

# **SEEKING ASYLUM IN SOUTH AFRICA:**

**The Experiences of Migrants from the Central Africa Region.**

**By**

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## **ABSTRACT**

This study examined the experiences of migrants from the Central Africa region during the process of seeking asylum in South Africa.

The process creates social insecurities, which are referred to as inadequate access to social services. The objectives of this study were to establish the connection between asylum seeking and the deprivation of social services concerned (creation of social insecurities).

This study was based on a qualitative research method and a descriptive case study of the migrants from the Central Africa region. Data was collected by means of semi-structured interviews with 21 asylum seekers interviewed and four lawyers from the nongovernmental organization, Lawyers for Human Rights. Participant observation on the experiences of asylum seekers at the Marabastad refugee reception centre in Pretoria also formed part of the primary data sources for the research. To the best of the researcher's knowledge, no research on asylum-seekers' social wellbeing in South Africa has been conducted with a specific focus on the Central Africa region. Therefore, this provided the motivation for the study. The study also aimed to add to existing literature on research concerning refugees and asylum seekers and asylum-seeking processes.

The study shows that protracted delays in processing asylum applications by the Department of Home Affairs in South Africa, the prioritization of national security by the South African state, the closures of refugee reception centres and the requirement of identification documents by social service providers create extensive human insecurities against asylum seekers by depriving them of access to social services. The study concludes that the process of seeking asylum in South Africa is a machinery that produces human insecurities (social insecurities) against asylum seekers, despite being a process that is meant to protect them.

## **Key Terms and Concepts**

- Asylum Seekers
- Central Africa Region
- Department of Home Affairs
- Human security
- National security
- Social services
- Refugee reception centre

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## **Abbreviations**

AI Harvest	Action Labourers for the Harvest
CAR	Central African Republic
DHA	Department of Home Affairs
DRC	Democratic Republic of Congo
FGM	Female Genital Mutilation
HRW	Human Rights Watch
ICR	International Convention on Refugees
LHR	Lawyers for Human Rights
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees

## CHAPTER 1

### Introduction

This chapter presents the background of the study, the research problem, research questions and objectives, rationale of the research and the structure of the research.

This study examines the experiences of migrants from the Central Africa region<sup>1</sup> engaged in the process of seeking asylum in South Africa. It examines the relationship between the process of seeking asylum (obtaining legal status) and applicants' experiences during that process; bearing in mind that such processes affect the lives of these migrants. The study is based on experiences relating to social security that the process of seeking asylum creates.

Some research underscores ways in which the asylum process produces physical insecurities, deprivation of several basic necessities and services, and mental disorders, etc. (Bohmer and Shuman 2007; Eastmond 2007; Kinzie 2006). Research findings on asylum seeking processes has revealed and established links between social insecurities and asylum seeking (Jenkins 1991).

Political instability is a main cause of forced migration and producer of asylum seekers, notably in the Central Africa region (Crisp, 2006). The conflict in the Eastern Democratic Republic of Congo (DRC), for example, has lasted 16 years, killing over 5.4 million people, displacing about 2.6 million internally and produced about 444,054 refugees across Africa (*The Atlantic* 2010; UNHCR 2013). The conflict in the Central Africa Republic (CAR) as well, has forced more than 140,000 people to migrate into neighbouring countries such as Cameroon and Chad (*VOA News* 2014).

Poverty and steady economic decline and social reasons relating to culture such as traditional female genital mutilation (FGM) and forced marriages, etc. also contribute to

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<sup>1</sup> Nine countries make up the Central Africa region. They include Burundi, Cameroon, Central African Republic (CAR), Chad, Republic of Congo, Democratic Republic of Congo (DRC), Chad, Equatorial Guinea, and Sao Tome and Principe.

forced migration (Adepoju 2007; Valji 2000). Although economic migrants go through the tedious process of seeking asylum, this study focuses on involuntary migrants—those who leave because of internal conflicts, natural disasters, etc.

South Africa is a choice destination for asylum seekers from sub-Saharan Africa. The Consortium for Refugees and Migrants (2011) states that at “the beginning of 2010, sub-Saharan Africa was home to some 2 million refugees...while 420,000 individual asylum seekers were registered in sub-Saharan Africa in 2009, with more than half of these in South Africa. In 2012 alone, the Department of Home Affairs (DHA) in South Africa approved 3,922 temporary residence visas of citizens from the DRC, and 2,234 of citizens of Cameroon, respectively.

South Africa might be a safe destination for asylum seekers because of its progressive human rights record, progressive economy with job opportunities and political stability (*Heritage* 2014). Other reasons may include freedom of movement, since there are no asylum seekers’ holdings or detention camps<sup>2</sup>, as well as the provision of basic social services by the South African government. It is, however, not certain that South Africa is a safer destination because the reason asylum seekers come may be based on perceptions.

This study, therefore, examines experiences in the process of seeking asylum among applicants from the Central Africa region. The prospects of South Africa being a better destination might be a perception as the process of seeking asylum might produce many forms of social insecurities.

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<sup>2</sup> Detention camps refer to compounds or facilities where prospective asylum seekers are kept or detained, pending the decision of their legal status by immigration officers under national and/or international law.

## 1.2 Problem Statement and Research Question

In South Africa, not much research has been done regarding the experiences of asylum seeking applicants from the Central Africa region, especially from a security perspective. Acer (2004) states that post 9/11 the process of seeking asylum in the US has created various forms of social insecurities for asylum seekers. This study, however, is concerned with the extent to which the process creates social insecurities and the coping mechanisms that asylum seekers adopt in South Africa.

Attention has mainly been on quantitative measures regarding asylum seekers that flock into South Africa in relation to crime and national security. Given the closing of State-operated refugee reception centres in Johannesburg, Cape Town and Port Elizabeth, seeking asylum in South Africa might be a protracted and stressful process resulting in inter alia poor access to social services. This may also be made more stressful by the requirement for asylum seekers to go and present themselves at the only state-operated refugee reception centres in Pretoria, Durban or Musina within two weeks of entering South Africa. Xenophobic tendencies from various quarters might create social insecurities for applicants who were already exposed to various forms of insecurities in their home countries and on their way to South Africa (Nyamnjoh 2010). Delays in the asylum application process might result in difficulties to access social service such as health care, education, etc.

Consequently, this research is concerned with the various experiential dimensions embedded in the process of seeking asylum in South Africa by migrants from the Central Africa region, which might create social insecurities to prospective applicants. Thus the question is asked, to what extent does the process of seeking asylum in South Africa impact on the social wellbeing of migrants? How does this process affect asylum seekers' access to social services? Specifically,

- a. How do delays in the processing time of applications impact on asylum seekers' freedom of movement in South Africa?

- b. Does the prioritization of national security by the state in South Africa impact on the (physical) vulnerability of potential asylum seekers to xenophobic and other attacks? In what ways does this affect asylum seekers' social wellbeing?
- c. What effects does the closure of government refugee reception centres across South Africa (with the exception of Pretoria, Durban and Musina) have on asylum seekers and their access to social services?
- d. What impact does the requirement for mandatory proof of identification by social service providers have on asylum seekers' access to social services?

### **1.3 Objectives**

- a. To establish the connections between the delays in processing asylum applications and the asylum seekers' freedom of movement.
- b. To explore the prioritization of national security in South Africa and how it renders asylum seekers vulnerable to xenophobic attacks and affects their social wellbeing.
- c. To determine possible connections between the closures of refugee reception centres across South Africa and asylum seekers' access to social services.
- d. To explore the requirement for mandatory proof of identification by social service providers and its effects on asylum seekers' access to social services.

### **1.4 Rationale**

To the best of the researcher's knowledge, no research on asylum-seekers' social wellbeing in South Africa has been conducted with a specific focus on the Central Africa region given that it is a huge refugee producing region. Therefore, it presents a motivation to address this problem. Secondly, this study aims to add to existing

literature on previous and similar research done on this topic. This study might confirm or negate the findings in the literature.

## **1.6 Structure of the research**

The research is presented in seven chapters. The first chapter includes the introduction, research problem, question, objectives rationale and limitations of the study; the second chapter covers the conceptual and theoretical framework; the third chapter presents the research methodology and research design; the fourth chapter presents the review of existing literature; the fifth chapter presents the findings; the sixth chapter presents the analysis and the seventh and final chapter presents the conclusion and recommendations.

## CHAPTER 2

### Theoretical Framework

This chapter presents and explains the theory of human security in relationship to the process of seeking asylum in South Africa.

#### **2.1 Experiences in Seeking Asylum and Human Security in South Africa**

In order to understand the relationship between the process of seeking asylum and the experiences this process brings, it is important to examine it through the lens of the human security theory.

The United Nations Development Programme (UNDP) first propagated the term ‘human security’ in its 1994 Human Development report. The UNDP defines security in a broader term of not just state security, but insists that the security of humans is important and paramount. Threats to humans include ‘critical and pervasive environmental, economic, food, health, personal and political threats’ Benedek (2008:9). The broader definition of security does not prioritize violent to non-violent threats to a person.

A traditional security notion is typically concerned with the security of the state rather than those who live in it. The securitization of immigration in South Africa, which led to a stringent process in seeking asylum, indicates that the state is primarily concerned with state security rather than human security (Buzan 1991). If an action has a direct or indirect impact on the security of individuals, it is essential to analyze it through the lens of human security (Buzan 1991), bearing in mind that affected individuals are of no threat to state security. This is validated by how seeking asylum as instituted by the way the state oppresses, harasses or harms potential asylum seekers. Mack (2004:366) states that, “in the last hundred years, far more people have died at the hands of their own government than have been killed by foreign armies.” Such a statement supports

the notion that most states regard their survival as more important than the security of asylum seekers.

Human security is presented in the framework of “freedom from fear” and “freedom from want” as key components of security. Freedom from fear focuses on violent or physical threats and security such as xenophobic attacks while freedom from want expands on issues of access to health and education, rights, movements, economy, environmental, etc. (MacFarlane 2004:369). This supports the central focus of this study namely, the threat to personal security that could arise for asylum seekers as a result of xenophobic attacks and the direct consequences of the asylum seeking process and on the other hand also the consequences of the health, freedom of movement of asylum seekers, etc. This paper thus focuses on freedom from fear and freedom from want regarding asylum seekers.

Before the end of apartheid in South Africa, issues of security were viewed as domestic affairs with the power of the military being of great importance and focus (Du Plessis 1995). However, post 1994, which coincided with the end of the cold war, issues of national security were no longer viewed as solely a military affair. Matters of security have incorporated social, economic, political and environmental issues. What this meant is that the notion of security in South Africa and in most parts of the world evolved predominantly around the concern for the security of the people/person-based security (Human Security).

In 1996, the then Minister of Defence, Mr. Joe Modise, stated that “security is an all-encompassing condition in which the individual citizens live in freedom, peace and safety; participate fully in the process of governance; enjoy the protection of fundamental rights; have access to resources and the basic necessities of life; and inhabit an environment which is not detrimental to their health and well-being” (Cawthra 2000: 7-8).

Sarosi (2007) explains human security with a gender perspective. She states that human security is more effective when it entails people’s own perspective of what human security is. In other words, the least secure should define security. Sarosi (2007) further explains that viewing human security in the gendered lens lay emphasis on the

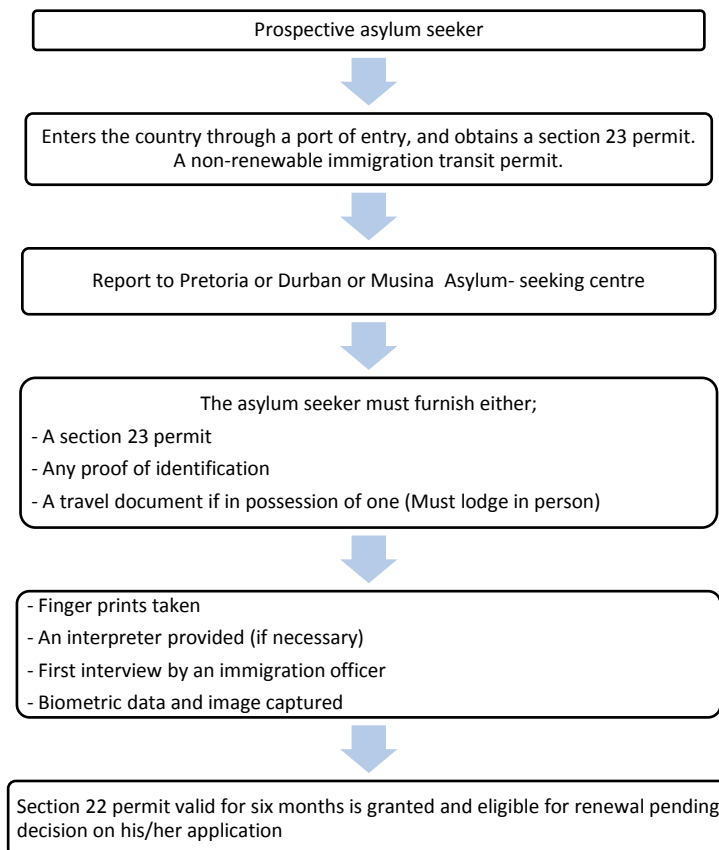


plight of the marginalized group in society—that is, women, children, and the elderly, etc. and with respect to this study, asylum-seekers. Human security, in this regard, is about addressing the causes of individual or group insecurity. “A gendered approach disaggregates the cultural, social, economic and political mechanisms for the distribution of power and control and recognizes who is affected and how and what specific forms of protection or assistance are needed by whom” (Sarosi 2007). Therefore, the term security and those who define them should shift from policy-makers to those who are affected.

