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RCP

Refugee Children's Project

The Challenges of Refugees &
Migrants in South Africa:
The Case of Women and Children

Refugee Children's Project

111 Corner Kerk and Mooi Street
5th Floor Meubel Sentrum Building
Johannesburg

PO Box 15744 Doornfontein
Johannesburg 2028

Email: rcpsa@rcpsa.org.za

Website: www.rcpsa.org.za

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Abbreviations and Acronyms

CFS:	Child Friendly Space
DHA:	Department of Home Affairs
DoE:	Department of Education
DSD:	Department of Social Development
GDE:	Gauteng Department of Education
IOM:	International Organization for Migration
LHR:	Lawyers for Human Rights
MDC:	Movement for Democratic Change
MSF:	Médecins Sans Frontières (Doctors Without Borders)
RCP:	Refugee Children’s Project
RRO:	Refugee Reception Office
SAPS:	South African Police Services
SC—UK:	Save the Children—United Kingdom
UMs:	Unaccompanied Minors
UNHCR:	United Nations High Commissioner for Refugees
UNICEF:	United Nations Children’s Fund
ZANU-PF:	Zimbabwe African National Union—Patriotic Front
RSDO:	Refugee Status Determination Office

Definition of terms:

Unaccompanied children: This term refers to children under 18 years of age and have either crossed the border alone and have subsequently found themselves in a foreign country without an adult caregiver.

Amalaitsha: A local term for porters. The amalaitsha transport goods across the border.

Gumagumas: A local term for thugs, gangsters, robbers.

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Our gratitude goes to our administrative staff, who went beyond the call of duty to conduct this study in addition to their busy work schedules.

Finally, we extend our sincere thanks to all our respondents for their participation.

Executive Summary

This research report provides the findings of RCP research in three broad areas: access to documentation, conditions in Limpopo, and the position of displaced women and children. Key findings are summarised below.

Access to Documentation

- Some improvements to access to the asylum system have been experienced due to the Turnaround Strategy adopted by the Department of Home Affairs (DHA).
- Asylum seekers continue to queue for extended periods, often to no avail. This poses a particular problem for pregnant women.
- Due to problems within Refugee Reception Offices (RROs), and poor communication between RRO officials and security guards, the application process often breaks down. This ultimately leads to mistreatment and violations of refugees and asylum seekers' rights.
- Corruption at RROs is still a stumbling block to many applicants trying to access the system.
- The duration of the Section 22 permit is subject to discretion, and during 2008 the reduction of extensions from nine months to six months and then 30 days placed unreasonable demands on asylum seekers and an unmanageable workload for RROs.
- Many applications are wrongfully rejected by Refugee Status Determination Officers (RSDOs) after interviews.
- In the case of applicants who were residing in temporary shelters in after the attacks in 2008, those whose applications were rejected before the official closure of the shelters were given two working days to appeal or leave the country.

Conditions in Limpopo

There are a large number of unaccompanied minors living in Musina. These child migrants face a number of challenges and vulnerabilities. The use of irregular entry channels into South Africa poses dangers and difficulties for unaccompanied minors, including:

- The cost of transport across the border.

- Sexual exchanges between migrant girls and truck drivers or border guards to facilitate border crossing.
- Depredations by criminals or so-called “gumaguma,” who extort money from children, steal their clothes and belongings and also rape them. Some physically assault the children and dump them in deserted areas. These crimes often go unreported and some girls fall pregnant or acquire Sexually Transmitted Infections (STIs).

Other challenges faced by child migrants in Musina include:

- Difficulties and irregularities in the issuing of asylum documents to children.
- Inability of social workers to assist children in obtaining documents.
- Lack of formal places of safety in Musina, and a tendency for children housed in shelters returning to the streets, caused by lack of entertainment facilities at shelters and their desire to make money.
- The prevalence of drug addiction among children.
- Access to education in Musina is improving as a result of competitive advocacy work. However there is an inadequate provision of secondary education in Musina and the use of Venda as a medium of instruction sometimes marginalises non-national children.

Findings with regard to women in Musina include:

- Many women sleep on the street due to the lack of shelter facilities to house them.
- Girls sometimes resort to early marriages, cohabitation and domestic work for survival.

Prior to commencement of the moratorium of deportation of Zimbabweans and the institution of a free visa regime, unlawful detention and deportation of minors was common in Musina. Child migrants were often arrested and taken to the detention centre by SAPS members, detained together with adults, or forcibly separated from their parents. Some were arrested en route to the Refugee Reception Offices (RROs).

In attempts to secure a livelihood, the research found that children fall victim to child labour working odd jobs, begging and in some instances end up offering sexual favours for money or food. Key findings in relation to child labour and livelihoods include the fact that:

- Some children work for food allowances only, while others find themselves working for months without pay due to their lack of documentation.
- Some farmers hand undocumented minors over to the police after failing to remunerate them.
- Migrant girls on the farms around Musina either work for or are spouses to farm workers.
- Girls are both verbally and sexually abused, and do not report incidents of abuse.
- Many minors receive meagre wages. Migrants on a farm near Musina told researchers that they receive as little as R300 or even less per month.
- The living conditions on some farms are extremely poor, with some single-room staff quarters being shared by more than one person in the hot climatic conditions of Limpopo, this often resulting in poor health implications.

Given that many of the issues faced by migrants in Musina stem from their vulnerability because of many reasons like lack of legal status in the country and ignorance of their rights in South Africa, RCP suggests that a management approach would be preferable in cases such as that of the inflow of Zimbabweans into South Africa. This would entail:

- Addressing the humanitarian needs of the vulnerable migrant population;
- Providing assistance to migrants with the specification of their motives of migrating instead of taking them all under one umbrella term, as economic migrants.
- Moving away from deportation as a tool for migration management; and
- Meaningfully acknowledging the link between political and economic circumstances in determining the right to asylum. The wording of legislation allows for such an acknowledgement.

Activities to address the three key elements above would need to:

- Be substantial enough to respond to the scale of migration flow;
- Take into account the dispersed settlement patterns of migrants by being accessible around the country, not only in the major urban areas or the border area;
- Take into account regional humanitarian dimensions, while separating humanitarian issues from regional political relations;
- Be prepared for a significant duration of Zimbabwean presence in South Africa; and
- Be prepared for a change in future migration patterns, including worst-case humanitarian and civil war scenarios.

Displaced Women and Children

The report notes that the South African state did not adequately protect children affected by the 2008 xenophobic attacks and more specifically, failed to provide education access to child victims.

