Refugees, Safety and Xenophobia in South African Cities:
The role of local government

by

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Abstract

The Refugee Act, passed in 1998, has been welcomed as a necessary piece of legislation that provides for the needs of forcibly displaced persons coming to South Africa in search of asylum. It states that refugees are allowed to seek employment and to access education, as well as being entitled to the rights enshrined in Chapter 2 of the Constitution (with the exception of political rights and the rights to freedom of trade, occupation, and profession, which do not apply to non-citizens). Nothing is explicitly said, however, about the right to access other basic services such as housing, water, sanitation and safety. Many of these rights are met through services delivered at a local government level. The role of local government in the provision of services to refugees has not been clearly spelled out, either in the Refugee Act or in other policy documents. In addition, little is said about the potential barriers that exist to refugees accessing local services, in spite of the enabling legislation being in place. In spite of this lack of clarity about the role of the different tiers of government in the provision of rights that refugees are entitled to, local governments are increasingly coming into contact with migrant groups of different kinds. They therefore need to begin to identify their role in relation to providing services and safety to refugee communities.

1. Introduction

This paper looks into the nature of the local government engagement with immigrant communities in South African cities. For the purposes of this preliminary research, the focus was on refugee groups (including asylum seekers) as they were the group of immigrants that local government felt they had the most contact with. Many of the findings may however relate to other groups of migrants such as migrant workers or economic refugees. Indeed, one of the clear findings of this research was that within local government there was little understanding of the different kinds of migrant communities allowed for in the Immigration Act of 2001 or the Refugees Act. As a result, the approach taken by local government in working with non-national groups was often the same, regardless of the status of the non-national individuals concerned. This research should be taken as preliminary and is by no means intended define the role that local governments should be playing in implementing the Refugee Act. Rather, it is intended to create dialogue with city administrations about how they can work with, and provide services to, refugee groups in a

manner that is in keeping with the spirit of the Refugee Act.

The decision to focus this research on local government has been questioned by practitioners and by government officials themselves. This is largely due to the belief that local governments have no role to play in the implementation of refugee legislation. However, South Africa is somewhat unique to the Southern African region as it has a predominantly urban-based refugee population. This means that access to basic services are provided in the same way as they are provided to South Africans, rather than there being specific service delivery to refugees (as would be the case in a camp-based situation). The assumption is, therefore that refugees will assimilate into South African society and access the services to which they are entitled in the same way as South African citizens. Many basic services to which refugees are entitled, such as housing, sanitation and water are provided at local government level. This means that local governments need to be familiar with the refugee legislation and the services and rights that refugee groups are entitled to as stated in the Refugee Act.

In addition, city governments in South Africa have recently taken on increased responsibility for policing. The municipal police services are particularly responsible for the policing of municipal by-laws, which, for instance, regulate informal trade in the cities. Municipal policing has brought city authorities into increased contact with refugee groups who, for a range of reasons which will be elaborated in the course of this paper, are forced to rely extensively on informal work such as street trading. In addition, municipal policing agencies have been required to intervene in cases of xenophobic conflict between South Africans and foreigners. This paper discusses local government interaction with refugee groups through three case studies:

- The management of informal trade in the city;
- The provision and management of housing, predominantly informal housing;
- The provision of security and policing services in situations of xenophobic conflict.

The paper will outline the nature of the local government contact with refugee groups in each of the above areas and will make recommendations on how the role of local government in respect of refugees can be made clearer. It will also look at some of the barriers to refugee access to local government services - the most notable barrier being widespread xenophobia within South African communities and local government structures. Some of the most pressing difficulties that refugee groups face will also be considered in terms of the role that local government could play in alleviating these difficulties.

This research was based on a case study of the situation in the City of Cape Town. Some of the findings will, therefore, not be generalisable to other cities. This research does, however, aim to highlight the ways in which all local authorities can play a role in implementing the legislation that relates to migration. The City of Cape Town was selected as a case study because it is one of the cities that has had increasing contact with migrant communities and which has had to intervene in a number of conflicts between South Africans and migrant communities. It was therefore a useful site for preliminary investigation into the challenges and successes that local authorities have had in their dealings with migrant groups. The City of Cape Town has made some proactive attempts to carve out its role in dealing with migrant communities and there are several lessons that can be learned from these attempts.

2. The context of migration in South African cities

2.1. The policy context

In 1993, a memorandum of understanding was signed between the South African Government and the United Nations High Commissioner for Refugees (UNHCR) that allowed for refugees to enter South Africa.

Since 1994, the South African government has passed almost 200 pieces of new legislation. However, migration legislation was slow to be reconsidered with the Refugee Act passed in 1998 and the Immigration Act only passed in 2002 (Crush and Williams, 2001). The Immigration Act has been criticised by experts in the field (SAMP evidence) as being too focussed on the reduction of illegal immigration through repressive forms of law enforcement (for further discussion see SAHRC, 2002). Although the focus of this paper is on refugee legislation, the Immigration Act has some bearing on the discussion because it reflects current government policy on the control of illegal immigration in South Africa. The policymakers' concerns with illegal immigration hamper the implementation of the Refugee Act, at least in part because some of those concerns can fuel xenophobia among both South African communities and those government agencies responsible for service provision to immigrant communities.

The Refugee Act (passed in 1998) is generally considered to be a more progressive piece of legislation and has been extensively revised since its first drafts were completed. The Act allows for any person to apply for asylum and states that no person should be denied the right to apply for asylum in South Africa. Whilst this asylum application is being processed, applicants are not allowed to work or access education. This clause has been one of the most controversial in the South African asylum system, as there is no subsistence or welfare support provided for asylum seekers during the time their application is processed (either from UNHCR or the South African government). If, however, the status of the applicant is not determined within six months, the asylum applicant is entitled to apply for permission to work and receive education. However, the law is silent about whether other public services such as housing or health care can be accessed during this time. There is also no indication whether these services should be delivered under the same conditions that services are delivered to South Africans. For example, it does not state whether primary health care, if available to asylum seekers, would be free, as it is for South Africans.

2.2 The social and political context

Migration into South Africa is an issue that has received widespread media attention. Media articles seem to have followed two main themes. The one theme is characterised by hostility towards foreigners and (albeit sometimes subtle) xenophobia. The second theme is the need for sympathy towards refugees because of the trauma they have experienced.

