



Western Cape  
Government



**A useful guide for refugees, migrants & asylum seekers**

Western Cape Local Government





## SECTION 1 WHO MAY APPLY FOR REFUGEE STATUS IN SOUTH AFRICA

There are many foreigners in South Africa who come from many different countries in the world for many different reasons. You need to have documents to show that you are legally in the country to get a job, study or go to the clinic or hospital. If you have come to South Africa on holiday or for a job, you need to have a visa. If you came to South Africa because you were forced to leave your country, you might qualify for refugee status.

### **What is “Refugee status”?**

‘Refugee status’ means that someone has the protection of the South African government and cannot be forced to return home until it is safe to do so. ‘Refugee status’ assists people whose lives have been in danger in their own country. If you get ‘refugee status’ you can have most of the same rights as South African citizens except the right to vote.

### **Who can apply for “Refugee status”?**

According to South African law, people can qualify for refugee status if they can prove that their lives have been in danger in their own countries as a result of any of the following:

- race
- tribe
- religion
- nationality
- political opinion
- membership of a particular social group (people persecuted on the basis of their sexual orientation or gender – such as female circumcision – fall into this category).

People can also be granted refugee status if there is war in their birth country. If you apply for refugee status, you need to provide proof of how your life was in danger because of these reasons and why it would be unsafe for you to go back home.

### **How do I apply for “Refugee status” in South Africa?**

You can apply for refugee status at the nearest Refugee Reception Office. Normally, you will be asked to lodge your application at the border or port of entry. Refugee Reception Offices are open and are currently receiving newcomers in:

- Pretoria, Marabastad
- Durban, Greyville
- Limpopo, Musina

Firstly, you need to get an asylum-seekers permit from a Refugee Reception Office. This is proof that you have applied for refugee status and are legally in the country. There are often long queues outside these offices so it helps to arrive very early in the morning.

### **What happens when I get into the Refugee Reception Office?**

Once you are at the refugee office, you will be interviewed, conducted by a Refugee Reception Officer (RRO). During the interview the Officer will ask you to complete the Eligibility Determination Form. In this process you will have to provide information such as:

- your name
- your nationality
- your ethnic group
- your religion
- the number of people in your family
- whether you have any identity or travel documents
- whether you have been to South Africa before
- education and work experience
- whether you have done military service
- a brief statement of the reasons as to why you left your country

- a brief description of your country and place of residence
- names of organisations/political parties that you have been a member of

The answers you give in this interview are very important, as the Department of Home Affairs officials will use these answers to decide whether you qualify for refugee status or not. Later on, you will have a second interview where the officials ensure your information is correct.

Once you have completed the application form:

- A file will be created for you and with this you receive a file number.
- Your fingerprints will be taken.
- It is very important that you **write down the file number** in case you lose your permit papers.

## General information about temporary residence permits

### 1. Where to apply for a residence permit

Any foreigner who wants to enter South Africa must apply for the appropriate residence permit through:

- The South African diplomatic representative in his/her current country of residence or;
- A South African diplomatic representative in a nearby foreign country. (This applies if there is no South African diplomatic representation in the applicant's current country of residence).

Applications for residence permits are processed and finalised at the foreign offices of the Department of Home Affairs.

The Immigration Act allows a foreigner to apply to the Director-General for the following:

- Changing your status on the prescribed form (DHA 1740) or
- the conditions attached to his or her temporary residence permit; or
- both such status and conditions, as the case may be, while the applicant is in the Republic.

All applicants must:

- have a valid passport. The passport must be valid for a minimum of 30 days after the intended stay;
- ensure the temporary residence permit is valid at all times.



## SECTION 2

# DEPARTMENT OF LABOUR

The Basic Conditions of Employment Act ensures the right to fair labour practices referred to in the Constitution, by establishing and making provision for the regulation of employment with regard to the following:

- working hours
- leave
- salary
- termination of employment

Employment of children and forced labour are not allowed.

The **Compensation Fund** compensates employees who are disabled by any injury or disease contracted while they were at work. It also compensates their dependants in the event of death caused by these injuries or diseases and provides for payment of medical expenses.