Recommendations

The report provides the following broad recommendations:

- NGOs should multiply awareness campaigns on the rights of refugees, migrants and asylum seekers, lobbying SAPS, DHA, DSD, the Ministry of Intelligence, the Department of Safety and Security, the Department of Education and other key departments, as well as training local communities.
- The Department of Safety and Security must, as a matter of utmost urgency, multiply nationwide campaigns promoting equality and tolerance across all the strata of South African communities.
- Civil society should intensify advocacy for refugees and migrants through litigation, to ensure that their rights are incorporated into domestic agendas.
- Contingency plans on access to education during crisis periods must be developed, incorporating the number and capacity of schools that may be affected.
- The South African government should hold a full investigation into xenophobic attacks as soon as they unfold, and hold public hearings to enable immigrants and South Africans to voice their opinions and experiences.
- The DHA should increase the number of trained and competent staff at all RROs so as to facilitate efficient processing of asylum applications and to avoid backlogs.
- The South African government must acknowledge that the influxes such as that of Zimbabweans into the country constitute a humanitarian crisis that needs to be dealt with.
- NGOs, faith-based organizations and other service providers must develop effective coordination and information sharing mechanisms; as well as build effective

strategies to address and meet the humanitarian needs of the most vulnerable Zimbabweans, especially children and women, in Musina.

Background

Purpose of the Research Report

There are already a number of studies on refugees and migrants. However, the position of women and children in particular receives less attention. By conducting research during the course of its work and compiling this for broad dissemination, the Refugee Children's Project (RCP) aims to contribute to the mainstreaming of these focal areas.

The RCP is pleased to become part of an information-sharing network through the publication of its research. This study exposes shortcomings in the administration of refugee, asylum-seeker and migrant women and children, and seeks to give recommendations to both the South African government and civil society operating in this sector. It reflects on 1) access to documentation, 2) the challenges faced in Musina, and 3) findings from displacement shelters after the 2008 attacks on non-nationals in South Africa, with a focus on the livelihood conditions of children and women in shelters and their transition into reintegration.

Refugees and Asylum Seekers in South Africa

Since 1994, South Africa has become a primary destination for people from across the continent and beyond. A substantial number of these are refugees and asylum seekers who are seeking protection, having fled countries afflicted by political unrest and economic crisis – such as Zimbabwe – or plagued by seemingly interminable civil strife, as in the cases of the Democratic Republic of Congo (DRC), Burundi and Somalia. In the case of children, migration often results from poverty, hunger, lack of educational facilities and the death of parents in the country of origin.¹

While efforts to promote the rights of refugees and migrants are evident in the country's legislation and policy, these rights are regularly compromised by administrative incoherence, ignorance, and discrimination in the public sector. In many instances, there is a lack of political will for institutional or legislative reforms that could secure the rights of non-nationals.²

¹ Save the Children—UK. 2007. Children on the Move—Protecting Unaccompanied Migrant Children in South Africa and the Region.

²2007 CoRMSA report: Protecting Refugees and Asylum Seekers in South Africa.

Documentation poses a challenge for asylum seekers and refugees, because their permits are often not recognised by employers, and impose an onerous renewal schedule (documents must be renewed after one to three months for asylum seekers).³ In addition to this challenge, immigration law is enforced with more zeal than labour law, meaning that undocumented migrants, and in some cases documented asylum seekers and refugees, are more likely to be arrested and deported by organs of the state than to have their labour rights protected. The Department of Labour and the main unions, while recognising their mandates to do so, rarely monitor the labour conditions for foreign workers or act to protect them from harassment by police or immigration officials⁴.

The refugee reception system also poses a challenge, with serious backlogs and long queues at the Refugee Reception Offices (RROs) preventing many asylum seekers from acquiring or renewing their permits. They are at times left without legal status and become vulnerable to arrest and deportation. The backlogs have also created opportunities for gangs and security officials working at RROs to exploit those waiting in the unregulated queues outside the RROs.⁵

Many refugees and migrants in South Africa, especially children and women, are disadvantaged economically and face general security challenges. They need consistent, sustainable assistance. The key and immediate humanitarian needs of these groups include shelter, food, and access to documentation, healthcare and education. However, there are clear shortcomings in the provision of basic services to refugees and asylum seekers by government departments. The non-governmental sector thus continues to play an important role in responding to the needs of these groups, but particularly in terms of welfare support, this sector faces its own challenges, including limited institutional capacity and financial sustainability. Further, many services offered to asylum seekers by non-governmental organisations (NGOs) are limited to urban areas, effectively excluding the most destitute refugees living in remote areas of South Africa.

The 2008 Violence against Foreign Nationals

In May 2008, a number of South African communities mobilised against foreign nationals living among them, leading to 62 deaths and an unprecedented wave of displacements

³ Galoo-Mosala, S. (Ed). 2008. Migrants' Experiences within the South African Labour Market. The Scalabrini Centre of Cape Town.

⁴ *Ibid*

⁵ Amit, R. 2009. National survey of the refugee reception and status determination system in South Africa. Migrant Rights Monitoring Project Research Report: February 2009. Johannesburg: Forced Migration Studies Programme.

across several provinces. Non-nationals have been repeatedly attacked and killed over many years, with apparent impunity. This arguably fuels further attacks.⁶ Research has suggested a variety of causes for the violence, but economic and institutional marginalisation appears to be important contextual factors, with the nature of local leadership structures playing a key role in the instigation or mitigation of attacks.⁷

The displacements necessitated a massive humanitarian response, which was carried out by government and civil society, often in partnership. A number of evaluations were conducted, highlighting the strengths and weaknesses of the response effort.⁸ In this report, we provide a focus on the position of women and children in the displacement camps established in the wake of the 2008 attacks, providing a reflection on these special groups to complement existing reports, which generally have a broader focus.

The Position of Zimbabweans

Political unrest in Zimbabwe, the deterioration of the country's economy, and related health crisis, have driven thousands of Zimbabweans to migrate, often undocumented, into South Africa. In South Africa they often face neglect and harassment by government officials.⁹

In recent years, the absence of dedicated humanitarian services for Zimbabweans – including limited access to mainstream housing, health care and emergency welfare services (such as the Social Relief of Distress Grant), has been highlighted. There is neither the government nor civil society responses which are equal to the task at hand.¹⁰

⁶ Misago, Jean-Pierre; Landau, Loren B & Monson, Tamlyn. 2009. *Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa*. Johannesburg: IOM.

⁷ Misago et al, 2009.