An asylum seeker “is a person who has fled his or her country of origin and is seeking recognition and protection as a refugee in the Republic of South Africa, and whose application is still under consideration” (DHA, South Africa).

**Figure 2.1** illustrates the process of seeking asylum in South Africa, as adapted from the DHA website.

**Figure 2.1 Eligibility and application procedure for asylum in South Africa**



Source: DHA, 2014.

The asylum seeking process starts when an applicant enters South Africa until he or she obtains a Section 22 permit. This research will be scrutinizing social insecurities that this process produces.

According to Figure 1, a prospective asylum seeker arrives (at any port of entry) and obtains a Section 23 non-renewable temporary asylum seeker permit at the port of entry. He or she must then report at the asylum-seeking centre in Pretoria within two weeks of entering South Africa. While in Pretoria, the applicant must provide proof of identification. The immigration officials then obtain the applicant's biometric data and fingerprints. Thereafter, a renewable six months valid Section 22 permit is offered, pending decision on the asylum application.

Social wellbeing as used in this research is a state in which an individual's basic human needs are met by the state or other institutions and relates to the delivery and availability of basic needs and services including personal safety. In this study, social security refers to easy access to health care, shelter, freedom of movement and personal (physical) safety.

Nussbaum (2011) states some aspects that focus on the protection of freedom that are very important to the dignity of humans, to the extent that when they are removed, humans will be subjected to a life of indignity. They include being able to access health facilities, food and adequate shelter, freedom of movement with no restrictions and to be guarded against violent assault and crime, and the right to work and to be able to live a long and fulfilled life without hindrance, etc.

“Social, political, familial and economic conditions may prevent people from choosing to function in accordance with developed internal capability: this sort of thwarting is comparable to imprisonment” (Nussbaum 2001:31). Nussbaum thus calls for changes in policies and processes “that protects and support agency, rather than choices that infantilize people and treat them as passive recipients of benefit” (2011:30).

Special attention ought to be given to female as well as children asylum seekers as they are of a vulnerable group due to their biological difference to men. Phillimore and Goodson (2010) and Quertin (2012) state that women are very vulnerable to sexual violence during the process of seeking asylum and thus rendering them more insecure than their male counterpart.

The process of seeking asylum may generates “fears” and “deprivation of wants” stressing the importance of examining the role these asylum processes play in effect on human security (personal security) and social insecurities.

The human security theory, therefore, is appropriate for this study to address the relationship between the process of seeking asylum and asylum seekers’ experiences.

## CHAPTER 3

### **Research Methodology and Research Design**

This study used the qualitative method and a descriptive study focusing on migrants from the Central Africa region who are engaged in the process of seeking asylum in South Africa. Emphasis was placed on the extent to which the process of seeking asylum produces social insecurities to the applicants. The human security theory was well placed to explain this. Qualitative research granted the researcher insight into the respondent's perceptions (Patton 2002) and allowed respondents to go into detail without being prompted by the researcher to obtain information. This study did not call for generalization of data, but functions as a platform for asylum seekers to express how the process causes social insecurities that affect their wellbeing.

#### **3.1 Population Characteristics and Sample**

The participants of this study were migrants from the Central Africa region that are seeking asylum in South Africa. Nine countries make up the Central Africa region including Burundi, Cameroon, Central African Republic (CAR), Chad, Republic of Congo, Democratic Republic of Congo (DRC), Equatorial Guinea, Gabon, Sao Tome and Principe.

The researcher worked with the non-governmental organization (NGO) Action Labourers for the Harvest in Pretoria in identifying the participants. This organization provides for basic temporary shelter and other forms of assistance to over 200 migrants originating from within and outside South Africa in its breakfast/coffee meetings and other extracurricular activities. The ideal place the researcher initially identified was the Central Methodist Church in Johannesburg, but by the time of data collection, the South African government was shutting down the church. Action Labourers for the Harvest (Al Harvest) was a better alternative.

Respondents were identified with the assistance and approval of the organization's management that enabled the researcher to interview migrants that slept on the premises and those who came for breakfast. The initial plan was to interview between thirty to fifty asylum seekers for proper country representativeness. However, the research coincided with the xenophobic attacks and 'Operation Fiela'<sup>3</sup> in South Africa that caused migrants and possible asylum seekers to flee the premises to elsewhere in order to avoid being arrested.

Twenty-one asylum seekers participated in the research. The researcher also considered asylum seekers who do not come from Central Africa in order to analyze commonality or differences in experiences from asylum seekers from different regions. A Zimbabwean, a Mauritanian, a Nigerien and two from Ivory Coast also participated in the research. Four experts in immigration issues from Lawyers for Human Rights (LHR) in Pretoria were also interviewed. The aim was to interview three of them, but due to their availability and zeal to contribute to the research, a fourth LHR was very willing to participate as well. LHR who are experts in immigration law/matters, were interviewed in order to answer the questions concerning national security.

## **3.2 Data Sources**

Data for the research consisted of both secondary and primary sources.

### **3.2.1 Secondary Data**

Secondary sources of data included journals, newspaper articles and posters, government legislation on migration and immigration, etc.

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<sup>3</sup> Operation Fiela refers to the arrest of so-called illegal migrants by law enforcement /immigration officers with the purpose of reducing crime.

### 3.2.2 Primary Data

The researcher carried out participant observations at the refugee reception centre in Marabastad, Pretoria. There are two refugee reception centres in Pretoria. The Pretoria West centre called Tirro and the Marabastad centre. The Marabastad centre was ideal for the study because that is the main office of asylum seeking/application in Pretoria. Secondly, for about three years, no new application has been received at Tirro. Applications were only received at the Marabastad office. Only applicants who used the Tirro office many years ago continue to use the facility in renewing their asylum permits. During the observation process, attention was paid to asylum seekers' procedure in applying for asylum, living conditions (housing/shelter), health conditions, the behaviour of immigration officers towards asylum seekers, and the nature of the asylum application forms, etc. Informal interviews were conducted with asylum seekers during the observation study. The researcher played an inactive role during the observation study.

Primary data was collected through personal interviews with participants (asylum seekers) by means of a semi-structured questionnaire that was administered in the form of the narrative technique. The researcher was allowed by the participants to take down notes. The questionnaire comprised open-ended questions based on the research objectives. The time frame of data collection (observations and interviews) took place from May 2015 to June 2015.

Two questionnaires were drafted—one for asylum seekers and the other for the Lawyers for Human Rights. Each questionnaire was divided in two parts. The first part was to collect the bio data of the participants such as age, gender, country of origin, date of arrival in South Africa, etc. while the other parts dealt with the research questions.

The semi-structured approach was more flexible in this study, which provided the researcher with opportunities to probe further with follow up questions in order to obtain in-depth answers from the respondents (Patton 2002).

Table 1 below represents the bio-data of the participants from the LHR. The table shows their country of origin, gender, position held, nature of job, geographical area covered in their career duties and length of time working with the organization.

**Table 3.1 Respondents' demographic information: Lawyers for Human Rights (Pretoria)**

Respondents	Age	Sex	Nationality	Position in organisation	Duration of employment	Nature of Job	Geographical area cover
LHR1	24	F	South African	Candidate attorney	4 months	Refugee and migrants rights	National
LHR2	28	F	South African	Attorney	2 years	Assist in access to social services	Local (Pretoria)
LHR3	32	F	Italian	Legal Councilors	3 years	Legal counseling	National
LHR4	23	F	South African	Candidate attorney	1 year	Legal assistance	National

Four LHR were interviewed - all females that ranged within the ages of 23 to 32. They were three South African nationals and one Italian national. Two of the LHR are candidate attorneys, one attorney and one legal councillor. Their role in the organisation consists of assisting asylum seekers and refugees with educating them about their rights and assisting them in court. They provide them with legal assistance and assist in

accessing social services within the community an asylum seeker finds him/herself. Three of the LHR work nationally while the attorney (LHR2) work solely within Pretoria.

Twenty-one asylum seekers participated in the study and were aged between 21 and 51 years old. Among the 21 respondents, eighteen were male aged between 21-51 and three female aged 26, 29 and 32.

**Table 3.2 Gender and Age of Respondents**

Age	Gender	
	Male	Female
<b>21-25</b>	5	-
<b>26-30</b>	5	2
<b>31-35</b>	2	1
<b>36-40</b>	3	-
<b>41-45</b>	2	-
<b>46-50</b>	-	-
<b>51-55</b>	1	-
<b>Total</b>	<b>18</b>	<b>3</b>

Eighty percent (fifteen) of the respondents ranged from their early twenties (21) to their early thirties (32), while twenty percent (six) of respondents ranged between 36 and 51. This could also be confirmed from the participant observation study where the majority of people seeking asylum were youths in their early twenties and early thirties.

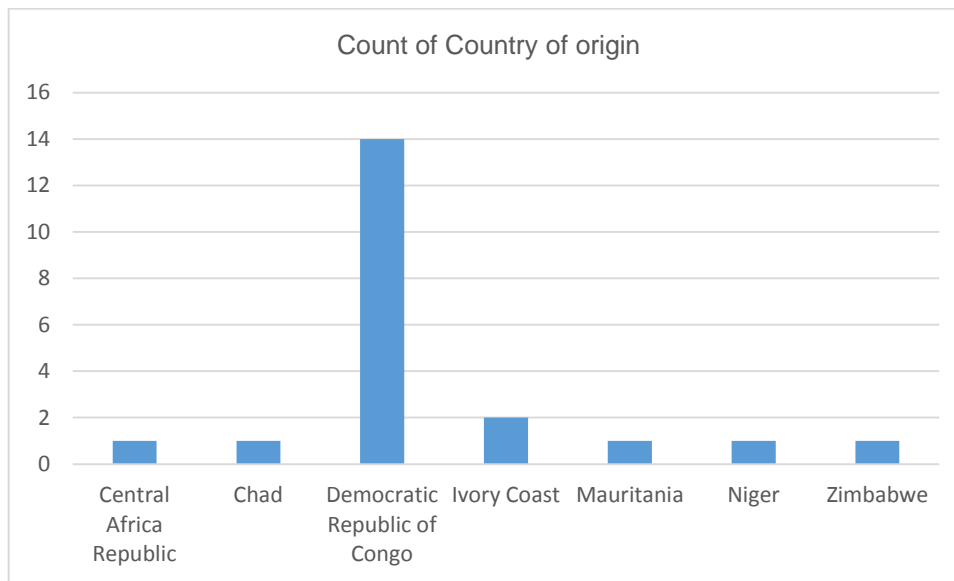
Only three females participated in the study. Even though both genders seek for asylum, it was observed that the majority of asylum seekers are young men in their twenties to mid-thirties Participant observation showed several women who sought for



asylum but not in the same percentage as young men. More men seek asylum than women.

The majority of respondents (14 or sixty five percent) are nationals from the Democratic Republic of Congo, while one respondent each came from the CAR, Mauritania, Niger, Chad, Zimbabwe and two from Ivory Coast.

**Figure 3.1 : Respondents' country of origin**



Participant observation confirmed that nationals from the Central Africa region seeking asylum in South Africa are mostly from the DRC. The researcher's interactions with the asylum seekers confirmed that most DRC nationals were from the Eastern region of the DRC where political instability has been present for two decades. Fewer nationals from Ivory Coast and Niger were also seeking for asylum - as confirmed by the LHR. It can thus be translated based on observations made and this finding that the DRC is a major refugee producing country in the Central Africa region. The LHR confirmed that most of their clients from the Central Africa region were from the DRC, followed by Eritrea and Ethiopia, which are from the East Africa.

### **3.3 Field Experience**

Clearance was given to the researcher by the AI Harvest organization, which was then forwarded to the ethics committee of the University of Pretoria for ethical clearance. The letter stipulated that the researcher may use the premises of AI Harvest to interview migrants that utilize their premises for accommodation and other activities. Interviews mostly took place in the evenings as many migrants leave early in the morning for either Home Affairs or to pursue other activities.

The management of AI Harvest advised the researcher to be cautious when dealing/associating with the migrants as some of them may commit crime, as most of them do not have any source of income. The researcher took the warning in the serious light in which it had been given, as no gadgets were taken into the premises. Interviews were conducted in an open space in front of the premises, which could easily be seen by passers-by.

However, the data collection coincided during the state's 'Operation Fiela' and xenophobic attacks. Many foreign migrants had left the building for a safer place out of reach of the police. By the time of the fieldwork, only one hundred and six people (with about 30 percent foreign migrants) were still around the premises and attended the NGOs' programmes. The rest had dispersed for safety and some of them who stayed around found it hard to trust the researcher regarding the aim of the research. These affected the number of participants aimed by the researcher and also possible country representativeness. Twenty-one participants suitable for the study were interviewed. Because some of the foreign migrants had dispersed, some of them were contacted through referrals by those who were still sleeping on the premises. The three women who participated, among others, were contacted by referral.

The researcher also reached a point of information saturation where most of the responses became similar and no new information was given by other respondents.

The daily safety of the researcher was also of major concern as some of the respondents requested from the researcher certain social services such as food, drinks and blankets. Ethically, that must not be done. These, therefore, were hitches the researcher encountered during fieldwork with asylum seekers and it also affected the targeted number of participants.

Unlike the researcher's experience with Al Harvest, the Lawyers for Human Rights were of great assistance to the researcher. They were very willing to be interviewed and booking interview appointments with them was very easy. After interviewing four LHR, the researcher had a brief two days' fieldwork (observation) with one of the lawyers at the Marabastad refugee reception centre. This was apart from the extended independent observation study done by the researcher. The aim was to give the researcher an opportunity to see LHR do their jobs in the field in assisting asylum seekers.