The **Unemployment Insurance Fund (UIF)** provides short-term relief to workers, subject to certain conditions, when they become unemployed or are unable to work because of illness or maternity or adoption leave, and also to provide relief to the dependants of contributors who have died. (The UIF requires a 13-digit ID number to be able to claim, consequently only those who have a refugee ID document can claim).

With regard to employment recognised refugees and asylum-seekers have the right to seek employment under the Refugees Act and the international conventions that South Africa has signed, as well as the Constitution. This includes the right to self-employment, and the right to enter into contracts and leases. The right to seek employment supports the integration of refugees and asylum-seekers into local society.

For further information, please contact the Department of Labour during weekdays between 08:00 and 14:30 on **021 468 5540**.



## SECTION 3

# SOUTH AFRICAN POLICE SERVICE



### **The South African Police Service (SAPS) is available for the following:**

- certification of documents
- affidavits
- application for police clearance
- reporting any police emergencies

### **SAPS emergency number: 10111**

- 10111 is the number that you can use in case of a police emergency
- For general enquiries, phone or visit your nearest police station
- Always have the number of your local police station available and memorise it
- All police station numbers are available on the SAPS website at [www.saps.gov.za](http://www.saps.gov.za)

### **SAPS Crime Stop number: 08600 10111**

- If you know of criminal activities that are taking place, phone SAPS Crime Stop on 08600 10111 anonymously 24 hours a day



## SECTION 4

# SOUTH AFRICAN SOCIAL SECURITY AGENCY



sassa  
SOUTH AFRICAN SOCIAL SECURITY AGENCY

### South African Social Security Agency (SASSA)

A full social security service exists that can assist and support people in need. There is a variety of social grants that people who have a social need can access. These grants include:

#### 1. Grant for Older Persons

- The applicant must be a South African citizen/permanent resident or refugee with a valid refugee status, must be 60 years or older; and his or her spouse must comply with the means test.
- The person may not be maintained or cared for in a State institution (prison, psychiatric institution, State home for the aged, care and treatment centre, treatment centre for drug dependants), The person may not be in receipt of another social grant for him or herself.

#### 2. Disability Grant

- The applicant must be a disabled person over the age of 18 years, the relevant disability must be confirmed by a medical report;

- An assessment must be done to assess whether disability is permanent or temporary (from 6 months up to 12 months) and also the degree of disability; must make the person concerned unable to work.
- The applicant should not refuse medical or other recommended treatment without a good reason.
- The applicant must be a South African citizen or permanent resident or a refugee residing in South Africa at the time of application.
- The person applying must comply with the means test and may not be cared for in any of the State institutions indicated above.
- The degree of the applicant's disability will be assessed by a doctor appointed by the State,
- The applicant should bring along any previous medical records and reports both when making the application and when the assessment is done.
- The doctor will complete a medical report and will forward the report to the SASSA office. The report is valid for three (3) months from the date of assessment.

## **The disability grant will be cancelled if:**

- the recipient dies
- the recipient is admitted to a State institution
- the recipient's salary or means improve to such an extent that he or she no longer qualifies in terms of the means test
- in the case of a temporary disability grant, the period of the temporary disability has ended.

**The recipient must inform the SASSA office of any changes in his or her circumstances and/or address.**

### **3. Care dependency grant**

- The child must be under the age of 18 years.
- The child must need to receive permanent care due to his or her severe mental or physical disability.
- The relevant disability must be confirmed by a medical report.
- A parent, a foster parent or primary care-giver must be resident in the Republic at the time of the application for the grant.
- Parents must be South African citizens, permanent residents of the Republic or refugees.

- The child may not be in a State institution, including special needs schools, and must comply with the prescribed conditions and the means test.

#### **4. Foster child grant**

- The applicant and child must be resident in South Africa.
- A court order must be obtained indicating the foster care status.
- The foster parent must be a South African citizen, permanent resident or refugee.
- The child must remain in the care of the foster parent(s).
- The child may not be in a State institution.

#### **5. Child support grant**

This is an additional income to disadvantaged families with children.

