THE UNIVERSITY OF CAPE TOWN

REFUGEE RIGHTS UNIT
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INTRODUCTION

This booklet aims to guide asylum seekers and refugees through the refugee process in South Africa. Furthermore, the booklet is intended to direct individuals to the relevant service providers in Cape Town.

The booklet begins by setting out who is a refugee in terms of the Refugees Act and international law and provides guidance for navigating the Refugee system.

This is followed by a catalogue of important contact numbers and supplementary information for accessing legal assistance, education and skills training, welfare and accommodation, financial services, medical help, mental health counselling, HIV/AIDS information, tertiary education funding, employment rights, housing information, family tracing, human trafficking, voluntary repatriation and the correct channels for reporting the violation of your rights.

Ideally, the manual will be used in combination with the UCT Refugee Rights Manual, which discusses the rights of asylum seekers and refugees in greater detail.

WHO IS A REFUGEE IN SOUTH AFRICAN LAW?

In 1996 South Africa committed itself to the protection of refugees by signing the UN and OAU Refugee Conventions. Incorporating these obligations the definition of a refugee in the South African Refugees Act (130 of 1998), is someone who:

1. Is outside their home country and who has a well-founded fear of being persecuted on account of his/her race, religion, nationality, political opinion or membership in a particular social group;

OR

2. Is outside their home country and whose life, physical safety or freedom is threatened on account of external aggression, occupation, foreign domination or other events seriously disturbing or disrupting public order in either part or the whole of that country;

OR


WHO MAY BE EXCLUDED FROM RECOGNITION AS A REFUGEE?

Persons may be excluded from receiving refugee status if that individual has:

1. Committed a crime against humanity, a war crime or a crime against peace;

OR

2. Committed a serious non-political crime outside South Africa, which if committed in South Africa would be punishable by imprisonment;

OR

3. He or she has already received protection (refugee status) in another country.
WHO IS NOT A REFUGEE?
The definition of a refugee denotes a specific category of person and therefore excludes all other people who do not fit into any of the three categories set out above. For example, an individual who leaves their country due to purely economic hardship is not a refugee. Rather, such an individual is an economic migrant and such an individual, once identified, will not be able to claim refugee protection.

HOW TO APPLY FOR ASYLUM IN SOUTH AFRICA

In South Africa, there are two major stages in the refugee status determination process:
[1] becoming an asylum seeker and

THE STATUS DETERMINATION PROCESS

STAGE [1]: Eligibility Determination Form
To apply for asylum, you must fill out an Application form, also called a Eligibility Determination Form (Form BI-1590) in duplicate. The Refugee Reception Officer must help you fill out this form. This stage of the asylum application is referred to as the “first interview.”

Some of the questions that you must respond to at this stage include: your name, nationality, ethnic group, religion, family members, education and work experience, why you left your home country, whether you were politically active or were in the military in your home country and the current situation in your country.

It is important to state facts and dates as precisely as possible. Home Affairs may refer to the document in making further decisions, so inconsistencies can work against the application. Upon completing your application form, the RRO must provide you with an asylum seeker permit (also called a Section 22 permit). This permit legalises your stay in South Africa until a final decision is made on your refugee claim.

This permit entitles you to lawfully work and study in South Africa. You will be fingerprinted and photographed for the asylum seeker permit. The permit does not recognise you as a refugee yet. The permit is valid for only a limited period and should be renewed in time, typically every 3 months.
STAGE [2]: Status Determination Interview

According to the Refugees Act, within 30 working days after your application, you will be invited for a status determination interview with a Refugee Status Determination Officer (RSDO). In reality, the time before the second interview is much longer. You are allowed to bring legal counsel or a representative to this interview to assist you. The RSDO must explain the procedure to you and make sure that you understand your rights and obligations. While the RSDO must do his/her best to provide you with a competent interpreter at this interview, you may also bring your own interpreter to assist you, at your own cost. A valid s 22 permit entitles the holder to lawfully work and study in South Africa.

THE REFUGEE STATUS DETERMINATION PROCESS IN SOUTH AFRICA

The application for asylum must be made as soon as possible after entering into South Africa.

You must make your application for asylum in person at a Refugee Reception Office with a Refugee Reception Officer (RRO).

A child’s asylum application is normally included in the application of the child’s parent, grandparent or legal guardian. A spouse’s application is also normally included in the primary applicant’s application.

NO FEE

There is no fee payable for eligibility interviews or for the issuing or renewing of asylum seeker or refugee permits at the Refugee Reception Office. If you are requested to pay for any of these services, you have the right to refuse the request and you should report the matter to a higher government official, the UNHCR, or an NGO.

CONFIDENTIAL

The information that you provide for your asylum application is strictly confidential and will not be shared with anyone, including the government of your home country.

INTERPRETERS

At all stages of the asylum procedure, the RRO must do his/her best to provide you with a competent interpreter. If this is not possible, you are allowed to bring your own interpreter to assist you, at your own costs.
EXTENDING YOUR PERMIT
You must ensure that your Section 22 permit remains valid at all times and carry it wherever you go. You may be arrested if you do not possess a valid permit on your person.

You must apply for renewal of your Section 22 permit in person at the Refugee Reception Office before it expires, as your permit is NOT renewed automatically.