### **3.4 Data Handling and Analysis**

The researcher classified the data according to themes based on questions and responses being asked from the questionnaire. Based on those themes, similarities and differences of the responses were determined and the data was therefore ready for analysis. Due to privacy concerns, each respondent was given a code. Because there were twenty-one respondents, they were coded as 'Respondent 1 to Respondent 21. The LHR were coded as LHR1 to LHR4.

Data analysis was conducted using narrative techniques. Narration focuses on experience by means of telling stories. The researcher focused on the meaning and interpretation of the coherence of events and the use of language by the participants. Therefore, structural analysis was used, which places emphasis on the language (words) and the manner in which the stories were told.

Statistical analysis using the bio-data was conducted. This was an important aspect during analysis because numbers of countries or specific countries, age groups/range and gender were referred to for proper analysis and especially those most or least affected by the asylum seeking process.

As all participants told their stories in different styles, emphasis was placed on identifying themes through listening and correlating similarities from the stories from each participant. Capturing the meaning of the participants was the aim of the analysis but care was taken not to change meanings or misrepresent their views on themes based on the researcher's personal sentiments. It should be noted that the researcher carried out particularly extended open-ended and unstructured interviews and informal sessions with the LHR, therefore, some comments and views some of the LHR were integrated in the analyses of answers to the questions that were not directed at them. The LHR works directly with asylum seekers.

### **3.5 Ethical Considerations of the research**

Ethical clearance in carrying out the research was granted by the Ethics committee, Faculty of Humanities, University of Pretoria, on the 6<sup>th</sup> of May 2015.

The participants were asked for their consent to be interviewed after which they were given a formal consent form to sign for their own safety and that of the researcher. Most of the participants were reluctant to write out their names on the space provided in the consent form. The researcher then opted for them to simply sign on the space provided which they did. Based on the timing of the interviews (Operation Fiela and xenophobic attacks), the researcher understood their safety concerns. Each participant was briefed on the purpose of the research and the kind of questions that were to be asked during the interview so that they would not be embarrassed during the interview proper. Reference was made to the Department of Political Sciences, University of Pretoria so

that in case they have any doubts or problems, they would be free to contact the department for clarity.

No respondent was forced to answer the questions. No penalty, fine or threat was made to participants for not partaking in the study or discontinuing with the interview.

The privacy of each participant was respected during and after the interview. It is/was also being stated in the consent form that no further usage of the data collected will be used without the consent of the participants. No authentic names were mentioned during analysis as stated earlier. Confidentiality was ensured which means that anonymity is guaranteed and will forever remain so. No participant needed counseling by the end of the data collection process.

### **3.6 Limitations of Study**

Limitations of this study include limited scope and time in carrying out the research. This research is a human security report in which the word limit is 15000 words. A future study should involve sufficient time, e.g. eight months for data collection (interviews and participant observation) in order to have an extended view of the process of seeking asylum and human security in order to come to a conclusion.

## CHAPTER 4

### Literature Review

This chapter presents some previous research that has been done on the process of seeking asylum and asylum seekers' experience. The International Convention on Refugees (ICR) is discussed as well.

South Africa is a signatory to the United Nations (1951) convention and protocol that relates to the status of refugees and asylum seekers. It is mostly referred to as the International Convention on Refugees (ICR). This treaty outlines the rights of refugees/asylum seekers as well as the protection of refugees. The ICR defines a refugee as “someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion” (UN 1951). Hence, refugees who find themselves in a country, seeking protection and recognition are known as asylum seekers. This convention is a yardstick of how migrants facing persecution need to be treated, thus ensuring protection, the provision of basic and social services (UNHCR 2015).

South Africa as a signatory to the UN 1951 convention on refugees recognizes in its national legislations that refugees and asylum seekers need to be protected “including freedom of movement, the right to work, and access to basic social services” (UNHCR 2015).

South Africa is one of the largest recipients of asylum seekers in the world including economic migrants and those seeking for better social services and better access to social services (UNHCR 2015). “The current socio-economic environment - high unemployment, poor service delivery, economic inequality - has strained relations between refugees/asylum seekers and the host population” (UNHCR 2015). This is exhibited from the numerous xenophobic attacks against foreign nationals in 2008 and most recently in January and April 2015. The perception by South African host

communities was that foreign nationals, especially illegal immigrants are responsible for the high crime rates, that they steal jobs and compete unhealthily in business with the locals.

Human Rights Watch (2008) reports that the attacks which started on May 11<sup>th</sup> 2008 when the leaders of various groups in the Alexander Township Johannesburg held a meeting and started blaming foreign nationals for the high unemployment rates, high crime rates and poor housing conditions, left more than 3000 foreign residents homeless (HRW 2008) while others took refuge in police stations. The attacks left about 44 foreign nationals dead. Human Rights Watch (HRW 2008) further reports that many of the local perpetrators of violence were set free for lack of evidence to the xenophobic attacks. This explains that the South African government does not take seriously the crime committed against foreign nationals. It can therefore be confirmed that South Africa is not serious about the protection of refugees and asylum seekers. The prosecution of perpetrators of xenophobic crimes will serve as a deterrent against xenophobia. To date in South Africa, only a few persons have been prosecuted despite the widespread xenophobia over the years; thus, portraying the image that the lives of immigrants do not matter. Overall, by the end of 2008 more than 20,000 foreign nationals, most of them undocumented, from war torn countries and Zimbabwe were displaced (HRW 2008).

In January 2015, xenophobic violence reappeared again with the looting of foreign shops in SOWETO townships, which spread to Durban and Alexander Township. Four foreign nationals lost their lives (*International Business Times*: 2015) among the seven deaths that were reported. Locals stated that their actions were due to the lack of confidence they have in the government. A research conducted by the Gauteng City Region Observatory reveals that 35 percent of participants stated that foreigners should stop coming to South Africa and that foreign nationals should be repatriated (*Times live*: 2014). This result reveals the perception locals have against foreigners, which includes asylum seekers. The research which involved 25,000 respondents was based on finding out the level of satisfaction in terms of governance satisfaction. The result shows how locals shift the blame of poor service delivery on the presence of foreigners. This can be

one of the reasons immigration/migration has been termed as a national security threat in South Africa. The Minister of Home Affairs, Mr. Malusi Gigaba, specified that immigration should be regulated because it poses a national security threat to the country both politically and economically. This statement also mimics the sentiment that immigrants and asylum seekers are not welcomed in South Africa, and therefore instigates xenophobic attacks against foreigners. The classification of immigration as a national security threat paves the way for stigmatization of immigrants by locals and discrimination against them.

The South African government, however, was reluctantly calling the attacks against foreigners as xenophobic, but rather termed it a criminal act (*International Business Times*: 2015). Competition for access to social services has sparked tension between local and foreign nationals.

Crush and Tawodzera (2011) conducted a research on asylum seekers' access to health care (medical xenophobia: Zimbabweans Access to health care in South Africa). The research specifically addresses the hitches asylum-seekers from Zimbabwe go through in accessing medical care. The findings of the research can be directly linked to the asylum seeking process and access to social services in terms of health care. The research emphasizes that asylum seekers must be helped in the process of seeking health care by medical practitioners whether it is an emergency or not or whether they have proof of documentation with them or not. The research also identifies verbal abuse of asylum seekers and refugees by health care workers at health care centres and hospitals irrespective of whether they are legal or illegal in South Africa. These ill treatments and verbal abuse may lead to stress and further traumatism of asylum seekers who most likely, were traumatised on their way to South Africa.

“Hardships associated with the refugee application process and harsh living conditions (including difficulty in accessing health care) in the post-migration environment were associated with ongoing symptoms of Post-Traumatic Stress Disorder, anxiety and depression” (Silove *et al.*, 2000: 606) Crush and Tawodzera (2011) recommended that these issues should be solved by training health workers on issues pertaining to the



treatment of migrants on a physical and emotional level. The abuse of refugees and asylum seekers may be attributed to the insecurity in the part of health workers who see these groups of migrants as an overburden to the health care system. South Africans and foreign nationals have equal access to health care services and all other social services as it is enshrined in the constitution.

A study carried out by Richter and Vearey (2008) found that 30 percent of foreigners have experienced huddles in accessing health care for lack of documentation or were forced to prove their legal status in South Africa. The study also documents the lack of interpreters in hospitals for local health care workers who cannot communicate with asylum seekers and refugees. Sometimes they experience verbal abuse due to the language barrier that proves they are not South Africans. The South African government, therefore, needs to provide training and inform health workers that proof of documentation is not necessarily needed to be provided with services and that they should treat asylum seekers and refugees as equal to South Africans. Very little has been done to enlighten health workers on the issue of equal treatment of all patients irrespective of nationality or the circumstance on which they found themselves in South Africa.

Gee and Holst (2010) reveal in a study that migrants, especially refugees and asylum seekers face undue bullying and threat of deportation in their attempt to access social services, which includes housing, education and health care. The research was conducted specifically for migrants' experiences in Durban, South Africa. The threat of deportation has been used successfully as a weapon against asylum-seekers and refugees who succumb to harsh living conditions for fear of being sent back to a life of persecution in their home countries. Because of fear of deportation, asylum seekers and refugees fear to attempt accessing social services, especially health care for easily treatable diseases or conditions, which may result in death. Therefore, the government of South Africa, through the Department of Home Affairs, has the responsibility to educate and sensitize migrants that no documentation is needed in accessing vital social services, especially health care. The demand of documentation and the delay by the refugee reception offices in issuing them renders asylum seekers vulnerable to poor

health and living conditions. Cohen (2006:20) stipulates that there is a direct relationship between lack of documentation from migrants/asylum seekers and the erosion of freedom. He directly refers to those who do not have documentation and how it impacts their freedom of movement and access to social services.

Immigration has been securitized in South Africa and the process of seeking asylum has changed drastically since 2011. Asylum seeking has become a political issue and immigration has been classified as an existential threat in the South African society. Smith (2004) states that “the politicization of crime with a successful effort by far right parties to define migration; and asylum seekers as a focal political issue.” The politicization of asylum seeking can thus be seen as an act that marginalizes people who seek asylum; the state treating their cases and fears as bogus and not genuine (Welch 2005:332). Welch (2005:333) states that the state indirectly blames asylum seekers for certain national crisis conditions and national threats which generate a general hatred and sanctions against asylums seekers. The xenophobic attacks in 2008 and 2015 are evidence thereof.

The terrorist attack on American soil in September 2001 had a massive influence around the world on how states treat or handle asylum-seekers (Ratner 2003). States’ response after the September 11<sup>th</sup> attack has been characterized with civil and human rights violations, especially in terms of unlawful detentions and poor living conditions (Welch 2005:335). However, experts emphasize that some immigrants use asylum seeking as a means to gain entry to specific countries for illegal purposes, which poses a high risk for terrorism (Amnesty International 2003). This may be true, but states must have mechanisms in place to differentiate genuine asylum seekers and potential terrorists. Some states make the error in classifying all asylum seekers as criminals, which is tantamount to potential human rights abuses and human insecurities against asylum seekers.

The closure of refugee reception offices in South Africa with only the Pretoria, Durban and Musina offices in operation is tantamount to the detention of asylum seekers. The limited availability of refugee reception offices restricts the movement of applicants whose applications may take days, months or even years to be finalized, by staying at a

place for a long time. The movement of asylum seekers with no documentation, due to the delay in processing the applications, is highly restricted and they risk being arrested by the police if they move further from the refugee reception offices. Welch (2005:336) states that, “detention is among the greatest acts the state can take against people.” This is more traumatic for the asylum seekers especially if they fled their home countries from prosecution, thus, causing human insecurity both physically and mentally. This act is clearly in contradiction with the United Nations Convention on Refugees of which South Africa is a signatory.

Buzan, Waever *et al.*, (1998) state that migration, which often results in people seeking asylum, is indeed a serious security issue - one that results in a genuine threat to society. Watson (2007) emphasizes that “in case where state leaders securitize the issue of migration, they break free of the normal rules of immigration and border control: first, by violating current legislation governing the treatment of migration and second, by making these violations the norm by passing new legislations authorizing the extraordinary measures taken.” Kingston (1993:9) states that governments that appear tough and that criticize illegal immigrants and their activities win elections. Thus, it is easy to make asylum seekers the scapegoat of national problems and make stringent policies to exclude them. This statement can be related from calls by the Lawyers for Human Rights in South Africa for the government to reinstate the refugee reception offices that had been closed down, and the cancellation of parts of the asylum application form that requested information on the economic status and academic background of the asylum seekers. It is simply to differentiate between economic migrants from asylum seekers who are fleeing persecution.

According to the Refugee Convention of 1951, refugees and asylum seekers ought not to be punished or persecuted for crossing borders illegally because they are escaping from danger from their home countries. Therefore, it becomes illicit and inhumane to treat illegal immigrants as criminals and seeing them as threats to national security.

The issue of migration/immigration as a national security threat has taken precedence in the ‘asylum seeking’ discourse. Mandel (1994:21) states that national security “entails the pursuit of psychological and physical safety which is largely the responsibility of

national governments, to prevent direct threats primarily from abroad from endangering the survival of these regimes, their citizenry, or their ways of life”. Asylum seekers have been widely viewed as a national security threat of many states. Studies have been conducted about how the prioritization of national security renders asylum seekers vulnerable to xenophobic attacks Malkki (1995a:1995b). Malkki (1995a) uses the concept of ‘liminality’ to understand and explain the ‘legality’ and ‘illegibility’ of the exclusion of asylum seekers in a society based on national security and the effects thereof. Malkki specifically associated the conception by the state of forced migrants seeking asylum as a ‘problem’ to be solved; thus giving the notion to civil society that asylum seekers are not welcome and constitute threats.

Malkki (1995a:6) argues that forced migrants are regarded as intruders because they obstruct the “national order of things”. Malkki makes a finding in her research in Tanzania, where more than half of the asylum seekers’ population had experienced one form of xenophobic violence or the other. She blames the behaviour on government’s attitudes and pronouncements about immigrants and asylum seekers (Malkki 1995).