2.2.1 Xenophobia

Fear of, and hostility towards, foreigners are related to the widespread perception within South Africa that there are 'floods' of illegal immigrants coming into South Africa. Crush and Williams (2001) note that there is a widespread belief that the number of non-citizens in South Africa has increased dramatically in recent years; and the use (in the media) of

unsubstantiated figures for migration only exacerbates this perception. For example, the National Commissioner of the SAPS recently stated that there were 8 million illegal immigrants in South Africa (Selebi, SABC 3 news, 2002). The Minister of Home Affairs stated in 1998 that there were between 2.5 and 5 million illegal 'aliens' in South Africa which were costing the State "billions of Rand per year" (Minister of Home Affairs, 1998). (Mis)perceptions about the amount of migration into South Africa are reinforced by the belief that immigrants are poor and unskilled and will therefore compete with South Africans for scarce public resources such as work, health care etc. High-ranking government officials and politicians have, at times, fuelled xenophobic views that portray refugees as a burden on the state. For example, the Minister of Home Affairs stated in 1994 that:

> If South Africans are going to compete for scarce resources with the millions of 'aliens' that are pouring into South Africa, then we can bid goodbye to our Reconstruction and Development Programme (Minister of Home Affairs, 1994).

This is a view that seems to be reserved primarily for migrants from other African countries and the same stereotypes are not applied (or at least not to the same extent) to, for example, Chinese immigrant communities. Foreigners from other continents on the other hand are seen to be in South Africa for legitimate reasons such as tourism or economic investment. This suggests a 'gradation of prejudice', not unlike the racial hierarchies established under apartheid; whereby ones identity (in this case as a refugee - rather than tourist) is determined by ones complexion. What is important for this study is the extent to which these attitudes are translated into behaviours such as unequal service delivery or repressive policing practices.[1]

Xenophobic attitudes have indeed translated into violent attacks on foreigners recently (see Harris 2001). In Cape Town, the Cape Town Refugee Centre (CTRC) identified a number of serious attacks on foreigners in the last five to eight years. This kind of assault on foreigners is not limited to civilians. A recent report by Human Rights Watch (1998) indicated that almost one-fifth of those being held at the Lindela Deportation Centre were, in fact, South African citizens who had been denied the opportunity to produce their South African identification. The report also indicated that people were targeted as "illegal immigrants" because of stereotyped criteria such as having a dark skin, a 'strange' way of walking etc. In addition, it was shown that 10% of those arrested for being in the country illegally were released before going to Lindela as they were, in fact, legal residents of South Africa. This indicates the extent to which policing of immigration can be driven by race-based stereotypes and are, therefore, largely unsuccessful in curbing illegal immigration.

The pattern of harassment of migrants by police agencies is important for local governments to note as they grow their municipal police services. A recent survey (Palmary 2001) of municipal police trainees and officers in the City of Johannesburg showed that 30% of the municipal police officers surveyed believed that 'foreigners cause crime'. Another 23% felt that 'overcrowding' (due to urbanisation into Johannesburg) caused crime. The survey also showed that municipal police officers had a very poor understanding of the different kinds of foreigners described in South African legislation e.g. migrant workers,

refugees or undocumented migrants. As municipal police officers take on extended policing functions, their attitudes towards non-nationals and knowledge of the relevant legislation becomes increasingly important; as they will also be responsible for ensuring the safety of migrant communities. (Indeed, as will be discussed in the course of this paper, this is a function that some municipal police agencies have already begun to take on). They will also come into increasing contact with migrant communities in the course of by-law enforcement, as migrant communities (particularly refugee groupings) are often placed in a position whereby they are forced to rely on informal work and housing in the cities, thus engaging in activities which are regulated by city by-laws. The municipal police departments in the metropolitan cities will need to be properly trained if they are to avoid acting in abusive ways towards foreigners. Indeed, the creation of the city police services offers a unique opportunity to ensure that municipal police are properly trained to fulfil their functions with regard to refugee groups.

Levels of xenophobia shown by our small survey of municipal police are no worse than those of the public in general (see CASE, 1998). It is however possible that the attitudes of police officials may fuel existing levels of xenophobia among South African communities, because senior police officials (both in the SAPS and Municipal Police agencies) can be important opinion-makers. Findings from the CASE (1998) survey indicate that South Africans were equality prejudiced towards foreigners, regardless of their income or level of education. Contrary to popular perception, it was those with the highest levels of education who were most opposed to the admission of refugees in South Africa. Similarly, it was those with the higher levels of education who most opposed the free movement of foreigners in South Africa. The high levels of violence and abuse against foreigners are documented in qualitative studies of migrant communities in South Africa (Sinclaire, 1999). Sinclaire (1999) links this conflict to the South African political transformation and attempts at building a common South African identity. She also points out that widespread xenophobia faced by non-national groups in South Africa means that access to recourse such as the SAPS or being able to complain about discrimination (such as not being allocated trading stalls by local authorities) to an official structure is often not a viable option for migrant groups, as it might result in further victimisation by these authorities (Sinclaire, 1999).

2.2.2 Empathy and support for refugees

The second most common image of migration portrayed in the media is one of a refugee, fleeing war and deserving of the sympathy of South Africans. This image is usually evoked to generate empathy for foreigners who face very difficult circumstances. In an article on Muizenburg, a part of Cape Town where many refugees are believed to live, a community activist stated that:

> The local community needs to understand that many refugees come from war-torn backgrounds. Many have no parents and little education because of the war. The community needs to understand refugees' behaviour and see what it can do to help (Cape Argus, Tue 25 June 2002).

Although this is, to some extent, a view that encourages tolerance of refugee communities, it is nonetheless one that reinforces the notion that refugees are somehow disabled, and, by implication, a burden on South Africans, who should offer to "help". It therefore does not

allow for constructive analysis of the contribution that refugee groups can make to South African society.

The perception that extensive migration into South Africa is placing strain on already-scarce social resources has remained largely unchallenged because of a lack of reliable empirical data. For example, little research has been done on the number of people entering South Africa, for what purpose, and how long they intend to stay in the country. Little is known about the skills and education of refugee groups, and how they might meaningfully address the skill shortage in South Africa (for more discussion on this see Dodson, 2000).

Recent research findings are beginning to contradict some of the prejudiced beliefs identified above. For example, research on migrant entrepreneurs in Gauteng showed that SMME's and hawking operations created an average of three jobs per business (Rogerson, cited in Crush and Williams, 2001). This begins to challenge the notion that street traders, in particular, somehow undermine efforts to provide formal employment to South Africans. However, this kind of information is not high in the public consciousness and the CASE survey showed that the view that foreigners only take jobs, rather than creating them, remains common.

