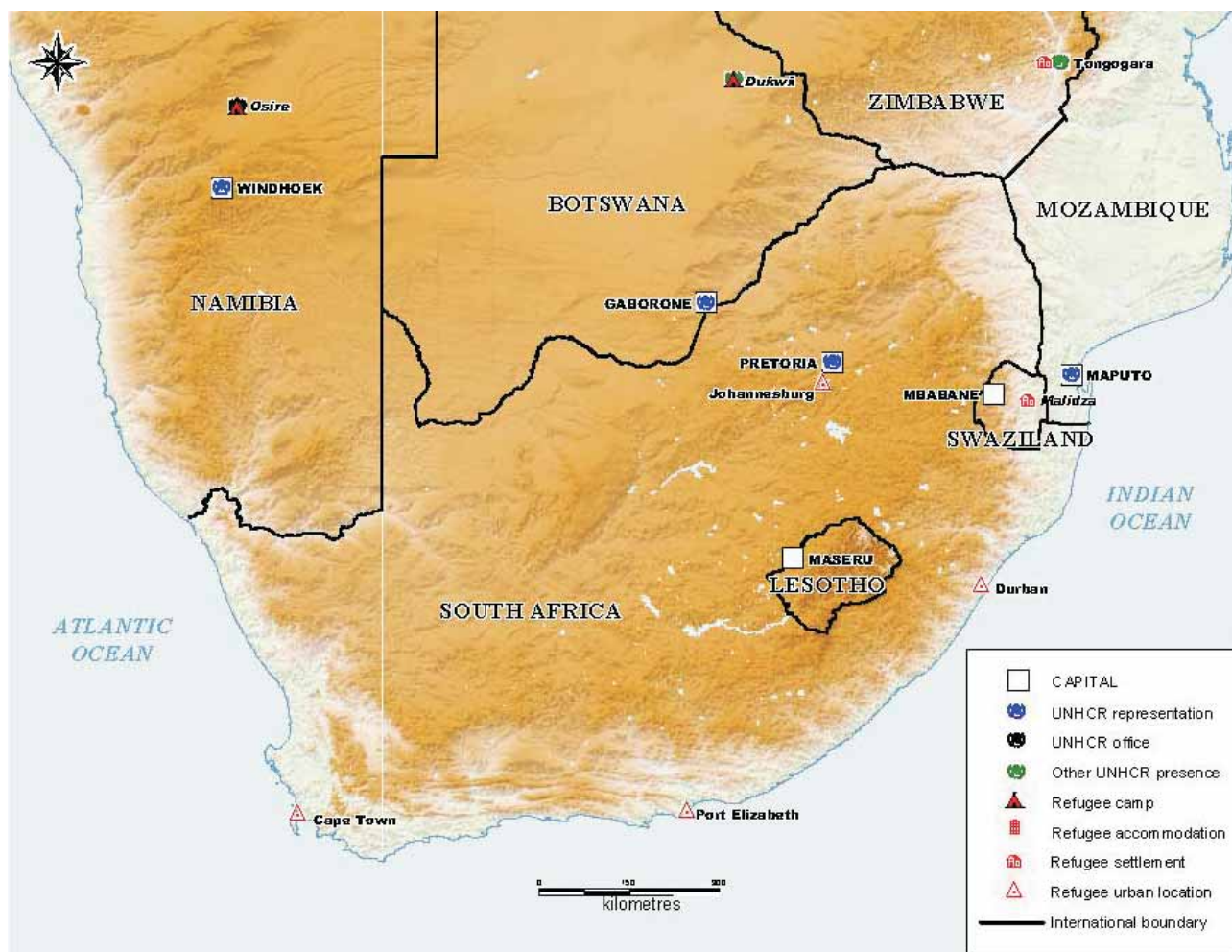# South Africa

Working environment

The context

South Africa hosts about 37,000 refugees and some 137,000 asylum-seekers. Most of the refugees come from the Democratic Republic of the Congo (DRC), Somalia, Burundi and Angola. The majority of the asylum-seekers are from Zimbabwe, the DRC, Somalia, Ethiopia and Burundi. A significant number of asylum-seekers also come from Asian countries such as India, Pakistan and China. A steep increase in the population of concern in 2006 was mainly attributable to Zimbabwean asylum-seekers, a trend that is likely to continue and may even increase in the future. The majority of refugees live in the main urban centres of Johannesburg, Pretoria, Durban, Cape Town and Port Elizabeth.