Acer (2004) asserts that the perception of global and national security has forced government to implement restrictive immigration rules, regulations, and policies. She further states that the result has been the deterioration of processes of seeking asylum and refuge that undermine the basic protection of international refugee and human rights laws, with the result of exposing forced migrants to many forms of human insecurities. Das and Poole (2004:12) say “the issue is not that membership (the acceptance and integration of asylum seekers) is simply denied but rather that individuals are reconstituted through special laws as populations on whom new forms of regulation can be exercised.”

Malkki (1995a) agrees that new laws and policies posed as a crucial need by the state arise from the reason that migrants are an enemy and constitute a national security threat. The perception that immigrants, particularly asylum seekers serve as a basis for unfair and unjust policy interventions with the intention to manage and solve the threats. The result of this is the exposure of asylum seekers to xenophobic attacks, whether physical or otherwise.

One of the requirements during the filling out of the asylum application is a mandatory presentation of an identification document. This requirement, which is most likely not to be met by the majority of prospective applicants causes untold suffering and restricts asylum seekers from basic services, especially health care (Tormey 2007: 87). Castenada (2010) examines how the demand of identification documents and the strict immigration policies of Germany resulted in inability to access basic services such as health care. Asylum seekers subsequently did not seek health care because of fear of police being alerted by the medical practitioners.

McColl *et al.* (2008) state that detention of asylum seekers results in the restriction of movement which has had many adverse results of which the most devastating are the poor conditions of living, especially housing conditions and destitution. It must be emphasized that South Africa does not have a detention policy and practice. However, restricting the asylum seeking centre to Pretoria only can be synonymous with confinement and restricting the movement of people, especially those who came from afar and whose applications are being delayed.

In a study conducted by Coffrey *et al.*, (2010) in the United Kingdom, restriction of movement resulted in asylum seekers living in a dehumanizing environment, which is characterized by inhumanity and isolation. Amaral (2010) states that in such circumstances, the most vulnerable people are women, children and migrants with disabilities. Coffrey *et al.* (2010) state that the systematic restriction in movement of asylum seekers infringes on their fundamental rights. Thus, this constitutes social insecurity produced by the system.

## CHAPTER 5

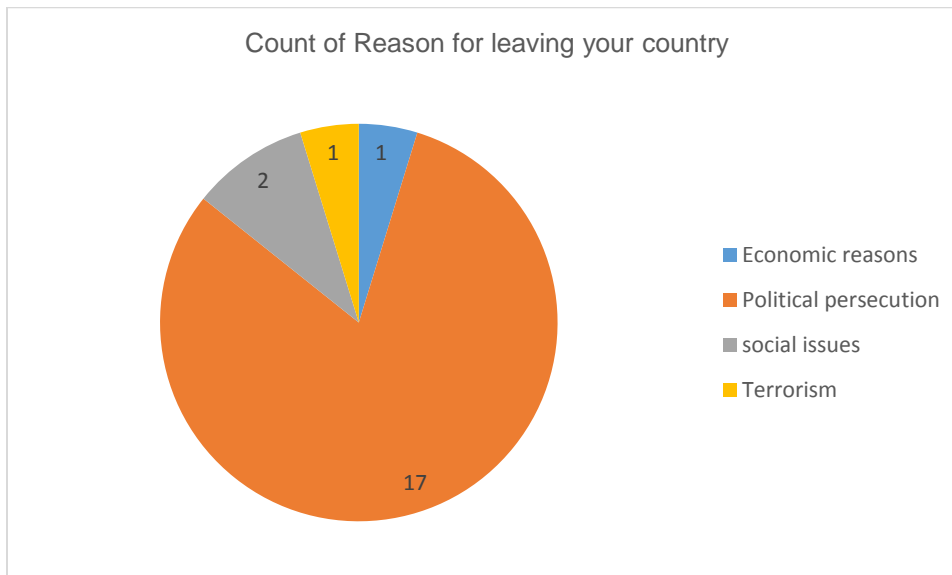
### FINDINGS

This chapter presents the research findings.

Data collection for the study was conducted from May to June 2015.

The majority of the participants stated political persecution as the main reason for leaving their country during the interviews. During interactions and informal interviews held during participant observation, political persecution was also the main reason of asylum seekers fleeing their countries.

**Figure 5.1 Respondents' reason for leaving their countries**



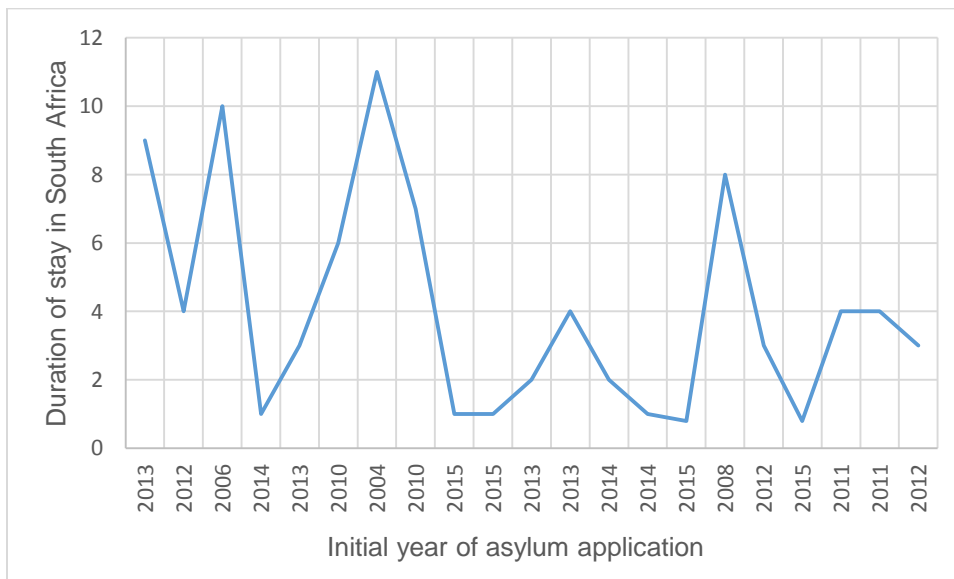
Eighty five percent (17) of respondents from the DRC, Ivory Coast and CAR stated political persecution as the reason for them to leave their countries.

The Department of Home Affairs has issued five respondents out of the 21 respondents interviewed with a letter to leave South Africa. The letter notifies them to leave South Africa within twenty days. Four of them are appealing that decision with the help of the

LHR, while one of the participants abandoned the process of appealing. The respondent who abandoned his appeal process lives in destitution so is homeless. He has no intention of pursuing his case and he has given up on the protracted bureaucracy at the DHA. It was noted during participant observation, by means of informal interviews conducted on asylum seekers, that a lot of asylum seekers from the Central Africa region are given notice to leave South Africa when home affairs officials find their stories of persecution manifestly unfounded. Most of these asylum seekers, as reported by the LHR and face-to-face interviews with asylum seekers, remain in the country while seeking for alternative means to appeal their asylum application rejection. Therefore, applications received by the DHA are fresh applications, renewals of existing permits and appealing rejected applications.

The duration of stay of participants in South Africa range from 8 months to 11 years and the initial year of them seeking asylum ranges from 2004 to 2015. Some respondents do not know exactly the time it takes to seek asylum while twelve respondents claimed to know the time it takes to have asylum documents, the time they are all aware of varies drastically. The LHR stated that an application can range from one day to ten years.

**Figure 5.2 Respondents' duration of stay in South Africa (in years) and initial year of asylum s**



The figure above shows that the duration of waiting for asylum application varies. There is no uniform waiting time for asylum applications to be reviewed and finalized by home affairs. The LHR stated corruption as one of the main reasons for protracted delays in

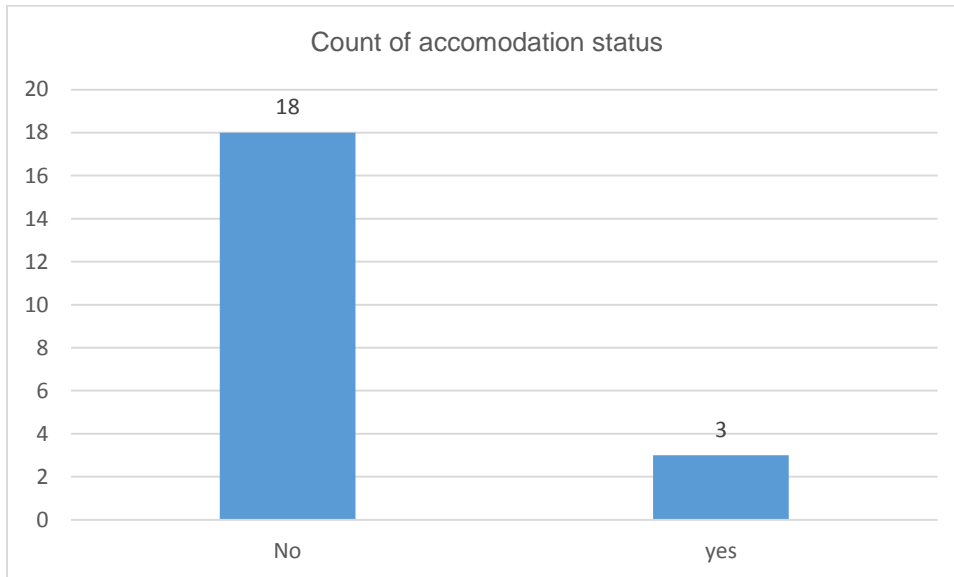
asylum seeking. They stated that the immigration officials at refugee reception centres demand money from asylum seekers for quicker services. This is confirmed during participant observation where so-called immigration agents at the refugee reception centre approached the researcher, demanding for money in order to avoid the long queues for quicker access. It appears these agents work together from immigration officials from the inside. Seeking asylum in South Africa is free of charge. The LHR states that corruption, as well, has invested in the asylum seeking system where it no longer functions the way it ought to be; and that poorer asylum seekers have been relegated to the back in the asylum seeking process.

Participant observation confirms delays in asylum seeking during informal interviews and interviews with the LHR where some applicants had their applications finalized within a day while others wait for years. The researcher interacted with applicants who have been waiting for over five years. All 21 respondents (100 percent) mentioned corruption in one way or the other in the course of the interview for protracted asylum application delay.

Eighty percent (18) of respondents stated that they do not have accommodation in Pretoria. Those who came from nearby or distant cities to apply for asylum in Pretoria, mostly, do not have accommodation. Some of them sleep in shelters while some are destitute in the city of Pretoria. Some asylum seekers, including women and children, mostly sleep in the vicinity of the refugee reception centre in Marabastad. Eighty percent (18) of the respondents stated they are unemployed.



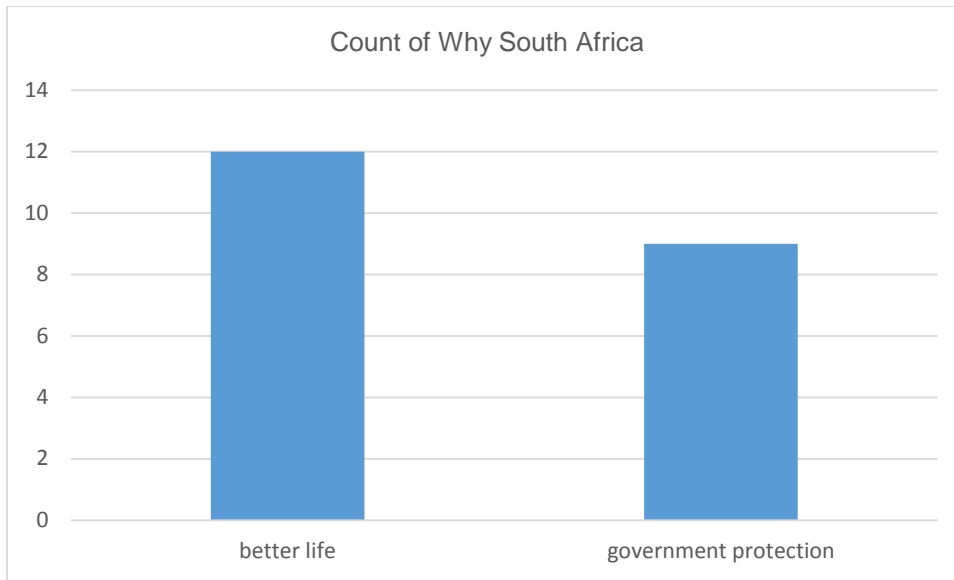
**Figure 5.3 respondents' accommodation status.**



Twenty percent of respondents, which are the female participants, have decent accommodation and are employed while all male respondents reportedly do not have accommodation and are unemployed. Participant observation confirmed that some asylum seekers do not have decent accommodation, while some live in shelters in which they are not satisfied with.