2.3. The local government context

The Refugee Act states that all refugees are entitled to health care, to seek employment and to education; in the same way as South African citizens. It also states that all people in the country are entitled to the rights enshrined in Chapter 2 of the constitution, with the exception of political rights and the rights to freedom of trade, occupation, and profession, which do not apply to non-citizens. Legal immigrants and refugees should, therefore, be entitled to services offered at municipal level such as safety, housing, clinic services, libraries etc. Not only is there a lack of awareness at local government level of the rights of refugees, but there appear to be no plans for ensuring that services are extended to refugees. Indeed, in some instances, non-nationals are actively denied these services. Local government officials interviewed for this research felt that provision of services for refugees should be the responsibility of the Department of Home Affairs at national level. As one city official stated:

> There is no land for these immigrants … They're taking every piece of land they can get and occupying it … If you go to town on the N1, there's a piece we call the Valley where we have about 50 to 60 immigrants living there, under cardboard boxes, in the open, making fires against the bridges and all that … They occupy city-owned land illegally. So we take action against them. *We're trying to get central government to take full responsibility for this. Because the city does not have the resources or the manpower to deal with this. Tonight I've got to go again, go deal with the immigrants.* (emphasis added)

The implicit intention of the Refugee Act is that refugee groupings will simply assimilate into South African life and will be able to access services as any South African does. However, the above quote indicates the extent to which local government officials might feel that the services provided to refugee groups should be separate from those provided to South Africans; and should remain the responsibility of central government, rather than local government. Some respondents substantiated this view by saying that it was central

government that allowed for refugees to come into South African and they therefore should not place the "burden" on local government to provide for refugee groups. It was clear that city officials felt that service provision to foreigners was an unfunded and unpleasant burden inherited from national government.

There is no system of monitoring whether refugee groups are being given access to municipal services. Refugees cited continuous examples of how they had been denied access to schools, clinics, housing and many other services. There was however, no system of lodging complaints or monitoring the treatment of refugees that they were aware of. The suspicion and distrust that refugee groups interviewed for this study had for the Department of Home Affairs meant that engagement with the Department was not seen as an avenue of recourse for them. Where municipal services are concerned, local governments need to clarify their responsibility towards refugee groups, and systems need to be put in place to ensure that service delivery is not being denied to these groups. This involves more than simply ensuring that refugees are not denied access to services. It may also mean setting up systems to ensure that access for refugees is actively facilitated, such as providing translation services or culturally-sensitive versions of municipal services.

3. Methodology

This report is based on a case study of one metropolitan city, and aims to illustrate how issues of migration into South Africa affect local governments; and how local governments can begin to play a more meaningful role in assisting refugee groups through the equitable provision of municipal services. The research relied on the following information:

- Interviews were done with key informants from the City of Cape Town administration. Officials who had contact with refugee groups were targeted for these interviews. Interviewees included officials from the Business Areas Management, the Vagrancy Unit of the Cape Town Metropolitan Police Department and by-law enforcement agencies. In addition some interviews were conducted with officials from the City and Provincial Departments of Safety and Security. In all cases, respondents are not identified other than as local or provincial government officials or refugees - this guarantee of confidentiality encouraged frankness in responding to the interview questions.

- A review of policies that affect local government service provision to refugee groups. This included the Prevention of Illegal Eviction and Occupation of Land Act of 1998 (known as the P.I.E Act), the Cape Town By-law for the Provision of a Safe and Secure Environment (passed in 2002), the Refugee Act and other relevant documents such as the City's criteria for allocation of an informal trading bay.

- Focus group discussions were held with refugee groups in Cape Town, to investigate their experiences of local government and local government service provision. Approximately 40 refugees and asylum-seekers took part in the focus group discussions. They were from several different parts of the City of Cape Town, including people living in townships, inner city regions and suburbs. Open-ended discussions were held with the refugee groups in order to ensure that they were able to lead the conversation and so that initial fears or suspicion about the research could be alleviated. No identifying information was recorded and refugees were

assured of the confidentiality of their involvement in the focus groups. There were mixed reactions to the research initially - some of the refugees felt that the research was unlikely to change their situation and would therefore be a waste of their time. (However, when given the option to leave without participating in the research, none of these individuals chose to leave). Others were eager to participate. All participants wanted to receive a copy of the final research report.

The interviews, focus group discussions and documents were coded and analysed for recurring themes. This information was used to identify the issues described in this report. Much of the data used in this report may also relate to the experiences of other non-national groups, although for the purposes of this research, the emphasis was placed mainly on refugees and those seeking official refugee status (asylum-seekers).

4. Problems refugee groups face and how these relate to cities

By far the most-common problems facing the refugee groups interviewed for this research related to the functioning of the Department of Home Affairs. Most specifically, the slow pace of processing applications for asylum renders asylum-seekers extremely vulnerable - unable to seek work or to claim their right to education. Finding work was seen as the most pressing need, as income is central to ensuring that other basic services such as housing and education can be accessed.

> Someone just arrived in South Africa, [they] go to the Home Affairs, he applies for the refugee status to be a refugee in South Africa. Now you give them a paper and you say they're not allowed to take up employment, that is a person who just arrived, he's got no income, he's got no friends, he may not know anybody in South Africa. Now you tell him not to take up employment but you don't give him accommodation, you don't give him food, until you arrange his situation, until you say that OK you are allowed to stay in South Africa, here's your status, you can take up employment. Now until that time, the person does not have the right to work, he cannot study. But it can take six months for that person - it can take a year for that person, just going every three months [to the Department of Home Affairs]. (refugee)

The inefficiency and slowness of the processing of asylum applications was a key concern for refugee groups. This is because asylum-seekers are not permitted to access any social services unless they have official 'refugee status'. The absence of such official status (as a result of slow processing by the Department of Home Affairs) can lead to conflict with local government enforcement agencies as, in an attempt to survive financially during the waiting period, many refugees are forced to rely only on informal work such as street trading and car guarding; and may thus come into conflict with city enforcement agencies. (This will be discussed further in the following section). None of the refugees interviewed for this research were aware that if they did not receive their section 22 permit within six months, they were anyway entitled to apply for permission to work in South Africa.

Many of the refugees interviewed in this research felt that the delays and lack of information provided by the South African authorities were part of a more sinister plan by the South African governments to 'look good' to the outside world (in terms of official policy on asylum and migration, and formal rights for asylum-seekers) whilst actually

denying rights to refugees. Refugee groups felt that the Department of Home Affairs had made many promises that had been unfulfilled.

> I think last year they were saying they were going to start ID for refugees … they showed on the newspaper, on TV … like a publicity … . But that ID didn't come out. The ID didn't come, like the brother just said. [They say] you're stupid people … the refugees, they don't know anything, lets take their money. You know we pay money? When we are struggling, the people just say 'refugees are used to struggling'. (refugee)

A repeated theme in the data colleted for this research was the belief among refugees that there was a strategic reason for the Department of Home Affairs to process asylum applications slowly - to provide South Africa with a cheap source of labour. It was believed that South Africa did not allow refugees to leave the country[2] but also did not allow them access to employment or other basic needs whilst in the country, so that they could be exploited for minimal wages. Indeed, this view was also held by some of the interviewees from local authorities.

