REFUGEES MUST ABIDE BY SOUTH AFRICA’S LAWS OR BE DEPORTED

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Parliament, Tuesday, 10 March 2020 – The Portfolio Committee on Home Affairs supports the government’s decision to reintegrate the refugees who have been protesting in Cape Town back into the communities in which they lived previously. In addition, the refugees must comply with South Africa’s laws and the by-laws of the City of Cape Town or they must be deported back to their countries of origin.

The best endeavours by the departments of Home Affairs and of Social Development, the South African Human Rights Commission, the United Nations High Commissioner for Refugees (UNHCR) and the City of Cape Town are acknowledged. It is unfortunate that these overtures have been rejected by the refugees.

“While the committee acknowledges the humanitarian nature of the matter and accepts that South Africa adheres to the 1951 United Nations Convention and related protocols, it considers it unacceptable that despite the various overtures to end the demonstrations, the protesters remain steadfast in refusing any interventions, up to a point of breaking the laws of the country and by-laws of the City of Cape Town,” said Advocate Bongani Bongo.

This difficult view is premised on the need to protect the authority of the state, the rule of law and the supremacy of South Africa’s Constitution. Furthermore, information that arose was that some of the refugees have been reintegrated into societies they lived in, following the realisation that they were deceived with promises of repatriation to Canada, the United States and New Zealand.

South Africa continues to welcome any law-abiding asylum seeker and refugee and has a non-encampment policy position, which allows refugees to integrate into communities. Hence the support for the decision to reintegrate the refugees back into the communities. Furthermore, the committee acknowledges the information neither South Africa nor the UNHCR is in a position to repatriate the group to another country of their wishes.

The committee has also criticised the silo mentality that has been prevalent in dealing with this matter, which indirectly contributed to the continuation of the protests. “We urge all relevant stakeholders to work together, now and in future, to ensure that such protests are handled expeditiously,” Adv Bongo said.

The non-attendance of the Provincial Joint Operational and Intelligence Structure was criticised by the committee. “The committee views the non-attendance by the ProJoints structure as undermining the work of the Committee and of Parliament, in general,” Adv Bongo said.

As a way forward, the committee has urged the department to do a comprehensive assessment of who among the group is a refugee/asylum-seeker, as per international obligation, and allow those that do not have permits to undergo the requisite process. Furthermore, all stakeholders must submit to the committee, next month, an action plan on when all the processes will be undertaken. The committee will continue to monitor implementation of this action plan to ensure finality in this matter.

ISSUED BY THE PARLIAMENTARY COMMUNICATION SERVICES ON BEHALF OF THE CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON HOME AFFAIRS, ADVOCATE BONGANI BONGO