The mixed flow of economic migrants, asylum-seekers and refugees into South Africa continued in 2007. The Department of Home Affairs (DHA), responsible for individual refugee status determination (RSD), continued to try and reduce the number of pending asylum applications through the Backlog Project. This resulted in the adjudication of some 30,000 asylum claims in 2006. But the number of pending claims remains overwhelming because of the large number of new asylum applications and the slow processing, which provides an opportunity for abuse by economic migrants. UNHCR is helping the Government to improve the asylum system by increasing staff, training and introducing new software to help speed up the processing of applications.

South Africa is party to the 1951 Refugee Convention and its 1967 Protocol, as well as to the Organization of African Unity's (OAU) 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa.

The needs

In August 2006, UNHCR aunched new efforts to mainstream age, gender and diversity in its programmes in South Africa. A workshop for key stakeholders, including various Government departments and refugee communities, discussed the main needs to be addressed in 2008 and 2009. Support for self-reliance and local integration, including access to education and other

public services, were identified as priorities. The main gaps identified were in access to asylum procedures and documentation. Other areas for action included increased advocacy, and improved access to employment, shelter and tertiary education. The conclusions suggested a need for the DHA to increase its human and financial resources, provide more training to staff, and grant identity documents valid for longer periods.

Total requirements
2008: USD 7,127,158
2009: USD 7,256,462

Main objectives

- Ensure that asylum-seekers are admitted and refugee status claims are reviewed in accordance with international standards.
- Increase the capacity of the Government and implementing partners to deal with mixed migratory flows through training, technical advice and legal support and by monitoring the implementation of refugee laws and policies.
- Develop and strengthen partnerships with NGOs, civil society and the refugee community to monitor human rights; combat intolerance and xenophobia; address sexual and gender-based violence as well as HIV and AIDS; and protect refugees with specific needs.
- Ensure that refugees and asylum-seekers enjoy social and economic rights, including education, health services and other government assistance.
- Ensure that asylum-seekers and refugees are protected against *refoulement* and have access to registration, RSD and documentation.
- Pursue durable solutions for refugees by promoting voluntary repatriation and local integration, as well as the strategic use of resettlement.

Key targets for 2008 and 2009

- More than 1,500 refugees and asylum-seekers with specific needs receive emergency assistance in 2008.
- Legal aid is provided to over 8,500 people of concern by human rights agencies in all major locations in South Africa.
- 365 refugees are resettled in third countries in 2008 and 450 refugees in 2009.
- Cases of violence specifically targeting refugees are reduced.
- 1,500 refugees are assisted to return home in 2008 and 2,000 refugees in 2009, mostly to DRC and Rwanda.
- 7,000 refugees are allowed to apply for permanent residency and 1,300 refugees are granted permanent residency.
- RSD is conducted within six months and identity documents issued within three months of an asylum application, as stipulated under South African law.
- Refugees and asylum-seekers have access to public health services in all major locations.

Strategy and activities

Given the large backlog of asylum applications, UNHCR will train refugee reception officers, immigration officials and other Government staff in RSD procedures. The Office will encourage the Government to fast-track asylum applications to eliminate the backlog. These efforts will accompany actions to boost the protection capacity of the Government and civil-society organizations; develop partnerships for protection; promote self-reliance, local integration and resettlement; and facilitate voluntary repatriation where possible.