A good idea is to make copies of your permit and try to remember the case number (i.e. CTR/000###/04) of your permit.

If you lose your permit, you should report the loss to the nearest police station and get a statement under oath, called an affidavit, from the police. You should bring the police statement with a copy of your permit (if you have a copy) and the RRO will issue you with a new permit.

FREEDOM OF MOVEMENT
With your asylum seeker permit, one may move freely around the country and you can live wherever you want in South Africa. Therefore a person has the right to renew a permit at any Refugee Reception Office.

WHAT HAPPENS IF YOU HAVE BEEN GRANTED REFUGEE STATUS?
If your asylum claim is accepted you will receive or can apply for the following:

1 A Status Document: You will receive a formal written recognition of refugee status (Form BI-1693) from the Department of Home Affairs, also known as a ‘Section 24’ document, which is valid for 2 years.

2 A Refugee Identity Document: Upon receiving your status document, a person should immediately apply for a refugee identity document at the Refugee Reception Office. The ID book is maroon and contains an important 13-digit identification number.

The refugee identity document will be valid for the duration period of your refugee status i.e. 2 years and it may be renewed. You must apply for renewal of this document in person at the Refugee Reception Office prior to the expiry of the document. Home Affairs may not withdraw your refugee status and replace it with a Section 22 Asylum Seeker permit when it expires.

There is a backlog of Refugee IDs. It may take over one year to receive your ID document, as the documents are printed in Pretoria.

A refugee ID book means that you do not need to carry around your section 24 status document.

3 A United Nations Travel Document (UNCTD): Once you receive your refugee ID book, you may apply for a United Nations Convention Travel Document (UNCTD), also at the Refugee Reception Office. This is a United Nations Travel Document that is issued by the South African government specifically for refugees.
The UNCTD does not allow you to travel to your home country, where you suffered persecution or where there is serious instability. The UNCTD allows you to travel to any other country, subject to the visa requirements of that country.

Myth - The Emergency Passport: There is no such thing as an emergency passport. Even in the event of family illness or a personal emergency in another country, Home Affairs will not issue an emergency passport. Asylum seekers or refugees willing to give up their status may, in certain situations, apply for a one-way travel document. However, it is likely that such a person will not be allowed to return to South Africa to seek asylum.

4 Permanent Residence: After 5 years of continuous recognition as a Refugee in South Africa you may apply for permanent residence, only if the Standing Committee certifies that you will remain a refugee indefinitely.

In order to apply for permanent residence, a person may ask for an application form at a Refugee Reception Office or legal service provider. In the application form, a person must state the reasons why he or she will remain a refugee indefinitely due to the present conditions in the country of origin.

It is possible that the Standing Committee may deny an application for certification for permanent residence. However, they may not withdraw a person’s refugee status at the same time.

WHAT HAPPENS IF YOUR APPLICATION FOR ASYLUM HAS BEEN REJECTED?

After your second interview the RSDO may decide to reject your case as either “unfounded” or “manifestly unfounded”.

UNFOUNDED REJECTION

If your claim is rejected as “unfounded” you will be given a written decision stating the reasons why your application has been rejected. This is sometimes called a “must leave” letter because it states that you must leave South Africa or appeal the decision within 30 days.

You have the right to appeal the decision within 30 days of the date you received the rejection letter. Seek advice from a legal counsellor about your appeal.

The Appeal will be before the Refugee Appeal Board, which is an independent tribunal that offers rejected asylum seekers a second chance to prove their refugee claim. The appeal is an oral hearing where you will be given the opportunity to present your case and reasons for applying for asylum.

If your appeal has been accepted, then you will be issued with a formal recognition of your refugee status by the Department of Home Affairs.

If your appeal has been rejected, the decision of the Refugee Appeal Board may be reviewed by the High Court if the decision of the Appeal Board was reached improperly on legal grounds. This is not a review on the merits of your refugee claim; rather it is a review on “how” the Appeal Board made its decision. If the Court finds that the Appeal Board reached its decision incorrectly, the Court may either send the matter back or it may substitute its own decision. Please contact a legal counsellor if you wish to discuss whether your appeal rejection is reviewable.
MANIFESTLY UNFOUNDED
If your claim has been rejected as “manifestly unfounded” then this means that the RSDO decided that your claim does not have a potential refugee related basis.

Should this occur then your case will automatically be referred to the Standing Committee for Refugee Affairs who will review the decision of the RSDO.

You may then write a letter to the Standing Committee for Refugee Affairs, within 14 days, setting out your reasons for leaving your country and why you believe that you cannot safely return to your country at the present time.

HOW CAN YOUR REFUGEE STATUS BE WITHDRAWN?

Your refugee status may be withdrawn by the Standing Committee for Refugee Affairs if:

1. Your application was granted upon false information or due to fraud or forgery;

OR

2. The circumstances or reasons why you were granted asylum cease to exist and no other circumstances have occurred which may give good reason for your refugee status to continue (however, this ground does not apply if you have compelling reasons, arising out of previous persecution, for refusing to avail yourself of the protection of your country);

OR

3. You voluntarily re-avail yourself of the protection of your home country.

The Standing Committee must inform you of its intention to withdraw your status and the reasons for the withdrawal. Should this occur you will have the right to make a written submission regarding the withdrawal of your refugee status to the Standing Committee within 30 days of receipt of this notice. If you need assistance with this, please contact a legal counsellor.

