

Introduction

Obtaining refugee status in South Africa involves several steps regulated by the Refugees Act of 1998, the Refugees Amendment Act of 2017, and related regulations. Here's a detailed breakdown of the process, including provisions for refugees with children:

1. Determining Eligibility

Eligibility:

- Must meet the definition of a refugee under South African law: individuals who have a well-founded fear of persecution due to race, religion, nationality, political opinion, or membership in a particular social group.
- Persons who are compelled to leave their country of origin owing to external aggression, occupation, foreign domination, or events seriously disturbing public order.

2. Application Process

Filing for Refugee Status:

Applications must be made in person at a Refugee Reception Office (RRO) within five days of entering South Africa.

<https://www.dha.gov.za/index.php/contact-us/refugee-centres>

3. Initial Registration

Documentation:

- Applicants must provide personal identification documents (e.g., passport, national ID, if available).
- Complete the application form detailing the reasons for seeking refugee status.

Temporary Asylum Seeker Permit:

Applicants receive a Section 22 permit, a temporary asylum seeker permit, allowing them to stay legally in South Africa while their application is processed. This permit is typically valid for six months and can be renewed.

4. Preliminary Interview

Interview at RRO:

- An initial interview is conducted by a Refugee Reception Officer to gather preliminary information about the applicant's background and reasons for seeking asylum.
- Fingerprints and photographs are taken for identity verification.

5. Comprehensive Interview

- Detailed Interview with a Refugee Status Determination Officer (RSDO):
- A thorough interview is conducted to assess the credibility and consistency of the claim.
- Applicants must provide detailed accounts of their experiences and the persecution or threats they face.

6. Decision

Evaluation by RSDO:

- The RSDO reviews the interview, documents, and any additional evidence to make a decision.
- A decision is typically made within six months, although delays are common.

Approval:

If approved, the applicant receives refugee status and a Section 24 permit (a refugee identity document) valid for two years, renewable.

Denial:

If denied, the applicant can appeal the decision to the Refugee Appeals Authority of South Africa (RAASA) within 30 days. If the appeal is unsuccessful, a judicial review can be sought from the High Court.

7. Post-Decision Procedures

Approved Refugees:

- Receive protection and a Section 24 permit.
- Can apply for a travel document and have the right to work and access basic services.

Denied Applicants:

- Must leave South Africa if all appeals and reviews are unsuccessful.
- May seek assistance from legal aid organizations or international bodies for further support.

Provisions for Refugees with Children

Family Unity:

- South African law emphasizes family unity. Spouses and dependent children are included in the parent's refugee application.
- Family members who arrive later can be included through family reunification processes.

Children's Rights and Protections:

- Refugee children have the right to access public education and healthcare services.
- Social services and support programs are available to assist with integration and well-being.

Unaccompanied Minors:

- Special protections are provided for unaccompanied minors.
- They are placed under the care of child protection services, typically managed by the Department of Social Development (DSD).
- Legal guardianship and appropriate housing arrangements are made.

Health and Social Services:

- Refugee children are entitled to medical care and vaccinations.
- Psychological support and counseling services are available to address trauma and facilitate adjustment.

Post-Arrival Support**Settlement Services:**

- Government and non-governmental organizations provide support for housing, employment, and integration.
- Language training, vocational training, and educational programs are available to help refugees integrate into South African society.

Legal Status and Citizenship:

- Refugees can apply for permanent residence after holding refugee status for five years, subject to meeting certain criteria.
- Permanent residents can apply for South African citizenship after holding permanent residence for five years.

Resources**Refugee Reception Office:**

Locations of the Refugee Reception Offices located within South Africa.

<https://www.dha.gov.za/index.php/contact-us/refugee-centres>

Department of Home Affairs:

Immigration and Refugee Services with the Department of Home Affairs.

<https://www.dha.gov.za/index.php/immigration-services>

Summary

The process of obtaining refugee status in South Africa is designed to ensure that individuals meet the criteria established by law. Special provisions are made to protect the rights and well-being of refugee children, ensuring they receive necessary care and support, whether they are accompanied by family or unaccompanied.

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