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Is Resettlement the only viable durable
solution for refugees in South Africa?
-Master Thesis-

Student: Sorina Diana Gainariu

Thesis Supervisor: Cecilie Lanken Verma

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ACRONYMS

CTRC- Cape Town Refugee Centre

DHA- Department of Home Affairs

DRC- Democratic Republic of Congo

FAO- Food and Agriculture Organization

FARDC- Armed Forces of the Democratic Republic of Congo

GDP- Gross domestic product

HRW- Human Rights Watch

M23- March 23 Movement (militia group)

POC- person of concern

RRO- Refugee Reception Office

RSA- Republic of South Africa

RSD- Refugee Status Determination

SASSA- South African Social Security Agency

SNM- Somali National Movement

SAQA- South African Qualification Authority

TFG- Transnational Federal Government

UN- United Nations

UNDP- United Nation Development Programme

UNHCR- United Nation High Commission for Refugees

UNICEF- United Nations Children's Emergency Fund

WHO- World Health Organization

Abstract

Across the world millions of people have been forced to leave their own communities and countries due to violent circumstances. Even if they are united by the same goal: to find safety, each person has their own individual experience as a displaced person. The situations each faced play an important role in the decision making process.

The decision upon conducting this research in South Africa and the choice of theme was influenced by my six months internship in Cape Town. Being able to work first hand with refugees and asylum seekers in a refugee centre made me witness to their stories and their struggles in South Africa. This qualitative research explores the lives of refugees from Somalia and The Democratic Republic of Congo. Being faced with conflict in their countries of origin, the individuals whose cases will be presented decided to flee their home country in the pursue to finding a better and safer place to live. For many this decision is South Africa. However once arrived in South Africa many struggle to get integrated and end up being once again victims. Due to this reasons they see themselves forced to find safety in a new place. Many refugees, after they are faced with the hardships of living in South Africa decide to apply for resettlement, hoping that they would reach USA.

The study seeks to explore and understand the experiences of refugees and the reasons which are influencing the decision to apply for resettlement. The factors which will be analyzed will vary from the situation in the country of origin, which acts as a starting point and offers a first glimpse in the decision making of each individual to the situation in South Africa which does not offer too many opportunities to the expectation in the third country of resettlement- USA. The overall study hopes to achieve an insight into what changes can be made in order to make local integration possible for asylum seekers and refugees, in South Africa.

Introduction

Throughout the history, conflicts have been the primary source of displacement. The purpose of this thesis is to explore the connection between the decision for resettlement, the country of first asylum and the potential receiving country. South Africa has been the destination of first asylum for many refugees. However, once arrived in South Africa many have found that the country does not offer what they expect in terms of safety and security and decide to apply for resettlement; most of them hoping to reach USA. This thesis will focus on the decision making process regarding resettlement as well as the expectations from the destination country.

By the end of 2014 there were 59.5 million individuals who were forcibly displaced either within their own country or who have crossed international borders; data was not available for the year 2015, however it was expected that the number would surpass 60 million. Sub-Saharan Africa is host to the largest number of refugees- 4.1 million, while South Africa is hosting approximately 115 000 of them. During the first half of 2015, it was one of the first 10 countries with the largest number of new asylum application-37 800, making it the only country out of the ten being situated in the Sub-Saharan Region. Besides this, South Africa is the country with the largest backlog of registered asylum applications according to UNHCR. (UNHCR Mid-Year Trends 2015: 4-13)

The ultimate goal of UNHCR is to assure that the persons of concern (POC) can rebuilt their lives, and tries to achieve it through three traditional durable solutions: local integration, voluntary repatriation and resettlement. When voluntary repatriation is not viable due to conflict and war, local integration is the most appropriate solution for refugees and asylum seekers to start a new life. This solution imposes demands both on the local communities as well as the individuals. Whenever the two previous solutions cannot be implemented, UNHCR offers refugees protection in the form of resettlement. "Resettlement involves the selection and transfer of refugees from a state in which they have sought protection to a third state which has agreed to admit them – as refugees – with permanent residence status. The status provided ensures protection against refoulement and provides a resettled refugee and his/her family with access to rights similar to those enjoyed by nationals." (UNHCR Refugee Resettlement Trends 2015: 5)

The USA has been one of the traditional resettlement countries with around 50.000 submissions accepted yearly. USA offers resettlement through a program endorsed by the President through an annual determination. Due to the fact that it is the largest resettlement country and that most of the participants have expressed the desire to be resettled in the US, the research will focus on the American resettlement programme.

UNHCR Cape Town, has seen an increase in the number of applications for resettlement since the xenophobic attacks in 2008 and March/April 2015; previous smaller incident had happened ever since South Africa's Apartheid Period finished in 1994. Xenophobia is defined as "the deep dislike of non-nationals by nationals of a recipient state". (South African Human Rights Commission-SAHRC) South Africa has been described as "The Rainbow Nation" after the apartheid period by the Archbishop Desmond Tutu. With 11 official languages, the mixture of ethnicity and religious beliefs South Africa seems the least xenophobic country. However xenophobic attacks have been the main reason why refugees feel they face serious threats to their livelihood and personal security. This thesis will try to achieve a full understanding of the reasons behind their fears by using a holistic approach to the resettlement phenomenon in South Africa, analyzing all four parties involved in the process: the refugee, the country of first asylum, the resettlement country and UNHCR, as the facilitator of the resettlement.

The research will try to answer the following research question:

Why is the resettlement in a third country the solution chosen by the refugees in South Africa?

Looking to provide an answer to the research question, the study will aim to:

- Discuss the factors which led to refugee situations
- Explore the experiences in the first country of refuge and analyzing them through the policies and legislation of South Africa
- Identify and explore the reasons which led to resettlement
- Identify the expectation for the resettlement country
- Identify and explore if and which of the expectations have been accomplished

Thesis outline

Chapter 1 of the thesis starts by establishing the methodological approach and techniques which will be used in the research. In this chapter the main cases used for the analysis will be presented. The choice of the theories which will be used in the analysis will also be explained.

Chapter 2 will be introducing the background on the conflicts in Somalia and The Democratic Republic of Congo that have created situations which made people seek refuge in South Africa. The situation in the two countries will be analyzed in order to establish which are the main factors that determine the decision to flee.

Chapter 3 will present how the theory applies to the situation in South Africa by studying the xenophobic phenomenon, as well as the other factors which the interview participants have determined as having a relevant importance in the decision making to apply for resettlement.

Chapter 4 will outline the resettlement process and procedures that UNHCR follows as well as the criteria used for submitting cases for resettlement. This chapter offers an overview of the categories which are considered vulnerable enough by UNHCR for resettlement. The same chapter will examine the expectations that refugees have expressed regarding the resettlement country (USA) and will focus on showing expectations vs. reality. The theories will be used to examine why USA have been the desired country of resettlement for some many participant in the research.

The *conclusion* will sum up all the information explored by this paper and will try to offer some recommendations for finding solutions for refugees in South Africa in order to make them feel safer in the first country of asylum.

Chapter 1- Methodology

The choice of methodology has been influenced by the scope of the research which aims to examine refugees' experiences in South Africa, provide an insight in their life, the settlement in the first country of refugee and the expectations for going into the second country. The most appropriate methodology was a research which combines both qualitative and quantitative methods to provide a better outcome. It has started by using a qualitative method- the interview- to establish the basis of the questioner- which represents the quantitative part of the research.