⁸ United Nations Office for the Coordination of Humanitarian Affairs Regional Office for Southern Africa (UNOCHA ROSA). 2008. *Recommendations stemming from Lessons Observed of the Response to Internal Displacement Resulting from Xenophobic Attacks in South Africa (May - December 2008)*. [online] available from: <http://ochaonline.un.org/rosa/HumanitarianSituations/AttacksonForeignersinSA/tabid/4613/ModuleID/11407/ItemID/1270/mctl/EventDetails/language/en-US/Default.aspx?selecteddate=3/6/2009>; Igglesden, V; Monson, T.; & Polzer, T. 2009. *Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008*. Oxfam/Forced Migration Studies Programme: Johannesburg, University of the Witwatersrand; Amnesty International. 2008. "Talk for us please": Limited Options Facing Individuals Displaced by Xenophobic Violence (12 September 2008). [online] Available from: <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/af-530122008eng.pdf>

⁹ Frans van der Merwe. 2008. Zimbabwean refugees' plight uncertain. <http://www.zoutnet.co.za/details>. Article accessed on 05 September 2008.

¹⁰ Lawyers for Human Rights, Wits Law Clinic, Wits Forced Migration Studies Programme. 2007. *Responding to Zimbabwean Migration in South Africa—Evaluating options*. A background document prepared for a meeting on 27 November 2007 at Chalsty Centre, University of Witwatersrand.

The scale of the challenge presented by Zimbabwean migration was evident from 2008 to part of 2009, which saw thousands sheltering at the Musina Showgrounds with no shelter. According to some reports, the majority were women, children and unaccompanied minors who feared detention, deportation, abduction, robbery, rape and assault as undocumented migrants beyond the confines of the Show Ground premises.¹¹ A CoRMSA report on a site visit in October 2008 revealed that unaccompanied children were being detained alongside adults in the Musina Deportation Facility, and then deported. The Department of Social Development (DSD) was failing to respond to requests to intervene and assist UMs in this regard.¹² In November 2008, the International Detention Coalition (IDC) drew attention to South Africa as among the countries in breach of the 1989 UN Convention on the Rights of the Child, which stipulates that detention of children should only be used as a “last resort and for the shortest appropriate period of time”.¹³

¹¹ Zimbabwe Exiles Forum. 2008. From frying pot into fire—Zimbabwe immigrants face harsh realities in Musina. Press release published on 27 October 2008.

¹² Report: CoRMSA site visit to Musina from 07 to 09 October 2008.

¹³ International Detention Coalition. 2008. Countries must stop the detention of children. Media Release of 20 November 2008 on Universal Children’s Day.

Research Design and Methods

Objective

This study was designed with the purposes of:

- Examining the challenges encountered in South Africa by refugees and asylum seekers, especially women and children, in terms of accessing documentation, education, social assistance, health care, shelter and labour.
- Impacting policy by exposing weaknesses in the implementation of laws, and lobbying for effective policy administration in the country;
- Addressing a range of concerns, raised around the humanitarian and legal framework in the South African border town of Musina, which has experienced unprecedented levels of migration and related health and social crises in recent years.
- Sharing information on the impact of the 2008 attacks on migrant women and children.

As much as it aims to identify deficiencies in the administration of refugees and migrants in South Africa, the study strives to identify solutions by offering practical information and making recommendations to government with regard to public service access challenges, and to civil society with regard to possible support and legal strategies to improve the provision of basic services. The study also serves as a pilot study and a point of reference useful for the formulation of a Child Refugee and Migrant Policy in South Africa.

Research Design

The study was conducted over 10 months across 2008 and 2009. Using a qualitative approach, it explores three major areas, namely:

- Access to documentation by refugees and asylum seekers,
- The challenges faced by unaccompanied minors in Limpopo, and
- The situation of displaced children and women in temporary shelters in Gauteng during 2008.

Access to Documentation in South Africa

In terms of services, this study looked specifically at access to documentation, education, shelter, social assistance and health care in four provinces: Gauteng, Limpopo, KwaZulu-Natal and Western Cape.

In Limpopo, the study also looked at a series of migration dynamics, as Musina is the major point of entry for most Zimbabweans into South Africa. Musina and the surrounding farms were the focal areas for this study in Limpopo.

Conditions in Limpopo

In Limpopo, the research was done in two phases. The first phase which concentrated on the situation of Zimbabwean migrants, especially children and women, and their access to various services culminated in a second study focussing on policies. Therefore, the second phase was a follow up investigation on policies with a focus on the detention centre in Musina, labour conditions on the surrounding farms and other policy-related aspects.

Displaced Women and Children

The findings on displaced women and children do not stem from a specific component of the research design but simply reflect on the experience of RCP staff working with children after the 2008 displacement.

Sampling

Participants were refugees, asylum seekers and migrants who were randomly picked according to the following strata: country of origin, circumstances, gender, and age. The focus was on women and children. Interviews were also conducted with service providers operating in the refugee sector in the country. The civil society/service providers' network provided ample and reliable information concerning refugees and migrants, especially women and children. A pilot study was conducted before the full project was rolled out.

Data Collection

Two methods of data collection were used: interviews (both individual and group) and observation (both direct and participatory). Semi-structured interviews; and standardized,

open-ended interviews were used. With a view to deepening understanding and triangulating the collection of data and observation was undertaken at:

- RROs in Gauteng, KwaZulu-Natal, Limpopo and the Western;
- the Detention Centre in Musina;
- Beit Bridge border post, border line and surrounding farms;
- Musina hospital;
- Shelters in Musina; and
- Temporary refugee shelters for xenophobia victims in Gauteng.

Findings: Access to Documentation

Conditions within the RROs

The Turnaround Strategy at the RROs has been crucial in improving the provision of documentation services. This has been evident in the data-capturing system as well as in capacity-building efforts deployed by the Department of Home Affairs (DHA). The number of staff was also increased to overcome backlogs.

However, despite recent improvements at the RROs, refugees and asylum seekers have continued to experience delays and inefficiency. For many applicants, accessing these offices can be virtually impossible, and even once inside, some applicants struggle to secure services.

Due to the backlog at Crown Mine RRO in Johannesburg, applicants were being unremittingly obliged to return to the office for the renewal of their permits. Women and children were often disadvantaged. Pregnant women would be forced to stand in the ordinary queues for several days before they could get access to the office. Often they could not stand the pressure and would surrender the hope of renewing their permits. Many applicants wait for prolonged hours in the queues without receiving any assistance. Failure to renew a permit on time often increased respondents' vulnerability to exploitation, theft, job loss, detention and deportation.

The reduction of the validity period of the Section 22 permits from 3 months to 30 days caused an irrepressible flocking in of applicants at the office for several months. The attitude of some RRO officials in some cases obstructed the process. This was apparent, for example, in the use of vernacular languages by officials when addressing applicants who were unable to grasp the instructions.

