



Scalabrini
Centre of Cape Town

ADVOCACY

IMPACT REPORT 2024

OVERVIEW

In 2024, the Advocacy Programme made significant progress in advancing access and rights for people on the move, including asylum seekers, refugees, and vulnerable migrants. Working in close partnership with refugee- and migrant-led organisations, we focused on expanding access to documentation pathways, defending legal protection, realising rights, and countering discrimination.

We contributed to strategic wins in asylum access, children's rights, and alternatives to immigration detention while supporting thousands of individuals through direct legal and paralegal assistance. Our advocacy influenced shifts in law, policy and practice - and deepened collaboration with civil society, government and international partners.

These outcomes were made possible through:

- delivering free walk-in paralegal advice and referral services
- raising awareness and advocating for law and policy reform
- supporting the proper implementation of legislation, policy and procedures
- engaging in strategic litigation to address systemic barriers and uphold rights

Focus Areas

The Advocacy Programme promotes human rights and the integration of people on the move in South Africa through four key focus areas:

- high-level advocacy
- walk-in paralegal advice and referral services
- children's rights
- alternatives to immigration detention



High-Level Advocacy

In 2024, our high-level advocacy work focused on influencing legislation, policy and practice, including:

- submitting numerous written and oral submissions on legislation, policy and international law instruments
- raising awareness about the potential implications of legislation, including the White Paper on Citizenship, Immigration and Refugee Protection: Towards a Complete Overhaul of the Migration System in South Africa and the Immigration Amendment Bill (B8-2024)
- engaging the judiciary and senior officials across key departments, including Home Affairs, Justice and Constitutional Development, Social Development and Sports, Arts and Culture
- promoting improved interpretation and application of the law
- supporting initiatives to cultivate social cohesion and integration

Some engagements with the Department of Home Affairs found common ground, resulting in positive outcomes for people on the move.

Where advocacy efforts – such as deliberations, campaigns and media engagement – were unsuccessful, we escalated our response through strategic litigation, joint legal action and support for cases led by partners.

One of the most significant cases involved denying new applicants access to the asylum system. Under amended provisions of the Refugees Act, immigration officials were detaining new asylum seekers for deportation – before they had an opportunity to apply – if they were found without ‘good cause’ for not holding a valid visa.

The Scalabrini Centre challenged this practice in court through an urgent application to suspend the provisions, restore access to asylum and prevent the arrest, detention and deportation of those seeking protection. As a result, the Department of Home Affairs was prohibited from deporting anyone who expressed an intention to apply for asylum.

Although the interdict is temporary, it remains in place until the constitutional validity of the provisions is fully tested in court. In the meantime, the ruling safeguards the right to seek asylum and protects people from being returned to face persecution, violence or war.

Walk-in Advice and Referral Service

In 2024, we made several successful interventions for clients at risk of losing their refugee status, particularly those whose applications for permanent residence were rejected by the Standing Committee of Refugee Affairs. Following our submissions, several adverse decisions were overturned, and certification was granted.

Another notable achievement was the confirmation by Asylum Seeker Management that applicants may now access services at the Refugee Reception Office (RRO) closest to them. Previously, some people were told to return to the RRO of their initial application, which was often far away. This shift removed significant financial and logistical barriers.

We also developed and distributed infographics- translated into multiple languages – to raise awareness of our paralegal advice and referral services. A new infographic on how to apply for asylum, paired with a declaration form, reached more than 4,000 people within a month of publication.

We continued working through strong referral networks, receiving and referring cases to relevant partners. Our communication channels improved turnaround times and service provision. Although we are based in Cape Town, virtual platforms allow us to reach clients wherever they are located.



Children's Rights Project

In 2024, our children's rights work expanded to support more clients with case identification and payment for DNA tests - to assist with birth registration and family joining processes in the asylum system.

