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Needs assessment of marginalised, socially excluded immigrant populations in Johannesburg, South Africa

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Needs Assessment of Marginalised, Socially Excluded Immigrant Populations in Johannesburg, South Africa





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Introduction

The birth of democracy in South Africa and the subsequent economic boom have made this country a prospective haven for many Africans willing or forced to leave their countries. Johannesburg has maintained its reputation as the City of Gold where everything is possible and accessible. Berea, Hillbrow, and Yeoville have become destinations for both internal and international (or cross-border) migrants as a consequence of their proximity to the city centre and their easy access to economic resources and low-cost and unrestricted housing that offers anonymity, flexibility, and convenience.

However, the migrant populations in these areas face many obstacles that limit their access to basic services such as health care, housing, transportation, employment, credit, and security. These challenges are compounded by a lack of access to proper documentation as well as a dearth of financial capital. Asylum-seekers, refugees, and the undocumented are particularly vulnerable and at risk of discrimination. They may be unaware of their legal rights or too frightened to pursue them for fear of deportation.

In order to identify and document key social, legal, economic and health-related issues affecting the populations in the Inner City of Johannesburg (incorporating Berea, Hillbrow, and Yeoville), the Population Council and the Ford Foundation conducted the “Needs Assessment for Marginalised, Socially Excluded Populations in Johannesburg, South Africa”. To investigate some of the issues affecting internal and cross-border migrant communities in these three areas, we used qualitative and quantitative methods to explore their needs, health-seeking behavior, capabilities, social networking, and coping strategies. Our goal was to understand these experiences and challenges from the migrants’ perspective in order to develop appropriate interventions to meet their needs. The principal dimensions of the study were legal recognition of migrants, education, employment, health-care services, social networks and social participation, housing, formal and informal financial systems,

and law enforcement and xenophobia. All data in this report refer to 2008 (the study year) unless otherwise noted.

Legal recognition of migrants

In terms of this report, an undocumented migrant is defined as anyone living or working in South Africa who does not have legal status. Being undocumented affects one’s ability to access services such as health care, education, and employment. Moreover, undocumented status puts a person at particular risk of poor service delivery, largely because of the limited information available about the needs and rights of undocumented individuals and a lack of coordinated initiatives to ensure that such information reaches migrants.

Documentation is an important component of establishing one’s identity. According to the Department of Home Affairs (DHA), obtaining the first identity card is free; however, 32 percent of respondents surveyed indicated that they had experienced difficulties in attempting to obtain South African identity documents. People born in South Africa are less likely than cross-border migrants to experience problems in obtaining any form of identity documentation (10 percent versus 49 percent). Among the problems cited were long queues, corruption, and the DHA’s slow response in issuing and renewing permits.

Of the people surveyed, 48 percent reported having a South African identity card, 2 percent occupied a permanent residence, which allows access to a bar-coded South African ID, 19 percent had asylum-seeker’s permits, 4 percent had refugee identity cards, and 11 percent had other temporary residence permits.¹ Among the population surveyed, 11 percent had not attempted to obtain any sort of document. Almost one in four of the cross-border migrants and 4 percent

¹ Percentages do not total 100 because participants obtained a variety of other IDs as well as those mentioned here.

of those born in South Africa had no legal documentation. Increasingly, women are part of the flow of migrants, and currently more women than men migrate; (54 percent versus 46 percent. It is, therefore, critical that researchers consider migration in the context of gender. Among the Zimbabwean population, which constituted the main group of cross-border migrants during the study year, 36 percent were undocumented.

Education

Although no significant difference is found in education attained between South Africans and cross-border migrants, migrants experience challenges in obtaining an education for themselves and their children. They expressed difficulty in trying to access tertiary education because the costs of tuition are prohibitive and because of the lack of bursary and other financial support systems open to them. Brenda, a 36-year-old Cameroonian woman explained:

If you are a foreign student, you have to pay cash or pay all your subject fees for all your modules before you can start.

Cross-border migrants are faced with a further challenge as they try to secure internships—a vital part of their study—without the requisite work permit.