- The child must be under the age of 18 years.
- A grant paid to the primary care-giver (related or unrelated) who takes primary responsibility for the daily care needs of the child.
- The primary care-giver (non-parent) qualifies to receive grants for a maximum of six (6)

children. The parent/care-giver must be a South African citizen, permanent resident or a refugee and must comply with the prescribed conditions and the means test.

## **6. Grant-in-aid**

- The applicant must be in receipt of a Grant for Older Persons, Disability Grant or a War Veteran's grant, and must require full-time attendance by another person, owing to his or her physical or mental disability.
- He or she must not be cared for in an institution that receives a subsidy from the State for the care/housing of such a person.

## **7. Social Relief of Distress**

Social relief of distress is a temporary provision of assistance intended for people in extreme need who are unable to meet their or their families' most basic needs. In order to qualify for Social Relief of Distress, the applicant must comply with one or more of the following conditions:

- awaiting permanent aid,
- found medically unfit to undertake paid work for a period of less than six months

- death of main person who earned a salary so that there is not enough to provide for the family
- affected by a disaster, and the specific geographic area has not yet been declared a disaster area
- appeal lodged against the suspension of his or her grant
- not a member of a household already receiving social assistance
- not receiving assistance from any other organisation.

### **Period of Social Relief of Distress (new policy)**

Social Relief of Distress is issued monthly or for any other period for a maximum period of three (3) months. Extension of the period by a further three (3) months may be granted in exceptional cases.

Transport costs may be paid in exceptional cases where:

- the applicant is referred for treatment by a medical officer and no other transport arrangements can be made,
- the applicant must travel to a specific destination to accept employment where he or she will not be dependent on further State aid.



## How to apply for a grant

You can apply for a grant by filling in an application form at your nearest South African Social Security Agency (SASSA) office or counter service point of a Regional Office. You do not need to pay anything to make the application: application is free of charge. You will be interviewed, have your fingerprints taken, and given information on whether you qualify for the grant. You will need to have the following documents and provide some information, such as:

- your South African barcoded identity document (ID) or refugee permit;
- ID document, birth certificate or refugee permit for a child or children;
- a medical certificate indicating disability or care dependency;
- a school attendance certificate (child support and foster care);
- a court order/extension order (foster child).

Information about your income and assets:

- if you were employed, your Unemployment Insurance Fund (UIF) ('blue book') or discharge certificate from your previous employer;
- if you receive a private pension, proof of the private pension;

- if you have a bank account, your bank statements for three months (unbroken time period);
- if you have investments, information on the interest and dividends you earn;
- if your spouse died within the last five (5) years, a copy of the will and the first and final liquidation and distribution accounts and any other document(s) which may affect the outcome of your application.

Information about your marital status:

- if you are single, an affidavit stating that you are single;
- if you are married, your marriage certificate;
- if you are divorced, your divorce order;
- if your spouse has died, your spouse's death certificate.

When you make the application for any grant, you should indicate how you would like the money to be paid:

- The money can be paid out in cash on specific days at a pay point or;
- You can have the money paid electronically into your bank account.

Remember that **normal bank charges apply** to any

money going into and out of your bank account. You can decide to change the payment method at any time by filling in a form at a SASSA office, but the change will only happen one (1) month later.

It will take about **30 working days** for your application to be processed and checked, once the medical report has been received. If your **application is refused, you will get a letter explaining why** it has been refused and how you can appeal the refusal.

Once your application is approved, you will start getting payments within three (3) months. The payments will be backdated to the day on which you applied for the grant.

You can make enquiries about your application and about when you can expect payment by **contacting the SASSA toll-free number: 0800 601 011.**

### How much is the grant?

The amount changes every year. The amounts for 2014 were as follows:

- The child support grant was R315 a month – currently you only get the grant for children younger than 18 years.
- The Older Persons Grant and the Disability Grant is R1 350 a month but depending on your income and other means.
- The foster child grant is R830 a month.

- The Grant-in-Aid changes every year according to your circumstances, and it is currently R315 a month and is paid to you, the beneficiary, and not to any third party.