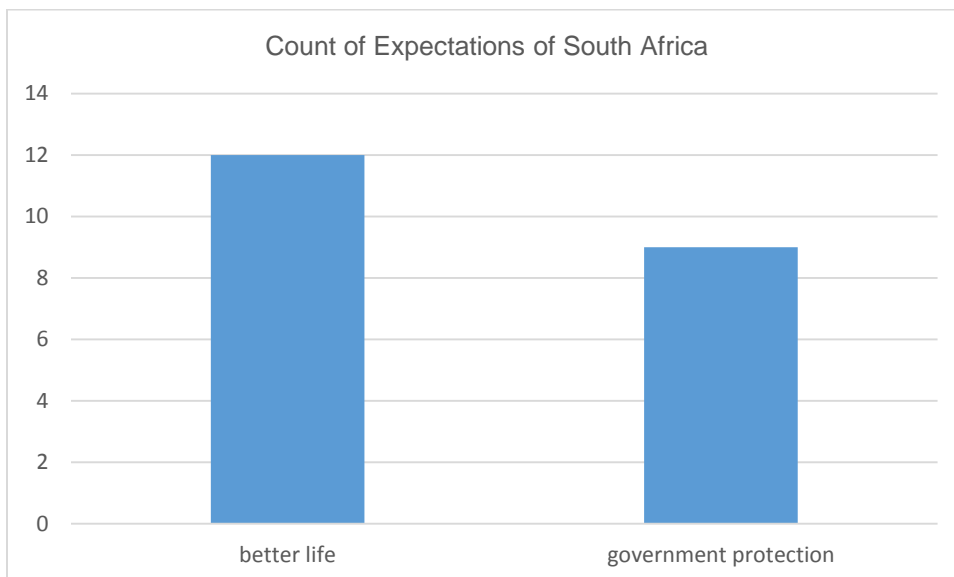
South Africa remains a choice destination for asylum seekers from the Central Africa region. Respondents state government protection and a better life as a reason for them to travel to South Africa. They did have options to live in other countries but the political stability and human rights record of South Africa and its relatively progressive economy as cited by respondents, was an attractive factor for them to choose South Africa.

**Figure 5.4 Respondents' reason of choosing South Africa**



There is a very positive perception of South Africa before asylum seekers embark on their journeys to South Africa - where they seek a better life and government protection free from persecution. Participant observation also confirms that asylum seekers, who mostly fled their countries because of political persecution seeks government protection and a better life - easier access to social services. With the same response as to why asylum seekers chose South Africa, their expectations of South Africa on arrival was that they would have a better life and receive government's protection.

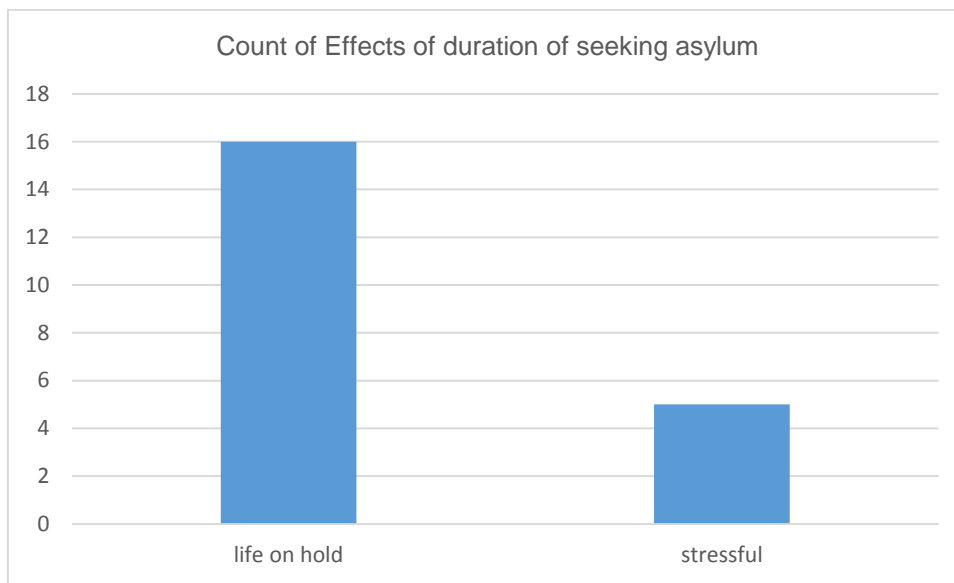
**Figure 5.5 Respondents' expectations of South Africa**



Fifty-five percent (12) respondents expected a better life in South Africa while forty-five percent (nine) expected South Africa’s government protection.

As stated earlier, one hundred percent of respondents stated that there is a protracted delay in asylum application processing by the DHA. The respondents stated “stress” and “life on hold” as an effect of the protracted delay in processing asylum applications.

**Figure 5.6 Respondents’ effects of the duration of seeking asylum**

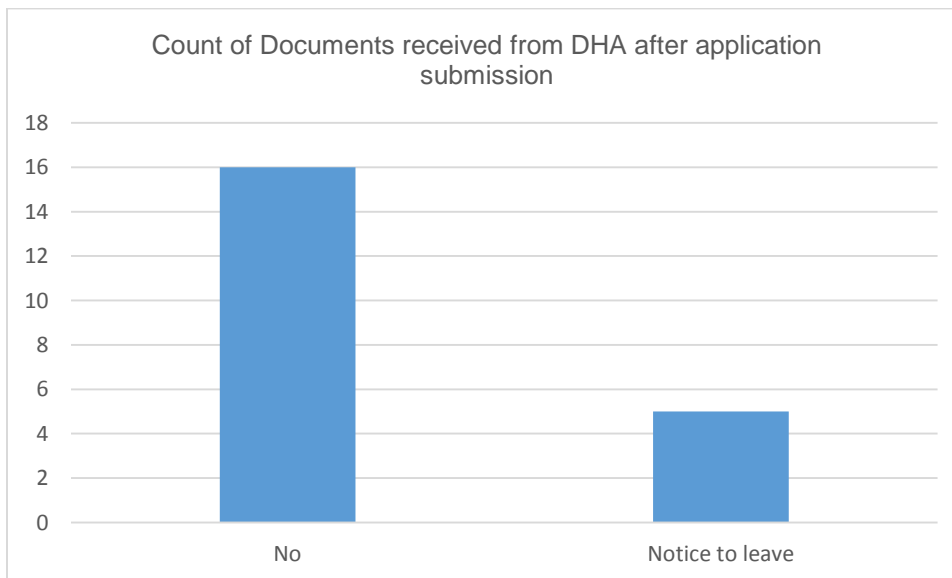


Seventy percent (16) of respondents indicated that their life is on hold while thirty percent (five) stated a stressful life. Participant observation from asylum seekers confirmed the stress caused by the delay in the process of seeking asylum. The stress that is mostly talked about during interviews and informal interviews during participant observation is mostly brought about by the fact that they must report every day at the refugee reception offices. Asylum seekers expressed displeasure regarding the idea of them reporting at the centre at about 4:00 AM to secure a spot in the queue—for those who do not sleep at the centre. The stress that hunger brings, e.g. most especially children in the company of parents, could be seen crying randomly which may indicate stress or tiredness as no food or a place for infants to sleep is provided, etc., also that

their lives are on hold as they need to have the asylum seeker permit to move on with life - be it education, freedom of movement and easy access to other social services.

Seventy percent of the respondents (16) stated they were not given any documents from the DHA after applying for asylum, while forty-five had received notices to leave South Africa for reasons that their stories were manifestly unfounded; meaning the DHA did not believe their stories of persecution. The DHA does not give any sort of documentation to asylum seekers to show that they have indeed applied for asylum and in turn are awaiting approval.

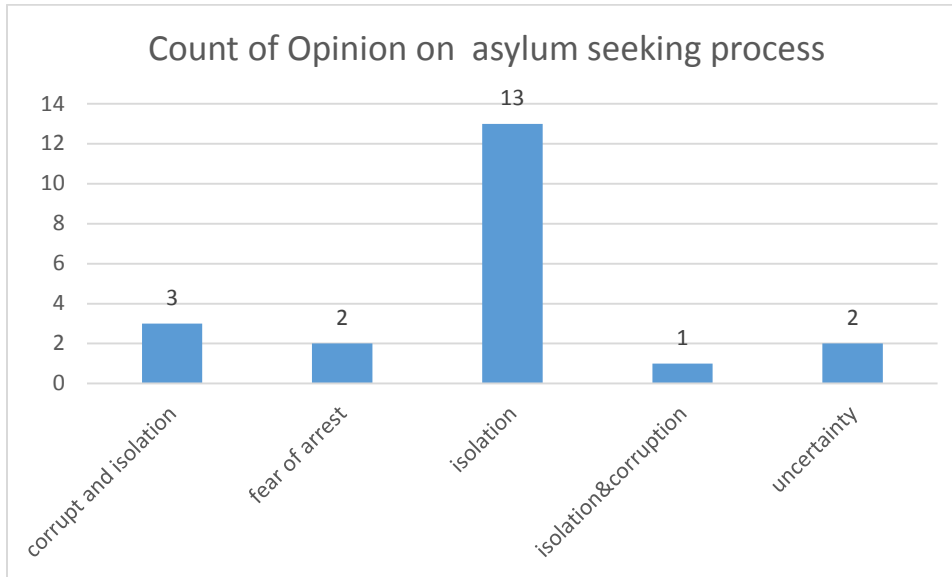
**Figure 5.7 Respondents' confirmation of documents received after application submission**



Eighty five percent of respondents (16) confirmed the usage of social services, mostly shopping but that they still walk around in fear. Eighty percent of respondents (15) stated that they spend their free time in the area where they sleep, but are very concerned and vigilant about the possibility of police arrests.

Respondents' opinion on the asylum seeking process regarding freedom of movement varied but mostly consisted of issues of isolation and fear of police harassment and arrest.

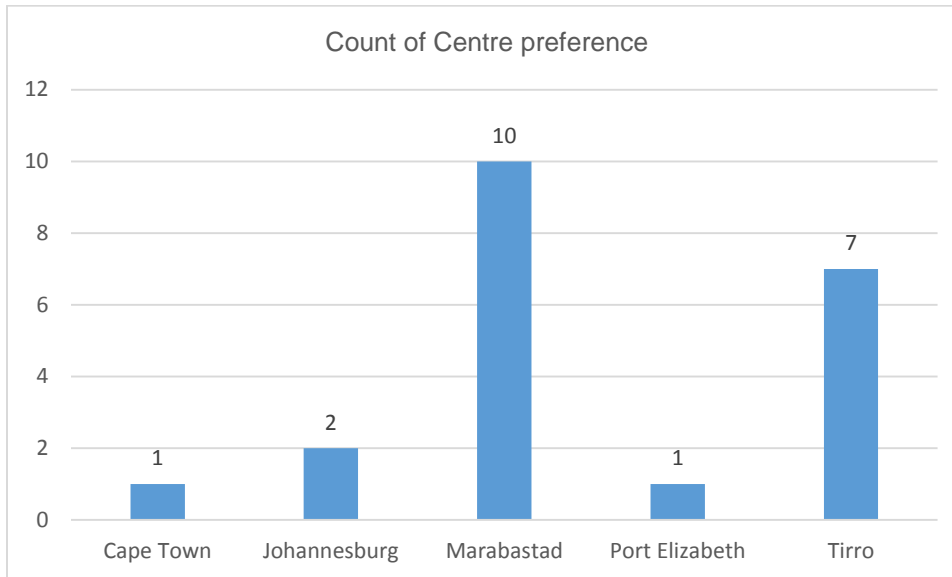
**Figure 5.8 Respondents' opinion on the asylum seeking process**



Ninety percent of the respondents (19) specified issues of isolation and restricted movement caused by the delay in processing their asylum applications, while ten percent (two) respondents specified the fear of arrest. The issue of isolation is linked in the fear of arrest because the findings suggested that asylum seekers isolate themselves for fear of arrest and deportation. Participant observation confirmed the isolation of asylum seekers. Due to the fear of arrest, many asylum seekers spend several nights in the area of home affairs, thus isolating themselves from the rest of society.

Regarding the question on the closures of refugee reception offices and adequate shelter, some respondents preferred other reception offices to the refugee reception office in Marabastad, Pretoria.

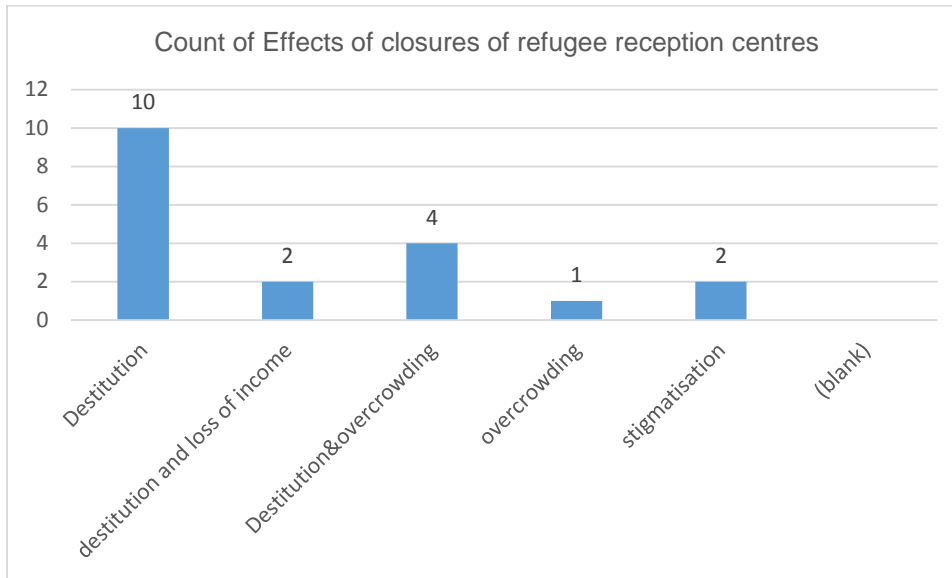
**Figure 5.9 Respondents' application centre of Preference**



Fifty percent of respondents (10) preferred the Marabastad office while the other fifty percent preferred other locations to the Marabastad refugee reception office. One hundred percent of respondents (twenty-one) stated that the DHA did not provide accommodation nor give them any form of assistance during the asylum seeking process. Informal interviews conducted during the observation study, revealed that many asylum seekers preferred reception offices that were formerly close to their residential areas; such as Cape Town and Johannesburg, for easier access to the asylum seeking system. Asylum seekers in Cape Town and Port Elizabeth, for example, have to visit the Pretoria refugee reception centre for asylum applications.