Zimbabwean applicants have faced tougher conditions than other nationalities. Although some had managed to access documentation in the form of Section 22 permits (Asylum Seekers' Temporary Permits), the majority were being denied access under the pretext that they were humanitarian and economic refugees. This is particularly concerning, since

under the AU definition, which is incorporated into South Africa's Refugee Act, there is ample room to consider as refugees individuals fleeing humanitarian crisis.

The following challenges were identified as far as asylum applications and status determination is concerned:

- Due to problems within RROs, and poor communication between RRO officials and security guards, the application process often breaks down. This ultimately leads to mistreatment and violations of refugees and asylum seekers' rights.
- Corruption at RROs is still a stumbling block to many applicants trying to access services.
- The duration of the Section 22 permit is subject to discretion. Some permits were being extended for up to nine months before mid-2008, when their span was reduced to six months and then 30 days.
- Many applications are wrongfully rejected by Refugee status Determination Officers (RSDOs) after the interview.
- In the case of applicants who were residing in temporary shelters in after the attacks in 2008, those whose applications were rejected before the official closure of the shelters were given two working days to appeal or leave the country.

Findings: Conditions in Limpopo

Conditions in Limpopo

Unaccompanied Minors (UMs) in Musina

Broadly speaking, an unaccompanied migrant child or unaccompanied minor is under 18 years of age and has either crossed a border alone or has subsequently found himself/herself living in a foreign country without an adult caregiver. For Zimbabwean children interviewed in this research, migration was generally caused by the loss of parents or caregivers and the need to earn money and assist their families in Zimbabwe. As one boy recounted:

I am an orphan, both of my parents died, my father followed by my mother. After her funeral everyone just deserted me at my Grandfather's place in the rural areas. My Grandmother had also died by that time and my Grandfather was old and unable to take good care of himself, let alone me. I spent a long time without knowing a school gate and as one of the poorest families in the village we received handouts from some generous people. They brought us something to eat, but it was always difficult. [...]

Time went by and my Grandfather got sick. The closest hospital to our village was about 10km away and there are no vehicles that pass by our village. Fortunately there was one man from the village who offered to take my Grandfather to the hospital in a wheelbarrow, and he died on before they could reach the hospital. This was my other serious loss and as usual my relatives showed up for the funeral again and afterwards they all left without even deciding who among them would take care of me.

The people in my village are also suffering, the weather is not so good for production and there is a shortage of seed and fertilizer. I was left without a choice but to move to the street. But even on the streets, the bins are either empty or full of rubbish that cannot be eaten. My life in Zimbabwe became hopeless and I had no choice but to cross over the South African border. With the little money I had, I managed to board a train that got me this side. Even though things are not all rosy here, it still looks like heaven to me. At least I can find water and food. I have also started making money through collecting empty

bottles which I take to the women who sell water at the border and I can be able to earn money for a meal. 12-year-old boy, Musina

Some children take groceries home to Zimbabwe, suggesting that adults may be involved in their migration, or at least that their migration is a response to some sort of pressure put on them by their families. This finding supports the contention by SC-UK (2007) that the prospect of finding work or other income-earning activities is a main pull factor for unaccompanied migrant children living in South Africa.

There were also children who migrated after losing their parents through political violence. In some cases, these were children from MDC-supporting families that were specifically targeted by ZANU-PF. Some witnessed their homes being destroyed by ZANU-PF supporters.

UMs constituted an important part of the population of this study. During our first phase of the research in Musina in 2008, it was estimated that there were about 700 UMs in Musina alone. This accounted for only those below 16, who are more visible than those aged 17 and above who are often able to proceed deeper into the interior of the country. In August 2009, more than 100 children between 6 and 18 years old were recorded living on or around the streets of Musina, as well as around the border area. It is currently estimated that there is a total of 1,627 children in Musina, resident in the following areas:

Location	Number of children
United Reformed Church shelter for boys	227
United Reformed Church shelter for girls	40
Concern Zimbabwe Campbell shelter	60
Beit Bridge border areas	500
Children on the streets	200
Children on the surrounding farms	600
Total	1 627

RCP Statistics: July 2009

Addressing the Challenges Faced by UMs

A major challenge for these children is the fact that due to long periods living on the street, they have become acculturated to a lifestyle of drug addiction, begging, piece jobs and petty theft.

In August this year, a consortium of stakeholders including RCP, Save the Children and the Children's Desk Team at the Border Post agreed to:

- Support UMs with basic needs like food, clothes and blankets while on the streets;
- Use accommodation and health referral mechanisms and assist those who are willing to be reunified with their families;
- Seek an appropriate referral point for proper counselling to loitering children and those who are possible victims of trafficking by “amalaitsha”;
- Seek a sustainable solution to illness, drug addiction, sexual abuse, trauma, and desperation amongst children.

Means of Entry and Children's Vulnerability in Musina

In the research conducted for this report, most migrants who claimed asylum entered South Africa through irregular channels and did not hold legal travel documents that could be presented at a port of entry. A relatively small number entered the country with legal documents or came on work permits using regular channels of entry. In most cases, these migrants allowed their status to lapse when faced with difficulties in renewing their permits.

- In the case of Zimbabweans, the majority used irregular entry channels. This form of entry poses dangers and difficulties for unaccompanied minors:
- Girls sometimes exchange sex with truck drivers or border guards for assistance in crossing the border (Save the Children 2003).
- There is a minimum charge of R100 per person for groups of migrants travelling by truck across the border.
- Children often fall prey to “gumaguma” who extort money from them, and may steal their clothes and other belongings before raping them, physically assaulting them, and dumping them in deserted areas. SAPS does not appear to be doing a great deal to address this problem.

I was raped by a gumaguma and afterwards I had a sexual relationship with another man in exchange of money and food. That was when I got sick and after being treated it was found out that I am now HIV positive.

12-year-old boy in Musina

My 13-year-old brother was taken by the gumaguma after we crossed the border and until now I have never seen him. Even here in Musina I am still a victim to daily attacks by the gumagumas and the traumatizing experiences at the RRO. I am ever scared of the harsh manner the South African Police handles Zimbabwean migrants. I know they are supposed to uphold human rights and also help me find my brother but I never like to face them. But the most important thing I want to know at this moment is if my brother is still alive or not...
15-year-old boy in Musina (2008).