To gather the qualitative information the following research techniques have been used:

- individual in-depth interviews with refugees who came at Cape Town Refugee Centre (CTRC) and asked questions about their resettlement process

- individual in-depth interviews with refugees who came at CTRC and expressed that they want to be resettled to another country

- documents reviews of the CTRC's clients

Deciding for a qualitative research for the analysis was required by the need to answer the research question in the best way possible. This could not have been done in a quantitative manner without providing a deeper insight into refugees' stories. Even though there were some similarities between the cases, each person had individual experiences which influence their decision making. Therefore a need for a research method which explored individual experiences was required for this reason the method used was particularly important. A non-structured method was considered as being the most appropriate in order to let the participants explain the experiences lived in their own terms. Moreover, by using this method, the participants were suggested that they were simply talking and not being part in a research study. This was particularly important to made the participants more opened to the interviewer and less reluctant to telling the truth. Using the interview as the starting method in this research gave me, as the interviewer, the flexibility to draft the questioner for the later stage of the research, as well as the possibility to revise the data with every interview conducted.

With the information gathered from the interviews there was the possibility to construct a questioner which tried to measure the views of refugee regarding the resettlement process, the reasons for which they applied as well as their expectations from the resettlement country. The questioner has been attached as Appendix 1.

1.1. Data collection

The collection of data for the research was done through relevant literature review on issues of refugee resettlement, documents analysis, in-depth interviews with refugee. Besides, a questioner was conducted with participants who were present at the CTRC location. Participants were explained that the questioner is not mandatory and that it does not affect in any way the services provided by CTRC or UNHCR. They were told about the purpose of the research, that being the analysis of their views about the resettlement process. The participants were also told that the questioner will remain anonymous. No names or other identifiable characteristics were required in order to make the respondents more comfortable to answer truthfully the questions.

1.2. Selection and access to participation

The process of conducting the interviews was by establishing contact with refugees and asylum seekers during my 6 months internship at the Cape Town Refugee Centre (CTRC), South Africa. CTRC is an implementing partner of UNHCR, therefore the clients have more than often been referred to the office by UNHCR. The participants were selected during the initial intake interview at CTRC. In order that the research data will not be compromised by suggesting participants resettlement as a protection measure, the selection of the primary interviews was done when the participants expressed their interest in resettlement without prior suggestions. Ten non-structured interviews were conducted with participants of both genders coming from DRC and Somalia however only five cases will be presented in the paper.

1.3. Conducting the interviews

The unstructured interview is "used in an attempt to understand the complex behavior of members of society without imposing any prior categorization that may limit the field of inquiry." (Fontana and Frey, 1994: 366) Using an unstructured interview has the ability to establish a relation between the respondent and the interviewer and therefore creating the desire to understand rather than just explain their experiences.

Traditional techniques say that the researcher is involved in an informal conversation with the participant, while trying to remain close to the topics of the research. The interview begins with general questions and moves to more specific ones, while also checking the veracity of statements made by the respondent. The researcher should avoid getting involved in a conversation in which he

or she has to answers questions asked by the respondent and no personal opinions on the matters discussed are allowed to be brought up. (idem: 371)

As the traditional techniques require, the interviewer has conducted the interviews using the following sequence:

1. Researcher's introduction of the study: After the respondents have expressed their desire to participate in the resettlement programme and have been explained that only UNHCR handles the application process and the decision making, I have presented to the potential participants the reasons why I am conducting the research and what I expect to accomplish with the research
2. Warm-up: after the potential participants gave their consent to participate in the study, the interview started with simple questions about nationality, age, gender, family composition and so on.
3. Main questions: the interview continued with asking the questions which would provide an understanding of the individual experiences. Additional inquiries were made to establish the accuracy of the answers as well as to provide a clearer image about their experiences.
4. Closing: expressing gratitude for participating in the study

The individual interviews were the method in which in-depth information was collected about the experiences in their home country, the first country of refuge, their reasons for seeking resettlement and their expectations in the resettlement country.

The field data was collected in the form of notes taken due to the fact that CTRC staff members expressed concerns for the data confidentiality if a audio-recorder would have been used. Also the previous in-take interviews clients seemed reluctant to any information recording. For this reasons and to ensure more truthful answers the use of a audio-recorder was not considered.

1.4. Case study as a research method

Case study research was chosen because of the desire to develop an in-depth understanding of the refugee's situation in a real context. Yin (2009: 18) defines the case study as "an empirical inquiry about a contemporary phenomenon, set within its real-world context/ especially when the boundaries between phenomenon and context are not clearly evident." Since the resettlement process it's itself a complex process and it involves other complex conditions related to the phenomenon, the study needed to cover a wide range of topics: the flight determining factors, the conditions once arrived in South Africa (housing, schooling and employment opportunities), xenophobia in South

Africa, the police response to the incidents and the expectations upon arrival to the USA. From the three categories of case studies, the explanatory case study was the most appropriate for the purpose of this research. The explanatory case studies use the data collected to explain the phenomenon both at a surface level as well as on a deeper level, analyzing the reasons behind the situation and exploring the connections between the conditions which led to the desire for resettlement. (Zaidah, 2007: 3)

1.5. Case presentation

a. Rose, female, 27 years , DRC

Rose is a refugee originally from DRC-South Kivu, who arrived to South Africa in 2013. She had left DRC after she lost her whole family. Her mother abandoned her and her sister when they were young and they had lived with the father ever since. Rose recalls the moment when knew her life was in danger and she is not safe anymore in her own country. One day soldiers came in the house they used to live in. She was in the kitchen cooking, while her father was in the house. She knew something was wrong as soon as she heard the soldiers, so she decided to hide herself. She put off all the candles so that the soldiers won't look thinking that there is someone else in the house. Rose remembers hearing the soldiers' voices and her father's but she couldn't recall what the talk was about. She only remembers that her father told them he was alone in the house. And then she remembers the argument that followed. Rose stayed hidden until the night came as she was not sure if the soldiers had already left. When she went back into the house she found her father in a pool of blood, dead- he was hit in the head. She knew then that she was not safe. She took all the money that they had, put a few clothes in a backpack and ran away as fast as possible because she was afraid that the soldiers might return.

She came to South Africa in 2013. She used the route through Zambia-Zimbabwe-South Africa, traveling by truck. Rose said that the journey to South Africa was not a good one. *"You know yourself what men want so that they can help you. And there is nothing that you can do because you want to run away so that they [soldiers] don't kill you."* –implying that she traded sex for the ride to South Africa. She didn't want to talk about the journey and I didn't try to make her uncomfortable by inquiring too much about the events.

Rose lives in the townships and has three children, on top of that takes care of her nephew-her sister's son. *"I couldn't leave him alone and he is family. You have to take care of family even if it's hard sometimes and you don't have what to put on the table for supper. But he*

understands..they all do! Today you can have beef stew but tomorrow you can only have a piece of bread. I do my best.”

When I asked Rose why did she applied for resettlement, the answer given was that South Africa is not what you imagined to be. Life is hard and she feels she is always in danger due to the xenophobia in South Africa. Being a foreigner in South Africa is hard: *“People just hate you because you are not from here. They shout on the street after me [foreigner].”*

She proceeded to tell me some of the incidents when she had been attacked. Once she was in the train and there was a man who started to shout [foreigner] at her. He grabbed her bag and he pushed her out of the train right when the doors were closing. Because she had the bag across her body she got trapped when the doors closed and she was dragged across the platform. *“People started shouting but if the train’s conductor wouldn’t have seen me I would be dead now”*. When asked what did it happen to the man that did this to her, she replied *“They [the police] didn’t do anything because he was South African.”* Not even at her work place she feels safe. *“This Xhosa woman put something in my juice. I found her going through my locker and putting something in my juice. And I asked her what was she doing. She said that I shouldn’t ask any questions. Because I’m a foreigner and I shouldn’t be here stealing their jobs. (...) And I told her drink the juice if you didn’t do anything. But I didn’t have any evidence so now I’m just really careful.”* Rose showed me some of her scars which she claims were from attacks.