Primary education is guaranteed by law in South Africa. According to Section 29 of the South African Bill of Rights in the Constitution, “No child may be refused access to schooling, whether on the basis of documentation, language, nationality or inability to pay school

fees.” Although the majority of respondents (between 78 percent and 90 percent) are aware that asylum-seekers, refugees, and permanent residents have the right to a free education in South Africa, the lack of financial capital has caused many migrant children to be denied an early childhood education altogether. A Congolese woman explained:

As far as enrolling children at school is concerned, for example, it's easy, no problem. You just have to bring all the documents required, and the child will be registered. However, when you need to acquire those documents, you have to pay for school fees and the rest. It's not very easy. That's the reason why many parents keep some of their children at home because they cannot pay for three or four children. So we have to pay for the elder and leave the younger one at home. (Focus-group Discussion 3-Parents)

The situation of undocumented children is even more complicated. In spite of the protection provided by the Constitution, some parents believe that their children cannot be registered in a school. Consequently, those children have no access to education and remain at home, where they are looked after or attend “schools in flats.”

Employment

Despite high levels of educational attainment among migrants, translating such assets into employment remains problematic. Although income-generat-

Table I: Percentage of cross-border migrants, by their educational attainment, compared with that of South Africa Citizens

Education	Cross-border migrants	South Africans
None	1	1
Primary	7	7
Secondary	72	71
Post-matric	20	21

ing skills have been shown to be greater among cross-border migrants than among people born in South Africa (43 percent versus 29 percent), people born in South Africa are more likely to be employed full-time, compared with cross-border migrants (29 percent versus 32 percent). Not surprisingly, part-time employment was more frequently reported by cross-border migrants than by those born in South Africa (30 percent versus 14 percent). These data give evidence that cross-border migrants are often unemployed or underemployed.

A written contract for employment protects employees from abuse at their workplace, but only about half of the respondents who reported that they were working had a written work contract, whereas 24 percent had a verbal contract, and 28 percent had no contract. Verbal contracts are not as binding as written contracts because proving the terms of a verbal agreement as a basis for taking legal action is difficult. Although cross-border migrants are more likely to have no work contract, compared with individuals born in South Africa, place of birth and sex did not appear to have a significant impact on the type of contract held by survey respondents.

Undocumented individuals and those without work permits can easily fall prey to unscrupulous employers. During a focus-group discussion, one undocumented Zimbabwean woman explained that she was offered R150 per week for a full-time job and that her employer could terminate this arrangement whenever he wanted. The Commission for Conciliation, Arbitration and Mediation (CCMA) has stated that “being illegal in terms of immigration legislation does not invalidate an employment contract or basic labour rights”.² Whether immigrants are aware of their rights with regard to work contracts is unclear, however. Even if they are, they may feel that reporting an employer to the CCMA might lead to their being arrested and deported, because “immigration law is generally enforced with more zeal than labour law or refugee law”.³

Health

Although the Constitution and several directives ensure that refugees, asylum-seekers, and those without documentation have access to health care, including antiretroviral treatment, in all public health facilities access to the health system is a major challenge for foreigners. Providers often do not abide by the law in this regard, and in some cases seem unaware of their mandate. The need for proof of identity to obtain health care deters undocumented individuals from seeking it.

The research showed that public hospitals were the most frequented health-service providers (40 percent), followed by public clinics (33 percent) and private clinics or doctors (27 percent). Although more people born in South Africa (35 percent) requested medical advice, care, or treatment than did non-nationals (28 percent), the difference was not statistically significant. Cross-border migrants seek treatment mainly at public clinics or hospitals (86 percent); similarly, South African nationals also tend to seek treatment in public facilities (57 percent).

These low rates of request for treatment among cross-border migrants counter the commonly held perception that migrants come to South Africa as “health tourists,” for the sole purpose of obtaining health care. Instead, the “healthy migrant” hypothesis may explain the lower rate of health-service use among migrants. Clearly, a link exists between health and the ability to work; a healthy person functions more productively. When chronically ill, migrants are likely to return home because they are no longer able to work and need to receive care from their families.

Citizens and noncitizens alike experience difficulties in obtaining treatment

2 Consortium for Refugees and Migrants in South Africa. (CoRMSA). 2008. *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*. Accessed 5 October 2009. <www.cormsa.org.za>, p. 38.

3 Ibid., p. 53.

for HIV infection. Xenophobic attitudes often increase these difficulties among cross-border migrants seeking such treatment. In the words of one participant, [cross-border migrants] *“take the tablets back to their country of origin or smoke them as a drug”* (Community Advisory Group meeting in Hillbrow). Foreigners who began antiretroviral treatment in their countries of origin and who must continue treatment in South Africa face barriers such as being required to provide proof that they were taking ARV drugs before they came to South Africa and proof of the type of ARV drugs they were taking.