Once again the decision of the Standing Committee may be reviewed by the High Court if the decision of the SC was reached improperly on legal grounds.

THE DEPARTMENT OF HOME AFFAIRS
If you believe that the Refugee Reception Office, or its officials, have violated your rights you may contact the Department of Home Affairs complaints office.

Contact details

tel: 0800 601 190 – toll-free
If at any stage during the asylum process, you require guidance or legal advice about your rights, your obligations, or procedural matters, the following organisations may be of assistance to you. These organisations provide FREE legal advice.

**UNIVERSITY OF CAPE TOWN REFUGEE RIGHTS UNIT**
The University of Cape Town Refugee Rights Unit acts as a law practice, research and academic unit. The Unit was created in order to assist refugees and asylum seekers in the asylum process and in the search for durable solutions. The Unit’s mandate is to ensure that the best legal support and services are made available to refugees and asylum seekers in the Western Cape.

The Refugee Rights Unit is the legal implementing partner of the UNHCR for Cape Town. Therefore the Unit addresses concerns and enquiries about the legal protection of refugees.

All services for refugees and asylum seekers are free of charge. The Unit provides legal advice, representation before the Refugee Appeal Board and liaises with the Department of Home Affairs on issues affecting refugees and asylum seekers. Furthermore, the Unit intervenes in arrest, detention and deportation matters and undertakes strategic impact litigation to further the rights of refugees.

**Physical Address**
Third Level, Kramer Law School Building, 1 Stanley Road, Middle Campus University of Cape Town, Rondebosch.

**Contact details**
tel: 021 650 5632; or 021 650 5581; or 021 650 2678; or 021 650 5493; or 021 650 5390
fax: 021 650 4107
email: refugeelawclinic@uct.ac.za
web: www.refugeerights.uct.ac.za

**Times**
The Refugee Rights Unit now works by appointment only. Preferably calls for appointments should be made to the Unit, Monday – Thursday, from 8:30 to 13:00.

**LEGAL RESOURCES CENTRE (LRC)**
The LRC is a human rights NGO with branches throughout South Africa. The LRC aims to use the law as an instrument of justice for the vulnerable and marginalised individuals.

**Physical Address**
54 Shortmarket Street, Greenmarket Place 10th Floor, Cape Town.

**Contact details**
tel: 021 423 8285
fax: 021 423 0935
web: www.lrc.org.za

**Times**
Monday – Friday: 08:30 – 13:00 & 14:00 – 16:30.

**Services**
The Legal Resources Centre provides free legal assistance to refugees and asylum seekers in public interest matters i.e. to refugees/asylum seekers whose legal problems are representative of a group or class of people.

**THE WOMEN’S LEGAL CENTRE**

**Physical Address**
7th Floor Constitution House, 124 Adderley Str. (cnr. Church Str.), Cape Town.
Contact details
  tel: 021 4245 660
  web: www.wlce.co.za

Times
  Monday – Friday: 08:30 – 17:00.

Services
  The WLC seeks to advance the struggle for equality for women who suffer socio-economic disadvantage through the promotion and development of human rights for women.

THE LEGAL AID BOARD
For all criminal matters, such as robbery, theft, assault, etc., it advisable that refugees and asylum seekers approach one of the Legal Aid Board offices in the area where they are charged.

Website
  www.legal-aid.co.za

Physical Address and contact details
  Athlone: 2nd Floor, Melofin Centre, Athlone
tel: 021 697 5252
  Bellville: Van Der Stel Building, Cnr. Voorterkker & Durban Road
tel: 021 950 7743
  Cape Town: 5th Floor Nedbank Building, 85 St. Georges Mall
tel: 021 426 4126
  George: Tommy Joubert Building, Cnr. Craddock & Courtenay St.
tel: 044 802 8600
  Caledon: 3 Mill Street, Caledon
tel: 028 212 1815
  Stellenbosch: Room 101, 1st floor, Eikestad Mall
tel: 021 822 9221
  Vredendal: 9 Dorp Street
tel: 027 201 1030
  Worcester: Nedbank Building, Cnr. High & Stockenstrom St.
tel: 023 348 4051

DO YOU NEED LEGAL ADVICE?
  Do YOU NEED SOCIAL ASSISTANCE?
There are a number of organisations in Cape Town that provide limited emergency services, such as food and accommodation, for newcomers and vulnerable groups, such as women and children.

CAPE TOWN REFUGEE CENTRE
The Cape Town Refugee Centre (CTRC), is a non-profit organisation that provides assistance to refugees and asylum seekers in Cape Town. CTRC is funded directly by the UNHCR to act as the social implementing partner in the Cape Town area.

Physical Address
  F12 1st Floor Wynberg Centre, 123 Main Road, Wynberg.

Contact Details
  tel: 021 762 9670
  fax: 021 761 2294
  email: info@ctrc.co.za
  web: www.ctrc.co.za

Times
  Monday and Tuesday: 09:00 – 12:00; Thursday: Clients are seen by appointment only; Wednesday and Friday: No clients are seen on these days.