As most foreigners, she struggles to get a job that is better paid. *“They want only South Africans for good jobs and when you get a job it’s either as a cleaning lady or as a car guard”*. None of those jobs offer a good income and these don’t represent having a stable job. At any point you can be laid off. Rose wishes that she could go to school and get a qualification but the money is the problem. She can barely afford to pay the school fees for all four children. I asked Rose where would she want to go if she gets resettlement. The answer was USA. She thinks that she and the children will be safer there and the life will be better. *“I can go to school in the evening and work during the day. We all would have a better life.”* She is sure that she will find a job with a better income and the state will help her more than South African government helps. She didn’t know more about what actually happens when she gets there but she was sure that she won’t struggle so much as she will receive help and that the family will be safe there.

b. Mohammed, male, 25 years, Somalia

Mohammed is a refugee from Somalia, Mogadishu. He is married and has two children. In 2013, he came to South Africa because there were too many attacks in Mogadishu carried out by the militia group, Al Shabaab. He did not want that him or his family be victims of any of those attacks. By coming to South Africa, he thought he will be able to live a life in peace, that being the most important thing for his family. In 2013, Mohammed came without his wife and child- at the time he only had a child. However a year later he managed to save enough money in order to bring them to South Africa. Mohammed didn't talk much about his journey to South Africa. He just told me that he took a boat to Tanzania and then continued through Tanzania and Mozambique by truck. When he first came to South Africa he started working in Somali shops and soon after he was able to open his own shop in a container in one of the townships. His wife was helping in the shop as well.

However now Mohammed is unemployed. His shop got robbed and destroyed during the March xenophobic attacks and he was stabbed and lost everything. They took all the money and almost everything that he had for sale. Besides this, they stabbed him in the stomach and in the arm and left him to bleed. *"After I gave them everything and didn't fight them, they still wanted to kill me."* He spent a month in hospital and underwent several surgical interventions. *"While I was in hospital, my wife was attacked in our home. They wanted to kill her as well, but she got away."* Mohammed told me that it wasn't the first time he was attacked. Soon after he came to South Africa, while he was working in the Somali shop, he was attacked and robbed. He showed the medical examinations and the police reports: *"If you don't know the person, the police does nothing. They just give you a case number and you can go."* After all the surgical interventions, the latest incident resulted in Mohammed being unable to use his arm properly. The arm is partially paralyzed. The prognosis is that with additional surgery and further physical therapy he could recover almost full mobility of the arm. *"Doctors are expensive and now I can't work that much, so how can I do it?! I still have to pay for this...[shows me the letter with the medical expenses for his time spent in the hospital]"* After the surgery he couldn't afford to reopen his shop so he took a job in one of his friends' shop. *"I help around, but if it gets busy it's too much with my hand so I need help. He [the friend] asks for me when it's not busy- 2/3 times a week. It's not much..."*

After the wife's attack, she started to receive threatening phone calls. Mohammed thinks that the person who calls knows them really well. They even changed the phone number, but the

calls continued, leading him to think that there is someone close. Mohammed assumes all the incidents happen because they are one of the few foreign families in that area. I asked him why didn't he move from the area so he can live somewhere safer. The problem is that the only places that he affords are either in townships or in areas that are known for violence around Cape Town. Mohammed told me that his wife was really scared after the incident because she was pregnant at the moment. Due to the fact that she still feared for her life and that the financial situation was getting worse, she decided to ask for her family's help back in Somalia. *"They sent her money for a bus ticket and she went back to Somalia. It's not safe there, but it's not safe here as well. At least she can have food... You know when you are the man in the family you need to provide and I can't do this for them. It's really hard!"* Mohammed has not seen his youngest child since he was born. He has only seen pictures of the baby and carries one on his phone. Mohammed seems very depressed because he is not able to have his family with him and the fact that he has never seen his child has especially a powerful impact on him.

I asked Mohammed why does he want to move from South Africa. His reply was *"Anywhere they treat you better than here."* He dreams that he will be able to go to USA or Canada and take his family with him. *"Maybe I can have my hand fixed and I can get a job there. My wife and children will be safe and we can finally find peace. I think we can find peace there."*

c. Abdullah, male, 20 years, Somalia

Abdullah is a refugee from Somalia. He came in South Africa when he was 15 years old, accompanied by his older brother. They left Somalia because the older brother had led the protests as a student activist. When their parents became victims of Al Shabaab group, his older brother felt that they would be in danger because the militants were after him so they fled the country. They came by truck to South Africa however Abdullah doesn't remember the route exactly. They choose to come to South Africa because they had a cousin living in Durban.

Abdullah recalls that him and his brother lived in Durban initially. All three of them worked in Somali owned shops. Abdullah told me that at the beginning everything seemed alright. They didn't face any problems. However in 2013, when the xenophobic attacks happened in Durban, Abdullah and his brother were between the victims.

Abdullah remembers that he and his brother were working in the shop when two men with guns came in and asked for the money that they had. They complied to what they were told to do and gave them everything, however the perpetrators were not satisfied. *“They even took our papers. What could they do with our papers? It’s because they knew that it would be hard for us if we don’t have any papers. It’s good that I had copies home and I could get them reissued again. Now I only carry the copy with me.”* After they took their papers, they asked for more money. *“They said where is the rest of the money?! Your money.”* Abdullah and his brother didn’t have anything more and in an attempt to make them give more, they shot his brother. *“My brother was bleeding and they shot me in the leg. They said that if I don’t give them more they will shot me next in the head. I just told them they can kill me if they want but I still don’t have any more money.”* They didn’t. Abdullah and his brother was admitted to the hospital, but his brother died as a result of the injuries and the loss of blood. Abdullah stayed one month in the hospital after his injury. During his period in the hospital, the cousin was killed in a similar attack. *“The police is with them. They don’t do anything to stop it.”* After the robbery and both the deaths of his brother and cousin, Abdullah was all alone and still afraid that more attacks will happen so he decided to move to Cape Town, in 2014.

In Cape Town, Abdullah was able to get training and be certified as an interpreter for UNHCR and DHA and work on a temporary basis. *“It’s hard to find something permanent. They call me only when they have a need for an interpreter and I’m not the only one. I haven’t been working for 2 months.”* However he feels that he is in danger because he has been robbed and stabbed in Cape Town as well. He is looking for resettlement because he fears for his life: *“This is not the life you want to live, looking always over your shoulder, afraid that you can get attacked just because you are a foreigner in this country.”* Abdullah said he can manage to pay for the rent and the food and didn’t want any financial assistance from CTRC. His only requirement was assistance with the resettlement. As a resettlement country he would like to go either to USA or Australia. *“I don’t have any family left. And this country is not safe. You don’t have any opportunities here.”* From the discussion he seemed convinced that USA will offer more opportunities in terms of employment and education.

d. Fathma, female, 40 years, Somalia

Fathma is a refugee from Somalia. She came to South Africa at the beginning of 2013 to follow his husband, who was already in the country. She came together with their four

children. Fathma was really demanding about the repatriation process and wanted responses as soon as possible. *“There is nothing to do for us here and the DHA doesn’t help us with anything.”* They have been struggling since they came to South Africa and even if they left Somalia because of the unsafe environment, South Africa still does not offer them much more safety. Though Fathma was reticent to talking about the life back in Somalia or about her journey to South Africa, she was more than willing to speak about the struggles she and her family face and the information about the resettlement process to USA.