It is not clear whether the Department of Labour or the Department of Home Affairs (or a Human Rights monitoring body such as the South African Human Rights Commission) should be monitoring the conditions under which refugee groups are employed, especially when this employment is in the informal sector. It is likely that when large-scale employment of refugees occurs in informal occupations that fall within the local authority regulatory jurisdiction - such as car guarding - that such monitoring might even fall to local government. A strategy for the prevention of exploitative employment of refugees needs to be investigated.

The second reason why refugee groups felt that the Department of Home Affairs had 'sinister' reasons for processing asylum applications slowly was the belief that the Department wants to ensure that refugees will not settle permanently in South Africa. Indeed, only two of the approximately 40 immigrants we interviewed indicated that they were settled in South Africa. These two people had already received their refugee status. All other respondents indicated that they wished to leave South Africa because of the unpleasant conditions under which they were forced to live. The final reason why it was believed that Home Affairs were purposely processing asylum cases slowly is because the delays in the system facilitate corruption - each time asylum-seekers go back to the offices of Home Affairs to enquire about their status, officials can extract bribes from them.

Most of these problems clearly fall within the mandate of the Department of Home Affairs and are therefore a national government responsibility. They do, however, have important implications for the ways in which cities engage with refugee communities. The following local issues were found to be of particular concern to the refugee groups interviewed for this study:

- Housing: One of the primary consequences of the difficulties in accessing asylum is that asylum-seekers are forced to rely on informal work such as street trade, car watching etc. Also, asylum seekers are excluded from accessing housing. This includes exclusion from government housing provided by the local authority such as

RDP housing, as well as informal exclusion from housing leased through private sector agents. This research showed that estate agencies act as 'gatekeepers' to ensure that foreigners are not able to rent accommodation.

- Xenophobia, discrimination and inequality in delivery of municipal services: High levels of xenophobia in communities and discrimination against foreigners by government (including municipal) officials, negatively impact on the quality of life of asylum-seekers.

- Community conflict: Outbreaks of xenophobic conflict and violence can require local authorities to act as mediators and to build peace between South African and foreign groups. The impartiality of municipalities in applying rules and delivering services to communities on both sides of such conflicts is critical.

- Policing: Local government enforcement of by-laws relating to building regulations, planning schemes and informal trade have brought municipalities into contact with groups of refugees and posed challenges for how enforcement is done in a manner that is keeping with the spirit of the Refugee Act.

These are merely illustrations of areas in which local government is already having contact with refugee communities - by no means the entire spectrum of local government activities that relate to refugee groups, but a list of key areas in which the local authority of Cape Town is already having contact with refugee groups. These areas of local government activity also have the most immediate impact on the lives of refugees and asylum seekers. These issues will be discussed below through three cases studies, in order to better illustrate the extent to which the Refugee Act requires an active involvement from city government.

4.1 Case study: Informal trading in Cape Town

As alluded to earlier, the slow processing of asylum applications means, in the absence of official permission to work, many asylum-seekers are forced to rely on generating income in the informal sector. This places them in constant conflict with local authorities.

One of the primary features of facing local government interaction with refugees is confusion about the rights of refugee groups. For example, a senior member of the Metropolitan Police Department stated that:

> Any foreigner trading in the [city] of Cape Town is [doing so] illegal[ly]. In the designated areas [those where traders can operate legally] you should not find foreigners, but they are there. They kind of 'bought their way in' and they've got their ways and means of getting in. (official)

The view that foreigners are not allowed to trade in the city is shared by the City's vagrancy unit, a specialised group of by-law enforcement agents dealing with evictions of people settling informally on council-owned property. Members of this unit were unaware that refugee groups were entitled to work in South Africa at all. A senior member of this unit stated that of all the section 22[3] permits he had seen none had indicated that the owner was entitled to seek employment.

The lack of knowledge about the right of refugees to trade needs to be addresses within the City Police Department, who will be responsible for enforcing by-laws relating to street trading. A new by-law - the By-law for the Provision of a Safe and Secure Urban Environment - deals with where trading is permitted and what kind of trading is allowed. There has been a recent public education campaign about the street trading by-laws in the City of Cape Town because of the anticipated increase in enforcement of this by-law. In addition, though, by-law enforcement officials will need to be fully aware of the rights of refugee communities, as well as other migrant groups, in respect of this new by-law.

Refugees interviewed felt very strongly that they were being discriminated against when trying to access street trading bays. As one interviewee stated:

> I remember I used to sell in Wynberg and the traffic [police] just came and said "on such a day it's going to stop. There's no more trading, we're going to give you bays". They took our names, and we stopped [trading]. So we are waiting for them to give us a place. Until now I've never heard from those traffic [police].[4] But all the [South African] coloured people received places. (refugee)

A number of factors were found to inhibit refugee involvement in informal trade - all of these obstacles involved xenophobia, some of which was explicit, and some of which was implicit.

One of these was the policy of the Business Areas Management team co-ordinated by the municipality. The Business Areas Management (BAM) is a working group of relevant stakeholders that manages all business, both formal and informal within a designated area (similar to a City Improvement District in other South African cities). This management group determines criteria for informal trade in the area. One of the criteria is that the individual applying for a trading site needs to show identification. This identification does not need to be a South African identity document; and refugees (as well as other categories of migrants) are entitled to apply - and on many occasions, have applied - for trading licences in the city. However, some officials, and members of the BAM, believe that only South Africans may apply for trading licenses, or that South Africans are entitled to preferential consideration. This raises two problems. Firstly, if asylum seekers are waiting a long time for their application for refugee status to be processed by the Department of Home Affairs (in some cases, up to a year), during that time they will not be allowed to apply for a trading site; as they will not have the kind of identification (ID or visa) required by the BAM. Secondly, the implicit assumption is that trading sites should, in the first instance, be given to South Africans; and, if there are spaces left over, then these can go to foreigners with the right identification. Foreigners are treated as lesser applicants, and do not compete equally with South Africans for access to the sites.

Another obstacle to accessing informal trade opportunities is the notion of 'historical trading rights' - one of the criteria for determining who gets a trading site (as there is a considerable waiting list). This applies to an area where trading is unregulated and the council wishes to begin regulating it. This criterion states that the trader who has been on the site the longest is the one who can receive the formal trading rights to it. As one respondent noted, the beneficiaries of this policy are "inevitably South Africans". One City trading official gave an example:

> We had a good, classic example in Claremont Road … [where] I applied that sort of criteria and we successfully demarcated the bays and allocated bays to people. This particular person wanted two bays and he kept his South African ID proudly in his back pocket as his trump card. But if he had told me that [he had a South African ID], he would have had first preference for that particular block. (official)

Clearly, the right to "seek employment" outlined in section 27 of the Refugee Act is not being applied in a manner that affords refugees an equal opportunity to access opportunities to street trading. Local government is no guiltier of this discrimination than many other employers; however, it would seem that their current policy conflicts to some extent with national legislation.