Fifty five percent of respondents (ten) stated destitution as the effect of the closures of refugee reception offices, ten percent (two) stated destitution as a cause of loss of income, while ten percent (two) stated stigmatization. Five percent (one) stated overcrowding.

**Figure 5.10 Respondents' opinion of effects of closures of refugee reception centres**



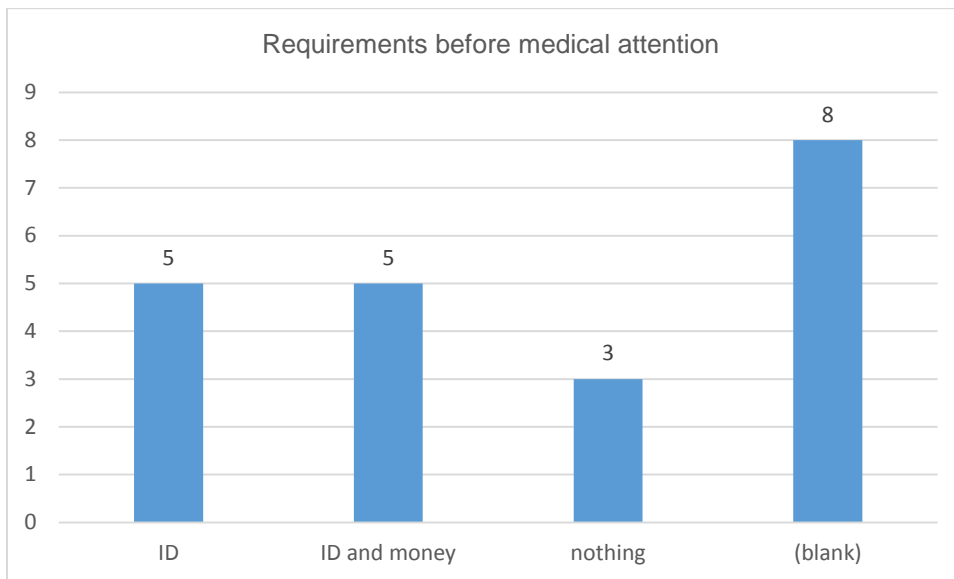
Participant observation found that the closures of refugee reception centres resulted in destitution as asylum applicants from distant places became destitute in Pretoria, which resulted in slow service delivery and overcrowding. Approximately 10,000 asylum seekers report to the Marabastad refugee reception centre every weekday (as estimated during participant observation and as stated by the LHR). This is way too high as compared to approximately seven hundred at the Tirro office per day. The overcrowding as observed by the researcher resulted in frequent stampedes, followed by physical and verbal abuse of asylum seekers. The term *makwerekwere*<sup>4</sup> was frequently heard by security guards to call for attention for crowd control. Stigmatization was indeed observed at the refugee reception centre.

Sixty percent of respondents (13) have required medical attention in South Africa. They visited public medical facilities because they knew it was free of charge being that it was

<sup>4</sup> Makwerekwere is a derogatory term used by South Africans to refer to foreign nationals.

a public facility. However, one respondent did not visit the medical facility for fear that the medical practitioners will alert the police of his illegal status in the country. He said he got well by keeping warm. Seventy percent of the respondents who visited medical facilities were demanded to produce identification documents and/or money, while thirty percent were demanded nothing.

**Figure 5.11 Requirements from respondents before receiving medical attention**



The respondents blamed the DHA for the delay in processing their asylum applications and unemployment for their inability to provide money. One hundred percent of the respondents who could not provide the requirements stated that they were being traumatized by the experience.

The above findings presented forms the basis of the data analysis in the next chapter.



## CHAPTER 6

### Analysis

#### **6.1 Experiences in Context- as Narrated by Asylum Seekers and Participant Observation**

This chapter seeks to explain and analyze asylum seekers' experiences of waiting for their asylum permits and how this process affects their access to social services. This took a human security approach, bearing in mind that the process of seeking asylum in South Africa causes social insecurity on asylum seekers (from the CEMAC region). The extent to which this process causes social insecurity was the focus. The study was guided by the general research question, which was to investigate the extent to which the process of seeking asylum in South Africa impacts on the social well-being of migrants/asylum seekers and how the process affects asylum seekers' access to social services.

The promise and/or perception of South Africa as a safe haven, as indicated by all respondents, were a major attraction and reason for their journey to South Africa. They expected a better life and government protection, something which they could not have in their respective countries. They expected South Africa to be an alternative of a society free of violence and human insecurities.

#### **6.2 Delays in asylum application and freedom of movement of asylum seekers**

Freedom of movement constitutes one of the cravings of asylum seekers, particularly from the CEMAC region, immediately they arrive at a destination that they highly expect to call home. Freedom of movement entails the ability of any human to go wherever they deem fit at any time without any hindrance, restrictions or fear coming from any source of authority while they wait for their asylum application decisions.

Respondents identified hurdles that impacted on their freedom of movement. The hurdles were explained in one theme namely, isolation and fear of arrest and imprisonment.

The delay in the processing of asylum applications has caused a massive backlog as reported by the LHR, resulting in asylum seekers' isolation; away from the society at large. Asylum seekers without the Section 22 documents risk being arrested by the police.

All respondents reported that their movements have been restricted because of the delay in processing their asylum applications and as such, they feel isolated especially at a time where the state mobilizes law enforcement to arrest illegal migrants. For example, a respondent from the DRC stated that he could not walk freely because he did not have a legal document with him due to his application that was/has been delayed for no good reason. He has also been waiting for the decision on his asylum application for five months. Another respondent from the Ivory Coast has been waiting for nine years and a respondent from DRC has been waiting for four years, amongst others. A respondent from the DRC stated that he had been arrested by the police for being illegal in the country and was just lucky to be set free.

All respondents stated that they did not receive any documents from immigration after they applied for asylum. This makes it hard to prove to law enforcement officers that indeed the migrants are asylum seekers. This drawback, and act by the DHA thus, forces asylum seekers in this situation to live in isolation and fear of being arrested. Living in isolation and fear subsequently prevents asylum seekers to access basic social services such as health and education and even some free time because their movement is restricted to prevent being arrested. Informal interviews conducted during observation on parents found that children/ students avoided going to school for fear of arrest. A gentleman of Nigerian origin preferred to queue for long hours every day than to seek treatment for a broken leg (caused during a stampede at the reception centre). They prefer to live in fear and isolation to prevent arrest. Isolation and living in fear may also have a psychological effect on asylum seekers as thirty five percent of respondents stated stress as a result of delays in relation to isolation and living in fear. The word

'stress' was also a very common term spoken by asylum seekers during observation studies.

Respondents indicated that their lives are on hold and are stressful (Figure 8). The delay in asylum processing indeed may halt an individual's life as nothing can be done without the asylum permit. They indicated that they need this permit for their freedom of movement because only when they are free is when they can access other social services, which includes education, health care and proper paying jobs. This creates stress to respondents as they live in uncertainty.

Participant observation also revealed issues of isolation as asylum seekers complain of a protracted delay in processing asylum documents. Asylum seekers complain of their levels of stress and that their lives are on hold as the asylum system produces levels of uncertainty as to when they will receive the approval and their asylum documents. Stress could also be seen in issues of accessibility caused by very long queues, mini stampedes with children and women struggling for space in order to have access into the building. The mini stampedes and uncontrolled crowds caused physical injuries as was seen sustained by some asylum applicants.

As asylum seekers do not go far from where they have shelter to spend their free/leisure time for fear of arrest, it limits their social interaction, which may negatively affect their access to social services and also impact on the benefits of freedom of movement. Observation also found that many asylum seekers sleep outside the building and in surroundings of the DHA, especially women of whom many have been reported had been sexually molested.

As Figure 1 indicated, mostly male respondents participated in the study and far fewer women. This was confirmed during an observation study as mostly young men in their early twenties to early thirties seek asylum.

Even though there are fewer women in the asylum seeking system than men, their human security is hugely compromised (due to the biological difference between men and women) in the asylum seeking process and they are thus very vulnerable to physical abuse caused by their isolation. Isolation and fear of arrest may have a

psychological effect and sense of belonging to the asylum seekers. It is tantamount to imprisonment. Even though South Africa does not have a camp system, a system in place that interferes with migrants' movement, may be experienced as being 'imprisonment'.

Corruption by immigration officers and their 'agents' produce delay as well. Thirty percent of respondents raised points where they said they could not afford money and that was why they could not have their permits in time which also impacted on their freedom of movement. Respondent 16, who has been waiting for his asylum documents for 7 years, stated, "it is for the rich. If you have money, it is easy for you. When poor, like me, it is too bad."

All of the LHR stated that corruption, which is endemic in the system, has resulted in severe marginalization and exploitation of poorer asylum seekers and has really impacted on their freedom of movement as some of them sleep in the premises in order to avoid police arrest and harassment after they leave the venue. The living conditions on these premises are bad for human habitation as asylum seekers sleep on bare floors in the open. The very dusty environment is very detrimental to the health of asylum seekers, especially children. The delay, therefore, deprives asylum seekers from accessing suitable accommodation and freedom of movement, as it would have been had they been in possession of valid asylum documentation and permits. The living conditions, as well, erodes asylum seekers of their dignity as human beings (Nussbaum 2011), thus, which impacts on asylum seekers' psychological wellbeing (stress).

Five respondents have been issued with a 'notice to leave' South Africa. Four of the respondents are in the process of appealing the decision with the help of the LHR. All these respondents emphasized restriction of their movement, but LHR 4 stated that for asylum seekers who await judicial reviews (appeal cases) and those who struggle with overcrowding and long queues, the appeal process may take several years, even up to 10 years. It was emphasized that in the process their freedom of movement was being compromised in the midst of confusion without knowing what the outcome of their application would be. Asylum seekers therefore, live in uncertainty and isolation because of the pervasive delays in the processing of asylum documents.

These findings and analysis, therefore, validates findings by Coffrey *et al.* that restriction of movement results in asylum seekers living in isolation and fear due to the process of asylum seeking.

### **6.3 The prioritization of national security and asylum seekers' (physical) vulnerability**

The issue of asylum seekers and asylum seeking has been securitized in South Africa. The South African immigration system, especially the 'Operation Fiela' (it will be explained later) by law enforcement officers signified how the presence of illegal migrants are being perceived as a national security threat. Segatti (2010) states that the State of South Africa focuses more on the detriments of immigration and that the state is unwilling to take the advantage immigration creates - using the scarce skills some immigrants may bring, but rather that South Africa still considers immigration as a threat to national security. This chapter is analyzed under the theme, Institutionalized xenophobia.

The government of South Africa introduced new immigration reforms concerning the process of asylum seeking in 2011. The reforms, amongst others, includes the closure of the majority of refugee reception centres (Johannesburg, Port Elizabeth and Cape Town) with the exception of Pretoria, Durban and Musina, the introduction of a R1000 fine on late renewals of asylum permits, the presentation of their ID documents to prove their country of origin during asylum application, asylum seekers to report at a reception centre within five days of entry into South Africa and the presentation of a Section 23 permit during asylum application. The presentation of an ID document, even though not implemented fully, poses a threat to asylum seekers, as someone facing persecution most likely will leave their homes suddenly without taking along an ID document. This demand is a mechanism of exclusion and discrimination against asylum seekers, which consequently makes it hard for them to access social services. The Section 23 permit is rarely demanded as was stated by the LHR. The impact of the closures of refugee

reception centres have negative impacts on asylum seekers as they lack the freedom to choose where to apply for asylum.

All LHR interviewed were aware of the new immigration reforms. They also stated that some of the reforms were being implemented while others had not yet come in effect. A LHR who is a legal councilor confirmed that the payment of R1000 late renewal fine is seriously being implemented and that the closure of refugee reception centres is in effect. It was also explained that the R1000 fines imposed by the state was a problem, as most asylum seekers do not work to raise such money. Thus, it poses a problem because it easily renders an asylum seeker illegal and vulnerable for deportation. Accessibility issues will easily render an asylum seeker illegal because it takes many days and months for an individual to gain entrance into the building. The purpose of imposing a fine is simply mechanisms to rid the country of migrants. Thus, the inability to pay the fine excludes an asylum seeker in the asylum seeking system and makes it hard to access social services and impact on their freedom of movement. LHR 1, together with the others, emphasized that the issue of accessibility caused by the state leads to social exclusion of asylum seekers.

LHR 1 asserts that the aim of the new immigration regulations and policies by the government is for population control and monitoring, crime prevention which the state perceives that illegal immigrations are responsible for the increase in crime which is strongly disagreed. LHR 4 states that the wrong perception of economic insecurity caused by the influx of migrants is the reason for the new immigration reforms. All four respondents believe that the state has a wrong perception about asylum seekers and their impact on national security. This confirms Watson's (2007) statement that state leaders disregard or ignore the normal rules and policies of immigration by violating legislation that handles asylum application issues. This means that the state easily politicizes immigration issues to win the hearts of the local populace and in the process excludes and marginalizes migrants - mostly asylum seekers. The R1000 fine is against the 1951 Convention of Refugees, and thus causes the state to become involved in illicit practice against the refugee act. Kingston (1993:9) is therefore right when he states that a government that acts tough/strict on migration always wins elections.