She and her husband are both unemployed and the family lives from the South African Social Security Agency (SASSA) grants which they get for the four children due to their refugee status. When I asked why doesn’t she and her husband try to find employment she said *“It’s hard for me to find a job and my husband is too old and sick to work [the husband is 50 years old].”* The husband has heart problems, as per Fathma statement and she says that he is not able to work. I advised her about the possibility to apply for disability grant if the illness is preventing him from working. The answer was that it takes too long the process. Besides the claim that the government does not provide any social services for refugee, Fathma says that she and her husband has been attacked on the street numerous times. Indeed she had police statements and medical reports. She related a few of the incidents which usually happened in the townships. Once she was attacked in the middle of the day while she was going to work *“I was in Kalitcha when two black men came at me out of nowhere and attacked me. Look, I still have a mark [she pointed at a scare that she has on her left arm]. I was working in a container there. That was what I can find(...) They wanted money but if I was Xhosa they wouldn’t come at me.”* Another incident involved her husband who was attacked when he was going to renew his refugee permit. Fathma recalls that he came home all beaten up. *“He had a meeting for the papers and he was walking there when he saw there men coming at him. They came with a knife at him. They took his papers, phone and the money that he had. He’s old and there was nothing to do. They beat him up because he didn’t have enough”* Fathma calls all these attacks xenophobic. She says *“Colored people are the worst. They will first stab you and then ask you for money. And if you don’t have anything to give they will just kill you.(...) But they never attack other colored.”* When she talked about the police response, she said *“They only took the statement and gave me this number. [case number] Nothing more... How can we feel safe when they do nothing?!”*

Fathma is one of the few persons who talked more about resettlement, the expectations of going to the USA and the sources of information. *"They [UNHCR] said that I will get an answer, but it's been 2 years and nobody said anything. Others applied later and they are already in America."* When Fathma was asked what are the differences between South Africa and USA regarding the conditions for refugees, she explained *"In America they will help us, and my husband because he is sick. They give you house and more money. You can work in nice places and get more money. It's easy and safe...more than we feel here, in Cape Town."* She continued to talk about how she has all the information. Even though I was expecting that not all the information comes from reliable sources, I thought that at least some of it would be. *"I told you, I know people who left and they are doing really good. That's how I know."* When asked if UNHCR explained how the resettlement process works she seemed a bit confused. She was expecting that after she submitted her application her family and her will just be resettled. She either didn't know or didn't want to take in consideration that the case needs to be submitted for approval and that the decision can be either positive or negative.

e. Maria, female, 30 years old, DRC

Maria is a refugee from DRC who came to South Africa in 2009. She came to South Africa because of the civil war in DRC. Her husband was a soldier for the national army and when the civil war started he was approached by the M14 militia to join them. When he declined, they threatened him and his family, so that was when he fled to South Africa. Maria stayed behind with their children, however when the militia found out that her husband had ran away they gave her 3 days to tell them where he was or to convince him to return or she and the children will be dead. She didn't know where her husband was at that moment, but she knew that him returning wouldn't be an option. Even if he returned, he would have been punished for the fact that he ran away. So the only option she had was to take the children and run away. She explained how hard was the journey and that it took them 3 months. There were times when they didn't have food or shelter for the night; sometimes they had to walk kilometers during the night because she didn't have enough money to bribe the police officers that usually are encountered during these long journeys. Once in South Africa she managed to get in contact with her husband and they were reunited in Cape Town.

Even if Maria's family has been in South Africa for 7 years, she says that they still struggle. Maria still doesn't have a steady job. She used to work as a house keeper in a hotel, however

she was recently laid off because the business was getting enough tourists and there was not that much work to be done. Since the whole family has refugee status they get SASSA grant for the children who are attending school. The husband's situation is even more difficult. He used to work as a security guard during the night but he was attacked more than once by South Africans who claimed that he was stealing their jobs. Therefore he decided to look for work during the day. Maria says that this was the moment their real problems began: *"He was attacked so many times when he was working in security because he was a foreigner, but he said it's just a phase. He knew it was xenophobia, but he wanted to make it work."* Maria recalls that one day when he was going to find work, he was stabbed at the train station by a man who blamed him for being a foreigner and coming to South Africa. By the time the police came the man already ran away. The police only took his statement and opened a case. Maria also explained that while all this happened in front of the train station nobody interfered, not even the security man from the station. She was really frustrated about the fact that nobody interfered when the situation was happening, even the people who had the authority to do so. *"He (Maria's husband) knows the man. He worked with him when he was doing security. The man knows where we live and he had threatened us before."* The intriguing fact was that Maria's husband knows the person who attacked him and he told the police who he was and where he lived, however the police-men didn't arrest him. He managed to get a restraining order; that being said there was no action taken. *"He was attacked even with this paper and when the police came they didn't do anything. He was never went to jail or got arrested. My husband is now afraid to get out of the house and look for work so we are struggling really hard."*

Maria says this is the main reason she applied for resettlement: the life of herself and her family is in danger every single day because of xenophobic attacks. And in her case it's not only a general feeling, she has faced the repercussions of these incidents and the inaction of law-enforcement. *"We really hoped that we can make a life here, but we can't live like this. Always afraid to go out of the house because we might be attacked. We are not free."* When talking about the resettlement country Maria was optimistic *"It might be hard at the beginning there. Everywhere is. But in America we won't be scared to get out of the house as we are here and in Congo.(...) We would be able to figure it out there and start over as we did here in Cape Town."* She is aware that it might be hard at the beginning but she is sure that her family will be safe there. *"If we won't leave soon from here, one day I will find my husband*

or children dead.” When asked why America is her choice, the answer was *”Everyone goes there, right?! All I see on tv is how America is and it seems really good.”* Maria said that she wouldn’t mind to go to Germany, Canada or United Kingdom, stating that she only wants safety and a better life for her family.

1.6. Theory presentation

In order to analyze the data collected a range of international relation theories will be used. Since this research will cover different themes, the theories which will be used vary accordingly; a multi-disciplinary approach in the selection of theories has been seen of high importance. As previously outlined, the research will be divided into three parts, each part constituting a major theme in answering the research question. The first theme will document the pre-flight situation in the country of origin, the second theme will show the situation in the first country of asylum- explicitly South Africa and the last one will focus on the expectation upon arrival after resettlement in the third country- USA.

In analyzing the pre-flight situation in the country of origin a Neoclassical approach to the factors that influenced the decision making will be used. This approach to the Rational Choice Theory examines the migration phenomenon. According to it, migration is driven by a set of push factors operating from the country of origin- such as poverty, unemployment, political repression, insecurity, civil war- and pull factors operating from the country of destination- better income and job perspectives, better education and welfare system, better living conditions. However there are obstacles which need to be overcome, and the individual choice is made based on a cost-benefit analysis of their options. Individuals which are in the same situation can make different decisions; the personal factors playing an important role in the migration process. The combination of push and pull factors can make people react differently according to the individual values. The Neoclassical approach fails to address the role of family, the socio-cultural factors or the importance of the state. For a comprehensive analysis the classic push-pull factors will be paired with factors which focus on the micro (family) and macro- level (state, policies) in the migration process. (King, 2012: 13-14)

Social networks have a high role when issues of migration arise and therefore offer important explanatory factors. Personal and social networks theory will help move beyond the individual decision making and connect it with the socio-structural reasons for resettlement. The theory will explain why the data collected points to particular destinations (USA) as being preferred as the resettlement country. (idem: 20-21)

The intra-state conflicts and the humanitarian emergencies draw awareness to new threats which do not come from other states, but from inequality, poverty, civil wars, ethnic conflicts, climate change or natural disasters. These threats, being considered to affect more the people and not the state, have brought the attention towards the notion of “human security”. (Betts, 2009: 66) According to the Commission of Human Security (2003) the concept is defined as “safety for people from both violent and non-violent threats. It is a condition or state of being characterized by freedom from pervasive threats to people’s rights, their safety, or even their lives. From a foreign policy perspective, human security is perhaps best understood as a shift in perspective or orientation. It is an alternative way of seeing the world, taking people as its point of reference, rather than focusing exclusively on the security of territory or governments.” Human security expands the security concept to include threats of non-military nature, as the Traditional Security Studies do, both by widening the concept as well as expending it vertically to include global and regional actors. From the Human Security perspective, the individual is the only focus of security. (Betts, 2009: 67-69) The concept plays an important role in explaining the number of people who become refugees due to the conflicts in the Sub-Saharan region. Human Security will explain how certain factors become a threat to the individuals, therefor forcing them to become refugees and look for protection in a different country other than their own.

