



South Africa – Researched and compiled by the Refugee Documentation Centre of Ireland on 2 July 2012

Does the State of South Africa issue 1951 Convention Travel Documents to refugees it has recognised under the Convention? Are there any difficulties with refugees applying for and obtaining Travel Documents in South Africa? What does the application process involve?

A document published by the *South African Department of Home Affairs* in 1995 refers to the issuing of travel documents to refugees as follows:

- “1. The government of the Republic of South Africa signed an agreement with the United Nations High Commissioner for Refugees in terms of which the Republic of South Africa undertakes to apply internationally acceptable principles when dealing with refugees.
2. Section 28 of the Convention requires that Contracting States issue to refugees legally staying in their territory, travel documents for the purpose of travel outside their territory.
3. Refugees who are granted asylum in the Republic of South Africa are informed in writing of the period for which they will be allowed to remain in the Republic of South Africa.
4. Resultant from the abovementioned agreement it has been decided to issue documents for travel purposes to refugees who have been granted asylum in the Republic of South Africa for a validity period of one year. Such document may be renewed for a further period not exceeding the period for which the refugee has been granted asylum.
5. Applications by refugees for documents for travel purposes received by your office be accompanied by a copy of the letter and the exemption certificate issued by the Department in which asylum has been granted. Fingerprints will not be required in this cases.” (Department of Home Affairs (1995) *Addition to Passport Manual - Documents for Travel Purposes to Refugees*)

The 2007 *U.S. Committee for Refugees and Immigrants* report for South Africa, in a section titled “Freedom of Movement and Residence”, states:

“The Constitution's Bill of Rights guaranteed freedom of movement to all persons in South Africa, and the Refugees Act affirmed that this applied to refugees. The Refugees Act did not specifically address the right of asylum seekers to freedom of movement, but in practice, South Africa generally respected this right. South African law allowed refugees and asylum seekers with the appropriate identification and permits to move freely across the country and to settle in any of the nine provinces. However, the Refugees Act prohibited asylum seekers from traveling outside of South Africa without approval from the Department of Home Affairs (DHA). Failure to comply with

this statute could result in detention upon asylum seekers' return until asylum claims were resolved, but this generally did not occur if they sought permission to reenter before arriving. Recognized refugees could apply to a panel of UNHCR and DHA officials for international travel documents of which they issued 1,300 in 2006. Due to DHA's backlog, many refugees could not obtain the valid paperwork that would facilitate such travel. Some officials required asylum seekers to renew their permits on a monthly basis at the original office of their application, which often inhibited travel." (U.S. Committee for Refugees and Immigrants (11 July 2007) *U.S. Committee for Refugees and Immigrants World Refugee Survey 2007 - South Africa*)

The section titled "Freedom of Movement and Residence" in the 2008 *U.S. Committee for Refugees and Immigrants* report for South Africa states:

"South Africa did not confine refugees to camps, and they were generally free to move throughout the country and live where they chose. The Constitution's Bill of Rights guaranteed freedom of movement to all persons in South Africa, and the Refugees Act affirmed that this applied to refugees. The Act did not specifically address the right of asylum seekers to freedom of movement but the Government generally respected it. UNHCR and the Government jointly issued nearly a thousand international travel documents to refugees they determined to be in need of them. The Refugees Act, however, prohibited asylum seekers from traveling outside South Africa without DHA approval. Failure to comply could result in detention upon return until the claim was resolved." (U.S. Committee for Refugees and Immigrants (19 June 2008) *World Refugee Survey 2008 - South Africa*)

See also section titled "Freedom of Movement and Residence" of the 2009 *U.S. Committee for Refugees and Immigrants* report for South Africa which states:

"South Africa does not confine refugees to camps, and they are generally free to move throughout the country and live where they choose. The Constitution's Bill of Rights guarantees freedom of movement to all persons and the Refugees Act affirms that this applies to refugees. The Act does not specifically apply this to asylum seekers but the Government generally allows it. UNHCR and the Government jointly issue about 1,100 international travel documents per year to refugees they determine to be in need of them. The Refugees Act, however, prohibits asylum seekers from traveling outside of South Africa without DHA approval. Failure to comply can result in detention upon return until the claim is resolved." (U.S. Committee for Refugees and Immigrants (17 June 2009) *World Refugee Survey 2009 - South Africa*)

A document published by the South African NGO portal *NGO Pulse* states:

"No extra funding was given to the Department of Home Affairs (DHA), despite the major problems that are evident at Refugee Reception Offices (RRO) across South Africa, as well as with the processing of permits by DHA. One of the major challenges experienced by refugees is the non-issuing of identity and travel documents. This has negative impacts on the lives of refugees and requires improved human and systemic resources in order to be addressed. Addressing these issues will afford full protection to refugees. Currently many refugees have been waiting for more than one year for the issuing of new identity and travel documents and this has not happened."

(NGO Pulse (24 February 2011) *Consortium for Refugees and Migrants in South Africa Comments on the 2011/12 Budget*)

A report published by the *Jesuit Refugee Service*, in a paragraph headed “Right to travel”, states:

“Travel permits for refugees raise another concern: the delay in providing refugees with machine-readable travel documents means many refugees are unable to leave South Africa. Pie-Pacifique Kabalira-Uwase, a refugee from Rwanda, currently working in the financial sector in South Africa, waited more than nine months for a document that would allow him to travel for work.”
(Jesuit Refugee Service (11 February 2010) *South Africa: refugee documentation remains an issue*)

A page on the *Department of Home Affairs* website, in a paragraph headed “Applying for Documents for Travel Purposes”, refers to the process of applying for travel documents as follows:

“Documents for travel purposes are issued to South African permanent residence permit holders who cannot obtain travel documents from their countries of origin. These documents are only valid for a period of 5 years.

To apply for a document for travel purposes, you must submit the following:

- A duly completed passport application Form DHA-73
- Written confirmation by your country of origin that the country cannot issue you with a passport, except in the case of refugees that have been granted permanent residence as a refugee.
- If under 18 years, the prescribed consent by parents must be furnished. See requirements under Tourist passports for persons under 16
- Your permanent residence permit and a copy thereof
- Your original SA non-citizen identity document and a copy thereof
- Two colour photographs that comply with the Passport and ID Photograph Specifications
- Payment of the prescribed fee.” (Department of Home Affairs (undated) *General information about South African passports*)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

References:

Department of Home Affairs (undated) *General information about South African passports*

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U.S. Committee for Refugees and Immigrants
US Department of State