

NATIONAL ASSEMBLY

**QUESTION FOR WRITTEN REPLY**

# QUESTION NO. 2631

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## INTERNAL QUESTION PAPER 24 OF 2015

**2631. Ms S V Kalyan (DA) to ask the Minister of Home Affairs:**

Whether his department is developing a protocol to (a) document and (b) receive climate refugees; if not, why not; if so, what are the relevant details? NW3006

**REPLY:**

1. There is no specific protocol in place for climate refugees. The department is not presently developing a protocol to document climate refugees.

 The Refugees Act No 130 of 1998 provides for the documentation of all asylum seekers and refugees respectively in terms of section 22 and 24 (3) of the Act.

 Refugee status is granted on merit and on the credibility of each asylum claim in terms of provisions transcribed under section 3 of the Refugees Act No 130 of 1998 which stipulates that, a person qualifies for refugee status for the purposes of this Act if that person –

1. Owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or
2. Owing to external aggression, occupation, foreign domination or **events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality**, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or
3. Is a dependant of a person contemplated in paragraph (i) or (ii).

As part of the existing protocol to document refugees, the department provides enabling documents to recognised refugees such as Refugee Certification in terms of section 27(C), Refugee Identity Documents in terms of section 30 (1) and Refugee Travel Documents in terms of section 31.

1. The department is not developing a protocol to receive climate refugees. This is because refugee status is already clearly outlined in the current legislation and international protocols. Section 21 of the Refugees Act No 130 of 1998 provides for the reception of all those who - because of reasons indicated in Section 3 of the same Act – have been forced to migrate and seek asylum in South Africa.

Asylum seekers are received, registered, accepted and processed with their claims adjudicated according to the relevant domestic legislation (The Constitution, Refugees Act No 130 of 1998) and international protocols (1951 UN Convention, the 1967 Protocol and the 1969 OAU Protocol).