- Children who pay to be guided by “amalaitsha” usually fare better and may be directed to RROs for documentation before being guided to bigger cities.
- In previous research, RCP has found that girls are rarely seen in Musina. In the current study, boys observed that girls had been part of their convoy to South Africa. It is believed that some girls drown while crossing the Limpopo River, while those who reach South Africa are quickly drawn into sex work in Musina and the surrounding farms by men who promise them accommodation, food and money. In 2009, stakeholders in

Musina claimed that although girls have been arriving in large numbers, they do not stay in Musina. They are believed to be proceeding to bigger cities. In future research it will be important to distinguish the real fate of girls entering Musina and move away from relying on popular opinion.

- In contrast to the prior research, girls are now seen on the streets and converging with adults at RRO offices. Most of them are victims of sexual abuse by the “gumaguma”, but do not report these incidents to the police as they are undocumented. Some girls face rape pregnancies. The girls who spoke to RCP nevertheless preferred to proceed into the interior of the country or stay in Musina rather than facing the hardships that caused them to leave Zimbabwe. Similar instances were reported among adult women crossing the Beitbridge border in research by the Forced Migration Studies Programme.¹⁴

I came to South Africa with my younger brother and we are living on our own without any adult or caregiver. I was attacked and seriously injured by the gumaguma on my way to collect food at a church in Nancefield.
17-year-old boy in Musina (2008)

¹⁴ Araia, T. 2009. *Eviction of Zimbabwean Migrants from Musina Show Grounds Temporary Shelter*. Johannesburg: Forced Migration Studies Programme; Araia, T. 2009a. *Report on Human Smuggling across the South Africa/Zimbabwe Border*. Migrant Rights Monitoring Project Occasional Report, Forced Migration Studies Programme.

It is clear that the challenges faced by Zimbabwean women and UMs interviewed in Musina had their roots in the political and economic crisis in Zimbabwe, sexual violence and the many forms of exploitation they face on the journey to South Africa. Limited access to basic services in the host country – such as access to remedy through the police – exacerbates the situation.

The suitability of deportation as a solution to undocumented migration in Musina is also doubtful. In 2008, several cases were recorded of children returning to South Africa immediately after having been deported, making their deportation a futile and needless expense to the Department of Home Affairs. This begs for a much more sustainable strategy by the DHA than deportation, and the new free visa dispensation and moratorium on the arrest and detention of Zimbabweans has strategically decreased illegal arrests and deportations in the country.

I am planning to go to Zimbabwe during Christmas and return afterward. I may spend one or two months with my family before I return. 15-year-old boy in Polokwane.

An adequate response to the challenges outlined above requires a management approach to the specific needs of the vulnerable population and an acknowledgement of the nature of migration forces, which at the time of this research were leading to a large-scale flow of Zimbabwean migrants in South Africa. Such a response would need to:

- Address humanitarian needs;
- Provide forms of legal migration status arrangements appropriate to the range of different motivations for migration;
- Move away from deportation as a tool for migration management; and
- Meaningfully acknowledge the link between political and economic circumstances in determining the right to asylum. The wording of legislation allows for such an acknowledgement.

Activities to address the three key elements above would need to:

- Be substantial enough to respond to the scale of migration flow;
- Take into account the dispersed settlement patterns of migrants by being accessible around the country, not only in the major urban areas or the border area;
- Take into account regional humanitarian dimensions, while separating humanitarian issues from regional political relations;

- Be prepared for a significant duration of Zimbabwean presence in South Africa; and
- Be prepared for a change in future migration patterns, including worst-case humanitarian and civil war scenarios.

The suggestions above should be taken into account by the government and civil society when seeking to effectively address the humanitarian needs of Zimbabweans migrants and others in the country.

UMs' Documentation Challenges in Musina

UMs in Musina experience many types of abuse including physical and sexual abuse and theft, among others. Lack of legal documents contributes heavily to their victimization as it discourages minors from reporting to the police.

UMs with asylum claims must be issued Section 23 (transit permits) as soon as they arrive at the South African border. A social worker must then be contacted immediately to take the matter to the nearest Children's Court. The social worker's duty is to assess the situation and take a detailed account of the child's story before introducing an inquiry to the Court.

Section 32 (1) of the 1998 Refugees Act makes specific reference to the protection of unaccompanied minors who appear to have a claim for asylum. It stipulates that unaccompanied minors should be brought before the Children's Court. The Commissioner at the Children's Court may direct that the child be assisted in applying for asylum if it is found necessary. This process is not functioning in Musina, where UMs are being turned away from the DHA multiple times.

A civil society network meeting held in Musina in early August 2008 succeeded in drawing up a protocol to deal with unaccompanied foreign children in Limpopo province. In simple terms, the protocol maintained that all stakeholders who encounter UMs must refer them to a social worker, who would in turn refer them to a place of safety and facilitate the process of their applications for asylum.

The protocol proved to be ineffective. Notable shortcomings observed with regard to social workers were that they:

- Seemed to be unfamiliar with the asylum application procedure for UMs;

- Stopped taking children to DHA after being turned away on few occasions;
- Seemed incapable of attending to the needs of increasing numbers of unaccompanied children;
- Struggled to perform their tasks effectively due to lack of the lack of formal places of safety in the area.

The work of the DSD appeared to be so ineffective in Musina that many respondents were not even aware of the department or its role.

Musina RRO and Access to Asylum Permits

The Musina Refugee Reception Office operated in a mobile office that was ever swamped by hundreds of asylum seekers seeking to legalize their stay in South Africa. For safety reasons, many Zimbabwean asylum seekers slept in groups around the RRO. There were few toilets available, forcing people to perform their ablutions in bushes around the area. This led to a severe deterioration of health conditions in the vicinity.

Asylum seekers preferred to converge around the RRO for fear of detention and deportation by police, or theft, assault or abduction by prowling “gumagumas”.

The Musina Council opposed this tendency, and discouraged faith-based organizations from erecting temporary shelters for migrants. Pressure from the Council led a considerable number of migrants, including children, to sleep in the bushes where they were extremely vulnerable to “gumaguma” activities.

Adult men, boys, and some women with children, spent several days on the RRO premises without being assisted. Some interviewees observed that service was facilitated for those who managed to bribe RRO officials. This was linked to the relatively fairer treatment Pakistani and Indians received compared to Zimbabweans.

It is estimated that 25,000 to 30,000 Zimbabweans applied for asylum in Musina during the last five months of 2008, with approximately 350 to 400 applications being processed daily. Of these applicants, more than half of them were rejected at the first interview.¹⁵

There have also been concerns raised about the privacy and confidentiality afforded to applicants during the interview process given the current operations out of trucks¹⁶.