The second theme, which focusses on the situation that refugees face in South Africa, will look at the the main factors which were pointed as being decisive in proceeding with resettlement. Xenophobia and the law-enforcement actions have been the main concern of refugees in South Africa. Frustration-Aggression Theory argues that social movements occur when frustration leads to collective aggression. For a holistic approach of the phenomenon, the sources of frustration and instigation will be examined. (van der Dennen, 2014) A second theory will be used to explain the aggressive action of South Africans towards refugees and immigrants. South Africa has had a history of oppression during the apartheid period. Using the Ethnic Conflict Theory to explain the conflict which led to the end of the apartheid period, will also explain the loyalty which black and colored South-Africans have towards their political leaders. Economic inequality has been viewed as the main factor of social conflicts. Political discourses will be used to explain the instigating actors of collective violence against the minority group of immigrants and mainly refugees. As collective violence is described by being the violence perpetrated by a group on another group in the form of riots, the xenophobic attacks would be classified as an ethnic conflict. In the less severe form of ethnic conflict (riots) the literature explains that the role of the state will be questioned, however officially the state

would not give up its neutrality. (Varshney, 2007: 279) The concept of “Otherness” will be used in relation to the situation of refugees in South Africa. The concept is constructed to divide people into a “we-they” relation and to introduce difference as the dividing factor between individuals. “Othering” is being used both to distinguish between race, relation, social status as well as to reaffirm someone’s identity. (Gingrich, 2004:12)

Further more, Securitization Theory will be used to explain how the presence of refugees in South Africa has come to be perceived as a security threat. The argument the theory proposes is that security is more a classifying act: “It is by labelling something a security issue that it becomes one.” (Waever, 2004: 12) Just by stating that refugees are threatening the local population (by taking advantage of the welfare system or stealing jobs) they become the targets of extraordinary measure. Labeling refugees as a security threat is not politically neutral and it legitimates actions which under different circumstances would not be seen legal. The media and political discourses have reinforced the link between refugees and social-economic threats, which has contributed to forcibly deportation, the violation of non-refoulement principle and even unlawful detention. (Betts, 2009: 72)

1.7. Validity of the data

In order to check the validity of the information acquired, the triangulation of the evidence was necessary. The desired result occurs when the merging of three or more sources led to the same result, therefor confirming the data. (Yin, 2011: 13) Even if establishing a trusting relation with the persons interviewed was the primary focus when starting the interviews, there was still the possibility that the information provided was not all truthful. Refugees involved in the interviewing process might have thought that presenting their story could influence their resettlement process or that adding certain details to their story might make their case more sympathetic. Therefor there was a need to constantly check and re-check the information provided. For triangulating the data other sources were used, such as: RSD results when those were available, previous intake interviews, internet research regarding the conflicts and the geographical coordinations, police statements and medical reports.

1. 8. Potential problems

Because the goal of unstructured interviewing is understanding a situation, it becomes imperative for the researcher to establish rapport with personal experiences of respondents. He or she must be able to put him/herself in the role of the respondents and attempt to see the situation they faced from the perspective of the participant, rather than impose the world of academia and

preconceptions upon them. Close rapport with respondents opens doors to more informed research, but it may also create problems, as the researcher may become a spokesperson for the group studied, losing his or her distance and objectivity. (Fontana and Frey *op. cit.*: 367) Indeed I have found myself in the position of losing my objectivity from time to time, after empathizing too much with the participants' stories. However objectivity is an important aspect of the research and there was a need to check-out my emotional responses when conducting the interviews.

Another potential problem was that the interviews were conducted in English which is not the participants' mother language (French or Lingala- for DRC participants and Somali language for Somali participants). Even if the questions were addressed in simple terms to reduce the language barrier, the participants' stories might have been hindered by the inability to use their mother language. In some cases an interpreter was used to facilitate the interview process.

Being a woman interviewer was easier when connecting with the other women participants, however sometimes male respondents seemed more restraint in their story sharing. From the cultural stand point men did not want to look vulnerable in front of a woman and the interviews with male respondents took longer because additional questions needed to be asked. Also to gain their trust took longer than in the case of female respondents.

Lastly, the participants were selected only from the Cape Town area due to financial restrictions. However, since the refugee legislation and policy is the same in all nine provinces of South Africa, no large discrepancies in the results were expected.

Chapter 2

2.1. Background information regarding the conflicts in the country of origin

Somalia

Somalia is a country, which has been viewed as a place of violence and displacement ever since the collapse of the state at the beginning of the 1990s. The events which led to the President Siad Barre regime to fall combined with the drought and the conflict between clans had created a situation where people fled in search of safer places either close to the cities or in the neighboring countries. Before the collapse of the regime, the government manipulated clan dynamics to become a source of conflict and security. The fight to overthrow the government started in 1988 in Somaliland, by the rebel group Somali National Movement (SNM). In return the government responded with air strikes and land campaigns targeting towns in the region. The population who fled the early fighting went to Ethiopia and were accommodated in nine camps created along clan lines. When the conflict intensified and spread to Puntland and South Central Somalia, caused people to flee to Kenya and Yemen. The efforts to remove Siad Barre from power were not the only reason of conflict; the drought in 1991 and 1992 increased the violence as well as caused disruptions in the availability of water and food causing malnutrition and high mortality rates. The situation in the Kenyan camps was not better than what was happening in the country. Refugees were living in insecure condition with high level of malnutrition, outbreaks of measles and cholera which led to high rates of mortality. Besides this there were incidents of rape and physical attacks documented by the Human Rights Watch in the refugee camps. (Hammond, 2014: 56-57)

Fighting in Somaliland began to be less intense at the beginning of 1990s, however large scale repatriation was only possible after 1997 due to re-emergence of the conflict in Hargeisa. Somalis were encouraged to return once the new government of Somaliland was established and in the southern and central regions local communities created effective administrative structures that brought up stability. The fragile peace started to break down in 2006 once The Union of Islamic Courts clashed with the Ethiopian troops who had the support of the international community. The conflict was perceived as a invasion of Somalia and was the emerging point for Al Shabaab military group. Al Shabaab was formed with former members of Wahabist-Salafist movement and it fought for the defense of Somalia against the invasion of foreign nations. The fighting started to intensify at the beginning of 2007 around the capital Mogadishu and led to the displacement of a large number of people. Individuals were seeking refuge first in the rural parts of the country, living with relatives. Al Shabaab started to exercise pressure on the people who lived in the areas under their control by

preventing individuals to move out of the violent areas. On the other hand The Transitional Federal Government (TFG) of Somalia was seeking to expand its area of control and was offering assistance to people who lived in the territory controlled by them. By luring people in their territories, TFG created large numbers of IDPs to which the government didn't actually have the capacity to respond efficiently. (Hammond *opcit* : 61-64)

The drought from 2011 and the movement and trade restrictions affected the areas under the control of Al Shabaab the most and resulted in the worst famine that the region had seen for the last 25 years. The combination of all these factors resulted in a mass displacement movement in the region. The transition period ended with the "tactical withdrawal" of Al Shabaab from Mogadishu under the pressure of TFG forces and the control gained of the large cities in South Central Somalia. The process was accompanied by the selection of a new parliament, president, prime minister and cabinet. The last urban center under Al Shabaab was taken by November 2012. However the group still controls rural regions in Somalia and carries regular attacks on Mogadishu and other Somali cities, as well as attacks in neighboring countries and continues to be a security threat in the region. (idem: 64-65)