In addition, refugee groups that relied on informal work faced a great deal of resistance from local traders. Often this xenophobia took the form of denying refugee groups channels to raise issues with the local authority. For example, the representatives of the Business Areas Management team indicated that

> I think what's also important from our side is that all our traders need to constitute themselves to an association. You know, join an association. In fact, it's a part of our criteria as well … and then we go to that group - because if you want to restrict trading you've got to have a fully consultative process and we can't go into an area and talk to 800 traders individually. But the biggest problem that we find is that we have a fair number of local traders here and when they form an association, they will exclude foreigners. (BAM)

In fact, foreign traders in the city have formed their own associations to represent them but there was some concern among the Business Areas Management that the groups representing non-national traders were not approaching council with the concerns of their members. Indeed, many of the refugees interviewed expressed a lack of clarity about how to apply for trading sites, as well as how the process of legalising trade in the city worked. In addition, there had been instances of conflict between the associations representing foreigners and those representing South Africans. The resolution of this conflict fell to local government, who had, at times, decided to use the services of a conflict resolution NGO to mediate the conflict. They still felt, however, that this conflict was ongoing and that the ultimate solution lay in merging the two associations.

Although there are difficulties with the Business Areas Management process, the members of the BA Management team showed a great deal of awareness of the additional obstacles facing foreign traders. This was one of the council departments that showed the greatest awareness of refugee rights and needs, and recognised that the municipality had a role to play in ensuring that these rights were realised.

The BAM also described the widespread xenophobia that foreign traders face from South African traders, in three main categories:

- 'Jealousy' among South Africans of foreigners trading in South Africa. This was primarily based on the belief that the presence of foreigners meant that income-

generating opportunities are reduced for South Africans. The perceived illegitimacy of foreigners working in South Africa was particularly the case when foreign groups were thought to be more successful in their businesses than South Africans. Their perceived greater success was attributed to factors such as their willingness to work harder than South Africans, and their willingness to tolerate poorer working and living conditions thereby allowing them to save greater amounts of their income and build their business more than South Africans. As one focus group participant noted:

> In fact that's what I've learned over the years, that the main reason is because, yes, they are foreigners, and so they want to survive here, and so they stand through rain or sunshine, whereas the South African would be packing up at 4 o'clock or 3 o'clock in the afternoon, they will [still] be standing at Adderley Street. Each night, I pick up my daughter there at about quarter to six or so, they are still there, you know, still selling the last pack of cigarettes. And because of that they do survive, and they also make - they create their market in a particular area. The area that everyone is talking about, I think there's something like 27 traders there, they were referred to as the Nigerian market, because they survived there. They made sure that they survived there. Now today that is a known market, now you see the locals want to take over there, because it is now known to be a market. (official)

- Another perception about why local traders resisted the presence of foreign traders was the belief among local traders that foreigners had greater access to capital to start businesses. It was believed that the Cape Town Refugee Centre (CTRC) provided startup capital to refugees. However, interviews with the CTRC and with the refugee groups in Cape Town showed that this was not the case.

- In addition, it was believed that refugee groups had better access to legal representation than South Africans.

> And they've got - there is a lawyer at the legal resources in Cape Town. And she's watching council's activities, she knows this [the prejudice foreign traders face], she'll phone and say what are you doing now? She's watching us like a hawk (official)

This view of a well-organised and well-resourced foreign trading community was entirely contradicted by the refugee groups interviewed for this research. The picture painted by the refugee groups relying on informal trade is one of endless barriers to developing sustainable and profitable informal trading businesses.

Refugees engaged in street trading experience harassment by city officials. As a result, they felt that investment in stock for street trading was risky, because they were likely to be targeted by city officials and they risked having their goods confiscated. As one respondent noted:

> If one has to make a business, he must feel safe, safe to put his money in a business and it will grow. If you put R1000 or R2000 of your money [into a

business] and go to the street and sit there and the next day someone comes and calls you 'makwere-kwere'[5] … they may come and take your stuff and kill you. (refugee)

City officials did recognise the vulnerable position of refugee groups. They felt that this resulted in refugee groups being more co-operative with the city enforcement agencies than South African traders. It was felt that foreign traders always complied with an order to move their trade or not to trade on certain days. Officials acknowledged that this was due, at least in part, to the relative powerlessness of foreign traders in negotiating the conditions of their business with the local authority.

What was clear from the discussions with all stakeholders involved in the management of street trading was that there was little knowledge among those enforcing the trading by-laws in the city about the status of migrant communities and their entitlements. Throughout the discussion, there was little distinction made between refugees, migrant workers and other groups of foreigners. The recent establishment of a new City Police Department offers a unique opportunity to ensure that training on the reduction of xenophobia and information about the rights of migrant groups is included in new training courses. However, local officials largely saw this training as unnecessary. They felt that the job of the City Police was simply to check whether someone who was trading was doing so with a permit. Such an approach, however, would not address the more subtle forms of prejudice against foreign traders which make it more difficult for them to gain a street trading permit. The kinds of prejudice such as the "historical trading rule" and the exclusion of foreign traders from traders associations make this kind of training essential for City officials. The City Police could then play a more constructive role in ensuring that those who qualify for trading licences are able to access them.

4.2 Case study: housing and land evictions

The City of Cape Town has established a special by-law enforcement 'unit' to deal with vagrancy and evictions of people settling illegally, especially on council-owned land. According to the Vagrancy Unit, it was intended specifically to deal with the legal requirement that if a person has been living on a piece of land for more than six months, the council may be required to provide alternative accommodation for them. This is implied by Section (6) of the P.I.E Act (1998):

> If an unlawful occupier has occupied the land in question for less than six months at the time when the proceedings are initiated, a court may grant an order for eviction, if it is of the opinion that it is just and equitable to do so, after considering all the relevant circumstances including the rights and needs of the elderly, children, disabled persons and households headed by women.

If the unlawful occupier has occupied for more than six months, the court is also required to consider:

> whether land has been made available or can reasonably be made available by a municipality, or other organ of the state or another land owner, for the relocation of the unlawful occupier.

One of the purposes of the activities of this Unit, at least in part, is to ensure that evictions can be carried out less than six months after property has been illegally occupied, to reduce the number of situations in which the municipality might become responsible for providing alternative housing to illegal occupiers.