Social networks and social participation

The populations surveyed reported having some informal networks and support structures. More than half (57 percent) of the respondents had a friend in Johannesburg or elsewhere in South Africa who had promised to help them before they came, whereas more than a fourth (27 percent) travelled with at least one member of their household from their place of origin. When asked whom they keep in touch with regularly in their place of origin, the majority of respondents said they were most likely to keep contact with their mothers (56 percent), sisters (39 percent), and fathers (30 percent), but when they need money or assistance, an overwhelming majority (99 percent) said they would ask for help from their children of working age.

In addition to family support structures, formal or informal migrant associations or groupings help forge networks based on common nationality and political beliefs. When asked if any political parties represent the interests of their community, 24 percent of respondents said that there were. Those born in South Africa were more likely to report political parties representing their interests than were cross-border migrants (34 percent versus 15 percent). Overall, 4 percent of individuals surveyed belonged to a political party; among South African-born

individuals, 7 percent had a political affiliation, compared with 2 percent among cross-border migrants.

Housing

Finding accommodation is a problem encountered by South Africans and documented and undocumented migrants alike. In most cases, migrants are the silent victims of abuse from landlords and others and decide to stay quiet and seek no legal recourse. The most common forms of housing in Berea, Hillbrow, and Yeoville are shared flats or houses. Individuals born in South Africa are more likely to own land or a house than are those who were born outside the country (16 percent versus 3 percent). Many migrants live in precarious conditions with little space and little or no comfort or privacy. Commonly, two people alternate use of a single bed: one who works during the day will use it at night while the other who works during the night will use it during the day.

Refugees and asylum-seekers are particularly vulnerable to housing problems. For example, refugees frequently lack pay slips from permanent jobs—often required by property owners. Such individuals may try to find locals or foreigners who have permanent residence visas who can rent a place for them. Some South Africans who hold a lease take advantage of the situation and require migrant flat-mates to pay more than their share of the rent. This practice seems to have become a business for some, as described by a Béninois man:

If, for example, you are from Zimbabwe, then you find somebody who has a room. . . .Then, he can put four people in this small room. . . . The owner of the room needs R1,000, but you guys have to pay maybe R600 per person. He pays one thousand. . .to the landlord and keeps the rest in his pocket. That's some people's business here in South Africa. (Focus-group Discussion 9—Undocumented People)

This housing predicament not only creates a situation of dependency on those with permanent residence visas but also forces migrants to pay more than their fair share of the rent.

Formal and informal financial systems

Cross-border migrants are often systematically excluded from employment and income-generating opportunities. These patterns of exclusion are especially evident in the private sector, where poor foreigners are typically unable to obtain even the most rudimentary banking services. Although many foreigners come to South Africa with little money, some arrive with capital but cannot arrange for a safe place in which to keep it. Because they are likely to carry money on their person or to leave it in living quarters with poor security, they are vulnerable to thieves.

Migrants, particularly undocumented individuals, have difficulty accessing financial capital. Although some have tried to raise capital by opening small businesses such as hair salons and (convenience) shops, survey respondents generally did not seek loans from formal banking institutions. Only one-fifth of respondents indicated that they were aware of organizations that offered financial services to the poor, including micro-credit for informal businesses. Language barriers compound their problems with obtaining capital.

When asked about their banking habits, 45 percent of the respondents said that they or a member of their households contributed towards a savings account. South Africans are two times more likely than cross-border migrants to have a bank account (74 percent versus 36 percent), because most banks do not allow people to open an account if they are not South African citizens or permanent residents. As a consequence of lobbying activities by different sectors, under certain conditions, Amalgamated Banks of South Africa and First National Bank al-

low refugees and asylum seekers to open accounts.

Despite the low rate of use of formal financial systems, the population surveyed commonly employs informal ones. Overall, 12 percent of respondents contributed towards a *stokvel* or informal saving system. In the absence of formal access to the banking system, the *stokvel* groups allow their members to join a saving scheme and gain access to interest-free credit, and they provide members with an important social network. This system is known in many countries of the region (“tontine” in Cameroon, “zhangji” in Congo, and “xitique” in Mozambique) and is used often by women and cross-border migrants in times of need, such as funerals and weddings, and in the development of small businesses. Trust, solidarity, and social control are the most important elements of the *stokvel* system. Interestingly, 17 percent of those belonging to a *stokvel* have been members of more than one such savings group. Moreover, migrants participate in the informal financial sector through burial societies. Overall, 36 percent of the population belongs to such a society. Although South African nationals are more likely than cross-border migrants to contribute to a burial society (53 percent versus 23 percent), migrants enjoy the social connectedness provided through these groups.

