

Forced Migration Studies Programme -

Accessing Refugee Rights – Practical Barriers

Tara Polzer

Forced Migration Studies Programme

University of the Witwatersrand

tara.polzer@wits.ac.za

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Forced Migration Studies Programme

Migrant Rights Monitoring Project

- Multi-year, national survey data on access to basic rights
- Public Service Access: Health, Education, Housing, Social Welfare, Employment

Practical Barriers to Accessing Rights

- Often NOT legal but 'paralegal'
- Service provider barriers:
 - Lack of Knowledge
 - Contradictory Incentives
 - Discrimination
- Service-user barriers:
 - Lack of Knowledge
 - Fear
 - Poverty
 - Language



Former Mozambican refugees in South Africa

Practical Barriers to Accessing Rights

Multiple barriers and multiple vulnerabilities require holistic assistance.

Advise and assist the person, don't just solve the legal problem.

The dual aims are:

1. Sustainably better institutions
2. Sustainably self-sufficient clients

Primary Education

Constitutional (29.1.a) right to primary education for 'everyone' (unconditional)

35% of migrant children are not in school

Barriers:

- Fees and fee exemption processes
- Lack of (recognition of) documentation
- Costs of transport, uniforms, books
- Lack of knowledge by principals
- Lack of knowledge by parents



Housing

Constitutional (26.1) right to adequate housing for
'everyone' (conditional)

Government housing programmes exclude non-citizens.
Over 70% of urban migrants live in privately (sub)rented
flats. No provision in urban regeneration.

Rights abuses:

- Lack of security of tenure
- Lack of resettlement provisions
re evictions
- Lack of migrant knowledge of
tenant rights



Joburg street scene

Social Security

Constitutional (27.1.c) right to social security for 'everyone' (conditional)

Refugees have been granted the right to disability grants, but implementation is slow. Asylum seekers and refugees have the right to access social relief of distress grants.

Barriers:

- Lack of knowledge by social workers
- Slow DoSD technical implementation
- Lack of migrant knowledge



Woman displaced by violence in SA

Employment

Constitutional (23.1) right to fair labour practices for
'everyone' (unconditional)

Asylum seekers and refugees have the right to work

Refugees often under-employed, qualifications not
recognised, under-paid, harassed by police.

Rights abuses:

- Documentation not recognised by employers
- Discrimination by employers and co-workers
- Businesses are robbed without police protection
- Language problems



Ethiopian shop in Johannesburg CBD