Democratic Republic of Congo

The refugee crisis in DRC has affected over 3.8 million people, some being internally displaced and other seeking asylum in neighboring countries. The origins of the conflict are in the spillover of the Rwandan genocide in 1994. As a response to the violence which was aided by Hutu Rwandese while in exile, Uganda and Rwanda decided in 1996 to send forces in DRC in what was known as the First Congo War. The result was the overthrowing of Mobutu Sese Seko by Laurent-Desire Kabila. The Kabila government accused Rwanda of trying to exploit its minerals and was able to successfully push the Rwandan and Ugandan forces out of the country with the help of Angola, Namibia and Zimbabwe. Even if a peace treaty was signed by all parties involved, the weak governance, the corruption and the absence of the rule of law has contributed to the ongoing violent conflicts which have already brought the death toll to more than 5 million civilians. Besides this, numerous human rights abuses, such as rape, kidnapping, executions and forced recruitment, have been reported.¹

One of the most active rebel groups in the aftermath of the conflict was the March 23 Movement (M23) which is composed of ethnic Tutsis and is supported by the Rwandan officials

¹ www.responsabilitytoprotect.org/index.php/crises/crisis-in-drc#background

through their military assistance. Human Rights Watch has reported that the Rwandan army has deployed troops to Eastern Congo to support the rebel group, after interviewing more than 190 victims. The research showed that forced recruitment of young boys happened on the territory of the eastern Congo by abducting them from markets or even their homes and if they attempted to flee executions were conducted in front of other recruits to make an example of the punishment they will face if they attempted the same. HRW said that brutal abuses were committed against civilians: M23 rebels attacked families in their own houses by beating to death children, kidnapping men and gang-raping women. (Human Rights Watch, 2012) The M23 rebel group was defeated in 2013, after it gained control of Goma- in North Kivu province- by the Congolese Army (FARDC) with the help of the UN Peacekeepers. Both FARDC and M23 forces committed human rights abuses on civilians during their clashes. However the elimination of M23 did not bring peace within the country, as other rebel groups have emerged- such as Democratic Forces for the Liberation of Rwanda (FDLR). The latest encounters between the two parties have forced over 36 000 people to flee the Northern province of Kivu and many more would be affected according to a news article by Andreas Kirchhof for UNHCR (April 2016).

2.2. Analysis of the factors which had a role in the decision to flee the country of origin

The analysis of the situation in the country of origin plays an important role in explaining the displacement of refugees in the region. Using Push and Pull Theory as well as Human Security a analysis of the factors that influence the displacement of refugees as well as the reasons why repatriation is not a viable option for Somali and Congolese refugees.

The human security concept brings together a comprehensive approach which focuses the attention on a variety of threats to individual security. As this theory is people-centered as opposed to state-centered, it showcases the connection between security, development and human rights, bringing to the centre of the analysis the individual. Human security requires a broaden understanding of threats and insecurities. All the possible threats of human security will be analyzed and related to the situation in the countries bellow:

Somalia

- a. **Economic security** includes persistent poverty and unemployment. However there are not a lot of current information regarding the economy of Somalia. According to Somalia Human

Development Report (2012), the country is one of the world's least developed countries as well as the poorest. The overall unemployment rate is estimated to 54% among the age 15-64. Compared to DRC, Somalia isn't a country that has many natural resources. Somalia exports mainly livestock, fish, charcoal and bananas, however it imports many products such as sugar, corn, petroleum and manufactured products. The economy has been in recession ever since the beginning of the civil war. In 2012 Somalia's GDP was the fourth worst in the world, at 284 USD per capita. According to the same report, the incidence of poverty is 73%, using a poverty line of 2USD/day. Even though poverty is spread across the country the most affected areas are the nomadic areas(99%) and rural areas(94%) in south-central Somalia (89%), followed by Puntland(75%) and Somaliland(72%). The main source of income in Somalia is agriculture and livestock, bringing 40% of gross domestic product and more than 50% of exports.

- b. **Food security** refers to famine, hunger and drought. UN has reported that Somalia faces the worst humanitarian crisis in the world. Famine, drought and conflict had over 4 million people in the risk of starvation. In 2011, Somalia received a massive humanitarian aid and it had a productive harvest which improved the situation for half of million people. Even after the famine was declared over in December 2011, people still felt the effects by being unable to meet the essential needs for survival. Food insecurity is associated with the decreasing productivity of the agriculture sector in the last 25 years. During the civil-war the large farms were destroyed and only small-scale farming has been practiced since. Besides the downgrade of the agriculture sector, the farmers lack the knowledge to adapt to modern agriculture. The international community had tried to correct the problems that the country faces by investing in agriculture; that being said the focus has only been on short-term emergency assistance. (Somalia Human Development Report 2012)

According to a press release from the Office of the Resident and Humanitarian Coordination for Somalia (8 February 2016) the situation in Somalia is still alarming especially in parts affected by drought and El Nino. Around 4.7 million people are in need of humanitarian assistance, from which around 950 000 people struggle to meet their every day food needs. With the severe drought intensifying in Puntland and Somaliland millions of people are risking to relapse into crisis.

- c. **Health security** includes infection diseases, unsafe food, lack of access to health care, malnutrition. Health security is closely related to food security and development. With the severe drought conditions, the level of malnutrition is alarmingly high with 305 000 children under the age of five being malnourished and around 60 000 facing death if they are not offered medical care. (Press Release-Office of the Resident and Humanitarian Coordinator for Somalia, 8 February 2016) Also according to UNICEF, the maternal and under-five mortality rates are among the highest in the world in Somalia: 137 deaths/1000 births. The main causes for child mortality are illnesses such as pneumonia, diarrhoea as well as neonatal disorders. Besides this the access to maternal health care is low and only 38% of pregnant women are attended by skilled health care practitioners for birth.² There is a lack of awareness about the benefits of pre-natal and child health care within communities which leads to low demand rates for preventive, promotive and curative health-care according to UNICEF Somalia. The low immunization coverage has played a role in leading to outbreaks of polio and measles cases within the country.³
- d. **Environmental security** includes between others resource depletion. Somalia has faced conflict due to competition over natural resources; the main being land, forest, water, energy and marine resources. In the past, the clan disputes over resources were settled using the widely accepted Somali traditional legal system. Traditionally, pastoral land was considered a common property of a clan or sub-clan, while agriculture land used to be allocated to households by the elders in the village. But as the political elite realized that whoever controls the country can control the resources, the traditional legal system was weakened. Since conflicts between clans in Somalia are centered around land disputes, numerous clans were marginalized first by a land registration law introduced in 1975. Instead legalizing the claims of locals over the land that they traditionally owned, all unregistered land became state's propriety. Most of the land owners did not have the financial means to register their claims with the authorities, hence lost their land. Later Siad Barre's regime used land to win political loyalty, which led to the economic marginalization of clans and sub-clans residing in the fertile areas. (Somalia Human Development Report, 2012: 15)

Minerals such as uranium and likely deposits of petroleum and natural gas have not

² www.unicef.org/somalia/health.html

³ www.unicef.org/somalia/health_90.htm

been exploited throughout the country. That being said, forests have been over-exploited for the production of charcoal for export.

- e. **Personal security** includes all forms of violence and exploitation for example: physical violence, psychological abuse, domestic violence, torture, crime, terrorism, child labor. Somalia has suffered greatly from the state of conflict. Million people have been affected by sexual violence, rape and physical violence. Family structures have been destroyed by human rights abuses, recruitment of children into militant groups, internal and external displacement.

