



# ADVOCACY

IMPACT REPORT 2020

by Sally Gandar, Head of Advocacy & Legal Advisor



# OVERVIEW

2020 has included two vastly different but significant challenges for the client community served by the Scalabrini Centre, and specifically in relation to the work done by the Advocacy Programme: the implementation of the Refugees Amendment Act on 1 January 2020, and the Covid-19 pandemic and associated Lockdown.

The Refugees Amendment Act and associated regulations were gazetted in December 2019, and came into effect on 1 January 2020. These new laws severely undermine the refugee protections available to asylum seekers and refugees in South Africa, and in so doing they also undermine South Africa's commitments in terms of international refugee law. The Advocacy Programme raised awareness regarding these changes, and challenged the government on them. At the time of writing, it is unclear how the implementation of these new laws has impacted asylum seekers, refugees and the integrity of South Africa's refugee system, as just two and a half months after the implementation of the Amendment Act, South Africa declared a State of National Disaster in response to the Covid-19 pandemic. This meant that the Refugee Reception Offices paused services, and have yet to resume such services.

The Lockdown has had drastic impacts on asylum seekers and refugees in terms of documentation, access to rights, as well as wellbeing. The Advocacy Programme sought to mitigate these negative impacts through high level advocacy, litigation, and awareness raising. During the past year, we have launched two pieces of litigation – one challenging the constitutionality of the Refugees Act amendments, and another seeking the inclusion of asylum seekers and special permit holders in the Social Relief of Distress grant. We were successful in the latter, and have received an initial success in the former with the main part of that litigation ongoing. In addition to these high level wins, the Programme has continued to offer documentation information, assistance and referrals via telephone, email, and whatsapp. This has been important not only in terms of the content of the assistance, but also in terms of what it means to remain in contact with the community we serve, particularly in this time of social distancing and lockdowns.

As our services transitioned to remote working, our online presence also became critical in terms of providing relevant information to clients. A central page, collating important information for refugees and migrants in South Africa during lockdown, became an important source of news and received 55,367 views during 2020. (We can see that people engaged with this material, as we can see they typically spent over six minutes on this page.) Furthermore, people downloaded Advocacy related materials 5,364 times over the year - displaying the need for such information during the course of the lockdown. During 2020, we also saw a peak in the interaction from Advocacy clients on social media, which allowed another channel of communication for our beneficiaries as they were directed to our WhatsApp line

# HIGHLIGHTS

The kinds of services offered by the Advocacy Programme have included telephone, whatsapp, SMS services providing assistance in respect of documentation and rights-related queries. The Programme has also assisted clients with accompaniment, and with the drafting of affidavits and letters in order to access rights. Clients have also gone out of their way to assist us, including through being willing to depose to affidavits in litigation that we have launched. We are grateful for these types of partnerships. High level advocacy relating to systemic issues experienced by clients was also done during the lockdown, resulting in significant wins such as securing blanket extensions on all asylum seeker and refugee documentation.

- Directions were finally issued by Home Affairs in respect of a blanket extension on asylum and refugee documents (10 June). We initially wrote to the DHA on this topic prior to the Lockdown, and have continued ever since. When the Directions were issued, we received a personal letter from the Minister notifying us of them.
- Continued success with raising issues through the Parliamentary Portfolio Committee, including DHA's compliance with Court Orders
- Successfully assisted a stateless client and her child to register their births, they now have birth certificates, and the mother has an ID.
- Assisted in an urgent resettlement of an LGBTQI+ client. The client was referred to UNHCR for resettlement at the beginning of 2020, and was resettled to another country before the end of 2020.
- Court victory – we were successful in our case to get access to the Covid-19 Social Relief of Distress grant for some asylum seekers and special permit holders (18 June). We then engaged with SASSA regarding implementation of the SRD Court Order – SASSA allowed us to test the SRD grant application system with clients before it went live.

# IMPACT



**1,387** CLIENTS ASSISTED



**8 FORMAL SUBMISSIONS**

including on the Citizenship Regulations, as well as joint submissions to the UN Committee on the Rights of the Child. [Click here](#) to see all of our submissions.

## ADVOCACY MEDIA AND COMMUNICATIONS



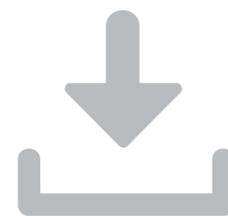
**118**

**APPEARANCES IN MEDIA**

both local, national and international news outlets.



The Advocacy Programme provided pre-recorded interviews for the radio series Sikhaba iCovid-19 for the 25 September show, which aired across SA on all the SABC radio stations and in all of SA's eleven official languages. The Advocacy Programme was also central in provision of the research information informing the scripts that were aired. The combined reach of the radio stations that aired the show is 28 million listeners. In addition to this, the show itself is syndicated to a further 55 community radio stations which reach at least a further 500,000 listeners in demographics that are particularly impactful for the Advocacy work.