Planning figures							
Type of population	**Origin**	**Jan 2008**		**Dec 2008 / Jan 2009**		**Dec 2009**	
		Total in country	**Of whom assisted by UNHCR**	**Total in country**	**Of whom assisted by UNHCR**	**Total in country**	**Of whom assisted by UNHCR**
Refugees	DRC	13,000	2,300	18,000	2,500	20,000	3,000
	Somalia	10,000	1,100	15,000	1,200	17,000	1,400
	Burundi	3,000	600	3,500	800	4,000	1,000
	Various	20,570	700	20,570	1,200	28,070	1,600
Asylum-seekers	Zimbabwe	40,000	3,000	45,000	3,000	35,000	2,000
	DRC	25,000	7,000	20,000	2,500	10,000	1,500
	Somalia	15,000	500	5,000	500	2,000	300
	Various	30,000	800	10,000	2,000	8,000	1,800
Total		**156,570**	**16,000**	**137,070**	**13,700**	**124,070**	**12,600**

UNHCR will assess protection risks and seek solutions to refugee problems, using the AGDM approach. The Office will cooperate with academic institutions and legal clinics to counsel refugees and asylum-seekers. Legal counsellors will be assisted by professional social workers employed by implementing partners. The goal is to provide effective legal and social counselling in areas where the Government has refugee-reception offices. The protection of women and children will receive priority.

UNHCR will work with the Government to ensure that asylum-seekers are registered and receive documentation. To this end it will provide the Government with technical support, equipment and advice on a regular basis. This support, and the resulting improvements in documentation, should result in a notable improvement in the protection of refugees.

UNHCR will work closely with host communities, implementing partners, local authorities and the South African Human Rights Commission to combat xenophobia and sensitize the general public to refugee issues. Special attention will be given to areas where asylum-seekers and refugees have been harassed or physically assaulted. The Department of Social Development and the Department of Home Affairs will be involved in these initiatives.

The Office will redouble its efforts to promote local integration and advocate with the authorities to allow a wider group of refugee nationalities to apply for permanent residence through simplified procedures.

Constraints

South Africa's economic opportunities remain a magnet that gives rise to mixed flows of economic migrants, asylum-seekers and refugees. For the past three years, the country has received more than 50,000 asylum applications per year. The lack of legal migration opportunities, coupled with stringent immigration regulations, has led economic migrants to use asylum procedures to try and regularize their stay in the country. This in turn has clogged the asylum system and created a huge backlog of applications.

The AIDS pandemic continues to have a negative impact on the economic and social life of South Africa. The Government estimates that some 18.8 per cent of adults are infected with HIV. Refugees and asylum-seekers, the majority of whom originate from countries with lower HIV prevalence rates, can therefore be at increased risk of contracting the virus in South Africa. While refugees and asylum-seekers have access to treatment and support in South Africa, their ability to obtain them is hampered by language barriers and lack of information on the available services.

UNHCR/P. Rulashe

Refugees and asylum-seekers who were evicted from buildings in Johannesburg and are now living on the street while efforts are made to find new accommodation.

Xenophobia is a major obstacle to the refugees' local integration. In the past two years, attacks against refugees, especially Somalis, have been on the rise. These have resulted in the loss of life and property and created a climate of fear.

Organization and implementation

UNHCR presence

	2008	2009
Number of offices	1	1
Total staff	40	41
International	15	16
National	23	23
JPOs	2	2

Management structure

UNHCR's Regional Representation in Pretoria implements operations in South Africa, Swaziland, Lesotho and the Indian Ocean islands of Madagascar, Comoros, Mauritius and Seychelles. The Government of Lesotho takes full responsibility for the small number of refugees in that country. UNHCR's office in Pretoria provides regional managerial, administrative and technical support to all other countries in the subregion — except for Zambia and Angola. UNHCR offices in Botswana, Malawi, Mozambique, Namibia and Zimbabwe report to the Regional Representation; Angola and Zambia will begin doing so in 2008-2009. Those in Office has seven international posts that provide technical support to the wider Southern Africa sub-region in the areas of refugee women and children, public information, supply and procurement, HIV and