The Vagrancy Unit has a great deal of contact with groups of non-nationals. According to the members of this Unit, the bulk of the foreigners with whom they have contact are refugee groups living in the city legally. They stated that they did not come across many undocumented migrants.

> 90% of them are legal. They have their documentations [asylum status]. But they still occupy council land illegally. So we take action against them (official)

In spite of this, members of the Unit had been given a training course of how to identify illegal immigrants in the city. This training had taken place in conjunction with immigration officials from the Department of Home Affairs. In spite of this training, there was very little knowledge among by-law enforcement officials about the rights of different groups of non-nationals. Most concerning is that the training manual (used in the training) referred to the old Prevention of Illegal Immigration Act of 1991 - a new Immigration Act is now in place, which will require local governments to consider what role they have to play in its implementation. In particular, the training covered the regulations concerning the detention of a person suspected of being an 'illegal alien'. In the illustrations given to trainees about Section 22 permits, the permits shown are stamped with an official Department of Home Affairs stamp that states that work and study are prohibited. This is crossed out and it is typed onto the form that the applicant may take up employment. This illustration was confusing to the officials undergoing the training course - some of them were not aware that refugees were entitled to work in South Africa at all. Nothing was mentioned on the illustration about the right to study or the right to access those rights outlined in Chapter 2 of the Constitution.

The Vagrancy Unit has an agreement with the local SAPS that, in the course of their eviction duties, they would detain all undocumented migrants they come across, and hand them to the police.

From the perspective of members of the Vagrancy Unit, non-national groups are seen to place an additional burden on the local authority, in that that land shortages are exacerbated by the presence of non-nationals:

> There is no land for these immigrants. We've got a major problem in town where they're taking each and every piece of land they can, and occupying it. If you go into town on the N1 there's a piece of land we call the valley. There we have about 50 to 60 immigrants living there under cardboard boxes, in the open, making fires against the bridges and all that. (official)

There is little understanding of why immigrants are disproportionately settling illegally, and how this may be related to them being excluded from formal access to housing.

The refugee groups interviewed for this research identified two main problems with

accessing housing. The first was that they had no access to government-subsidised housing. This was particularly problematic in light of them not being allowed to work until they have received refugee status, as their financial status is dramatically reduced during the waiting period. The second set of problems relates to the barriers that exist in accessing private housing - primarily driven by xenophobia.

4.2.1 Difficulties accessing Government/subsidised housing

There was no clarity about whether refugees or other groups of non-nationals were entitled to apply for state housing. The view from the by-law enforcement officials interviewed was that this would create greater hardship for South Africans, and that state housing should be reserved for South Africans. It would seem, however, according to section 27 of the Refugees Act, that refugees are entitled to apply for low cost housing in the same way that South Africans are. However, none of the refugees interviewed had ever tried this and none knew of any housing schemes available to them.

> I: Do you know if anyone [any refugee] has had any success with the housing applications? Or do you know if anyone has even tried that
>
> R1: It's for the citizens, man [laughter] (refugee)
>
> R2: No, no-one" (refugee)

However, even if legislation explicitly stated that certain groupings of non-nationals were entitled to apply for housing, it is likely that prejudice and xenophobia would prevent them from accessing it, in much the same ways that xenophobia acts as a barrier to refugees trading in the city. For example, one of the by-law enforcement officials working on evictions stated that:

> We work very closely with these organisations [shelters for homeless people] … but the shelters prefer to help South Africans … they're very reluctant to help the immigrants. I know in Phillipi there's a place where the immigrants can go. But it's so full. Because in town alone, I reckon we're seeing immigrants on the street of 200 to 300. (official)

The place mentioned in Phillipi is not a homeless shelter for non-nationals, but a centre where asylum seekers who first enter South Africa can go, for a maximum of six months, while they apply for asylum and seek alternative accommodation. The refugee groups interviewed for this research knew of the overcrowding and poor facilities in this centre.

4.2.2 Access to private housing

When asking the refugee communities about their ability to access housing, they described xenophobic practices. In particular, one of the problems facing refugee groups was that landlords tend to increase the quoted rent when they found out that the person applying to rent the accommodation was not South African, and applying different rules for the leasing of houses to non-citizens. A refugee describes:

> It's difficult to find a flat or a house if you don't know a friend, white or

coloured who you can go and ask [to take the flat in their name]. Because if you go yourself for a flat - [although] I find many flats listed in the newspaper - when I go there they just say no. If you're not a citizen you can't have it, but if you've got someone [a South African] who can go with you then you can be accepted. And I found a house, it was one room, the deposit was R1050. When I got there they said three months [deposit] plus what and what; that comes to R5000. (refugee)

In addition, refugees complained that when the person renting housing is not South African, they are charged per person living in the accommodation, rather than for the flat as a whole - as South Africans would be charged. This scarcity of accommodation for refugees only serves to increase the problem of illegal settling among non-nationals, and places a further burden on local authorities to evict illegal occupiers. A cycle is created whereby even migrant communities that are able to afford accommodation are forced to settle illegally.

Again, it was mentioned that the new Cape Town City Police were inexperienced in dealing with the kinds of problems that the Vagrancy Unit felt immigrant communities created for the city. In particular, evictions were seen to be 'dangerous' and City Police were not considered sufficiently 'tough' to deal with immigrant communities. Much of this related to stereotypes about immigrant communities being violent and engaging in illegal activities:

Tonight I have an operation dealing with immigrants. I have included MPO's [Metropolitan Police Officers]. These people [the MPOs] are coach-trained, they're not street trained. Learning from a book and getting experience is two different things. And when dealing with immigrants we tend to over-react. We take extra magazines (ammunition), gas, everything. Because in the past we went there with a "we're here to help you" attitude, and we came off on the short end of the stick. I almost lost my eye twice dealing with these people. (official)

As mentioned earlier, an agreement between the SAPS and the Vagrancy Unit enables these by-law enforcement officials to detain undocumented migrants and hand them over to the SAPS. There was, however, a great deal of resentment among the municipal officials about having to deal with migrant groups at all. Some of those interviewed felt that this was entirely the national government's responsibility. In particular, it was felt that the responsibility for tasks such as evicting migrant communities from illegally occupied property, and detaining undocumented migrants was a job they were doing because of national government's failure to take responsibility. As one respondent stated:

R: We are not entitled to deal with [immigration]. But we have an understanding with the Immigration Police because they are so understaffed, and we are dealing with them on a daily basis. But it is an endless task because you detain one gentleman today and he's back on the streets tomorrow … we detain these people over and over and we're getting sick of it. (official)

The above extracts also indicate xenophobic attitudes among by-law enforcement officials. Officials interviewed indicated that they felt that foreigners used scarce municipal resources, which should be reserved for South Africans. In addition, foreigners were blamed for increasing violence and crime in the city. The motives of Home Affairs in

producing what was seen by some people to be 'lenient' refugee legislation were questioned. As with the refugee groups, some local officials felt that the rights-based legislation was simply a public relations exercise for the national government and the practical implications of this legislation, many of which played out at the level of local authorities, were not clearly thought through. One respondent stated that:

> I don't have time for these immigrants because I think it's unfair that we have X amount of homeless people in South Africa and the government is not doing anything about them, and then they bring X amount of extra people into the country. It sucks, I feel strongly about it! (official)

As with informal trading, it is unclear which level of government should be responsible for addressing problems of access and discrimination in the provision of housing to foreigners. If local governments are going to be involved in ensuring equitable housing provision for refugees, then the levels of ignorance, confusion and xenophobia among council officials will need to be addressed.