We also successfully engaged the Asylum Seeker Management Directorate at Home Affairs on the issue of file separation. This practice left young adults, previously listed on a parent's asylum or refugee file, undocumented when they turned 18. Senior officials acknowledged that RROs had been applying the law incorrectly and committed to developing standard operating procedures (SOPs) to protect the separated file holders under their parent's claim.

In line with our goal of durable solutions, we supported 192 non-citizen young adults born in South Africa to apply for citizenship when they reached the age of majority.

We also continued to train and support social workers assisting unaccompanied and separated non-citizen children. In 2024, nine children were reunited with their families in their countries of origin.

As part of our advocacy work, we hosted two Children on the Move conferences in Gauteng and the Western Cape, the latter in partnership with the Western Cape Children's Commissioner. These conferences brought together children, practitioners, and policymakers to identify and advocate for policy solutions that centre on children's best interests. Children working with the Commissioner participated in the events, ensuring their voices were included in the advocacy plans.

We also developed educational and awareness content focusing on children on the move. This included a documentary that explored the experiences of unaccompanied minors and family reunification, focusing on:

- Why some mothers decide to leave their children
- What it is like to be an unaccompanied minor
- The emotional and practical process of reunification

Alternatives to Immigration Detention

In 2024, we did extensive work to reduce reliance on immigration detention and promote rights-based alternatives. We engaged with magistrates, secured the release of numerous detainees through legal interventions, partnered with Legal Aid and civil society, and advised detainees of their rights under immigration law.

We also produced *On the Line*, a documentary examining South Africa's immigration detention system. The film features legal experts from the Casual Workers Advice Office, Lawyers for Human Rights (LHR) and Médecins Sans Frontières (MSF), alongside the personal accounts of a teacher forced to flee Zimbabwe and a former immigration official from the Department of Home Affairs. The documentary has been screened nationally and selected for two international film festivals.

Through the film, supporting materials and awareness-raising events, we engaged extensively with people on the move and government stakeholders to:

- support access to documentation pathways
- raise awareness of rights
- highlight the cost, harm and inefficiency of the current system
- promote the adoption of practical and rights-based alternatives

Throughout the year, we continued to advocate for reducing and ultimately ending immigration detention, emphasising the financial, legal, and human rights costs and the benefits of alternative approaches.

We also convened two national gatherings of civil society organisations and practitioners working with people on the move. These forums helped identify systemic challenges, align strategies and build collective momentum towards more humane, coordinated responses to migration.

HIGHLIGHTS

Legal

- Secured a court interdict protecting access to the asylum system (see p. 3)
- Made amicus curiae submissions on birth registration and asylum law — informing favourable judgments
- Submitted 10 formal legal submissions on proposed legislation, policy and international instruments

Communication and awareness

- Produced two documentaries
- On the Line documentary selected for two international film festivals
- Reached 4,000+ people with an [infographic on how to apply for asylum](#)

Collaboration

- Hosted two **refugee and civil society legal pledge events** to identify priority legal issues and activate legal community support
- Co-hosted two **Children on the Move conferences** to develop child-led policy solutions and strengthen protection for non-citizen children
- Worked with the **Departments of Home Affairs and Social Development** to co-develop standard operating procedures (SOPs) for vulnerable migrant communities
- Engaged in high-level forums with senior government officials, the judiciary, UN agencies, civil society, and refugee- and migrant-led organisations - **building trust, reducing litigation and enabling collective shifts** in immigration and refugee policy



14,539 CLIENTS ASSISTED

11,600+

in-person client consultations

2900

Consultations via WhatsApp, email and phone

IMPACT



597

Advocacy related messages received through social media and the website. This was 82% of all queries received through social media and the website



37

APPEARANCES IN MEDIA

NEW INITIATIVES

- Developed and distributed QR-coded asylum declaration forms, reaching thousands of asylum seekers
- Co-designed improved processes for access to asylum for unaccompanied and separated children, in collaboration with government, UN bodies and civil society
- Strengthened collaboration between legal practitioners and people on the move
- Partnered with UNHCR, Home Affairs, the judiciary and legal civil society to amicably resolve legal challenges and forge lasting solutions

DOCUMENTARY LAUNCH DIGS DEEP ON DEPORTATIONS

Are there alternatives to the immigration detention and deportation system? This was essentially the question that was explored through film and insightful discussion at the launch of the Scalabrini Centre of Cape Town's new documentary film On The Line at Cape Town's Labia Theatre on the 28th of August, 2024.

