikely to change after South Africa's Home Affairs Minister, Nkosazana Dlamini-Zuma, announced last week that there would be no extension. After a meeting with various rights groups concerned about the faltering documentation process, she said that the department would not resume deportations of Zim nationals until all applications made before the deadline had been processed. She however warned once again that no new applications would be considered in the New Year.”(SW Radio Africa (20 December 2010) *Zimbabwe: Nationals in SA Plea for Extension of Documentation Deadline - Alex Bell*)

The same report continues:

“Rights groups have been calling for an extension of the deadline for sometime, warning that thousands of people will miss out on the opportunity to get relevant work or study permits. Getting the permits relies on having proper identification, in the form of a Zimbabwean passport, but the authorities are struggling to deal with the numbers requested. Only about 10 000 passports have been issued in the past two months, out of many tens of thousands.” (ibid)

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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