4.3 Case study: xenophobic conflict

The City of Cape Town, like many other cities, has seen a number of xenophobic attacks on foreigners. This conflict between migrant communities and South Africans has been a challenge to local authorities, who have been forced to intervene despite being unclear on what role they should play in such situations. The most well-publicised conflicts have been those in Danoon, Doornbach in 2001 and in Joe Slovo Park in 2002. Perhaps the most publicised incident was in Joe Slovo Park, where four people were killed in clashes between Angolan refugees and South Africans (CTRC, 2002). There were very different views on what had caused this violence. According to the CTRC, it was because South Africans accused refugees of 'taking their jobs and their women'. According to one member of the local council, it was because refugees occupied shacks belonging to South Africans when the South African residents were not at home. One council official believed that immigrant communities were bribing community leaders to allocate land to immigrants, after having previously agreed to allocate it to South Africans. All these views on the origins of the conflict provide evidence of how the failure to provide services to refugee groups can fuel latent xenophobia and conflict. In these three incidents, (Danoon, Doornbach, and Joe Slovo Park) refugee communities were forced off land their dwellings were looted by South Africans. In addition to these large-scale and highly-publicised conflicts, city officials indicated that conflict between South Africans and non-nationals was an everyday occurrence. Such conflicts were more severe where there was competition for resources such as housing or informal trade opportunities. As one respondent from the Provincial Department of Community Safety stated:

> A week ago we had a problem in Long Street where they [non-nationals] were parking cars and two South Africans were parking cars in the same areas. We had to break up a fight because of this. (official)

As a result of these sorts of conflict, a Western Cape Anti-Crime and Xenophobia task team was established. The initial intention was that this task team would develop a strategy to prevent future xenophobic violence and to deal with such conflict where it happened. Conflict mediation services were offered by the Centre for Conflict Resolution in the

Western Cape. Other stakeholders involved included various embassies, the SAPS, the Cape Town Refugee Centre (CTRC) and municipal officials. The working group had the support and involvement of the Provincial MEC for Social Services and Poverty Alleviation in the Western Cape.

The establishment of such a task team is encouraging as it shows a recognition that conflict cannot simply be tackled using a law enforcement approach. It also gives the opportunity for those working on conflict resolution to access city and national law enforcement agencies and to challenge some of the xenophobia that exists within these organisations.

However, since the first meeting, the task team has not continued to meet and there has been no further collaboration among its members. As one person interviewed stated:

> In theory it [the working group] should be a kind of prevention but that really hasn't materialised. (official)

In the cited incidents of xenophobic conflict, city authorities played a major role in both resolving the conflict and in providing services to non-national groups who were victimised. This has, however, was resisted by some officials in the city government. Many felt that this should not be the responsibility of the local authority.

During the conflict in Danoon, tents were erected by the local authority to temporarily house victims, and food was provided to them. However, the local authority felt that they couldn't sustain this level of service, and so they gradually withdrew the services; which forced the immigrant community to find alternative places to live.

> The first lot [of foreigners] we accommodated for about eight months. The tents became so poor that they simply just found themselves accommodation elsewhere. The second lot we were forced to find accommodation in a much shorter period of time. But there's no permanent solutions, we didn't offer anything but a shelter and initially food, which we would withdraw gradually, to kind of force them … to become self sufficient … . What we do is try to force them to move by themselves. (official)

Similarly, security services which were intended to protect refugee communities from further attacks by South Africans were gradually withdrawn, and refugees were forced to move back into communities in order to find employment and accommodation.

No medium-term solution was developed to ensure that the future roles of the various tiers of government are clarified or that more violence would not occur. According to the Provincial Department of Safety and Security:

> You see that is the issue, everybody has got a different opinion about who it belongs to … then it's Home Affairs and now its Provincial Government. But I think it [the Danoon conflict] was seen as a local government issue to deal with in the end … but what happens, is if [violence] happens, everyone wants to run away from it and nobody wants to take the lead on it … you see, I don't know really who is legally responsible. Our attitude in the workshop (of the anti

crime and xenophobia working group) was okay, we take note of it, let's find
ways of solving the problem and not keep blaming local or provincial
government. (an official)

Similarly, a local government official who was centrally involved managing the
consequences of the Danoon and Joe Slovo Park conflict stated that:

We believe at the moment that Home Affairs should settle it [xenophobic
conflict] … accommodation, feeding etc that's something that should be dealt
with by someone else … and we believe it's Home Affairs. And they believe
that they shouldn't be involved … everyone starts passing it around. Eventually
it does land up at local government. (official)

Although in the case of the conflict in Joe Slovo Park, both local and provincial
government did play a role, interviewees from both these tiers of government felt that
national government had not assisted. They also believed that dealing with such problems
was the primary responsibility of the national government and that provincial and local
roles should be limited.

The slow and often inadequate response to xenophobic conflict in the three incidents
referred to above was not only driven by a lack of awareness about whose responsibility it
was to intervene; but also by a lack of knowledge about the rights of refugee communities
and by xenophobia within the city authorities. One senior member of the City Police stated:

We don't have a policy and we can't really deal with it, because they're not
really our residents and they're not really South Africans. Well they're not South
Africans, they're foreigners, so can you really spend a lot of local ratepayer
funding on those people? It's a bit problematic. (official)

The overwhelming perception among those officials who had been involved in addressing
these incidents xenophobic conflict was that local authorities were not responsible for
providing services to refugee communities, and that any involvement from local authorities
should therefore be short-term and should not involve expenditure of council funds. This is
in contrast to the spirit of the Refugee Act, which essentially offers refugee groups the same
rights to basic services as South Africans.