Services offered
  Emergency Services Programme: Limited assistance with food and accommodation, medical assistance (i.e. crutches or spectacles); limited assistance to pregnant women and women with infants.
Children’s Programme: Educational counsellor assists in enrolling refugee/asylum seeker children at schools; facilitates process of integration of children into local schools; informs teachers about refugee issues relating to children.

Unaccompanied Minors Programme: Limited assistance with accommodation for unaccompanied minors; placements with suitable guardians; assistance with accessing Home Affairs and the asylum process.

PEOPLE AGAINST SUFFERING, SUPPRESSION, OPPRESSION AND POVERTY (PASSOP)

Physical address: 
37 Church Street, Wynberg (corner of Main Road and Church Street)

Contact details: 
Tel: 021 762 4638 
email: office@passop.co.za

Services offered:  
Paralegal assistance with education, employment and health care rights. Networking assistance.

AFRICAN DISABLED REFUGEE ORGANISATION (ADRO)

ADRO is an NGO which offers social assistance to disabled refugees and asylum seekers.

Physical Address 
22 Alfred Street, Cape Town.

Contact details 
tel: 073 195 0594 
email: adro@webmail.co.za; anambay2010@yahoo.com

CATHOLIC WELFARE AND DEVELOPMENT (CWD)

The CWD offers general help for all refugees, whereas the Bonne Esperance Shelter for Women and Children is a CWD project, which provides accommodation to refugee women and children that are new in South Africa.

Physical Address 
Welfare Centre: 37a, Somerset Road, Greenpoint. 
Bonne Esperance Shelter for Refugee Women and Children: No. 4 Lower Ottery Road, Philippi (opposite the police station).

Contact details 
tel: 021 691 8664 or 021 425 2095 
fax: 021 425 4295 
web: www.cwd.org.za

Services offered 
The CWD offers limited assistance with food and accommodation; daycare services for children; after-school care for children; limited assistance with clothing and toys for children; skills training organised with other refugee service providers, such as language classes, basic business and computer skills.

Note: a referral from Cape Town Refugee Centre is required.

SCALABRINI REFUGEE SERVICE

The centre takes its name from Bishop of Piacenza, John Baptist Scalabrini who founded the order in 1887 to care for the welfare of migrants. Scalabrini offers social and skills development programs for asylum seekers and refugees.

Physical Address 
47 Commercial Street, Cape Town.

Contact details 
tel: 021 465 6433 
fax: 021 465 6317 
email: mmadikane@scalabrini.org.za 
web: www.scalabrini.org.za

Times 
General Counselling: Monday 08:00 to 11:00.

Services offered 
Welcoming Programme: Every 2nd and 4th Wednesdays between 08:30 – 12:00; limited assistance with basic food and clothing needs for newly arrived asylum seekers (first 6 months in Cape Town).
Spiritual Counselling: Wednesday 17:00 prayer meeting at St. Agnes Church in Woodstock; Thursday 19:00 prayer meeting at St. Agnes Church in Woodstock; Sunday 11:30 Holy Mass (in French) at St Agnes Church in Woodstock; Also, home visits available upon arrangement.

Disabled Refugees Programme: assisting disabled refugees with basic needs, transport, access to Home Affairs and hospitals and organised outings.

Children of Hope Programme: assisting unaccompanied minors with stationary for school, food, clothing, access issues at Home Affairs, and accommodation.

**THE ARK SHELTER**

Physical Address
5 Old Foure Rd., Foure.

Contact details
tel: 021 843 3927; or Pastor Errol 072 292 4384
email: jackark@mweb.co.za

Services offered
Provision of shelter and food for refugees and asylum seekers with valid permits and referrals from Cape Town Refugee Centre. In addition, the Shelter has school facilities, computer classes and skills training programmes such as sewing, woodwork and welding.

**THE HAVEN NIGHT SHELTERS**

Physical Address and contact details
Wynberg: 16 Piers Road tel: 021 762 8243
Claremont: 5 Fir Street tel: 021 671 4209
Landsdowne: 9 Polaris Road tel: 021 761 0946
District Six: 20 Selkirk Street tel: 021 465 1310

**GOVERNMENT SOCIAL ASSISTANCE GRANTS**

Refugees and asylum seekers in South Africa may apply for the following three categories of social grants:

1. **Disability grants:** are available to recognised refugees who are not able to work due to mental or physical disability, payable on a monthly basis.
2. **Foster care grants:** are available to recognised refugees who are confirmed by order of court to be suitable foster parents. An application may then be made to the Department of Social Development to access the grant, which is generally awarded on a 2 year period.
3. **Social relief/distress grants:** are technically limited to South African citizens. However, the government has in the past given such grants to non-citizens who require emergency assistance.
DO YOU NEED EDUCATION & SKILLS TRAINING?

There are many organisations in Cape Town that assist refugees and asylum seekers with language and other skills training to help them better integrate into South African society and provide them with the skills necessary to find work and support themselves and their families in South Africa.

AGENCY FOR REFUGEE EDUCATION, SKILLS TRAINING & ADVOCACY (ARESTA)

ARESTA provides refugees with the skills needed for them to integrate into life in South Africa, and ARESTA lobbies for refugees’ rights at various levels.