Four of the LHR state that these new immigration reforms affect asylum seekers negatively. They include:

- a) Corruption: They state with disappointment that the asylum seeking system is in total chaos and disorder; that immigration officers at the Pretoria centre have become totally corrupt and cause serious delay and exclusion of poor asylum seekers which are the majority. LHR 3 states that R1500 (bribery) is mostly demanded before service. The LHR as an organization has reported the practice to the police, but nothing is being done about it.
- b) Massive backlog: The closure of other refugee reception centres has caused a massive backlog in the Pretoria office. For example, LHR3 states that files from Port Elizabeth have not yet reached the Pretoria offices after 3 years. This makes some asylum seekers to become illegal in the country because their asylum documents cannot be renewed unless those documents arrive in Pretoria. The period between waiting for the arrival of documents from former refugee centres and their application renewals makes them illegal in the country as the majority of asylum seekers' documents had not be renewed. This affects their access to social services be it education, work etc as they need identification documents to access certain social services.
- c) Financial stress and loss of income: Asylum seekers have to travel from long distances to Pretoria. Some applicants lose their jobs in the process and some of them cannot afford transport money to Pretoria. Informal interviews during observation study discovered that some applicants come all the way from Cape Town, Port Elizabeth, Polokwane, etc.
- d) Gender based violence against women: The LHR emphasized sexual violence against women, especially those who sleep around the centre in Marabastad. The LHR stated that criminals among the refugee population as well as locals molest some of these women. These abused women cannot access justice as they are scared of being arrested themselves when reporting a case of rape at a

local police station. Thus, after their ordeal, they continue living in isolation and the cases remain unreported.

The new immigration policies render asylum seekers vulnerable to physical attacks which are being facilitated, indirectly, by the state.

### **6.3.1 Operation Fiela: “State sanctioned xenophobia” (LHR 1).**

All four lawyers argued that the ‘Operation Fiela’ initiated by the state was an indirect xenophobia sponsored by the state. The state, therefore, sent a message to the South African citizens that, indeed, immigrants cause societal problems. Malkki (1995a:6) stipulates that the state regards asylum seekers as intruders that need to be uprooted in society in order to maintain the state’s status quo. Operation Fiela, in this context, which means to clean up foreigners, signifies to locals that asylum seekers are unwanted and gives them reasons to attack. As LHR 1 put it, that the operation to arrest and deport so-called illegal immigrants “is a state sanctioned xenophobia.” These operations send a direct message to the populace to treat migrants/asylum seekers differently, which gives rise to marginalization and discrimination, which leads to xenophobic attacks. LHR 3 specified that the operation has left immigrants and asylum seekers vulnerable to attacks because those who are meant to protect them against xenophobia are those arresting them. LHR 3 stated that because of these arrests and threats of arrest, asylum seekers in need of medical attention are scared to access social services especially healthcare and children of asylum seekers have been kept away from school. This also confirms the attitude of asylum seekers during fieldwork by their reluctance to meet any independent South African for any form of assistance. They trust only their local networks of fellow countrymen and local NGOs for assistance. LHR 3 continued by saying that no one is spared from arrest, even nursing mothers, children and the elderly. LHR 1 stated that asylum seekers have lost faith and trust in service providers, as they now believe everybody is against them. This has a lot of consequences on asylum seekers both physically and psychologically as they might die from an easily curable illness because they are scared to visit a clinic/hospital.



While the state is concerned with its national security, state security has taken precedence over human security against those that it is meant to protect. Asylum seekers are those vulnerable to attacks and marginalization. It must be stated that national security is paramount for the survival of any state, but security is meaningless if a particular group of people living within the state are not secured. The prioritization of national security by the state of South Africa renders asylum seekers vulnerable to attacks and thus affects their access to social services. Welch (2005:333) can thus be vindicated when he states that because state directly perceives asylum seekers as threats, it makes them vulnerable to stigmatization and sanctions which includes inaccessibility to social services. 'Operation Fiela' increased asylum seekers' freedom of fear and freedom of want asylum seekers becomes vulnerable to attack; and also become reluctant to seek social services as those who have no documentation fear being arrested.

### **6.3.2 Government's responsibilities and Obligations**

All four LHR agreed that government should treat asylum seekers with respect and adhere to the constitution, which states that everybody is equal and is able to access social services including health care, housing and education. LHR 1 and LHR 3 stated that government does not fulfill its responsibilities even to its own citizens and worse towards asylum seekers. LHR 3 insisted that the government is sowing discord between asylum seekers and citizens to make asylum seekers look bad, and this is because of the municipal elections in 2016. Therefore, government is blaming asylum seekers for its failures rather than take responsibility for its own failures. LHR 2 and 4 stated that the government is trying to take care of asylum seekers. LHR2 specified that asylum seekers receive social grants from the government through the South African Social Security Agency (SASSA). The researcher, however, found out from SASSA that only refugees are entitled to social grants and not asylum seekers. Asylum seekers have no form of financial and material assistance benefit from the South Africa.

Government's responsibilities towards asylum seekers have therefore deteriorated according to the findings of this study where instead of protecting asylum seekers; the government makes the process of seeking asylum tedious with various policies in place

that render asylum seekers insecure. The responsibility of government to protect asylum seekers has diminished with the practice of Operation Fiela where asylum seekers live in fear and therefore find reluctant to access social services.

The lawyers agreed that South African citizens have responsibilities towards asylum seekers especially with regard to xenophobic attacks and citizens have a role to protect each other, no matter where they came from or the language that they speak. This makes it harder for the government of South Africa because it is promoting marginalization and thus its citizens will see it as double standards. They further emphasized aggressive awareness and education so that citizens should understand more about asylum seekers and why they left their countries.

Research by Malkki (1995a) is validated in that government's perception of asylum seekers as a 'problem' to be solved gives society the notion that they are not welcomed; thus making them vulnerable to attacks and their subsequent reluctance in accessing social services. Immigration as a national security threat directly or indirectly implies that asylum seekers part of a national crisis. This pushes locals to take the law into their hands and mistreat asylum seekers.

#### **6.4 The closure of government refugee reception centres and asylum seekers' access to social services**

Due to the scope of this study, this question was directed of the effect the closures have had on adequate shelter. This subsection is based on two themes: Destitution and Loss of income.

Due to the closure of several refugee reception centres and the fact that thousands of asylum seekers cannot go back to their places of residence, destitution is imminent (LHR 3). Asylum seekers are forced to forgo the better accommodation they had before they arrived Pretoria. Figure 12 illustrates the effect of the closures of centres by respondents where eighty-five percent mentioned destitution as an effect. As confirmed by respondents, the DHA does not provide accommodation for asylum seekers during the application process in Pretoria.

Destitution, which can also be referred to as homelessness, in this case, is either short or long term. This group of asylum seekers is powerless and is left to their own mercy or in the hands of charities like Al Harvest that provides alternative accommodation and food parcels. Destitution is quite humiliating and psychologically challenging, especially to those who had better accommodation before arriving in Pretoria. Eighteen participants indicated that they have persistent challenges on accommodation (Figure 5) except the three females who have shared accommodation somewhere in Pretoria. These females are employed and therefore did not mention destitution as an effect. It therefore means that the employment status of asylum seekers guarantees suitable accommodation and stops destitution.

A respondent of the DRC origin arrived South Africa in 2011 and found himself in Brits where he had some friends and a job as a farm worker. He started applying for asylum in 2012. He complained of the overcrowding and that if he had a choice he would have applied in the Johannesburg centre if it were operational because he also have friends in Johannesburg where he could have been staying. He became destitute in Pretoria since 2013 pending his asylum application approval. He is homeless in Pretoria due to issues pertaining accessibility into Home Affairs. More than half of the respondents would have preferred a refugee reception centre closer to them.

Another respondent, aged 36 from the DRC, had a similar experience when he left Cape Town, his initial centre of application where immigration officials constantly told him his application file had not yet arrived in Pretoria. He is now homeless in Pretoria with no friends or family. Both respondents share a sentiment of loss and a wish for these centres to be closer to their initial residential areas where they have social ties and proper accommodation.

During participant observation, destitution came up as one of the most crucial issues regarding the closures of refugee reception centres. It affects almost everyone who does not reside in Pretoria. Asylum seekers sleep in the streets, which is very dangerous to their physical safety. During the winter months, asylum seekers can fall ill due to the intense night cold. Some asylum seekers complain of severe flu. Women and

children are the most vulnerable during this time as they are more susceptible to gender based violence.

The closure of refugee reception centres has a high probability of rendering asylum seekers destitute; with little choice to choose the centres suitable for their asylum application other than the Pretoria centre.

Because asylum applicants from far away need to come to Pretoria as their closest centre, just like Respondents 2 and 16, there is a probability that asylum seekers who are employed will lose their source of income in the process of seeking asylum. LHR 3 stated that she has clients from Port Elizabeth who were living well before the centres were closed and are now penniless because while in Pretoria they lack the social network they have back in the place of residence. Applicants, mostly, would choose to follow up their asylum application rather than lose their income generation in order to prevent being arrested and secure their freedom of movement without police harassment.

Six (35 percent) of respondents indicated that their financial life has been impacted by the closure of refugee centres which makes them unable to afford proper accommodation, food etc. A respondent, who initially was living in Cape Town before the closure of the refugee centre and who has been seeking asylum for the past seven years said that, "I lost everything". Had it been that he remained in Cape Town where he had established his life somehow, he would not have been destitute and broke. A respondent from DRC who has been seeking asylum for three years, lost his farming job in pursuance of his asylum application and says that he is not sure if he will have another job because there are many people looking for that same job, but he cannot live without his permit so he must stay in Pretoria in order to obtain it.

There is, therefore, a direct relationship between the closure of refugee reception centres and loss of income, which directly affect asylum seekers' access to adequate shelter as it impacts on the survival strategies of some asylum seekers in the place where they have social ties and adequate shelter. One hundred percent of respondents expressed sadness and the hard life the closure of refugee reception centres has

created. Freedom from fear and freedom from want of asylum seekers is therefore impacted by the closure of refugee reception centres. South Africa has no detention or refugee camps, but the new policies that compel asylum seekers to choose very limited reception centres is tantamount to detention which leads to inaccessibility to adequate shelter.

During participant observation, the researcher came across asylum seekers with issues of loss of income, school children foregoing school and get involved in the process of asylum seeking. The fact that some asylum seekers forgo their jobs, education, etc. in pursuance of asylum seeking worsens the fact that the system deprives asylum seekers of social services.

McCull *et al.* (2008) were therefore correct from their research as they state that detention (closure of refugee reception centres) leads to poor living conditions, which may be aggravated by loss of income and destitution.

## **6.5 The requirement for mandatory proof of identification and asylum seekers' access to social services.**

This research question focuses on access to health care. Asylum seekers are very vulnerable to medical complications due to the horrid state in their country and also medical complications and diseases that may have been acquired on their journey to South Africa (LHR 3).

Some refugees and asylum seekers can rely on social ties in their respective refugee communities for shelter and on NGOs for food and shelter, but no organization or social ties caters for healthcare. Thus, asylum seekers rely heavily on public health care in South Africa, which is free of charge.

Twelve (60 percent) of the respondents have needed medical attention at some point in South Africa. This subsection is presented in the theme: xenophobia in the health care system.

Richter and Vearey (2008) report that 30 percent of foreigners in South Africa experience difficulties accessing health care. This is mainly due to the reluctance of medical personnel to attend to migrants, especially asylum seekers.

One of the biggest obstacles asylum seekers have in accessing health care is the demand of identification documents by health care workers before given medical attention. A respondent who is from Ivory Coast stated that, “they asked for my passport and money”. He had forgotten how much they demanded. He said he offered his expired passport, which was rejected. He suspected that he had malaria, and the medical personnel left him untouched for about 24 hours lying outside, before being attended to the next day. Malaria being the number one killer disease in sub-Saharan Africa, a respondent from Ivory Coast, who fled due to political persecution, is therefore lucky to be alive by the negligence displayed by the health care practitioners. A 37-year-old respondent from the DRC also had a similar experience and because he could not afford his asylum documents he was not attended to until after five hours.

A peculiar case of delay was narrated by a 32 years old respondent from the DRC. She went into labour and arrived at the public facility where she was demanded to show her ID document and to pay R800. She only had her expired passport and no asylum document yet. She could only afford the money. She had to sit on a hard bench, called a foreigner and told that she makes a lot of babies. She was also being asked why she didn't go to her country to give birth to her child. After being left alone in pain for some time, she was attended to and gave birth safely. She and the baby were lucky to be alive after such treatment at that high-risk period and the negligence she experienced.

All twelve stated a significant delay to be attended to but none of them was definitely refused treatment. The demand of ID documents by medical practitioners had an adverse effect towards asylum seekers as it might lead to casualties although none was experienced by any of the respondents. The practice creates serious human insecurity by depriving them of emergency health care.

Section 7 of the South African Bill of Rights states clearly that every person in South Africa should be accorded human dignity, freedom and equality. Section 27 of the Bill of

Rights stipulates that every person in South Africa has the right to access health care; and no one should be denied emergency health care (South African Bill of Rights: 1997).

Article 27 of the Refugee Act 1998 states that migrants and refugees have the same rights in accessing health care as South Africans. This is, however, not the case presently in South Africa, where asylum seekers are turned away and being denied access to basic health care because of unavailability of valid ID documents.

It should be noted that this practice is not a national government policy. It comes from the xenophobic sentiments held by individual health care practitioners because it is stated in the South African constitution that health is accessible to all those who live in South Africa; and secondly, according to the findings, not all respondents were demanded money and an ID document and finally, even though they were refused medical care at first, they were later attended to, which means that it is not a government policy to demand for money and an ID document. For example, Respondent 19 did not experience any delay and no ID documents was demanded of her. However, she did experience verbal xenophobic abuse from health workers. South Africans are not demanded ID documents. The same opportunity should be accorded asylum seekers as the Bill of Rights and Refugee Acts stipulate.