One of the most important personal security problems which Somalia faces is the exclusion and violence against women. Women abuse is deeply part of the Somali traditional culture. Gender discrimination is rooted in the customary system, women being confined to the household chores. Since 1991 when the society started to be clan-based divided and sharia and xeer laws regained significance, women were excluded from any political and judicial decision. Although Somalia's Family Law considers men and women as having the same inheritance rights, the customary law either only recognizes the men's rights or offers them the right to administrate the justice. Since there is a clear division regarding the access to resources and power, women feel the impact when it comes to inequalities and opportunities. Somali women have experienced sexual abuse, displacement and also have lost husbands to the violent conflict. This forced them to become the ones which need to provide and protect the children, the elderly or the disabled, which hinders their right to education. Gender-based violence has been persistent even in the parts of the country where there is a relative peace. Rape and sexual abuse has been used against the displaced population, especially against people from a rival tribe as a means to weaken communities. In most of the cases the incidents are not even reported because of the weak judicial system and the low recognition rates of this type of crimes, since traditionally the Somali society does not openly discuss allegations of rape or domestic abuse. (Somalia Human Development Report, 2012: 23-24) However Somali women are not victims of abuse only in their home country; previous studies have documented sexual violence against women in the refugee camps such as Daadab or Kakuma.

Urban areas under Somali's army control have suffered attacks by military groups. Civilians have been victims of physical violence, torture and terrorism. Mohammed (25, Somalia) has attributed his departure from Somalia to the attacks by Al Shabaab in Mogadishu. He said he feared for his life as well as his family's. Abdullah (20, Somalia) has

said that he left the country with his older brother after his parents were killed by Al Shabaab members as a response to his brother leading protests against the group. Not only areas under TFG's control have been attacked by Al Shabaab, civilians from areas under their control have been also victims of attacks when trying to prevent them from living.

- f. **Community security** takes into consideration all inter-ethnic, religious and identity based conflicts. Somalia is one of the few countries which has a single, homogeneous ethnic group with a single common culture. The clan structure is divided into four noble major clans: the Hawiye, Darood, Dir and Isaaq which are nomadic clans; and other major clans- Mirilfe and Digil- which are agro-pastoral clans in the southern part of Somaliland. Each clan and sub-clan maintains their own armed militias to protect the traditional home territories. Since clan identity is not a static concept, the political elite has manipulated the clan dynamics during Siad Barre regime in order to gain access to resources, assets and political power. Time and time again the clan clashes have been the result of political manipulation. (Somalia Human Development Report, *opcit*: 30)

- g. **Political security** revolves around political repression and human rights abuses. In the case of Somalia, the political insecurity is closely related to the ethnic clans. The clan-based politics have worked ever since the beginning against the re-establishment of a central government. While Somaliland and Puntland have managed to create their own government, the south-central Somalia remains deeply divided by clan fightings over power and resources. (idem: 57)

Democratic Republic of Congo

- a. **Economic security**. According to African Economic Outlook the economic growth has slowed in 2015, falling from 9.2% in 2014 to 7.7% and is expected to drop even more in the following years. The economy in DRC is supported mainly by the extractive and manufacturing industry, as well as trade, telecommunication and agriculture. As well as in Somalia, poverty is widespread, positioning the country at number 176 out 187 countries on the 2015 Human Development Index, with 72.5% of the population being multidimensionally poor and an addition of 18.5% being classified as living in multidimensionally poverty. The

employment rate in Congo is 66.2%, however more than 87% of the population is living below the poverty line of 1.25 USD/day. (Human Development Report 2015)

- b. **Food security** can be both a cause as well as a consequence of violence in conflict-affected countries, such as DRC. As a result of multiple conflicts within the country there are 2.9 million people being internally displaced and over 440 000 have fled the country, according to FAO. Despite a large amount of natural resources, the agriculture and the fishing sectors are declining. The reports indicate that there are 6.5 million people facing acute food insecurities and are in need of urgent humanitarian assistance. The most affected area is the east of DRC due to the conflict which forces people to flee their households and abandon their harvests. At a national level the food production is decreasing due to insecurity and poor infrastructure preventing access to arable land and markets.⁴
- c. **Health security** is closely related to environmental, food and development security; all factors influencing each other. Health is a matter of concern for Congo, with a global acute malnutrition rate of 10.7%. For children under five the rate for chronically malnourished is of 43%, with the highest rates in North and South Kivu and Kasai Occidental provinces, according to World Food Programme. WHO reports that child mortality rate in DRC is one of the highest in the world: 98.3 deaths/ 1000 live births (2015).⁵ Due to high levels of displacement there are recurrent outbreaks of measles, cholera, malaria and yellow fever.
- d. **Environmental security.** The country has a large variety of resources which would make one think that the country should be wealthier than it is. The country has one of the largest sources of water, as well as minerals, fertile soil and rainfall. DRC has one of the largest forest surface in the world (145 million ha-67.6% of its national territory). The forest provides food, medicine, building materials, source of energy and income. This being said deforestation represents a problem for a country whose population is expanding- firewood and charcoal providing 85% of the country's energetic needs. 11.2% of the country's surface is agriculture land. Agriculture deemed 45% of DRC's GDP in 2011 and employed more than 70% of the active population. Congo has the potential to become one of the largest agriculture- producing

⁴ <http://www.fao.org/emergencies/countries/detail/en/c/148705/>

⁵ <http://apps.who.int/nutrition/landscape/report.aspx?iso=cod>

countries in the world if the government would invest in modern agricultural techniques and improves the infrastructure. Even though the potential is large, the agro- industry sector hasn't experienced an overall growth. (Samndong, Nhantumbo, 2015: 11-17)

Even before the country became independent in 1960, the exploitation of resources led to more than 10 million Congolese to be killed, tortured, mutilated or engaged in forced labour by rubber hunters which acted on behalf of Belgium's King Leopold II. After the country became a Belgian colony the exploitation of resources continued, especially for copper and gold. The independence in 1960 didn't change the relations that Belgium had with the country, since it offered support for Mobutu to become president. In return the new appointed president allowed the western country to exploit DRC's immense reserves of cobalt, copper, uranium or zinc. Minerals extracted from DRC have played an important role in the world's politics; for example the uranium used to bomb Hiroshima and Nagasaki in the II World War had originated from Congo. Even today the country still has abundant resources such as diamond, cobalt, copper, gold mines especially in the eastern and central provinces. The resources have not only been exploited by international actors but natural resources such as gold have been misappropriate by officials to fund local conflicts. (Report from Africa: 13)

- e. **Personal security.** In DRC civilians have been the victims of many abuses both from government forces as well as the militia groups. In the course of conflicts civilians, especially in the east of the country, have been accused by both parties involved of collaborating with the enemies. Due to this villages have been destroyed, houses have been burnt down, people have been killed or kidnapped and women and girls have been raped. Maria (30, DRC) spoke about the events which forced her and her husband to leave the country. M23 militia members told her husband- who was a soldier for the national army- that he should join their group. Being afraid for his life he fled leaving behind Maria and their children. M23 members threatened to killing her and the children if her husband wouldn't come back, which left her no choice but to run and seek asylum in a different country. In the case of Rose (27, DRC) she had witnessed her father being killed in their home by government soldiers and her sister just disappeared, possibly kidnapped or killed. Sexual gender based violence has been at the core of the conflict and it is a tactic used by all actors involved in the conflict; women and girls have been abused in their homes, at the workplace, in the fields, mines. Even though DRC has laws which punish such violent acts, the judicial system has failed time and time

again to enforce the laws by punishing the perpetrators. Many women are left behind by their husbands and are unable to care for their families: they feel often forced into prostitution as a means to support their family. Other women feel obliged to engage in sexual acts with men because of the low income they receive as mine workers. Young girls can often find themselves into involuntary prostitution, being taken advantage by bar and restaurant owners who promise them a legitimate employment. (ITUC, 2011: 21) In DRC sexual and gender-based violence has widespread during the wars, with the worst forms of violence happening in the east. Sexual assaults include gang-rape, genital mutilation, forced incest, rape in the presence of family members or rape with instruments. The perpetrators wear military uniform in the majority of the incidents reported. However most of the cases are not reported due to insecurity, a weak justice system, the sensitivity of the issue and the stigma which comes with it. (idem: 26)