Physical Address
Foundation for Community Work / Early Learning Centre
22, Springbok Street, Kewtown, Athlone

Contact details
- tel: 021 633 8762
- fax: 086 514 8956
- email: coordinator@aresta.org.za
- web: www.aresta.org.za

Services offered

ST. JOSEPH’S COLLEGE/ADULT EDUCATION PROGRAM

Physical Address
21 Belmont Road, Rondebosch

Contact details
- tel: 021 685 1257
- email: LAC1@global.co.za; KAJL@global.co.za

Services offered
Language: Free literacy classes (in English, Afrikaans, and Xhosa), with free childcare facilities for learning students on Saturdays.

Skills Training: Courses in sewing, photography, business skills, computer skills, alternative health skills.

Note: Some bursaries (for the skills training courses) are available for refugees and asylum seekers that are continuous learners at the college.

SCALABRINI REFUGEE SERVICE

Physical Address
47 Commercial Street, Cape Town

Contact details
- tel: 021 465 6433

Services offered
English Classes: at various levels ranging from basic to advanced for refugees and asylum seekers at the Woodstock location – Monday 14:30, Tuesday 09:00, Wednesday 14:30, Thursdays 09:00, 10:30 and 14:30. Class times may change. Please contact Scalabrini to confirm.

Skills training: computers class – daily at the Cape Town branch (47 Commercial Street). Please contact Scalabrini to discuss the costs and times. Computers are available for use at the Woodstock location.
MEN ON THE SIDE OF THE ROAD (MSR)
MSR is a non-profit organisation that seeks to bridge the gap between the growing economy and unemployed people with low skills.

Physical Address
66 Albert Road, Woodstock, Cape Town

Contact details
tel: 021 448 9001
web: www.employmen.co.za

Services offered
MSR assesses skills, implements training where possible, provides mentored work opportunities in focused teams.

ALLIANCE FOR REFUGEES IN SOUTH AFRICA (AFRISA)

Physical Address
Office 901, 9th Floor, Thibault House, St. Georges Street, Cape Town

Contact details
tel: 021 421 2348
web: www.afrisa.org.za

Services offered
AFRISA offers skills training, income generating projects, an information centre, childhood development advice and cultural activities.

EXCELSIOR EMPOWERMENT CENTRE

Physical Address
Shamdoll Building, 54 Halt Road, Elsies River

Contact details
tel: 021 932 8585

Services offered
The Centre offers skills development training, language classes and sporting events.

DO YOU NEED EDUCATION & SKILLS TRAINING

DO YOU NEED FINANCIAL SERVICES?

Asylum Seekers and refugees often experience problems when trying to open a bank account, if they are not in possession of the required identity documents. However, First National Bank, Standard Bank and Nedbank have agreed to permit both asylum seekers and refugees to open bank accounts. Of the three the longest standing acceptance of asylum seekers as clients is the First National Bank.

It is advisable to open the bank account using your file number only. This is a unique identification alphanumeric string, which the bank will accept, and which is less likely to provide future problems such as those associated with an expired Refugee Identity document.

In order to open a bank account you must:
1. Be 16 years or older;
2. Have a valid asylum seekers permit or refugee status;
3. Provide proof of residence (the use of a rental contract or utility bill sent to your address will suffice);
4. Provide proof of a source of income (or if self employed an affidavit confirming this fact); and
5. Present the minimum initial deposit to open the account.

If you are experiencing problems opening up a bank account, you should contact a legal counsellor who might be able to assist you.
DO YOU NEED MEDICAL HELP?

Refugees and asylum seekers are entitled to the same health care services that South African nationals are entitled to. This means that you have the right to receive the same healthcare services and pay the same fees as South Africans in similar social and economic circumstances.

At a South African public hospital, the fees you have to pay for a visit depend on how much you earn and how many dependents you have, according to the hospital rating scale.

The South African government offers most primary health services for free. As well, free primary health care services are available to pregnant and lactating women. These services are available at public clinics and community health care centres. Refugees and Asylum Seekers should also receive these services free of charge.

If you have a medical problem or a primary health care need, you must first visit the local clinic that is nearest to where you live. The clinic will then refer you to the Hospital if it is necessary.

EMERGENCY SERVICES

Ambulance Tel: 10177
Disaster Tel: 107
Police Tel: 10111

GENERAL HOSPITALS

Groote Schuur Hospital:
Main road, Observatory tel: 021 404 9111

Tygerberg Hospital:
Bellville, Cape Town tel: 021 938 491

Red Cross Children’ Hospital:
Klipfontein Road, Rondebosch tel: 021 658 5111

SONKE

Sonke is an NGO, funded by the UNHCR, focusing on addressing the specific gender and HIV vulnerabilities of refugees and asylum seekers.

Physical Address
4th Floor Westminster House, 122 Longmarket Street, 8001,
Cape Town, South Africa

Contact details
tel: 021 423 7088
fax: 021 424 5645
email: info@genderjustice.org.za
DO YOU NEED MENTAL HEALTH COUNSELLING?

It is very common for refugees or asylum seekers to experience mental health difficulties as a result of the traumatic events that caused them to flee their home countries, such as severe persecution or violence or the loss of one or many family members in an armed conflict. Such events may cause refugees and asylum seekers to feel overwhelmed with anxiety or depression.