***Please note that these figures are subject to change.***

### **Contact details**

- For more information you can contact your nearest SASSA office or by calling the toll-free number: **0800 601011** or by making contact with one of the refugee organisations below:

#### **Scalabrini Centre of Cape Town:**

- Marcel Mulombo  
Tel: **021 465 6433**  
Email: [marcel@scalabrini.org.za](mailto:marcel@scalabrini.org.za)
- Solange Kalenga  
Tel: **021 465 6433**  
Email: [solange@scalabrini.org.za](mailto:solange@scalabrini.org.za)

#### **Cape Town Refugee Centre:**

- Mrs. Annel Olivier  
Tel: **021 762 9670**
- Mr. Fwamba Mukole  
Tel: **021 762 9670**



## SECTION 5 WESTERN CAPE DEPARTMENT OF EDUCATION

According to the Constitution of South Africa, 1996, and the South African Schools Act, Act 84 of 1996 (SASA), every parent or guardian is responsible for ensuring that children in their care go to school in the year in which the child turns seven until the last day of school in the year when the child turns fifteen years or goes to Grade 9 (whichever happens first).

The Constitution and the SASA apply in the same way to learners who are not citizens of the Republic of South Africa and whose parents are in possession of a permit for temporary or permanent residence issued by the Department of Home Affairs.

### **1. Documents that are required for admission and enrolment at a public school:**

The parent of each learner should hand in all these documents when applying for admission to a public school:

- **Application form for admission**

Each parent must complete an application form from the school which they want their child to attend.

- **An official abridged birth certificate or identity document**, or, in the absence of such documents, official proof that application has been made to the Department of Home Affairs for a birth certificate or identity document.
- **Written proof of immunisation** against the following contagious diseases: polio, measles, tuberculosis, diphtheria, tetanus and hepatitis B.
- **The most recent original school report issued by the last school attended** (if the school report has been lost or destroyed, the district's placement committee will be able to place the child in the correct grade).

**Non-South African citizens also need the above compulsory documents for admission, as well as ONE (1) of the following documents:**

- Those parents who are in a possession of a temporary or permanent permit for residence issued by the Department of Home Affairs must present it to the school so that they may make and certify a copy for their safekeeping or;

- A learner, or a learner's parent (who entered the country on a study permit) must present the study permit when making application for admission.

People classified as illegal immigrants must, when they apply for admission to a school for their children or for themselves, show proof that they have applied to the Department of Home Affairs to legalise their stay in the country in terms of the Immigration Act, Act 13 of 2002, or the Refugees Act, Act 130 of 1998.

## **2. Grade determination tests at district offices**

District offices of the Western Cape Education Department have established a placement committee, to determine which grade will be most suitable for learners who apply for admission to a school without a report card.

For further information please contact Saul Philander of the Western Cape Education Department on

**021 467 2580** or email: **[Saul.Philander@westerncape.gov.za](mailto:Saul.Philander@westerncape.gov.za)**



## SECTION 6 WESTERN CAPE DEPARTMENT OF HEALTH

- When someone needs health care, their first stop will be a clinic or community health centre. Many services are offered here and patients will be treated according to what they need. Patients who need a higher level of care will be sent to the appropriate hospital.

When a patient is referred to a different hospital or clinic, the health carer will provide him or her with a letter of referral and an appointment date. A letter of referral tells the doctor about the care the patient has already received. It is important to keep these documents together in a safe place, and the patient needs to take them along to their next appointment.

- First-time visitors to a local health care facility must bring along their valid documents (such as a passport and a permit/visa). They will be asked to fill out a form and a folder will be opened for the patient.
- Patients treated at government hospitals are charged according to a tariff called the Uniform Patient Fee Schedule (UPFS), which sets a tariff according to:



- the level of hospital providing the treatment
- the category of medical staff providing the treatment
- the income of the patient

Patients are treated as South African if they are:

- South African citizens permanently resident in South Africa
  - visitors or foreigners with study permits, temporary work permits or temporary visitor permits
  - people from neighbouring states
  - asylum-seekers or refugees.
- Should a patient require consultation in their first language, a professional and confidential telephonic interpreting service is available and should be arranged at the reception area.
  - For further information, please contact the Western Cape Health Department, weekdays between 08:00 and 18:00 on **0860 142 142** or email: **service@westerncape.gov.za**



