

**UNHCR**United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés**UNHCR Canberra
Fact Sheet - 2004****Questions and Answers on Resettlement from South Africa****1. How many refugees are in South Africa?**

South Africa hosts an estimated 27,000 recognized refugees. There are currently more than 85,000 applications which are pending status determination. While most of the recognized refugees come from war ravaged African states, South Africa also receives asylum seekers from outside of Africa.

2. Is South Africa a signatory to the 1951 Convention and the 1967 Protocol relating to the Status of Refugees?

Yes. South Africa is a member of United Nations and of the African Union. It has acceded to the 1951 Convention and its 1967 Protocol Relating to Status of Refugees. South Africa has also ratified the 1969 OAU Convention Governing Specific Aspects of Refugee Problems in Africa. In 1998 the country enacted its Refugees Act 130 of 1998 which came into force in April 2000. Under the municipal laws, the Government registers refugees and asylum seekers. It also determines status of refugees. Status is determined on an individual basis by eligibility officers located in five refugee reception areas in the country. Criteria applied are based on the two main treaty regimes, the 1951 UN and the 1969 OAU Conventions. For further information see UNHCR's website: www.unhcr.ch.

3. Where is the UNHCR office in South Africa located?

UNHCR South Africa			
<i>Street Address</i>	8 th Floor Metro Park Building 351 Corner. Schoeman & Prinsloo Str. Pretoria 0002, Gauteng Province	<i>Telephone</i>	27 12 354 8300 (Switchboard)
<i>Mailing Address</i>	P.O. Box 12506 The Tramshed 0216 Pretoria	<i>Fax</i>	27 12 354 8390

4. What is UNHCR's role in South Africa ?

UNHCR plays a supervisory role under article 35 of the 1951 Convention relating to status of refugees. UNHCR assists the Government through capacity building projects including the clearance of the backlog of asylum applications. UNHCR undertakes training of government officials, eligibility officers and immigration officers. UNHCR supports



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**UNHCR Canberra
Fact Sheet - 2004**

Questions and Answers on Resettlement from South Africa

implementing partners who are actively involved in capacity building activities including training of the police.

Advocacy on refugee issues is another important aspect of UNHCR's work in the country. During the past two years areas of advocacy have included the documentation of refugees, equal treatment and benefits for refugees and persons of concern to UNHCR under the Bill of Rights, access to education for refugee children and access to health as well as social grants to deserving refugees.

UNHCR collaborates with individual eligibility officers and provides support and advice whenever needed. UNHCR frequently provides country of origin information to the Refugee Appeal Board and to the Standing Committee on Refugee Affairs. In numerous cases UNHCR intervenes directly with authorities' on behalf of refugees. Through its partners it accompanies refugee children and asylum seekers through the asylum procedures. For vulnerable cases UNHCR offers time-limited assistance through its implementing partners located in five refugee reception areas (Capetown, Johannesburg, Pretoria, Durban and Port Elizabeth).

5. Who gets referred for resettlement from South Africa?

UNHCR has been using resettlement to respond to the resettlement needs of refugees with particular protection/security concerns in the country including victims of torture, as well as for refugees who have shown efforts but cannot integrate locally. Refugees with family links in resettlement countries benefit from resettlement

6. In short, what are the criteria for determining refugee status under UNHCR mandate?

The term "refugee" applies to any person who has fled his/her country of origin due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and is unable or, owing to such fear, is unwilling to return to that country. In addition, any person who meets the definition of the OAU Convention may be of concern to UNHCR under its mandate. The OAU Convention defines a refugee as a person who, *"owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his habitual place of residence in order to seek refuge in another place outside his country of origin or nationality"*.



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**UNHCR Canberra
Fact Sheet - 2004**

Questions and Answers on Resettlement from South Africa

7. How does a person obtain refugee status in South Africa?

Under the municipal laws, the Government registers refugees and asylum seekers. The Department of Home Affairs determines status of refugees. Status is determined on individual basis by eligibility officers located in five refugee reception areas in the country. Criteria applied are based on the two main treaty regimes, the 1951 UN and the 1969 OAU Conventions. For further information see UNHCR's website: www.unhcr.ch.

8. If a person is found to be a refugee, will he/she be resettled?

Only in some cases. UNHCR has a limited resettlement programme in South Africa.

Refugees, once recognized, enjoy basic human rights as provided under the 1966 Constitution of the Republic of South Africa. In addition to the constitutional rights refugees also enjoy the right to work and study, the freedom of movement. Refugees can apply for permanent residence five years after being recognized as refugees. Given the fact that the new law only came into operation in April 2000, the applications for permanent residence will begin to impact refugees beginning April 2005.

In 2004, the government lifted the prohibition on asylum seekers' work and study. This change allows asylum seekers to earn a living through lawful employment and to pursue further studies which would qualify them for employment.

There is no systematic government assistance to refugees and asylum seekers. The Refugee Relief Fund Board is not operational. A small number of refugees and asylum seekers receive grants from provincial governments. As a matter of policy, social assistance in the country is available to permanent residents and citizens only.

As a result of the future availability of local integration for many recognized refugees, UNHCR only refers for resettlement refugees with particular protection/security concerns in the country, refugees in need of family reunification, as well as for refugees who have shown efforts but cannot integrate locally.

Refugees will be resettled if they were recognized under an instrument relied upon by resettlement countries, meet UNHCR's criteria for resettlement and are otherwise not ineligible.



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**UNHCR Canberra
Fact Sheet - 2004**

Questions and Answers on Resettlement from South Africa

9. What happens after UNHCR determines a refugee to be in need of resettlement?

UNHCR will refer eligible persons to one of several resettlement countries. The main countries where resettlement cases are submitted are: USA, Canada, Australia and Denmark, Sweden and Norway. Each country of resettlement has its own policies and criteria that a refugee must meet before he or she can be resettled. The final decision on resettlement will be made by a resettlement country, not by UNHCR.

10. What is the process for refugees who are referred to the Australian and New Zealand programs?

Once the UNHCR office in the country of asylum decides that a person is in need of resettlement in Australia or New Zealand, the case is referred to either the local Australian Embassy or to the New Zealand Government via the Regional Office in Canberra.

The Australian and New Zealand Government make the final decision on whether the refugee will be resettled according to their criteria, not UNHCR. Further information on the Australian criteria can be obtained from the DIMIA website (www.immi.gov.au). The New Zealand Government generally follows the UNHCR criteria.

UNHCR cannot guarantee that a resettlement referral will be accepted.

11. I have been told I need to pay money for resettlement to Australia/New Zealand, is this correct?

Absolutely not. Neither UNHCR nor the Australian or New Zealand Resettlement Programs charge a fee for resettlement interviews or decisions. Anyone asked to pay fees is encouraged to report this to UNHCR through its Complaints Procedure.

12. Where can I obtain more information about resettlement?

The best sources for information on Australian and New Zealand resettlement are their Immigration Departments websites (www.immi.gov.au for Australia, and www.immigration.govt.nz/migrant/ for New Zealand) and the UNHCR regional office in Canberra.



UNHCR

United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

**UNHCR Canberra
Fact Sheet - 2004**

Questions and Answers on Resettlement from South Africa

13. Are there any other ways to help my family members to reunite with me in the Australia or New Zealand?

Australia and New Zealand both maintain special programs with a broader definition of persons eligible for consideration than through UNHCR referrals. Information on these programs is available on the Immigration websites at www.immi.gov.au for Australia under the Special Humanitarian Program, and www.immigration.govt.nz/migrant/ for New Zealand under the Refugee Family Quota in the Family Sponsored Stream.