Around eighty people from refugee-led organisations, civil society, academia and media packed into the cinema to watch the film and listen to the panel discussion.

'On The Line' looks inside South Africa's deportation system by collating interviews with experts in the field, including input from the Casual Workers Advice Office, Lawyers for Human Rights and Médecins Sans Frontières to highlight the broad societal impact of administering a failing system. The film also details the difficulties many migrants face in accessing and maintaining documentation through profiling Gloria, a teacher who was forced to leave Zimbabwe in the 2000s. Last but not least, 'Mr X' – a former immigration official with the Department of Home Affairs who enacted deportations himself – threads through the film, providing exclusive insights into the harsh realities of the system and its ineffectiveness.

Filmed in Cape Town, Johannesburg and Musina, the documentary paints a picture of a damaging, fruitless and expensive deportation system that not only fails to meet its goals but whose impact spreads across South Africa and the region. "In making this film, we were able to see first-hand from a wide range of voices about the tremendous waste of resources that is the deportation system, and it really highlights the urgent need to invest in alternatives," said Corey Johnson of the Advocacy Programme, who helped produce the film.

While deportation is often posited as a simple and clean migration policy tool, the film highlights the complexity and paradoxes of the process. After the film, a panel of experts provided fresh insights on the issues shown in the documentary.

APPOINTMENTS IN 2028 AND SCRAPS OF PAPER: THE INACCESSIBLE ASYLUM SYSTEM

For an asylum seeker, accessing documentation is critical to avoiding arrest or deportation. Recently, departmental practices involving the arrest and detention of 'newcomers' (people seeking asylum in South Africa who have yet to lodge a claim) being detained for deportation before their application is made. This practice is being challenged in court, explained James Chapman, Head of Advocacy and Legal Advisor at The Scalabrini Centre of Cape Town. Represented by Lawyers for Human Rights, Scalabrini has approached the courts to put a halt to this practice and has received an interim order interdicting Home Affairs from initiating any process to deport any asylum seeker has indicated their intention to apply for asylum until their asylum application has been determined on the merits. "It is simple," James summarised. "We are asking [the state] to stop arresting and detaining those who have fled war and persecution, and we are asking them to renew access to asylum in South Africa."

The reality of that access to asylum in South Africa was poignantly detailed by another panel member: Abdikadir Mohamed, National Director and Programmes Manager of the Somali Association of South Africa. "The [recently opened] Cape Town Refugee Reception Office is a beautiful building," he opened, "but inside, people are not getting the necessary help." Newcomers are given appointments for 2027 or 2028, explained Abdikadir, and "sometimes that appointment is handwritten on a small scrap of paper with no stamp. Sometimes it is even written by the security guard." Out on the streets, a police or immigration officer arresting someone "has no time for that scrap of paper."

CORRUPTION IS THE OTHER SIDE OF THE DETENTION AND DEPORTATION SYSTEM

These slips of paper and lack of documentation contribute to creating an environment where unlawful detentions and corrupt practices occur. The panel discussed instances of detentions lasting beyond the prescribed 48 hours and difficulties with the verification system. Indeed, the immigration enforcement process on the streets is replete with reports of extortion, corruption and unlawful practices.

Extrapolate this and you will find corruption existing at a much wider scale around the South African deportation system. Such corruption was outlined by Nabeelah Mia who heads up the Head of Penal Reform Programme at Lawyers for Human Rights. She spoke to the history of Lindela and its embroilment in corruption around privatisation and tender processes. Bosasa, a private company, was awarded the contract to operate Lindela in 1996. The death of a toddler who was detained at Lindela in 2019 sparked deeper insights into the conditions at the centre and further investigations effectively found that the more detainees that were processed, the more money Bosasa made – leading to Lindela being referred to as 'Bosasa's meal ticket.'

