



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

South Africa - Researched and compiled by the Refugee Documentation Centre of Ireland on Friday 23 November 2012

Information of Zimbabwean refugees including:

Was it the case that they got a limited form of refugee status for 6 months and then had to re-apply;

Was it possible for them to get long-term status;

Any statistics on the number of those who didn't bother applying for any form of status and instead remained illegal

Commenting on events of 2011, a report issued in May 2012 by the *United States Department of State* notes that:

“In October the Department of Home Affairs ended a moratorium on deportations of undocumented Zimbabwean nationals, which began in 2009. The International Organization for Migration (IOM) reported that during October and November the South African government deported approximately 5,000 of the estimated one to three million Zimbabweans living in South Africa. Press reports alleged that Zimbabweans with legal residency status had been arrested and deported along with undocumented migrants. Refugee and migrant advocacy groups criticized the government for beginning the deportations before it had finished issuing residency permits to Zimbabweans who had complied with a government program to register previously undocumented migrants, and stated that this increased the risk of legal residents being deported” (United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011/South Africa*, Section 2d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons/Protection of Refugees).

A report published in August 2012 by *Freedom House* commenting on events of the preceding year states:

“The number of foreign nationals in South Africa is contested, with estimates ranging from two to seven million, including between one and three million Zimbabweans. In general, South Africa receives the largest number of asylum applications in the world; according to the Office of the UN High Commissioner for Refugees, over 400,000 were present in the country by year's end 2011, mostly from Zimbabwe. In March 2011, Parliament passed the Immigration Amendment Bill, which reduces the period asylum seekers have to make a formal application at refugee reception centers after entering the country from 14 days to 5 days, along with other restrictions. In October, the government resumed deportations of Zimbabwean migrants, halted in 2009. According to the International Organization of Migration, only 275,000 of an estimated 1.5 million Zimbabweans had applied to have their status regularized through the government's Zimbabwe Documentation Process, which ended in July 2011. Only half of the applicants received permits to remain in South Africa” (Freedom House (31 August 2012) *Freedom in the World 2012 - South Africa*).

A report issued in April 2011 by the *United States Department of State* commenting on events of 2010 notes:

“In May 2009, following international and domestic criticism, the government suspended deportations of Zimbabweans; NGOs estimated there were between one and three million undocumented Zimbabweans in the country. The government also introduced a 90-day visa-free entry for Zimbabwean nationals and an associated right to work, and proposed a system of longer-term permits, known as special dispensation permits, for Zimbabweans already in the country under the Immigration Act. The permit system was never fully implemented; however, on September 20, the government began a three-month documentation and amnesty drive. Zimbabweans already in the country on or before March 31, 2009 were offered the chance to turn in any fraudulent South African identity documents without penalty and then apply for the appropriate study, work, or business permits. Requirements to obtain the permits were simplified, and the government worked closely with Zimbabwean authorities to try to ensure that all potential applicants would be able to obtain a valid passport. Those who did not take advantage of the documentation drive faced deportation. Asylum-seekers with pending claims had the option of withdrawing their application and reapplying under the new initiative or continuing with their original claim. As of December 31, 275,762 applications had been received, of which 42,779 applications had been finalized and approved, with 10,166 awaiting review; 222,817 applications were awaiting adjudication. Amnesty was granted to 6,243 Zimbabwean nationals, and a total of 49,255 Zimbabwean nationals had surrendered their asylum status to obtain valid work and business permits” (United States Department of State (8 April 2011) *2010 Human Rights Report: South Africa*, Section 2d Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons/Protection of refugees).

A report published in June 2012 by *Solidarity Peace Trust and PASSOP* states:

“In order to reduce the number of Zimbabwean nationals applying for refugee permits in these conditions, the South African government sought to regularize the stay of undocumented Zimbabweans through the Zimbabwean Dispensation Project (ZDP) between September and December 2010. Zimbabweans were offered free temporary work, business and study permits for four years if they applied with a valid Zimbabwean passport and a letter from their employer in South Africa. The department received 275,000 applications which is a far lower number than even the conservative estimates around the numbers of Zimbabweans in South Africa. Reasons why Zimbabweans did not apply vary from suspecting it was a ploy to deport them, to not getting passports from the Zimbabwean consulate, to not even knowing that it had occurred” (Solidarity Peace Trust and PASSOP (June 2012) *Perils and Pitfalls-Migrants and Deportation in South Africa*, pp.17-17).