THE TRAUMA CENTRE FOR THE SURVIVORS OF VIOLENCE AND TORTURE
The Trauma Centre provides FREE professional mental health counselling services to people who have experienced or who are affected by violence. Refugees and asylum seekers are encouraged to attend.

Physical Address
Cowley House, 126 Chapel Street Woodstock.

Contact details
tel: 021 465 7373

Times
Monday – Friday: 09:00 – 04:00.

Services offered
Trained counselling of refugees and asylum seekers who are survivors of violent crime and politically motivated human rights violations; includes individual or family counselling, advice around applying for asylum; assistance in integration into South African society; orientation programmes; information workshops and various support groups.

Do You Need Mental Health Counselling?

NOTE: Call first for appointment.

RAPE CRISIS CAPE TOWN TRUST
Established in 1976, the Rape Crisis Trust is one of the oldest and most experienced organisations in South Africa working to end sexual violence against women and provides expert counselling services.

Postal Address
Rape Crisis Cape Town, PO Box 46, Observatory, 7935.

Telephone support
Observatory: 021 447 1467
Counselling line: 021 447 9762
Athlone: 021 684 1180
Counselling line: 021 633 9229
Khayelitsha: 021 361 9228
Counselling line: 021 361 9085

Email support
For questions on counselling, education, training and general information, please email our director, Kathleen Dey, at kath@rapecrisis.org.za or shahida@rapecrisis.org.za.
HIV/AIDS INFORMATIoN FoR REFUGEES & ASYLUM SEEKERS

South Africans, recognised refugees and asylum seekers are all at risk of contracting HIV (the virus that causes AIDS). HIV is transmitted from one person to another by unprotected sexual intercourse, infected blood or from infected mother to her baby. Refugees and asylum seekers who want to know their HIV status should have access to local voluntary counselling and testing (VCT) services.

Some refugees and asylum seekers with AIDS are eligible for anti-retroviral (ARV) treatment. Refugees who fit the medical criteria for ARV have the right to access ARV medications free of charge through the South African government ARV programme. They also should be provided with counselling and nutritional support.

THE NATIoNAL AIDS HELPLINE
Helpline, started in partnership of the Dept. of Health and LifeLine Southern Africa in 1991, provides trained counselling services in the SADC region.

Contact details
  tel: 0800 012 322
  web: www.aidshelpline.org.za

Services offered
The AIDS Helpline provides confidential, anonymous, 24-hour, toll-free, telephone counselling and information. The counsellor may refer you to the appropriate service provider for further help. The Cape Town Refugee Centre and the Sonke can assist refugees and asylum seekers with interpretation. Refugees and asylum seekers are also entitled to pre-and post test counselling and follow up support after the test.

PUBLIC SCHooLS FoR REFUGEE & ASYLUM SEEKER CHILDREN

The Constitution states that access to education is a basic human right for everybody. This means that refugee and asylum seeking children have the right to study in public government schools in South Africa and they cannot be sent away from schools if they cannot pay the school fees.

South Africa’s primary education is from the age of 7 to 15 (grade 1 to 9). Primary school education is obligatory in South Africa. This means that the government is obliged to provide adequate primary school for all children, including children of refugees and asylum seekers.

The academic school year in South Africa begins in January. You must register your child for school before the end of the previous year. To do this, you should go to the school where you want your child to study (or the school nearest to where you live), obtain the registration forms, fill them in and bring them back to the school.

Refugees and Asylum Seekers are entitled to apply for an exemption of school fees for their children. However, it is your responsibility as the parent(s) to apply for this fee exemption. Unless and until you have been granted exemption, you can be forced to pay the school fees.

An application for a school exemption is subject to the following limitations:

1. If your combined annual income amounts to less than 10 times the annual school fee, you can apply for full exemption;
2. If your combined annual income is between 10 and 30 times the annual school fees, you can apply for a partial exemption;
3. If your family’s combined annual income is more than 30 times the school’s annual fee, you do not qualify for any exemption and you must pay the full fee.

**HOW TO APPLY FOR A SCHOOL FEES EXEMPTION?**

To apply for an exemption, you must obtain the Application Form for Exemption from the school administration office. This application must be filled in at the beginning of each term.

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**TERTIARY EDUCATION FUNDING FOR REFUGEES**

The UNHCR and some of the Tertiary Education Institutions offer bursaries for the funding of undergraduate and postgraduate studies of recognised refugees.

**DAFI**

UNHCR provides, on a limited basis, scholarships for refugees at the tertiary level in universities and polytechnic institutions through the Albert Einstein German Academic Refugee Initiative Fund (DAFI).

Funding for this programme is provided by the Federal Government of Germany, through UNHCR. The purpose of the DAFI Programme is to contribute to the self-reliance of refugees by providing them with a professional qualification for future employment.

Scholarships are granted only for studies in the country of asylum. Funding is generally limited to undergraduate degrees.

**Who can apply?**

In order to be eligible, an applicant must:-

1. Be a refugee with recognised refugee status;
2. Have successfully completed secondary schooling to a high standard in national schools of the country of origin or asylum;
3. Have no other means of support for university studies;
4. Select a course of study that is likely to lead to employment in the country of origin;
5. Not be older than 28 years at the beginning of studies;
6. Select a choice of study course with maximum three to four years duration.
Where to apply?
Application forms are available from and should be returned to:
- The UNHCR Office in Pretoria.
  P O Box 12506, The Tramshed, 0126
  tel: 012 354 8000
  fax: 012 354 8390
  email: dafi.southafrica@gmail.com
Applications Forms may also be obtained from the Refugee Rights Project, CTRC, Bonne Esperance, and ARESTA.