## SECTION 7 WESTERN CAPE DEPARTMENT OF SOCIAL DEVELOPMENT

The Western Cape Department of Social Development provides the following programmes:

- **CARE AND SUPPORT TO FAMILIES SUB-PROGRAMME** - aims to build and assist families by providing services for families that are vulnerable and at-risk
- **YOUTH PROGRAMME** - aims to develop young people by helping them to access opportunities to care for themselves and their families
- **PERSONS WITH DISABILITIES PROGRAMME** - helps with the provision of services to people with disabilities and their families/caregivers that promote their wellbeing
- **OLDER PERSONS PROGRAMME** - aims to provide care, support and protection to older persons
- **SUBSTANCE ABUSE PROGRAMME** - aims to design and implement services for substance abuse: prevention, treatment and rehabilitation

- **VICTIM EMPOWERMENT PROGRAMME (VEP)** - aims to restore the loss or damage caused by criminal acts and their consequences through different actions intended to empower the victim to deal with the consequences of the event, to leave it behind and suffer no further loss or damage
- **SOCIAL RELIEF OF DISTRESS PROGRAMME (SRD)** - aims to provide psycho-social support through trained professional social workers to victims of different kinds of declared disasters
- **SOCIAL CRIME PREVENTION PROGRAMME** - aims to develop and implement prevention programmes and provide probation services targeting children, youth and adult offenders and victims in the criminal justice process
- **EXPANDED PUBLIC WORKS PROGRAMME (EPWP)** - aims to give people access to skills and work experience to give them the opportunity to work
- **SUSTAINABLE LIVELIHOODS PROGRAMME** - aims to enhance livelihoods in communities
- **INSTITUTIONAL CAPACITY-BUILDING PROGRAMME (ICB)** - assists with ensuring there is enough staff within Non-Profit Organisations (NPOs)
- **HIV/AIDS PROGRAMME** - aims to ensure a safety net for all groups made vulnerable by HIV/Aids and other diseases

- **EARLY CHILDHOOD DEVELOPMENT (ECD) AND PARTIAL CARE PROGRAMME** - aims to empower all children to have access to a range of safe, accessible and high quality ECD programmes and services
- **CHILD CARE AND PROTECTION PROGRAMME** - aims to safeguard and promote the wellbeing of children
- For further information, please contact the Western Cape Department of Social Development, weekdays between 08:00 and 18:00 on **0860 142 142** or the toll-free line on **0800 220 250** or email: [service@westerncape.gov.za](mailto:service@westerncape.gov.za)



## SECTION 8 WESTERN CAPE DEPARTMENT OF COMMUNITY SAFETY

The Department of Community Safety encourages citizens to report bad policing. By doing this, you are supporting those officials that take their jobs seriously and want to help their communities.

### **It is the police officers duty to:**

- treat each person with respect and politeness
- assist you by being as helpful as possible.

### **You may report the following:**

- rudeness or a lack of respect towards you
- not taking a report seriously
- not knowing how to handle your issue.

You may contact the Western Cape Department of Community Safety by:

- sending an SMS with the word 'REPORT' to 35395
- sending an email to

**[Policing.Complaints@westerncape.gov.za](mailto:Policing.Complaints@westerncape.gov.za)**

- phoning the complaints line on **021 483 4332**
- remembering to take down their contact details, so you can follow up later.

**Those who are not refugees and asylum seekers may apply the Department of Home Affairs:**

<b>TYPE OF PERMITS</b>	<b>LEGISLATION</b>
Visitors Permit	Section 11 (4 categories of Visitors Permits)
Study Permit	Section 13
Treaty Permit	
Business Permit	
Medical Treatment Permit	Section 17
Relative Permit	Section 18
Work permits: <ul data-bbox="73 1147 534 1329" style="list-style-type: none"><li>• Quota Work Permit</li><li>• General Work permit</li><li>• Exceptional Skills Work Permit</li><li>• Intra-company Transfer Work Permit</li></ul>	Section 19

