



## ***Refugee Digest 83***

***March 2024***

### **Migrants, Refugees and Displaced Persons**

The Department of Home Affairs is seeking to set aside the High Court's ruling overturning the Minister's decision to end the Zimbabwe Exemption Permits. The DHA says that the Court overemphasised the rights of children in its judgement. It holds that the rights of children do not trump all other fundamental rights.

<https://www.ewn.co.za/2024/03/07/home-affairs-hits-back-at-high-court-over-zep-ruling>

<https://www.businesslive.co.za/bd/national/2024-03-06-motsoaledi-appeals-to-constitutional-court-over-zep-system/>

Linked to the ZEP issue, the former executive director of the Helen Suzman Foundation, which challenged the validity of the Minister's withdrawal of the ZEPs, has been granted a protection order by the Court due to persistent cyber bullying by xenophobic persons. It is a sign of how virulent the anti-immigrant lobby can be.

<https://www.dailymaverick.co.za/article/2024-03-11-former-helen-suzman-foundation-chief-granted-court-order-to-halt-cyberbully-after-zep-challenges/>

In another significant recent case, the Pretoria High Court ruled that the DHA could not arbitrarily block IDs. About 700 000 IDs were blocked as at September 2023, meaning that people with these IDs could not obtain passports, vote, access health care and education, or open bank accounts. Children linked to these IDs were similarly disadvantaged. The reason given by DHA for the practice was that the system was being abused by foreign nationals.

<https://groundup.org.za/article/home-affairs-may-no-longer-block-your-id-on-whim-court-rules/>

<https://www.dailymaverick.co.za/article/2024-01-17-relief-for-over-700000-citizens-as-high-court-declares-id-blocking-by-home-affairs-unconstitutional/>

As the pace of pre-election canvassing picks up, some parties are using xenophobic language and actions to win votes. One such incident took place recently at a Pretoria school, where Patriotic Alliance members demanded that foreign children be removed and replaced by SA learners, and that Shona not be taught at the school. Activists have repeatedly warned that using xenophobia as an election tactic is against the Electoral Code of Conduct and the Electoral Act.

<https://groundup.org.za/article/political-parties-using-xenophobic-messages-to-campaign-is-against-the-electoral-code-of-conduct-say-activists/>

In a recent article in the Daily Maverick, Prof. Guy Berger warned that as the election approaches we can expect to see a rise in xenophobia, cyber misogyny and disinformation. He makes the point that WhatsApp in particular will be used to scapegoat migrants during the campaign. The negative impact of such use of social media could be very damaging.

<https://www.dailymaverick.co.za/article/2024-02-22-expect-a-rise-in-xenophobia-cybermisogyny-and-disinformation-in-the-election-run-up/>

Recently, Human Rights Watch has released research which shows scepticism around the timing of the proposed overhaul of migration policy and the xenophobic language of some politicians with regard to mobile people: all of which, coming just before our elections, could be thought to be deliberate and a means of vote-catching.

<https://www.sabcnews.com/sabcnews/hrw-raises-concern-around-xenophobia-ahead-of-elections/>

Earlier this year, in February, as part of a submission on the White Paper on Citizenship, Immigration and Refugee Protection, the Socio-Economic Rights Institute drew attention to the potential diminution of rights for refugees, migrants and asylum seekers and the potential of some aspects of the White Paper to enhance xenophobia. As we have noted before, these trajectories pursued just before elections can have a detrimental impact.

<https://www.seri-sa.org/index.php/latest-news/1355-submission-seri-makes-comments-on-the-white-paper-on-citizenship-immigration-and-refugee-protection-1-february-2024>

Over the Christmas holidays and well into January there were many reports of the Border Management Authority (BMA) preventing Zimbabwean children from entering South Africa to visit their parents. The BMA claims that many of these children were being trafficked and that the prevention was part of a crackdown on such trafficking.

<https://groundup.org.za/article/south-africa-cracks-down-on-zimbabwean-children-entering-country-to-visit-their-parents/>

These numbers have contributed to the high total of people apprehended at the border, which the President quoted in the State of the Nation Address as a 'triumph' and proof of the functionality of SA's border management.

<https://www.gov.za/news/speeches/president-cyril-ramaphosa-2024-state-nation-address-08-feb-2024>

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