THE UNIVERSITY OF CAPE TOWN
The Eric Abraham Refugee Bursary is available to all undergraduate refugee students registered to study at the university. At a postgraduate level there are further bursaries available for appropriately qualified refugee students.

Who can apply for the Eric Abraham Refugee Bursary?
In order to be eligible, an applicant must:
1. Show academic merit;
2. Be financially needy; and
3. Have refugee status;
The applicant must submit:
1. A letter of application;
2. A full CV;
3. Proof of refugee status;
4. Two references; and
5. Previous years academic results.

Where to apply?
Application forms are available from and should be returned to:
- The Student Financial Aid Office
  Level 3, Jules and Kramer Law Building
  Middles Campus, University of Cape Town, 7700

THE SOUTH AFRICAN QUALIFICATIONS AUTHORITY (SAQA)
SAQA was established in terms of the South African Qualifications Authority Act. Among its functions is the formal recognition of academic qualifications received at foreign tertiary institutions.

An application for recognition of a foreign qualification must include the following:
1. A completed application form (which may be found on SAQA’s website);
2. A complete set of documentation (certified copies of all degree/ diploma/certificates with academic transcripts);
3. Payment, or proof of payment (the amount depends on the urgency of the recognition).

Postal Address
Postnet Suite 248, Private Bag X06, Waterkloof 0145

Contact details
tel: 012 431 5070
fax: 012 431 5146
email: ceeq@saqa.org.za
web: www.saqa.org.za

UNITY FOR TERTIARY REFUGEE STUDENTS (UTRS)
Website: http://www.utrs-africa.org/
Recognised refugees and asylum seekers have the right to seek employment under the Refugees Act and the international conventions that South Africa has signed, as well as the Constitution. This includes the right to self employment, and to enter into contracts and leases. The right to seek employment supports the integration of refugees and asylum seekers into local society.

Note: For refugees and asylum seekers the status/permit is proof of right to work. In other words it is a valid work permit.

**DEPARTMENT OF LABOUR**

The Department of Labour may be approached with regards to all employment grievances. In appropriate cases the Department will refer you to the CCMA to have your matter adjudicated.

**Physical Address**

Thomas Boydell Building, 22 Parade Street, Room 2, Cape Town.

**Contact details**

- tel: 021 460 5911; or 021 460 5169; or 021 460 5170;
- fax: 021 462 0981;
- email: ntombekhaya.qamata@labour.gov.za.

**Times**

Monday to Friday: 08:00 – 14:30

**COMMISSION FOR CONCILIATION, MEDIATION AND ARBITRATION (CCMA)**

The CCMA is an executive commission which was established in terms of the Labour Relations Act for the settlement of labour disputes. It is an independent body that is not affiliated to any political party, trade union or business.

**Physical Address**

78 Darling Street, 5th floor, Cape Town.

**Times**

Monday to Friday: 08:00 – 14:00.

**Contact details**

- tel: 021 469 0111
- fax: 021 465 7193 / 7197 / 7187
- email: ctn@ccma.org.za.
- web: www.ccma.org.za

**UNEMPLOYMENT INSURANCE FUND (UIF)**

The UIF provides short term relief to workers, subject to certain conditions, when they become unemployed, or are unable to work because of illness, maternity or adoption leave, and also to provide relief to the dependants of deceased contributors.

Note: The UIF requires a 13 digit ID number to be able to claim. As a result only those individuals who have the Refugee ID can claim. It is therefore incorrect for an employer to deduct UIF from the wages or salary of an asylum seeker. Additional information is available from the nearest Labour Centre.

**Contact details**

- tel: 012 337 1680
REFUGEE RIGHTS UNIT

HOUSING INFORMATION

Refugees and asylum seekers have the right to have access to adequate housing, and right to equitable treatment in accessing housing, under the Constitution.

No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances.

If your landlord takes your possessions without a court order, it is theft and you should contact the South African Police and lodge a complaint with the Rental Housing Tribunal.

THE WESTERN CAPE RENTAL HOUSING TRIBUNAL

The Rental Housing Tribunal is an independent body appointed by the Provincial Minister of Housing with the aim of promoting stability in the rental housing sector. The Tribunal achieves this by proving a mechanism for resolving disputes between landlords and tenants of residential dwellings.

Physical Address
27 Wale Street, Ground Floor, Cape Town.

Times
Monday to Friday: 08:00 – 12:30 & 13h00 – 15h00.

Contact details
  tel: 021 441 8000

COMPENSATION FUND

The Compensation Fund compensates employees for disablement caused by occupational injuries / diseases sustained / contracted in the course of their employment, or their dependants for death resulting from such injuries/ diseases, and to pay the reasonable medical expenses incurred.