## for the following temporary or permanent permits at

	<b>CONDITIONS</b>
	May be issued for any purpose other than those provided for in sections 13 to 24 and subject to subsection 2. The holder may not conduct work, unless authorised by Director-General. A visitor's permit may be issued to a foreigner who is the spouse of a citizen or permanent resident and who does not qualify for any of the other permits contemplated to sections 13 to 22.
	May be issued to a foreigner intending to study in the Republic for longer than three (3) months.
	May be issued to foreigner conducting activities in the Republic in terms of an international agreement to which the Republic is a party.
	Issued to enable the applicant to establish their own business or to invest in an existing business
	Issued to a foreigner intending to receive medical treatment in the Republic for longer than three (3) months.
	Issued to a foreigner who is a member of the immediate family of a citizen or a permanent residence holder; the holder is not allowed to work.
	The holders are allowed to work in the Republic.

## TYPE OF PERMITS CONT.

Retired Persons Permit

Section 20

Corporate Permit

Section 21

Exchange Permit

Section 22



Issued for a period exceeding three months to a foreigner who intends to retire in the Republic, provided that the foreigner provides proof that he or she has the right to a pension or an irrevocable annuity or retirement account from his/her own country of origin which has a minimum net worth and may conduct work.

The holder is allowed to sojourn in the Republic on a seasonal or continuous basis. Not to exceed a four year period, but the permit can be renewed.

May be issued by the DG to a corporate applicant to employ foreigners who may conduct work for corporate applicants.

Can be withdrawn by DG or amended for good and reasonable cause.

The holder may employ other foreigners in terms of section 19.

Issued to someone participating in a programme of cultural, economic or social exchange at an organised or learning institution or an organ of a foreign state.

Holder to be under 25 years old and must have received an offer to work in the Republic.

Upon expiration of the permit, the foreigner may not qualify for a status until he or she has complied with the requirement of a prescribed period of physical presence in the foreign country. Pay/remuneration should provide for the welfare and needs of the foreigner.

Such foreigner may not conduct any form of work other than for the work which the permit has been issued.

The holder may not qualify for PR within two years after the expiry of the exchange permit. (See page 34)

## PERMANENT RESIDENCE PERMITS

Section 26 (a) – Foreigner with five (5) years' continuous Work Permit status

Section 26 (b) – Spouse of South African Citizen/ship (SAC) or PR for a continuous period of five (5) years

Section 26 (c) – Child of SAC or PR under 21 years of age

Section 26 (d) – Child of SAC

Section 27 (a) – Worker

Sections 27 (b) – Extraordinary skills or qualifications

Section 27 (c) – Establishing or investing in an existing business

	Applies to a foreigner who has been a Work Permit holder or Corporate Permit holder.
	Must have a good spousal relationship, on condition that the permit shall lapse if, within two (2) years after the date of issue of the PR permit, the relationship no longer exists, except in the case of death.
	Issued on condition that it shall lapse unless an application of its confirmation is submitted within two (2) years after the date on which the child turns 21 years of age.
	Has no age restrictions. By way of birth or descent qualifies for South African citizenship (SAC) on the basis of the parent's citizenship status. Applicable to SAC by naturalisation.
	A foreigner who has good and sound character and has received permanent employment.
	Applies to those members of such foreigner's immediate family determined by the DG issued under specific circumstances or may be prescribed.
	A foreigner who intends to establish a business or already holds a Temporary Residence Permit (TRP) to conduct a business or to invest.

Section 27 (d)	Section 27(c) of the Refugees Act
Section 27 (e) – Retired person	
Section 27 (f) – Financially independent	
Section 27 (g)	

### **Additional Information**

Opportunities for own businesses within the greater Cape Town area can be accessed on their web portal -

**[www.capetownactiva.com](http://www.capetownactiva.com) or 021 425 7816**

	Subject to any prescribed requirement.
	Has the right to pension, irrevocable annuity or retirement account which will give the foreigner a minimum prescribed amount for the rest of his or her life or person concerned has a minimum prescribed net worth.
	A foreigner who has proven to the satisfaction of the DG that he or she has a prescribed minimum net worth and has paid a prescribed amount to the DG
	A relative of SAC or PR within the first step of kinship.

**To obtain additional copies of this document  
please contact:**

Western Cape Government  
Department of Local Government  
Private Bag X9076  
27 Wale Street  
Cape Town 8000

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