The demand of money by health care workers is also illegal and corrupt. The constitution states that access to public health care is free of charge for all those in South Africa. However, there is a minimal fee of R39 is expected to be paid by outpatients which covers consultation, tests and medication; while hospital admission amounts to R194 for up to a month. It is sheer corruption and discrimination if asylum seekers are asked by health practitioners to pay more than the amount required. All twelve respondents state that they were being asked to pay money for “registration”. The researcher, however, found out that no amount of money is required for registration even from South Africans. The inability to provide this money renders asylum seekers insecurity as they may develop complications from their ailments or even die from it. Most asylum seekers are unemployed; therefore, demanding money to gain access to health care infringes on their freedom of want. It also has an emotional and

psychological affect on asylum seekers. Respondent 10 stated that “they treated me like an animal, I feel useless.” All twelve respondents felt some degree of indignity and some degree of inequality meted on them because they felt deprived and humiliated (Nausbaum 2011).

A respondent from the DRC, who had just been in South Africa and seeking asylum for less than a year, needed medical attention at some point but did not attempt to go to the hospital for fear of arrest. He does not have his asylum document yet and so did not trust health care works as they might alert the police of his status. LHR 4 also stated that some medical practitioners sterilize foreign migrant women without their consent. This act makes it difficult for asylum seekers to trust the health care system. Because of their illegal status in the country, they become reluctant alerting law enforcement of what had been done to them. The demonization and stigmatization of asylum seekers in South Africa have an adverse effect on their access to health care and thus, the system has a high tendency of rendering them insecure.

From the findings and analysis, it can therefore be concluded that the South African asylum seeking process is a human insecurity producing machine; a process that is meant to protect asylum seekers both physically and emotionally, but renders them insecure which affects their access to social services.



## CHAPTER 7

### Conclusion and Recommendations

This chapter includes general concluding remarks and recommendations.

The analysis of the findings suggests that enforced human insecurities (destitution/poverty, poor living conditions, physical and verbal abuse, corruption, stigmatization etc) against asylum seekers is a prominent feature of the South African asylum seeking process.

South Africa, which is a signatory to the United Nations Refugee Convention of 1951, is responsible for the humane treatment of refugees and asylum seekers and to ensure that the asylum process is made easier for easy access to social services (freedom from want), freedom of movement and freedom from fear (free from physical vulnerability).

The new asylum policies which include the closures of refugee reception centres, have positioned South Africa as a human insecurity producing machine; for the process of seeking asylum generates many social insecurities against asylum seekers as it has been presented in the findings chapter. The findings suggest that stopping the issues of human insecurity as a matter of urgency would (a) improve the quality of the asylum application process (b) will lead to the improvement of the wellbeing (both physical and emotional) of asylum seekers and (c) will improve asylum seekers' access to social services and integration.

These findings also reveal that the paths that lead to human insecurities faced by asylum seekers may be complex. National security concerns were the main reasons of the new asylum seeking policies. However, state security concerns should not produce human insecurities for people it claims to protect. While causes of human insecurities may be responsible as a pre-flight factor of people seeking asylum in South Africa, the study reveals that the South African asylum application process in and of itself stands

out as a 'human insecurity machine' and a tool of social exclusion and marginalization of asylum seekers.

Throughout the research process, with the help of the questionnaire, the researcher was able to understand the huddles asylum seekers encounter and experience when trying to access social service and also variables that prevent them from accessing social services during the process of seeking asylum.

The findings/ hindrances allow for recommendations to assist in easier access to social services by asylum seekers. The literature review proves that the process of asylum seeking produces human insecurity against asylum seekers. For example, Acer (2004) states that restrictive immigration agendas due to national and international security concerns have led to deteriorating processes of seeking asylum which disregard the human rights of asylum seekers and hinders their access to social services. Malki (1995a:6) also states that states regard asylum seekers as intruders and enemies and as a result have tedious policies in place in the process of seeking asylum which directly affects asylum seekers' access to social services. Asylum seekers from the CEMAC region, due to the nature and reason of why they fled the region (political persecution), continue to be persecuted and deprived of services in a country's asylum system they thought would protect them - a system that produces various forms of social insecurities. South Africa, as a signatory of the 1951 Refugee convention, has to keep to its mandate and responsibilities in protecting asylum seekers and provide easier access to social services to them.

The human security theory was therefore a suitable theory in this study as it proved that the process of seeking asylum trample on asylum seekers' freedom of want and freedom of fear. If the process of seeking asylum is not adjusted and the issue of asylum seekers' human security is not prioritized, it means that the South African government will continue depriving asylum seekers access to social services. Thus, more people are likely to 'die' in the hands of the South African government that is meant to protect them (Mack 2004:366). The term 'die' refers to the protracted human insecurity that asylum seekers/refugee experience that is produce by governments' behaviour and policies.

All the respondents state that the process of seeking asylum should be made faster. Protracted delay in the asylum seeking process, which results in isolation and police harassment, will be avoided if the number of days of seeking asylum is reduced. This can be done if the DHA employs more staff to deal with the overcrowding at the refugee reception centres.

Corruption should be dealt with at levels in the refugee reception centre. According to the findings during the observation study, asylum seekers are very much aware of corrupt practices in the refugee reception centres as they are being approached by home affairs 'agents' for money for faster services. Corrupt immigration officials should be reported and prosecuted. Asylum seekers should be sensitized through billboard posters on the premises, for example, that seeking asylum is free and the DHA should provide a special hotline unit to report corruption by immigration officers. It should become compulsory for immigration officers to wear a name tag for easy identification by asylum seekers. Prosecution of corrupt immigration officers and their agents will deter corruption and will usher an equal opportunity for asylum seekers to access the asylum seeking system.

Documentation as proof that an asylum seeker has indeed applied for asylum should be given to asylum seekers. This documentation will be presented to police officers or any other authority in case an asylum seekers' status is required. This will guarantee the freedom of movement of asylum seekers and their access to social services. This is because asylum seekers require some form of identification in order to access some social services such as education etc.

According to the findings, the states' prioritization of national security and its fight against insecurity render asylum seekers vulnerable to physical attacks, which affects their access to social services negatively. The researcher acknowledges the national security concerns posed by immigration. However, it is the state's duty and responsibility to protect those who have fled their countries due to persecution. Practices such as the 'Operation Fiela' that conveys the message that refugees and asylum seekers are a threat to national security should be stopped. 'Operation Fiela' targets black/African immigrants who are in South Africa without proper documentation

(Hunter 2015). As the findings reveal, some migrants remain undocumented due to the delay in asylum applications by the DHA. 'Operation Fiela' presents a double standard of South Africa's allegiance to protect refugees and asylum seekers in the 1951 convention of refugees. The National Intelligence Agency should be put to task to fish out asylum seekers and refugees that present a national security threat rather than the state to categorize all asylum seekers as being a threat to national security.

An awareness campaign should be launched in schools and local communities by the DHA to enlighten South Africans about who an asylum seeker is, why they fled their countries and why they should be allowed to live freely in their society. This will assist the smooth integration of refugees and asylum seekers into local communities.

In order to curb destitution, loss of income and overcrowding, the centres which were closed (Johannesburg, Cape Town and Port Elizabeth) should be reopened so that asylum seekers may be able to apply for asylum at the centre that is nearest to their place of residence. This is because the DHA does not provide accommodation for asylum seekers. This will prevent asylum seekers to be destitute in Pretoria, and also will guarantee their job/income generating security. Overcrowding will be prevented while the duration of seeking asylum will be made shorter.

Social service providers should be trained and be notified by the DHA that ID documentation is not needed before access to social services by asylum seekers. Equal access to social services should be reiterated by the DHA in hospitals, schools, etc. that asylum seekers should be treated equally like South Africans in their attempt to access social services. Prosecution and even job losses should be prevented as a deterrent of social service providers denying asylum seekers access to social services.

A further study should include methods that could lead to structural changes at the policy level that could impact positively on the relationship between the state and asylum seekers. Furthermore, a future study should investigate the perception of asylum seekers by South Africans and the integration of asylum seekers in South African societies which could prevent human insecurities against asylum seekers.

Finally, a further study should investigate how different asylum seekers' communities experience insecurities in the process of seeking asylum in order to compare and contrast how the asylum seeking process affects them.

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## **APPENDICES**

### **Consent Form**

#### **SEEKING ASYLUM IN SOUTH AFRICA:**

#### **The experiences of Migrants from the CEMAC Region.**

I, (Full name of participant)..... , have read the information form describing briefly the purpose of the research of the study, which is about the asylum seeking process and how it may produce physical insecurities, deprivation of several basic necessities and services etc. The research aims in establishing links between social insecurities and asylum seeking. To the best of the researcher's knowledge, no research on asylum-seekers' social well being in South Africa has been conducted with a specific focus on the CEMAC region. Therefore, it presents a motivation to address this problem by the researcher. Recommendations done in the research will serve an important purpose in policy formulation regarding human security issues affecting asylum seekers during the process of seeking asylum. I understand the research is for academic purpose only.

The nature of the research and its purpose has been explained to me. I agree and give my consent to taking part in the study. Any questions I have asked and any doubts have been answered and explained to my satisfaction. I understand that I can withdraw from the study at any stage of the study, and I will not be forced to answer questions I do not wish to. No further usage of data collected will be used without my permission. The findings of this research may be shared with the community through reports or journal articles and for further research. My privacy and confidentiality will be respected during and after the study. The researcher will provide a counselor in case I may need one. I agree that the data will be stored electronically in the Department of Political science for archival purposes in the period of not less than 15 years.

I therefore agree to take part in the interview and for it to be recorded or written down by the researcher for quality purposes.

Signature (participant).....

Date.....

Signature (researcher).....

Date.....

The above consent form is adapted from Bingma's (2009) study on Male early high school living in Orange Farm. (Reference will be found in the bibliography).

## **Semi-Structure Interview Schedule (Asylum seekers)**

Please note that this interview will be conducted with confidentiality where false/pseudonyms will be used. Should you at any stage feel uncomfortable, please feel free to terminate the interview. You have the right as well to skip any questions you do not want to answer. The interview will be conversational in nature.

### **A. Personal Details and General/ introductory questions**

1. Gender
2. How old are you?
3. Are you seeking asylum?
4. Where do you live here in South Africa?
5. Are you employed? If yes, what kind of work do you do?
6. Do you have your own accommodation?
7. What is your country of origin?
8. When did you come to South Africa? Whom did you come with?
9. Please explain why you left your country.
10. Did you have a choice of countries you could have gone to?
11. Why did you choose to come to South Africa?
12. What was your border of entry?
13. Were you given any documents to complete by authorities at the port of entry?

If yes, what kind of documents?

14. Did you have any expectations when you were entering South Africa? If so, what were your expectations?
15. Did you have any fear when you were entering South Africa? If yes, please explain the fears you had.
16. When did you start seeking asylum?

**B. The delays in processing asylum application and its impact on freedom of movement.**

1. Do you know how long it takes to complete the process of seeking for asylum?
2. Do you know anyone who has successfully completed the asylum seeking process?  
If yes, how long did it take them to complete the process?
3. What can you say about the time it takes to go through the process of seeking for asylum?
4. Does the time taken in the process of seeking for asylum affect you in any way? If so, please explain how?
5. Are you required to submit anything to the Department of Home Affairs as part of the application for asylum? If so, what are you required to submit?
6. Did you receive anything from DHA after you completed your submission? If yes, what did you receive?
7. Do you do your own shopping, use local medical facilities, attend school, etc?

8. Have you visited other places apart from where you reside? If so, which places do you visit?
9. How do you spend your free time?
10. What can you say about the process of seeking for asylum?

**C. The links between the closure of asylum seeking centres and adequate shelter**

1. How many asylum seeking centres do you know?
2. Which asylum seeking centre is nearest to you?
3. Which centre did you use to apply?
4. Do you have any preferences regarding a centre for which to apply for asylum? Explain your preference of one centre to another.
5. Does the Department of Home Affairs provide a place for you to stay or shelter while you are applying for asylum?
6. Are you aware of the closure of asylum seeking centres in South Africa?
7. What is your opinion on the closures of asylum seeking centres in South Africa?

**D. Mandatory proof of identification by immigration officials and its impact on accessibility to health facilities.**

1. Have you or anyone you know sought any medical attention in South Africa? If yes, when?
2. What did you do?



3. Have you visited any medical facility since you came to South Africa?
4. If yes, how often do you visit the same facility?
5. What kind of facility is it? Did you visit (a) public (b) private (c) not sure.
6. Is there any reason why you chose the medical facility you visit?
7. What is required of you before receiving medical attention?
8. If anything is required, are you able to fulfill the requirements?
9. If not, please explain why.
10. How does the inability to fulfill the requirements affect you?

### **Recommendations on Access to Social Services.**

1. Do you think government should change the system for seeking asylum? If yes, how?
2. Is there anything more you would like to add concerning the process of seeking asylum?

**THANK YOU**

### **These questions are directed to the Lawyers for Human Rights.**

#### **A. Demographic information**

1. Age
2. Sex
3. Nationality

4. Position in organization
5. How long have you been working for this organization?
6. What is the nature of your job?
7. Which geographical area do you cover in your work? (a) local- Pretoria (b) Gauteng province (c) National (d) other - please specify.

**B. The link between the prioritization of national security and physical vulnerability**

1. Are you aware of the new immigration regulations and policies introduced by the Department of Home Affairs?
2. If so, do you know if the government is implementing the regulations and policies?
3. What is the aim of these new immigration regulations and policies?
4. How do these new immigration regulations and policies affect asylum seekers?
5. Does government have any responsibility towards asylum seekers?
6. If so, what is government's responsibility towards asylum seekers?
7. How should government treat asylum seekers?
8. Do you think government fulfills its responsibility towards asylum seekers?
9. Do you think that South African citizens have any responsibility towards asylum seekers?
10. Is there anything else that you would like to add regarding this topic?

**THANK YOU**