The running of Lindela is now outsourced to a company called Enviromongz. "Why," Nabeelah asked the audience at the cinema, "is the government paying around 51 million Rands [annually] to a company that is not even compliant with human rights law?" This question is especially timely considering the recent death of a detainee in Lindela at the hands of Enviromongz security officers.

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POLICE ARE NOT EQUIPPED TO DEAL WITH THE COMPLEXITIES OF MIGRATION

To understand why injustices occur within the deportation system, we need to understand the perspective of the police and immigration officers themselves. In the documentary, 'Mr X' – the former immigration official – describes how a lack of prioritisation and resources made him feel like the job was a “waste of time, waste of resources sometimes.”

Vuyokazi Yokwe, from the African Policing Civilian Oversight Forum, added to this point at the event. “Raids to find guns are one thing, but immigration raids are more complex,” she said.

“Raids and Sweeps are not the correct approach to migration issues, this remains an administrative rather than securitisation issue”.

A lack of understanding is reflected on the other side of this equation, Vuyokazi stressed, as those being arrested also often do not understand exactly why they are being arrested.

ALTERNATIVES TO DETENTION AND REASONS TO BE HOPEFUL

'On The Line' closes with a range of alternatives to detention – the main one being accessible documentation for migrants and asylum-seekers in South Africa. Lilian Obiye, Africa Regional Manager at the International Detention Coalition based in Nairobi, added to this at the event, and reminded the audience to be hopeful.

South Africa, she said, is in fact an excellent example of a country where documentation has been used as an alternative to detention. The issuing of special permits to Angolans, Lesotho and Zimbabwean nationals by the South African Department of Home Affairs “means people can regularise their stay and avoid detention,” she said, adding that Colombia is another example.

Other alternatives to detention include shelters within communities that provide accommodation to people who are migrants.”

More widely, there are hopes for migrants within the SADC region,” Lilian said. “Africa has a free movement initiative, for example. That is a good thing and we must stay hopeful.”

Theatre-goers recounted an informative and engaging evening at the classic venue.

Rowan Hendricks, from the People's Legal Centre in Cape Town, said the difficulties migrants face in accessing documentation and staying 'legal' was one part of the film that stood out for him: “The journey that Gloria went on to access documentation – staying outside for a week at Home Affairs, and everything after... just seeing people in that situation is disheartening.” He said he came away from the film understanding that the Department of Home Affairs needs to improve its administrative system.

Isaiha Mombilo, speaking on behalf of the Congolese Civil Society of South Africa, said he appreciated the film's emphasis on aspects of the detention and deportation process that are not well-known. “For us, the documentary shows how Lindela became a place of well-organised corruption, where it was not a deportation centre but a place to delay and make money out of suffering.” He added further that there is a need for the film to be shown widely and to educate people.

Speaking about the night overall, Mary, said the film beautifully depicted the difficulties many go through in trying to access documentation. “The film is a remarkable piece of art and shows how a piece of paper or document is being used to divide people forgetting that, borders or no borders, human dignity is to be respected at all times.”



LOOKING FORWARD...

In 2025, we will focus on expanding access to durable integration solutions - including permanent residence and citizenship – while defending the right to seek asylum through ongoing litigation and advocacy.

We will continue to monitor legal and policy developments and act where changes threaten rights, reduce protection, or limit services for people on the move.

Our goals remain clear: to build a more just, inclusive system that upholds dignity, strengthens legal protection and affirms the human rights of every person on the move.



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 (930075335) and governed by a Trust (IT2746/2006).
Auditors: PKF Constantia Valley Cape Town Inc
VAT number: 478 025 1437

43 - 47 Commercial Street, Cape Town. 8001

Tel: (0) 21 465 6433

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