Law enforcement, xenophobia, and the violence of May 2008

Safety and security in Berea, Hillbrow, and Yeoville is provided by the South African Police Service (SAPS) and the Johannesburg Metro Police. In 1997, the SAPS introduced a code of conduct for all its members stating that they have a responsibility to protect and secure the inhabitants of the republic and their property; create a safe and secure environment for all people in South Africa; and prevent anything that may threaten

4 South African Police Service website. Accessed 27 February 2009. <http://www.saps.gov.za/org_profiles/vision_mission.htm>.

the safety or security of any community.⁴ Nevertheless, none of the survey respondents commented positively about the SAPS or the Johannesburg Metro Police, and many mentioned that migrants are often unjustly treated as criminals in South Africa.

The majority of documented foreigners living in the three areas studied did not feel protected by the police and did not view them as custodians of their rights. One focus-group participant recalled telephoning the police to report a crime, but the police did not come. Sixty-three percent of respondents said that they or a member of their community had suffered harassment by the South African police. The abuse suffered by migrants ranges from verbal and emotional to physical violence. Verbal abuse is most common and is notably high in the area of transportation. Foreigners are sometimes taken “for a ride” by taxi drivers who, even when asked, refuse to tell foreign customers where they are being taken:

Ghanaian man: Sometimes when you go to the taxi rank and say you want to go to Randburg, and you ask for the taxis to that place, they (the drivers) will just stare at you and laugh and you get in, and at the end of the day you find yourself in Pretoria and you ask yourself why. So we believe this is part of xenophobia. (FGD 13–Men)

Xenophobia reached an all-time high in South Africa with the violence of May 2008 during which 62 people were killed.⁵ Most of the victims were cross-border migrants. Tens of thousands were displaced or fled back to their countries of origin. Our study was underway during these 2008 attacks, so we had the opportunity of discussing them with respondents.

Only 17 percent of respondents (or a member of their household) had been the victim of xenophobic violence before May 2008. This relatively low reported

proportion may be a consequence of their grouping themselves according to their countries of origin, thus creating some protection for themselves. However, 66 percent of the respondents who have been affected by xenophobia in the Berea, Yeoville, and Hillbrow indicated that they were victims of the May 2008 violence. Men and women, independent of their place of birth, appear to have been affected similarly by the violence. Most respondents (68 percent) said that they were more psychologically than physically affected (25 percent) and that they no longer feel safe in South Africa (37 percent). Others indicated that they lost employment or business (15 percent) as a result of the xenophobic violence. Overall, most respondents (64 percent) gave a favorable rating to the government’s response to the violence.

Conclusion and a forward-looking agenda

Migrants in the Inner City of Johannesburg face multiple challenges as they attempt to navigate the services available to them in terms of legal status, education, employment, health, social networks, housing, financial systems, law enforcement, and protection from violence. Undocumented migrants face particular difficulties in accessing available services because they lack proof of legal recognition of their existence. Service-provision institutions should be able to distinguish between rights accorded to documented and undocumented individuals. Ways of addressing the needs of these vulnerable groups must be found. Furthermore, efforts must be made to strengthen existing systems and link them to government structures in order to improve service delivery. These efforts must be collaborative, involving both internal and cross-border migrants in order to strengthen and build community relationships and reduce tension.

Completion of the study led to a follow-up grant from the original funders to enable the Population Council to strengthen advocacy initiatives with vari-

5 CoRMSA, p. 7.

ous government sectors and to strengthen the capacity of community-based organisations working in this area. In this second phase of work, the Council will implement a two-year intervention project from 2009–2011. This project will be implemented with technical assistance and small grants to grassroots organisations. The initiative will be implemented in partnership with CoRMSA and organizations with extensive field experience working with migrant populations in South Africa. Collectively, we aim to assist migrant communities with providing for their basic needs through advocacy services and institutional strengthening. The second phase will aim to improve the ability of social networks and grassroots organisations to assist women and children in migrant communities by reducing their vulnerability to the challenges they face, by increasing their access to sexual and reproductive health and rights services, and by building tolerance, respect, cooperation, and understanding among community members.

The objectives of this initiative are:

- to provide financial assistance through small grants to existing organisations to promote sustainable programs dealing with vulnerable populations;
- to provide training to enhance the capacity of organisations serving migrant populations;
- to engage in advocacy in order to inform migrant communities about how to exercise their rights and to inform stakeholders about ways to improve migrants' access to basic services; and
- to assess the impact of the intervention on access to services and information and improved capacity among community-based service providers in reaching their targeted beneficiaries.

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