

Migration and Covid-19 : Emerging concerns with South Africa's response to the pandemic

Summary of issue brief #1 : Key concerns and recommendations
Migration and Coronavirus in Southern Africa Co-ordination group (MiCoSA)

Key concerns

- **The exclusion of non-citizens from pandemic preparedness plans and responses to the current Covid-19 pandemic and the impacts of the lockdown.**¹ This has and continues to affect documented and undocumented migrants, refugees, asylum seekers and internally displaced persons (IDPs), including children and young people, formal and informal migrant workers, migrant sex workers and LGBTIQ+ migrants, asylum seekers and refugees. In addition to these individuals and communities having been excluded from state responses to Covid-19, organisations who work with and support them have also been excluded from the development and implementation of these responses, as well as from access to information about them. As a result, responses targeting non-citizens are taking place mostly in parallel to state initiatives.
- **The lack of engagement with migration in health system and social development responses.** The implications of the lack of migration-aware and mobility-competent policies and programmes prior to the pandemic have been exacerbated during the current pandemic response. Non-citizens face challenges accessing preventative and curative healthcare services, housing, secure livelihood activities – especially within the informal sector, food security, and economic and social support.
- **Difficulties in accessing documentation in order to regularise movement and stay.** The restrictions associated with the Covid-19 pandemic have resulted in multiple challenges for non-citizens, including asylum seekers, who need to access and/or renew their documentation. Many other forms of access are often contingent upon having access to documentation, such as access to healthcare, education, food parcels, banking services, unemployment benefits, social grants, or even, at times, freedom of movement. Expired documentation can result in arrest, detention and possible deportation as well as refusal by a court to release an individual out on bail when facing criminal charges or immigration-related charges pending deportation. Due to lockdown regulations, access to places of immigration detention, including police cells, as well as access to the required permits to move, have been severely limited. This has left individuals in an even more vulnerable position as lawyers and those who could provide assistance or legal advice cannot access these spaces. Deportations continued during the lockdown, with a total of 1376 persons deported to neighbouring countries since the start of the lockdown.²

¹ This is further explored in Issue Brief 2.

² Parliamentary Monitoring Group. (2020, June 19). *Question to the Minister of Home Affairs—NW938* / PMG. Parliamentary Monitoring Group. <https://pmg.org.za/committee-question/13855/>

- **Interruptions in established disease control programmes and access to treatment for chronic conditions, including cross-border initiatives addressing malaria, HIV and TB.** This is due to various factors, including the redeployment of staff and funds from disease control programmes to the Covid-19 response, and from border closures that have resulted in an increase in irregular border crossings, affecting testing and screening. This has implications for the management of malaria, HIV and TB with negative implications for individuals and communities. The expiry of documentation during the lockdown and severely delayed response by DHA has exacerbated potential interruptions in disease control programmes as persons with expired documentation were less likely to approach a clinic for their regular medication.
- **The closure of international borders and even provincial borders (apart from the transportation of goods, and formalised repatriation programmes by in-country consulates and embassies) has resulted in challenges for individuals trying to return to their country and community of origin.** Compounding concerns include:
 - The lack of clarification and uniformity on Covid-19 screening, testing and quarantine at border crossings;
 - Unclear post-repatriation quarantine measures in neighbouring states;
 - The reliance on government-run facilities in border areas to facilitate quarantine, the conditions thereof, and lack of alternative models for self-isolation/quarantine;
 - Implementation of penalties or labelling of persons as “undesirable” as a result of expired visas, which results in a 5-year ban imposed on travel back into South Africa; and
 - Subsequent irregular border crossings, including use of smugglers.

Recommendations and ways forward

These recommendations are informed by a body of work in the field of migration and health that has consistently shown the importance of health responses being migration-aware and mobility-competent. We understand government departments as having specific responsibilities in this regard.

Department of Health

- Ensure that the response to Covid19 does not create barriers to access for non-citizens, for example through the requirement for documentation at the point of testing or recording of immigration status at point of testing;
- Ensure the continuity of care is not negatively affected, including - but not limited to - HIV and TB by the response to Covid19;
- Consider the inclusion of migration and population mobility realities in future policies and programmes aimed at strengthening national and regional health security; and
- Ensure that migrant and mobile communities, including LGBTIQ+ persons, children on the move, migrant sex workers, and migrant workers in labour intensive sectors such as mining and agriculture, are proactively included in testing and care strategies.

Department of Home Affairs

- Implement a comprehensive and effective communication strategy, and ensure that information about documentation and the rights of non-citizens are communicated to all government departments and private stakeholders, and the general public;
- Process applications for new asylum seekers to regularise their movement into and stay in South Africa;



- Ensure that despite the closure of borders, mechanisms are put in place to ensure that the principle of non-refoulement is adhered to at South Africa's borders during the lockdown and its various levels;
- Develop and publicise (widely) a plan in respect of the resumption of services at Refugee Reception Offices (RROs), which will guarantee the safety of staff and service users and discourage large numbers of people congregating at or outside the RROs. Such a plan should include longer renewal periods for refugee and asylum seeker documentation as well as an online renewal system and ability for individuals to renew at their closest RRO regardless of where the document was first issued;
- Ensure that extensions for non-citizens whose documentation expires is communicated to immigration officials, law enforcement, magistrates' courts, employers, the Department of Labour, and banks; and
- Place a moratorium on the detention and deportation of non-citizens for immigration offences.

Department of Labour

- Improve bottle necks for non-citizens by making verification steps more efficient or removing completely;
- Ensure that sectors which are known to attract high numbers of migrant workers adhere to Covid19 appropriate health and safety regulations, and that healthcare is available to non-citizens; and
- Ensure that non-citizens are able to access unemployment benefits and that labour rights are guaranteed regardless of immigration documentation status.

Department of Social Development

- Open the Social Relief of Distress Grant to all in South Africa, non-citizens included, and regardless of documentation status;
- Improve bottle necks for non-citizens by removing or making verification steps more efficient;
- Remove the need for a 13-digit Identity Number when applying for social relief or food parcels, or provide an alternative mechanism that does not require further steps on the part of the applicant; and
- Ensure that humanitarian relief, including the distribution of food parcels, includes non-citizens.

State and media outlets

- Ensure that xenophobic violence, or the threat thereof, is strongly condemned as such; and
- Ensure that non-citizens are not blamed for Covid-19.

The full brief can be accessed at mahpsa.org alongside others in the series.