AIDS, registration of refugees, information technology and the refugee database.
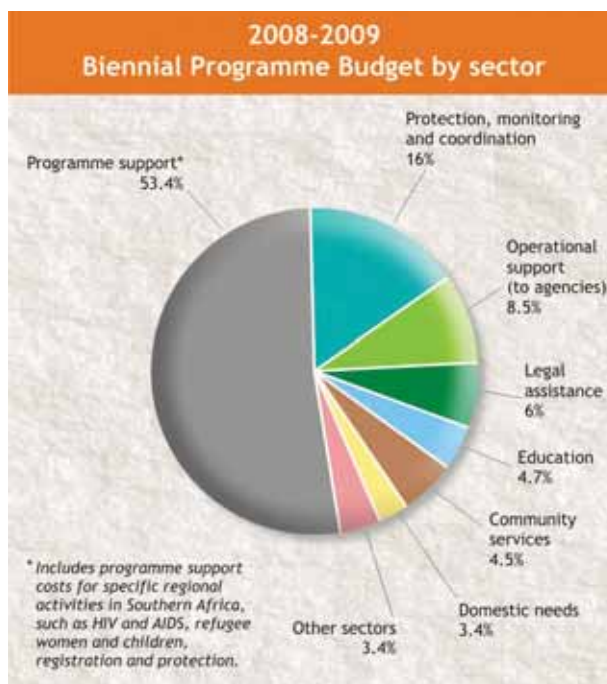
Coordination

Although the Government of South Africa does not have specific assistance programme for refugees, many benefit from educational, health care and other public services. Provincial government departments also fund refugee-related activities through local NGOs. Furthermore, many NGOs fund their own programmes for refugees.

UNHCR currently has 12 implementing partners providing legal, social and other services to refugees and asylum-seekers. These include one NGO in Swaziland and UNDP offices in Madagascar and Comoros. In 2008, UNHCR will work with nine implementing partners in South Africa, three international and six local NGOs. The International Organization for Migration will provide repatriation services from South Africa to various countries of origin and help resettle refugees in third countries.

UNHCR will maintain close ties with local NGOs, faith-based groups and refugee organizations in the main urban centres in South Africa. It will also cooperate closely with UN agencies, particularly in implementing the 2006-2011 UN Development Assistance Framework (UNDAF), the UN Thematic Group on HIV and AIDS and the UN Regional Inter-Agency Coordination and Support Office (RIACSO) in Johannesburg.

Partners
Implementing partners
NGOs: CARITAS; *Bonne Espérance*; Cape Town Refugee Centre; Jesuit Refugee Services; Lawyers for Human Rights; Mennonite Central Committee; Planned Parenthood Association of South Africa; Sediba Hope.
Others: Legal Aid Clinic; University of Cape Town; UNDP.
Operational partners
Government: Department of Education; Department of Health; Department of Home Affairs; Department of Social Development.
Others: IOM; UNDP; UNICEF; UNFPA.

2008-2009
Biennial Programme Budget by sector

Programme support* 53.4%
Protection, monitoring and coordination 16%
Operational support (to agencies) 8.5%
Legal assistance 6%
Education 4.7%
Community services 4.5%
Domestic needs 3.4%
Other sectors 3.4%

* Includes programme support costs for specific regional activities in Southern Africa, such as HIV and AIDS, refugee women and children, registration and protection.

Budget (USD)			
Activities and services	**Annual Programme Budget**		
	2007	**2008**	**2009**
Protection, monitoring and coordination	833,231	1,055,744	1,241,192
Community services	304,500	324,283	324,283
Domestic needs	207,956	242,996	242,996
Education	232,146	340,490	340,490
Health	158,977	150,250	150,250
Income generation	42,993	95,072	95,072
Legal assistance	609,958	434,950	434,950
Operational support (to agencies)	443,470	611,963	611,963
Total operations	2,833,231	3,255,748	3,441,195
Programme support[1]	3,891,797	3,871,411	3,815,266
Total	6,725,028	7,127,158	7,256,462

[1]   Includes programme support costs for specific regional activities in Southern Africa, such as HIV and AIDS, refugee women and children, registration and protection.