The *Sunday Times* in August 2012 states:

“Deportations and even the introduction of a permit system - which saw 300000 out of an estimated 1.5 million Zimbabweans 'legalised' - have failed to stop the tide of refugees pouring into South Africa” (Sunday Times (26 August 2012) *The exodus to SA continues*).

A paper issued in June 2012 by the *African Centre for Migration and Society* notes that the:

“The Zimbabwe Documentation Project (ZDP) – a three-month window in 2010 during which DHA relaxed the normal requirements for work, study and business permits and allowed Zimbabweans in possession of a passport to apply. Though short-lived, the ZDP provided a path for regularising the status of undocumented

Zimbabweans, providing an alternative to the asylum system for South Africa's largest asylum seeker population and enabling the 275,762 Zimbabwean applicants to potentially exit the asylum system" (African Centre for Migration and Society (1 June 2012) *All Roads Lead to Rejection: Persistent Bias and Incapacity in South African Refugee Status Determination*, p.16).

IRIN News in February 2012 notes:

"In October 2011 South Africa lifted a moratorium that had protected undocumented Zimbabweans from arrest and deportation for more than two years. Since then nearly 10,000 have been forcibly returned, according to the International Organization for Migration (IOM), which runs a reception and support centre for returnees at the Beitbridge border between the two countries" (*IRIN News* (14 February 2012) *South Africa: Migrants face unlawful arrests and hasty deportations*).

A report issued in January 2012 by *Times Live* states:

"The documenting ID for more than 250000 Zimbabweans living in South Africa has almost been completed, a senior Home Affairs official said yesterday. The department's director-general, Mkuseli Apleni, said 255282 Zimbabweans had been granted permits to make their stay legal. A further 20480 applications had to be finalised and Apleni said he hoped the process would be completed by the end of March. In April 2010, Pretoria announced a moratorium on the deportation of Zimbabweans. They were granted a special dispensation to get documents and make their stay in South Africa legal. They had until December 2010 to apply. A total of 275762 applications for permits was received" (*Times Live* (20 January 2012) *Zim documentation almost complete*).

Voice of America in October 2011 notes:

"South African and Zimbabwean officials confirm that deportations of Zimbabweans living illegally in South Africa have resumed following a moratorium called to allow those living there illegally to seek residency permits, saying the law is now being enforced" (*Voice of America* (14 October 2011) *S. Africa's Continued Deportations Of Zimbabweans Signals Moratorium Over*).

This article also states:

"It is estimated that at least 1.5 million Zimbabweans are living in South Africa, but only about a quarter of a million filed applications for residency permits by the end of 2010" (*ibid*).

An article in the *Mail & Guardian* from October 2011 states:

"The moratorium on deporting illegal Zimbabweans has quietly been lifted by the department of home affairs, leading to an outcry from refugee rights groups. No deportations of Zimbabweans have taken place for almost two years while home affairs have been running the Zimbabwe documentation project (ZDP) to offer legal status to Zimbabweans living illegally in South Africa. Organisations working with migrants are angry that the department has not been open about a memo that was circulated among the police, army and refugee offices on September 27 explaining that deportations would resume" (*Mail & Guardian* (7 October 2011) *Home affairs resumes Zim deportations*).

This document also states:

“Human Rights Watch estimates that there are 1.5-million Zimbabweans in the country, although fewer than 300 000 applied for legal paperwork during the amnesty period” (ibid).

In August 2011 *IRIN News* points out that:

“South Africa’s Department of Home Affairs announced yesterday that it had met its 1 August deadline for processing 275,000 applications from undocumented Zimbabweans, but that applicants would have a further one month grace period in which to pick up their permits, only about half of which have so far been issued. However, officials were reluctant to comment on the question of whether the grace period would extend to Zimbabweans who remain undocumented but have been exempted from deportation by a special dispensation that started in April 2009 and was expected to end with the conclusion of the Zimbabwe Documentation Process (ZDP). Based on estimates by the International Organization for Migration (IOM) that between 1 and 1.5 million Zimbabweans migrants are living in South Africa, the majority were not covered by the ZDP” (IRIN News (2 August 2011) *South Africa: Still no clarity on Zimbabwean deportations*).