This research found that a medium-term solution or system of intervention into xenophobic
violence in the city had not been established, and it can therefore be expected that future
violence will raise the same conflicts within government about the roles and responsibilities
of the various stakeholders.

The representative from the Provincial Department of Community Safety interviewed
indicated that the National Department of Home Affairs would be developing a government
strategy on xenophobia, although as yet this is not publicly available. In addition there are a
range of other non-government organisations working to reduce xenophobia within
communities affected by the conflicts. City government could perhaps support the work of
such organisations; at least to facilitate the sharing of information about where minor
conflicts are being experienced, so that those communities can be targeted for violence

prevention interventions.

An important issue raised in the interviews on xenophobic conflict was that the enforcement focus of the Department of Home Affairs - on identifying and repatriating illegal immigrants - is an obstacle to other tiers of government developing protocols for service provision to documented migrants. Local governments clearly indicated that they need assistance from the Department of Home Affairs in clarifying their mandate and meaningfully addressing conflict and xenophobia. This has not been forthcoming; and the training that Home Affairs had undertaken with local authorities was focussed primarily on achieving its enforcement objectives - to mobilise local authorities to assist in the identification and arrest of undocumented migrants.

> I think a lot of people think of Home Affairs as the regulator of [migration]. And I don't think they're really doing that, they're just focussed on catching them, taking them home, catching them, taking them home. (official)

It would seem that the national department of Home Affairs should be taking the lead in the development of a strategy for the reduction of xenophobic violence, and doing so in a manner that includes all stakeholders. The lack of clarity about the role of the different tiers of government does, however, extend beyond the case of dealing with xenophobic violence - it was just as evident in the case studies of informal trade and housing. However, conflicts and violence involving immigrant groups create crisis conditions which highlight the need for co-ordinated action from all spheres of South African government.

5. Barriers to local government work with non-national groups

This report has identified several areas in which local authorities have contact with refugee groups. It has also demonstrated several barriers that have prevented local authorities from extending municipal services to refugee groups. Although the focus in this report has been on refugees, these barriers have implications for the ability of all migrant groups to access basic services such as housing, safety and work in South African cities. Some of the barriers discussed in this report include:

- A lack of clarity about the role of local authorities in implementing immigration and refugee legislation. There is also a lack of knowledge about the applicable legislation and what this might mean for how local authorities engage with refugee groups. One refugee interviewed stated that:

    > There is a need for training and informing people about refugees. People should be aware that there is a society of people in this country that are not illegal … they do have papers, they do have the right to stay in South Africa. (refugee)

- Poor national government management of refugee needs and a focus on the detection of undocumented migrants, rather than service provision to documented migrants, places a burden on local governments. In addition to exacerbating existing problems faced by local authorities, the slow processing of asylum applications means that refugees are forced into housing and working conditions that expose

them to the harsh face of city enforcement agencies.

- Levels of xenophobia among municipal officials are high - as they are among the public in general. Increasing interface between local authorities and refugee groups creates more potential for discrimination and abuse of migrant communities.

- A lack of knowledge among refugees about the workings of city government, the rights of refugees, and about agencies to whom abuses of refugee rights can be reported.

6. Recommendations

City governments in South African should consider the following steps:

- Obtain clarity on the role of each sphere of government in the implementation of the Refugee Act.

- Provide training (for municipal officials) on implementation of the Act and what it means for local authorities.

- Provide education and attitudinal training on xenophobia and the rights of refugees for municipal officials and the general public. City government is well placed to lead public education campaigns. Several such campaigns are already being implemented by NGOs and can be supported both financially and in kind by the local authorities (for instance the 'Roll Back Xenophobia' campaign).

- Provide information to refugee communities on the workings of the local authority, council's role in protecting refugee rights, and the channels of complaint available to refugees.

- Establish multi-agency working group to deal with issues of migration into cities.

- Review council systems and policies in order to ensure that they allow refugees to access the rights allowed for in the Refugee Act.

Notes:

[1] I do not mean to imply that attitudes that are not translated into directly observable behaviours cannot have an impact of the experiences of foreigners in South Africa. The discourse of xenophobia in the print media can, for example, lead to increased feelings of isolation and marginalisation among immigrants.

[2] If an asylum seeker leaves South Africa after making an application for asylum, they then lose the right to apply for asylum in South Africa.

[3] Section 22 permits are the permits issues to refugees once they have been granted refugee status.

[4] The Cape Town City Police is relatively new. There is therefore some lack of clarity about the new municipal police and there is a tendency for people to refer to municipal police as traffic police.

[5] Amakwere-kwere is a derogatory term used by South Africans to refer to foreigners.

References

City of Cape Town. (2002). By-law for the Promotion of a Safe and Secure Urban Environment. Cape Town.

Crush, J. and Williams, V. (2001). Making up the Numbers: Measuring "Illegal Immigration" to South Africa. *Migration Policy Brief*, 3. Southern African Migration Project.

Department of Local Government and Development. (1998). The White Paper on Local Government. Government Printers. Pretoria

Dodson, B. (1998). *Women on the Move: Gender and Cross-Border Migration to South Africa*, November 1998

Government Gazette. (1998). The Refugee Act of 1998, No. 1558. : Government Printers. Pretoria

Government Gazette. (2001). The Immigration Act of 2001. Government Printers. Pretoria:

Government Gazette (1997). The Constitution of the Republic of South Africa. Act 108 of 1996. Pretoria.

Government Gazette. (1998). The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act. 1998, No. 19. Government Printers: Pretoria.

Harris, B. (2001). *A Foreign Experience: Violence, Crime and Xenophobia during South Africa's transition.* Centre for the Study of Violence and Reconciliation, Braamfontein; Violence and Transition Series, Vol. 5, August.

Human Rights Watch. (1998). *Prohibited Persons: Abuse of Undocumented Migrants, Asylum Seekers and Refugees in South Africa*. New York: Author.

Minister of Home Affairs. (1994) Introductory Speech, Budgetary Appropriation. National Assembly, August 9.

Palmary, I. (2001) *Training needs of the Johannesburg Metropolitan Police Department*. Unpublished survey findings: City Safety Project, Centre for the Study of Violence and Reconciliation. Braamfontein.

Pigou, P., Greenstein, R & Valji, N. (1998).*Assessing knowledge of human rights among the general population and selected target groups*. CASE, Braamfontein

Sinclaire, M. (1999). "I know a place that is softer than this…" - Emerging Migrant Communities in South Africa. *International Migration*, 3(2). P. 465-481.

South African Human Rights Commission. (2002). Immigration bill: public hearings. Submission on the Draft Immigration Bill. April 2002.

Staff Reporter. (2002). Look a Little Closer to Home for Criminals, says Resident. *Cape Argus*, Tuesday 25 June 2002.