Contact details
  tel: 021 441 8000

SASLAW WESTERN CAPE PRO-BONO PROJECT

Contact details
  Debbie Gordon
  Cell: 071 452 3962
  Fax: 088 021 856 4513
  Email: saslaw.wcape@telkomsa.net

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Contact details
  tel: 021 441 8000
DO YOU NEED TO TRACE A FAMILY MEMBER?

The difficult circumstances in which refugees leave their home countries often involve the separation of families. Such separation creates serious obstacles to a refugee’s successful integration into South African society.

THE PROCESS FOR FAMILY TRACING
The tracing service of the South African Red Cross Society assists asylum seekers and refugees with locating their family members in other countries. This service usually takes some time to perform and there is no guarantee of success in locating the missing family member(s).

The more identification information that you provide, for example, identification documentation or information about where the person was last seen, who the person was with and where they could have gone to, the better the chance of locating the family member(s).

THE SOUTH AFRICAN RED CROSS SOCIETY
The South African Red Cross was established in 1921 and admitted into the international network of Red Cross entities in 1929.

The ICRC (International Committee of the Red Cross) is the main agency of the Red Cross & Red Crescent Movement for family reunification.

Physical Address
21 Broad road, Wynberg

Times
Monday to Friday: 08:30 – 04:30.

Contact details
tel: 021 797 5360
fax: 021 531 3007

Services offered
Tracing services (exchange of family news through Red Cross Messages received from and forwarded to other national Red Cross Societies); requests for school/university certificates, birth, marriage or death certificates.
Men, woman and children are trafficked from other countries to South Africa for the purposes of commercial sexual exploitation, domestic servitude and other jobs in the service industry.

While South Africa does not have specific laws in place to prohibit trafficking in persons the criminal law and various other statutes can be used to prosecute the crime of human trafficking.

South Africa is part of the global community working towards ending human trafficking and has joined forces with the International Organisation of Migration (IOM) to form the Southern African Counter-Trafficking Assistance Programme (SACTAP). This programme aims to support and develop the capacity of government working to combat trafficking by offering assistance to the victims of human trafficking and also to create greater public awareness of this growing problem.

If you believe you are the victim of human trafficking or wish to report any incident of human trafficking please use the following contact details:

**REPORT HUMAN TRAFFICKING HOTLINE**

Contact details

tel: 0800 555 999 – toll free

**THE REGIONAL OFFICE WHERE SACTAP**

Contact details

IOM Pretoria (regional head office):
tel: 012 342 2789
fax: 012 342 0932
email: mrfpretoria@iom.int

IOM Cape Town:
tel: 021 425 4038
DO YOU WISH TO BE VOLUNTARILY REPATRIATED TO YOUR COUNTRY?

UNHCR offers as one of its durable solutions the voluntary repatriation of recognised refugees to their countries of origin if it is possible for that person to return in safety and with dignity.

In any application for voluntary repatriation, the application form will be submitted to the UNHCR office in Pretoria for a decision. If accepted, UNHCR will contract the field office in the country concerned and make contact with the family member or receiving person cited in the application form. In addition the office will contact the International Organisation for Migration who will arrange for the transport within their available resources. Then the UNHCR office will contact the embassy of the individual in order to acquire a letter of one way safe conduit. It is therefore important to take note of the number of actors involved in the repatriation and to appreciate that your repatriation may take some time.

In order to apply for voluntary repatriation you must:
1. Be a refugee or an asylum seeker;
2. Provide 2 passport photos of yourself and each of your accompanying family members;
3. Complete the required form with the assistance of either UNHCR or an implementing partner.

UNIVERSITY OF CAPE TOWN REFUGEE RIGHTS PROJECT
The University of Cape Town Refugee Rights Project as a legal implementing partner of the UNHCR will assist you to complete your application and forward it to the UNHCR office in Pretoria.

HAVE YOUR RIGHTS BEEN VIOLATED?

As an asylum seeker or Refugee in South Africa you are entitled to the rights contained in the Constitution and the Refugees Act. A detailed discussion of the relevant rights that you as an asylum seeker or refugee enjoy in South Africa is available in the UCT Refugee Rights Manual, which may be found on our website at www.refugeerights.uct.ac.za/info/.

If you believe that your rights have been violated then you may approach one of the following institutions for assistance:

UNIVERSITY OF CAPE TOWN REFUGEE RIGHTS PROJECT
The University of Cape Town Refugee Rights Project as a law practice will assist you to seek redress for your rights violation in the appropriate manner.

SOUTH AFRICAN HUMAN RIGHTS COMMISSION (HRC)
The Human Rights Commission is a body created in terms of chapter 9 of the Constitution to support a constitutional democracy through the promotion and protection of human rights.

Physical Address
7th Floor ABSA Building, 132 Adderley Street, Cape Town.

Contact details
tel: 021 426 2277
fax: 021 4262 875
web: www.sahrc.org.za
PUBLIC PROSECUTOR’S OFFICE
You may also make a complaint against any member of a government department (i.e. Department of Home Affairs) through Public Prosecutor.

Contact details
tel: 021 423 8644

INDEPENDENT COMPLAINTS DIRECTORATE (ICD)
If your rights have been violated by the POLICE, you should contact the ICD.

Physical Address
Fintrust Building, 1st Floor, corner of Petrusa & Mazzur, Bellville, 7530.

Contact details
tel: 021 941 4800
fax: 021 949 3196
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