A report issued in August 2011 by the *Consortium for Refugees and Migrants in South Africa* states that:

“Applications for the Zimbabwean Documentation Process (ZDP) - a regularisation process for Zimbabwean passport holders in employment, running businesses or undergoing studies - ended on 31 December 2010. The regularisation programme carried out from 20 September to 31 December 2010 reportedly enabled 275,000 Zimbabweans to register their application for a four year residence permit (study, work or business permit). The processing of the applied-for permits was intended to be completed between January – July 2011” (Consortium for Refugees and Migrants in South Africa (18 August 2011) *Promoting Protection during the Resumption of Mass Deportations of Zimbabweans from South Africa*, p.1).

The *Zimbabwean* in July 2011 states:

“There are an estimated 1.5 million Zimbabweans in South Africa, of which about 150 000 are in the asylum process, and 133 000 have been documented through a special documentation process which was carried out over 2010/2011” (The Zimbabwean (28 July 2011) *Deportations violate rights*).

IRIN News in July 2011 noted:

“With just weeks to go before a 27-month moratorium on deporting Zimbabweans living illegally in South Africa expires, the authorities are scrambling to complete a documentation process that will still leave hundreds of thousands of Zimbabweans lacking the necessary permits to avoid arrest. The number of Zimbabweans who have fled the political and economic crisis in their country and moved to South Africa is unknown but estimates from the International Organization for Migration (IOM) range from 1 to 1.5 million. Before the government introduced the moratorium in April 2009, the authorities were deporting Zimbabweans who had entered the country illegally at a rate of about 200,000 a year. The special dispensation initially allowed Zimbabweans to enter and remain in the country without documents, but in September 2010, the government announced an initiative to regularize as many

Zimbabweans as possible before the end of the year. They were invited to apply for four-year work, study and business permits and to surrender any fraudulent documents to the authorities without fear of prosecution. However, the short timeframe to complete the Zimbabwe Documentation Process (ZDP), and poor communication surrounding the requirements, led to many Zimbabweans being excluded, according to the African Centre for Migration and Society at the University of Witwatersrand in Johannesburg which monitored the process. By the end of 2010, the Department of Home Affairs had received about 275,000 applications, but many still lacked necessary paperwork such as passports. Home Affairs eventually settled on a deadline of 31 July 2011 to allow Zimbabwean authorities time to issue documents” (IRIN News (6 July 2011) *South Africa: Deportation threat for undocumented Zimbabweans*).

A report released in May 2011 by the Office of the *United Nations High Commissioner for Human Rights/OHCHR* points out that:

“The Special Rapporteur was informed of a recent initiative to allow the regularization of Zimbabwean nationals, which had been extended together with a moratorium on repatriations and plans to consider such an initiative to other neighbouring countries. On 3 April 2009, the Department of Home Affairs announced its intention to grant Zimbabweans in South Africa a 12-month "special dispensation permit" on the basis of the Immigration Act, section 31 (2)(b). The permit grants the right to legally live and work in the country. As complementary measures, a moratorium on deportations and a 90day free visa for Zimbabweans entering South Africa were brought in in May 2009” (United Nations High Commissioner for Human Rights/OHCHR (2 May 2011) *Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, on his mission to South Africa*).

A report issued in April 2011 by *Consortium for Refugees and Migrants in South Africa* notes:

“...the past year and a half has seen a positive, if incomplete, shift towards specifically adapted policies for the management of Zimbabwean mobility...this included the introduction of a 90-day no-cost visa and a moratorium on deportations in April 2009. In September 2010, the previous time-bound policy package (originally planned for only one year) was augmented with a three-month programme to document Zimbabweans who had been studying, working or running small businesses in South Africa” (Consortium for Refugees and Migrants in South Africa (April 2011) *Protecting Refugees, Asylum Seekers and Immigrants in South Africa during 2010*, p.79).

In January 2011 *Voice of America* states:

“South Africa's Home Affairs Department said 277,000 Zimbabweans living illegally in South Africa completed their applications for residence and work permits by the deadline. Statistics for the International Office for Migration say one-million to one-and-one-half-million Zimbabweans are illegally in South Africa” (Voice of America (27 January 2011) *Many Illegal Zimbabweans Fail to Apply for South African Residence*).

No further information on these issues could be found among sources available to the RDC.