¹⁵ Human Rights Watch Report, 2008

¹⁶ CoRMSA site report: October 2008

Compared to 2008, 2009 has seen a major change in the ability of UMs to access documentation. In 2008, accessing documentation in Musina was next to impossible, with a great deal of confusion about the procedure. Since the beginning of 2009, however, both the DHA and the DSD have been brought on board on issues related to documentation, thanks to the work of various organisations and the South African government's acknowledgement of the humanitarian crisis in Zimbabwe. Only a few UMs managed to have access to documentation, though it was after facing gruesome challenges.

Accessing Accommodation in Musina

Many Zimbabwean asylum seekers and UMs – mostly boys – live on the streets and sleep in the bush or at taxi ranks, using plastic bags for protection from the elements. Other children are housed in shelters, but abscond because of the limitations a sheltered lifestyle places on their opportunities to earn money, which is a major reason for their migration to South Africa. They prefer to stay in places where they can manage their time freely and make their own decisions, rather than being in the confining care of adults.

There are two main shelters that accommodate children in Musina: Concern Zimbabwe Campbell shelter and the United Reformed Church shelter. Some faith-based organizations (FBOs) erected temporary shelters, but these were eventually dismantled, both due to evictions based on community complaints, and the limited institutional capacity and financial sustainability of the FBOs concerned.

There are many women with children in Musina. The RCP researcher found out that most of these women are survivors of sexual abuse and gender-based violence¹⁷. Women find accommodation at the United Reformed Church and at the Catholic Church. At the time of writing, the United Reformed Church was providing accommodation to more than 80 women who are survivors of sexual abuse, as well as six girls. At the Catholic Church, women are accommodated for a maximum of 72 hours while their asylum applications are being processed. Their eviction from the shelter after 72 hours have passed often leaves them extremely vulnerable.

Lack of shelters in Musina forces many women to sleep on the streets. Some of them opt to sleep on the streets where they run informal businesses. Cases of early marriages are also recorded among girls. Unemployment is the force behind early marriages and prostitution among girls and single young mothers.

¹⁷ Information accessed from interview with an MSF staff in Musina

Accessing Education in Musina

Prior to 2009, it was difficult for Zimbabwean children, especially unaccompanied minors, to access education in Musina. This largely caused by the ignorance of education institutions in the area, which generally disqualified Zimbabwean children on the grounds that they did not possess valid documentation.

In terms of education policy in South Africa, every child has the right to education and, even where he or she does not have the necessary documentation to register (such as a birth certificate, refugee ID card, asylum permit, immunization card, proof of residence, or transfer document from the previous school attended), the learner is allowed to register and given a three-month window to obtain the necessary documents. Where it is not possible to obtain the relevant documents, the school governing body, in consultation with district officials, must attend to the matter by liaising with relevant authorities and parents.

A great deal of advocacy work has been done in Musina to ensure that every child that wishes to attend school is admitted into mainstream education, regardless of documentation. It was a matter of utmost urgency for civil society to build practical strategies to facilitate access to education among UMs in Musina. From early 2009, almost 200 Zimbabwean children were enrolled in schools and are currently accessing primary education. Most of these children are performing well. In June, UNICEF introduced eight mobile classes to two schools, namely Beit Bridge Primary School and Renaissance Secondary School. Each mobile class has the capacity to accommodate 40 learners. However, mobile classes cannot cater for all migrant children in Musina, given their increasing number. There is need to explore alternative solutions for those who cannot attend formal education. A vocational training centre could be a possible alternative.

As far as the education of refugees and migrants is concerned, there are still a few challenges that need to be addressed:

- There is only one secondary school in Musina. This makes it difficult for most children to enter into the mainstream secondary education system;
- Many teachers use Venda as a medium for teaching. This leaves Zimbabwean children, whose first languages are Shona and Ndebele, unable to understand the content being taught;

- The grading of Zimbabwean education by the South African education system results in Zimbabwean children being placed in lower grades;
- Zimbabwean children who do not have school reports often to claim to have been in higher grades prior to migration.

Illegal arrests, Detentions and Deportations of UMs

South African law requires that unaccompanied minors be housed in a place of safety while their personal circumstances are investigated by a social worker, and a Children's Court inquiry opened, conducted and finalised. UMs may not be repatriated across international borders, unless relatives or legal guardians have been traced to ensure the child is released into their custody on arrival¹⁸.

Prior to the new policy approach to Zimbabweans, South African police used to deport Zimbabwean UMs to the Zimbabwean border without any due process to guarantee their safety or follow-up of whether they reached their relatives. In a case brought to the High Court of Pretoria in September 2004 by Lawyers for Human Rights (LHR), the court ruled that the legal mechanisms for the protection of South African children, provided in the Constitution and in the Child Care Act of 1998, applied equally to unaccompanied foreign children. In the case cited above, the Court ruled out that the detention of children should only be a last resort and for the shortest possible period of time. The following procedures, which are consistent with international law obligations, apply:

- When an unaccompanied minor is found without documentation and qualifies as an illegal immigrant, a social worker must be informed and the social worker must make arrangements for the child to be placed in an appropriate place of safety.
- The social worker will be responsible for opening a Children's Court inquiry that will result in the future care of the child if he or she is found to be in need of care.
- The social worker must investigate the child's family circumstances in his or her country of origin with the collaboration with International Social Services at the Department of Social Development (DSD).
- Arrangements should then be made for possible repatriation and family reunification of the child, in which case the child must be accompanied to a place where he or she can be met by a responsible adult who will take care of him or her.
- Minors should not be detained except as a measure of last resort and for the shortest possible period. Unaccompanied minors should not be detained with

¹⁸ The South African Child Care Act: 1983

adults. However if the child is part of a family unit the child should not be separated from the family.¹⁹

The conduct of police was in breach of the Court ruling before the commencement of the moratorium on deportation of Zimbabweans and the institution of a free visa dispensation for Zimbabwean nationals. Researchers gathered the following evidence to support this claim:

- UMs often fell victim to illegal arrest and deportation by the South African Police Service (SAPS).
- Many children complained that SAPS members extorted money from them, and not all were released, even after submitting to extortion.
- Children were detained together with adults at the Musina Detention Centre, under inhumane conditions where they were vulnerable to physical and sexual abuse. Some were forcefully separated from their parents.
- Undocumented children were arrested – even en route to the RRO where they hoped to access the necessary documents. Such practices were carried out by officials in full cognizance of universally accepted international instruments stipulating that any person who is likely a candidate for asylum should not be harassed or arrested.

Prior to the free visa dispensation and the new moratorium on deportation of Zimbabweans, the Musina Detention Centre was often overcrowded with Zimbabwean migrants who had been arrested and taken to the facility immediately upon arrival in South Africa – before they could lodge asylum claims. This always intensified during public holidays, when the RRO would be closed. On Good Friday 2009, 750 Zimbabweans were detained and deported.