**5,364**

Advocacy related materials downloaded. This is 31% of the total downloads for the year which was 17,530



**392**

Advocacy related messages received on social media, this was 44% of all messages received, mostly through Facebook.

# GOING HOME - IN MEMORY OF: APPO\*

**Thousands of clients walk through Scalabrini's doors every year. As staff, we have different types of interaction with each client. In some cases, different teams get involved to find a solution. Some stories stay with you forever. Appo will remain someone particularly important to us as a team.**

**This is in memory of Appo, and is dedicated to his family, wherever they might be.**

## **FALLING SICK FAR FROM HOME**

Appo was from the Democratic Republic of Congo (DRC). He migrated to South Africa in 2011. He started a life in Cape Town, but the following year in 2012, he had a gunshot wound to the head and his chin was damaged. The wound resulted in cancer, affecting his face. He was treated in the hospital and underwent surgery, radiotherapy and chemotherapy. Appo was becoming increasingly sick. He lost his job. Sadly, the hospital told him there was nothing more that could be done. Recognizing that he was terminally ill, Appo began to want to return to his homeland of DRC.

## **A FINAL WISH TO RETURN HOME**

Despite it being uncomfortable to move, Appo got onto public transport and often came to Scalabrini. When Appo decided that he wished to return home for his final months, he approached the Welfare Team at Scalabrini for assistance. At that point, they could not assist him in returning home; and as Appo had no other means to leave, it seemed that Appo was trapped in South Africa. He was renting a small room and Scalabrini assisted with transport, and rent, and was helped by his local church. It was increasingly difficult for Appo to move around and to speak, because the illness was affecting his facial abilities. Finally, Welfare was put in touch with a private donor who was willing to fund the flight home. One would imagine that the return home of a terminally ill person would be a relatively simple, smooth process. But assisting with the return of Appo took the full force of the Welfare and Advocacy teams combined.

## **ENSURING A DIGNIFIED RETURN**

Normally, returning to your country of origin is a complex administrative process; you must hold official documentation to both leave South Africa and enter your country. The Advocacy Programme worked with the Department of Home Affairs to cancel Appo's asylum documentation – a process that typically takes months. Simultaneously, the Congolese authorities had to recognize him as a citizen in issuing emergency travel documentation. For each of these processes, many other documents are required. Above this, the Welfare and Advocacy Teams worked to ensure he would be accepted on the flight as he was at stage four cancer. This process required Appo to come in and out of Scalabrini and to various places, which must have been exhausting for him.

## **TAKING FLIGHT**

Finally, after many hurdles and difficulties – which we were all aware fell mainly on Appo's shoulders – Appo was on the plane to DRC. It was his first time on a plane, and he was alone and not well. Complications led to him being denied entry to the connecting flight in Johannesburg, and the Scalabrini team in Johannesburg were able to assist him in providing shelter and medical assistance before rearranging his boarding on the next flight to DRC.

## **FINAL WORDS**

Finally, Etienne received a call from a Congolese number. It was an official at the airport in Congo, who called to say that Appo was at the airport but no one was there to collect him. We believe that his family, with whom we had been in touch, had not been able to afford the journeys to the airport from the village and had perhaps suffered a break-down in communication as Appo was not on two previous flights that he was meant to be on.

The church network was alerted and a local priest from Lubumbashi was able to collect and host Appo. We asked to speak to him, but the journey seemed to have exhausted him as the priest told us that Appo was not able to speak anymore. Such a journey is exhausting for a person in good health, let alone someone in Appo's state. Appo stayed at the church in Lubumbashi, where he was looked after by the church staff as best they could.

We received news in March 2019 that Appo had passed away. It brought us sadness and, to some degree, relief – because Appo was in pain and all he wanted to do was go home. Whilst he was not with his family, he at least passed away in his hometown of Lubumbashi, on his own soil, and was not alone.

We never got to speak again to his family, but we often think of them and wish them the best, as well as everyone who helped Appo along his way – from airport officials to priests. In memory of Appo, who fought until the end.

**\*Names have been changed to protect his identity.**



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# LOOKING FORWARD...

In 2021, the Advocacy Programme will continue to focus on trying to facilitate access to documentation for our clients – through individual assistance and strategic litigation. We will also be deepening our work in respect of children's rights, and hope to build on best practices learned through this work. We will also be highlighting the fact that special dispensation permits – Angola, Lesotho and Zimbabwe – all come to an end on 31 December 2021. We believe that these permits need to be extended. An important aspect of our work this year will be ensuring access to vaccines for all persons, regardless of documentation status.



The centre is registered with the South African Department of Social Development as a non-profit organisation (021-079 NPO), as a youth and child care centre (C7569) and as a Public Benefit Organisation with the South African Revenue Services (930012808) and governed by a Trust (IT2746/2006).

Auditors: CAP Chartered Accountants.

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