References

African Centre for Migration and Society (1 June 2012) *All Roads Lead to Rejection: Persistent Bias and Incapacity in South African Refugee Status Determination*
http://www.humansecuritygateway.com/documents/ACMS_AllRoadsLeadToRejection.pdf

Attachment not included due to IT limitations

Accessed Friday 23 November 2012

Consortium for Refugees and Migrants in South Africa (18 August 2011) *Promoting Protection during the Resumption of Mass Deportations of Zimbabweans from South Africa*

<http://www.cormsa.org.za/wp-content/uploads/2009/05/PWG-Advisory-Note-Protection-during-Zim-Deportations-110819.pdf>

Accessed Friday 23 November 2012

Consortium for Refugees and Migrants in South Africa (April 2011) *Protecting Refugees, Asylum Seekers and Immigrants in South Africa during 2010*

<http://www.cormsa.org.za/wp-content/uploads/2011/07/CoRMSA-Report-20111.pdf>

Attachment not included due to IT limitations

Accessed Friday 23 November 2012

Freedom House (31 August 2012) *Freedom in the World 2012 - South Africa*

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=printdoc&docid=504494e0c>

Accessed Friday 23 November 2012

IRIN News (14 February 2012) *South Africa: Migrants face unlawful arrests and hasty deportations*

<http://www.unhcr.org/refworld/country,,,ZAF,,4f3e49cc2.0.html>

Accessed Friday 23 November 2012

IRIN News (2 August 2011) *South Africa: Still no clarity on Zimbabwean deportations*

<http://www.irinnews.org/report.aspx?reportid=93398>

Accessed Friday 23 November 2012

IRIN News (6 July 2011) *South Africa: Deportation threat for undocumented Zimbabweans*

<http://www.irinnews.org/report.aspx?reportid=93164>

Accessed Friday 23 November 2012

Mail & Guardian (7 October 2011) *Home affairs resumes Zim deportations*

<http://mg.co.za/article/2011-10-07-home-affairs-resumes-zim-deportations>

Accessed Friday 23 November 2012

Solidarity Peace Trust and PASSOP (June 2012) *Perils and Pitfalls-Migrants and Deportation in South Africa*

<http://www.solidaritypeacetrust.org/download/report-files/Perils%20and%20Pitfalls.pdf>

Attachment not included due to IT limitations

Accessed Friday 23 November 2012

Sunday Times (26 August 2012) *The exodus to SA continues*

http://www.lexisnexis.com/uk/legal/results/docview/docview.do?docLinkInd=true&risb=21_T16128570353&format=GNBFULL&sort=BOOLEAN&startDocNo=61&resultsUrlKey=29_T16128570357&cisb=22_T16128570356&treeMax=true&treeWidth=0&csi=163766&docNo=62 This is a subscription database

Accessed Friday 23 November 2012

Times Live (20 January 2012) *Zim documentation almost complete*

<http://www.timeslive.co.za/politics/2012/01/20/zim-documentation-almost-complete>

Accessed Friday 23 November 2012

United Nations High Commissioner for Human Rights/OHCHR (2 May 2011) *Report of the Special Rapporteur on the human rights of migrants, Jorge Bustamante, on his mission to South Africa*

<http://www.ein.org.uk/members/country-report/report-special-rapporteur-human-rights-migrants-jorge-bustamante-his-mission-#toc9>

This is a subscription database

Accessed Friday 23 November 2012

United States Department of State (24 May 2012) *Country Reports on Human Rights Practices for 2011/South Africa*

<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm#wrapper>

Accessed Friday 23 November 2012

United States Department of State (8 April 2011) *2010 Human Rights Report: South Africa*

<http://www.state.gov/g/drl/rls/hrrpt/2010/af/154370.htm>

Accessed Friday 23 November 2012

Voice of America (14 October 2011) *S. Africa's Continued Deportations Of Zimbabweans Signals Moratorium Over*

<http://www.ein.org.uk/members/country-report/s-africas-continued-deportations-zimbabweans-signals-moratorium-over>

This is a subscription database

Accessed Friday 23 November 2012

Voice of America (27 January 2011) *Many Illegal Zimbabweans Fail to Apply for South African Residence*

<http://www.ein.org.uk/members/country-report/many-illegal-zimbabweans-fail-apply-south-african-residence>

This is a subscription database

Accessed Friday 23 November 2012

The Zimbabwean (28 July 2011) *Deportations violate rights*

http://reliefweb.int/sites/reliefweb.int/files/reliefweb_pdf/node-437648.pdf

Accessed Friday 23 November 2012

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

Sources Consulted

Amnesty International
BBC News
Daily Star
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
The Independent
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Refugees International
Reliefweb
Reuters
United Kingdom Home Office
United States Department of State
UNHCR Refworld