Conditions in the detention centre were dire. In the hall of the Detention Centre, women were separated from men by a makeshift zinc partition topped with barbed wire. This failed to adequately protect women's privacy. In terms of sanitation, the hall has no toilets, forcing detainees to use a corner of the hall for this purpose. Such conditions had a detrimental effect on the health of adult detainees, not to mention that of children.

¹⁹ Kaajal Ramjathan-Keogh, *Working with Foreign Children: a Paralegal's Guide*, Lawyers for Human Rights and Save the Children Sweden, 2007

Child Labour and Livelihoods

In terms of livelihoods, children are generally confined to the informal sector, whether conducting street trade or doing farm or domestic work. In Limpopo, some children sell fruit or vegetables on the streets, wash cars in tax ranks, collect bottles for recycling, push shopping trolleys or perform other odd jobs in exchange for money. More commonly, girls tend to do hairdressing on the streets or do housework or domestic childcare for money. Boys, on the other hand, tend to work in restaurants and on the farms surrounding the town. Some farm owners unwittingly employ children under the age of 18 because, in their quest for employment, such children do not disclose their true age. In some cases, however, potential employers are indifferent to the age of their labourers.

I receive not more than R3.00 for carrying someone's goods at a shopping centre.

Other means of survival for children in Musina include, for boys, begging, and, for girls, prostitution or relationships with older men who offer the prospect of accommodation, food and money.

Challenges faced on the farms

- Some children work for food allowances only. Others may find themselves working for months without pay due to their lack of documentation.
- Some farmers reportedly hand undocumented minors over to the police after failing to remunerate them.
- Zimbabwean girls are more visible on the farms surrounding Musina than in shelters. Migrant girls on these farms either work for or are spouses to farm workers. A few others work temporarily on farms until they have enough money to proceed into the interior of the country.
- Girls are both verbally and sexually abused. They are treated as sex objects and targeted by some farm workers due to the fact that they do not report incidents of abuse.
- Many minors receive meagre wages. This is largely due to their desperation to earn money, rather than ignorance of reasonable wage levels. Often employers are aware of their situation and take advantage. Migrants on a farm near Musina told researchers that they receive as little as R300 per month.

- The living conditions on some farms are extremely poor, with some single-room staff quarters being shared by more than one person in a climate of scorching heat. This is likely to have health implications.

Some of these challenges have been addressed through legal interventions by NGOs and the Department of Labour in efforts to secure legal working conditions for all farm workers.

Other Challenges in Musina

- Most children go back to the streets in the afternoon due to lack of entertainment facilities.
- The number of volunteers to provide and monitor children's after-school sessions is very limited.
- The majority of children at Concern Zimbabwe's Campbell Shelter come from child-headed families and have been living on the streets for a long time.
- A considerable number of children are already addicted to drugs.

Findings: Displaced Women and Children

The Violence of 2008

On May 11, 2008, a series of riots started in the township of Alexandra (in the north-eastern part of Johannesburg) when locals attacked migrants from Mozambique, Malawi and Zimbabwe, killing two people and injuring 40 others. In the following weeks the violence spread, first to other settlements in the Gauteng Province, then to the coastal cities of Durban and Cape Town. The death toll rose to 62 people, including 21 South Africans, and tens of thousands were displaced.²⁰ Clearly, the violence violated basic rights and freedoms – such as the right to life and to security of person. These are enshrined by the South African Constitution, and not limited to citizens.

In response to the displacement, local, regional and international human rights activists, humanitarian organizations, faith-based organizations and many charity groups flocked to assist the victims. Six temporary camps were established for displaced persons in Gauteng, namely Akasia in Pretoria, DBSA in Midrand, Strydompark in Boksburg, Rand Airport in Germiston, Rifle Range Road in Glenanda and Wit Road in Springs.

Given the African Peer Review Mechanism’s warning of the urgent need to address levels of xenophobia in South Africa²¹ prior to the 2008 attacks, it is regrettable that South Africa did not develop legal or policy measures to counter xenophobia. There had been numerous conferences and summits that aimed to develop frameworks to address xenophobia, but these had not been elevated to policy level.²² Of course, legislation and policy alone cannot guarantee an end to xenophobia and related violence. But RCP believes that, if xenophobia is to be reduced or prevented, there is a need at individual and societal level for an acceptance of the inalienable human rights outlined in the Universal Declaration of Human Rights, as well as the rights enshrined by the Constitution of the Republic of South Africa.

²⁰ Misago et al, 2009.

²¹ African Peer Review Mechanism. 2007. APRM Country Review Report No. 4.

²² Themba Shabangu and Paulin Mbecke. 2008. *Practical Guide for Defending the Rights of Refugee Children and Refugee Unaccompanied Minors in South Africa*.

Impact of the Attacks on Children

Although there had been reports of xenophobic violence in some South African townships prior to May 2008, the May attacks extended further and affected a larger number of foreign nationals in a relatively shorter period of time than any of their precursors. Once again, the events highlighted the lack of crisis leadership, crisis planning and management capabilities in the South African government. Importantly, they revealed a lack of political will to implement certain policies enshrined in South African law.

Children, women and physically challenged persons were the most affected by the attacks. The situation of refugee and migrant children worsened, with the majority left homeless and in turmoil. The eruption of xenophobic attacks set many children in motion. Some were displaced together with their parents, while others lost contact with their parents or siblings during the attacks. According to the Convention on the Rights of the Child,²³ of which South Africa is a signatory, a child is entitled to special protection and assistance by the state if:

- He or she is temporarily or permanently deprived of his or her family environment, or
- It is not in his or her best interests to remain in that family environment.

Although the attacks affected the family environment of children in a manner that demanded their immediate protection, the South African government failed dismally to meet the needs of child victims.

Protecting the Right to Education

In terms of education, it is clear that “every child” has the right to an education, regardless of nationality. South African legislation and official policy supports this, although implementation of this right remains a challenge in most cases. Both before and after the 2008 xenophobic attacks, shortcomings in the extension of this right to non-national children have been evident. Contrary to legislation, refugee and migrant children are often barred from school by schools or their governing bodies if their parents cannot afford school fees. The state must ensure that the principle of non-discrimination informs access to educational institutions.

²³ Convention on the Rights of the Child

During the attacks, the government did not make an adequate effort to help affected foreign children return to school. The Gauteng Department of Education was initially an active member of the Education Cluster devised by the United Nations children's Fund (UNICEF) and pledged to provide children in the shelters with transport to school. However, the Department withdrew in the end, leaving NGOs to perform their function as the guarantor of access to education. Other research has found that similar failures occurred in the Western Cape.²⁴ This clearly shows that the political will to implement policies is absent in South Africa.

Arrest, Detention and Deportation of Victims

After the wave of the xenophobic attacks in 2008 the arrest, detention and deportation of migrants was halted for a certain period. This practice resumed in August 2008, subjecting victims of the attacks to an immigration control regime that is notoriously dysfunctional and often abusive.

Asylum-seekers and refugees are regularly experience illegal arrests and detention despite being in possession of valid documents. They are arrested for unclear reasons and find themselves at the Lindela Repatriation Centre, where detainees are often subject to violent abuse. Detention and deportation is commonly carried out in full breach of both domestic and international law. A 2008 Human Rights Watch report remarked that the "often-unlawful" deportation of more than 250 000 Zimbabweans per year meant that South Africa violated the most basic principle of refugee law: the right of refugees not to be forcibly returned to a country where they would face persecution.

A typical example of unlawful detention was that of residents of the Glenanda/Rifle Range temporary shelter for displaced persons. Rifle Range residents – the majority refugees and asylum seekers – were arrested and sent to Lindela after declining the 12-month identity documents issued to shelter residents by the Department of Home Affairs (DHA). Even though women and children were released after few days, the fact remains that their detention was unlawfully carried out and was in breach of human rights frameworks.

Underage children were also arrested. Some of them were released upon disclosing their age to SAPS officers, or paying 'cautionary' sums as little as R20.

²⁴ Igglesden et al, 2009.

Recommendations

In line with the above findings, we would like to suggest the following recommendations for consideration by governmental departments and NGOs:

- NGOs should multiply awareness campaigns on the rights of refugees, migrants and asylum seekers, lobbying SAPS, DHA, DSD, the Ministry of Intelligence, the Department of Safety and Security, the Department of Education and other key departments, as well as training local communities.
- The Department of Safety and Security must, as a matter of utmost urgency, multiply nationwide campaigns promoting equality and tolerance across all the strata of South African communities.
- Civil society should intensify advocacy for refugees and migrants through litigation, to ensure that their rights are incorporated into domestic agendas.
- Contingency plans on education access during crisis periods must be developed, incorporating the number and capacity of schools that may be affected.
- The South African government should hold a full investigation into xenophobic attacks as soon as they unfold, and hold public hearings to enable immigrants and South Africans to voice their opinions and experiences.
- The DHA should increase the number of trained and competent staff at all RROs so as to facilitate efficient processing of asylum applications and to avoid backlogs.
- The South African government must acknowledge that the influxes such as that of Zimbabweans into the country constitute a humanitarian crisis that needs to be dealt with accordingly.
- NGOs, faith-based organizations and other service providers must develop effective coordination and information sharing mechanisms; as well as build effective strategies to address and meet the humanitarian needs of the most vulnerable Zimbabweans, especially children and women, in Musina.

References

- African Peer Review Mechanism. 2007. APRM Country Review Report No. 4.
- Amit, R. 2009. National survey of the refugee reception and status determination system in South Africa. Migrant Rights Monitoring Project Research Report: February 2009. Johannesburg: Forced Migration Studies Programme.
- Amnesty International. 2008. "Talk for us please": Limited Options Facing Individuals Displaced by Xenophobic Violence (12 September 2008). [online] Available from: <http://www.amnesty.org/en/library/asset/AFR53/012/2008/en/cb3f730e-9617-11dd-a696-b185e906216e/afr530122008eng.pdf>
- Araia, T. 2009. *Eviction of Zimbabwean Migrants from Musina Show Grounds Temporary Shelter*. Johannesburg: Forced Migration Studies Programme.
- Araia, T. 2009a. *Report on Human Smuggling across the South Africa/Zimbabwe Border*. Migrant Rights Monitoring Project Occasional Report, Forced Migration Studies Programme.
- CoRMSA. 2007. Report: Protecting Refugees and Asylum Seekers in South Africa.
- CoRMSA. 2008. Report: CoRMSA site visit to Musina from 07 to 09 October 2008.
- Frans van der Merwe, 2008. *Zimbabwean refugees' plight uncertain*. <http://www.zoutnet.co.za/details>. Article accessed on 05 September 2008.
- Galoo-Mosala, S. (Ed). 2008. *Migrants' Experiences within the South African Labour Market*. The Scalabrini Centre of Cape Town.
- Human Rights Watch. 2008. *Neighbors In Need: Zimbabweans Seeking Refuge in South Africa*. [online] Available from: <http://www.hrw.org/en/reports/2008/06/18/neighbors-need>
- International Detention Coalition. 2008. *Countries must stop the detention of children*. Media Release of 20 November 2008 on Universal Children's Day.
- Igglesden, V; Monson, T.; & Polzer, T. 2009. *Humanitarian Assistance to Internally Displaced Persons in South Africa: Lessons Learned Following Attacks on Foreign Nationals in May 2008*. Oxfam/Forced Migration Studies Programme: Johannesburg, University of the Witwatersrand.
- Lawyers for Human Rights, Wits Law Clinic, Wits Forced Migration Studies Programme; 2007. *Responding to Zimbabwean Migration in South Africa—Evaluating options*. A background document prepared for a meeting on 27 November 2007 at Chalsty Centre, University of Witwatersrand.

- Misago, Jean-Pierre; Landau, Loren B & Monson, Tamlyn. 2009. Towards Tolerance, Law, and Dignity: Addressing Violence against Foreign Nationals in South Africa. Johannesburg: IOM.
- Ramjathan-Keogh, K. 2007. Working with Foreign Children: A Paralegal's Guide. Lawyers for Human Rights and Save the Children Sweden.
- Save the Children—UK. 2007. Children on the Move—Protecting Unaccompanied Migrant Children in South Africa and the Region.
- Shabangu, T. & Mbecke, P. (2008). *Practical Guide for Defending the Rights of Refugee Children and Refugee Unaccompanied Minors in South Africa*. RCP.
- United Nations Office for the Coordination of Humanitarian Affairs Regional Office for Southern Africa (UNOCHA ROSA). 2008. Recommendations stemming from Lessons Observed of the Response to Internal Displacement Resulting from Xenophobic Attacks in South Africa (May - December 2008). [online] available from: <http://ochaonline.un.org/rosa/HumanitarianSituations/AttacksonForeignersinSA/tabid/4613/ModuleID/11407/ItemID/1270/mctl/EventDetails/language/en-US/Default.aspx?selecteddate=3/6/2009>
- Zimbabwe Exiles Forum. 2008. From frying pot into fire—Zimbabwe immigrants face harsh realities in Musina. Press release published on 27 October 2008.