Even if most of the people who work in mines do it voluntarily, there are also forms of forced labour. Soldiers force people, even whole villages to work in the mines at gun point as diggers, transporters and processors without any financial compensation. For example FARDC soldiers raided the village of Ndjingala (North Kivu) and brought the youth to the mining site. They were forced to work under armed supervision, without getting paid and without the possibility to escape. Another form of forced labour is salango where miners are forced to work for a government official or an armed group on a specific day of the week. In case they refuse they can be tortured. (idem: 20) Child labour is at a high rate in DRC: 40% of the workers at mining site are children as young as six years old. The lack of opportunity to attend school and the extreme poverty forces families to send children to work in mines. They work in harsh conditions up to 8 hours a day without break or food and they perform physical demanding jobs such as rock-breaking. (*ibidem*)

- f. **Community security** Communities and villages are being attacked due to the fact that they are seen as working with the enemy by both sides of the conflict. Besides this Human Rights Watch has published a report- *DR Congo: Ethnic Militias Attack Civilians in Katanga, August 2015*- which interviewed survivors of the attacked carried out by Luba ethnic fighters against the Batwa community (known also as Pygmy). Tensions between the two groups started when Batwa started to demand respect for their rights, such as access to land and the ending of forced labour. Both ethnic communities formed their own militia groups and continued

fighting even when the violence forcibly displaced them. The attacks on each other had caused hundreds of victims, however the authorities are trying to cover the extend of the situation. Batwa have suffered discrimination and exclusion by being denied fair working conditions, access to healthcare, education or political representation and little access to land. Providing the basic rights to the Batwa minority group is important for the ending the violence, however little effort was put forward by the government to end the discrimination.

- g. **Political security** takes into consideration human rights abuses and political repression. Serious human rights abuses were carried out by both militia groups and government security forces, with Eastern DRC being the most affected area (some of them being mentioned above). During 2015, there were abuses against political opponents and activists who opposed President Joseph Kabila to stay in power beyond the constitutionally two- term mandate, which is due to end in December 2016. The government officials resorted to shooting peaceful demonstrators, jailing political leaders and controlling the media outlets. Police and soldiers were reported to have deadly shot a minimum of 38 peaceful protesters in Kinshasa and 5 in Goma plus dozens were wounded in the attacks. Government's soldiers later attacked the hospital where victims were treated during a visit of political opposition leaders. Also the freedom of press and of expression has been violated when two television station were shut down because they encouraged civilians to participate in the demonstrations. Access to internet and text messaging services was blocked for several days during the protests. In January 2015 prominent political leaders were arrested and detained without any charges and were not allowed access to lawyers. Later the same years youth activists were arrested in Kinshasa while they were attending a workshop to promote democratic process and in Goma 15 LUCHA youth activists were arrested during peaceful demonstrations. After being released they reported being beaten and tortured by authorities. (Human Rights Watch- World Report 2016- Democratic Republic of Congo)

According to the theory, human security reinforces the interconnectedness between all threats. As explained above all seven securities are related to each other and the causes which create one type of human security threat will act also as a cause for the next security threat. In both Somalia and DRC, the conflicts which forcibly displaced thousands of people do not have the roots only in one type of

human security threat. Poverty is said to be the cause of conflict. Indeed most of the countries which are prone to conflict are underdeveloped. However poverty taken by itself does not create violent conflict. When poverty is combined with other factors such as inequality, exclusion, political repression increases the change of violence. Abuses of human rights in both Somalia and Congo show that violent actions had as a response more violence: the violence between Batwa and Luba ethnic groups in DRC and the clashes between ethnic groups in Somalia. At the same time violence exacerbates underdevelopment and poverty. Once conflict started in both countries, villages and communities were forced to either abandon their households and land or they had everything destroyed in the fightings. People fled first to areas of the country without conflict becoming internally displaced. This created a high demand on resources and it led to resource drainage and a high pressure on the food security. In both Somalia and DRC, agriculture is one of the most important sources of income for individuals. By being forced to abandon their homes, most of the people lost their main source of income and food; as a result high levels of malnutrition characterized both countries. Different groups realized that by using violence they could control the distribution and access to resources and land; as it is the case of clans in Somalia which have their own militias in order to protect their land or the practice of forced labour in DRC's mines. Economic development cannot promote peace without a proper governance and security. Even though DRC is a country rich in natural resources, this has become more a curse than a blessing. The abundance of resources has created fighting over power. Political leaders realized that whoever is in power has the complete control of the country's resources. In Somalia's case, even though the country is not rich in resources, political leaders have manipulated the clan dynamics for their own benefits. As shown, saying that one threat plays a more important role to human security is incorrect as all insecurities are interlinked in a domino effects, each threat fueling the other.

According to Push-Pull Theory, migration is seen as a phenomenon driven by a set of push factors operating from the country of origin and pull factors operating from the country of destination. The threats to human security presented act as push factors from the home country- poverty, unemployment, political repression, abuses and exploitation, lack of access to land and resources determine an individual to abandon their households and community. Only once the coping strategies in the home country had been exhausted individuals decide to move out of the country towards refugee camps or in countries which offer more opportunities. The pull factors operate only when the conditions in the home country do not offer security to an individual. Most of the neighboring countries around DRC and Somalia face internal conflicts and are struggling with development as

well. To cope with the Somali refugees, encampment has been seen as the only solution to minimize the security risk which are associated with their arrival. The refugee camps do not offer any opportunities as the refugees are not allowed to work and do not have access to cultivate the land. Besides this Somali refugees are met with resentment from local population due to regular attacks carried out by Al Shabaab in Kenya, Uganda or Ethiopia. Host countries have pushed for return of Somali refugees as they have faced intolerance and insecurity within the refugee camps. The Congolese refugees find themselves in a similar situation as the Somalis, living in camps and not having opportunities for integration within the host countries.

South Africa does not have a policy of encampment and is also considered one of the most developed countries in the Sub-Saharan region, which makes it a desired destination for most refugees in the region. The employment and education opportunities, the prospect of a better income as well as peaceful livelihood and the respect for human rights act as pull factors in the forced migration process of refugees. There are, however, obstacles which have to be overcome by each individual such as the cost of making the journey, the cultural and language barriers as well as restrictions on immigration and asylum policies. The decision on how to overcome the obstacles differs from one person to another. Personal factors play an important role in the decision to move, as some will react differently to the combination of factors and might not be willing or do not deem necessary to pay the cost of the journey when it's put into balance with the benefits which might arise in the destination country. For example, Rose implied that she had to offer sexual favors to truck drivers to pay for her journey to South Africa: *"You know yourself what men want so that they can help you. And there is nothing that you can do because you want to run away so that they [soldiers] don't kill you."* Asking for sexual favors is a common practice when women do not have money to pay for their journey, and even if Rose had been able to pay for her journey, there was no guarantee that she would not have been raped during her journey. While Rose chose to trade sex for the truck ride which brought her to South Africa, others might have thought that the price of being stigmatized by their communities would be too high. Similar to Rose's story, Maria felt that she had no other choice but to flee together with her children. The cost of staying would have cost Maria her and the children's life. Therefore she took the change to venture in a journey which took around 3 months, when at times they had no food or shelter and had to walk long distances at night to avoid police officers. Meanwhile Mohammed didn't want to put his family at risk during the journey so he decided to leave for South Africa alone and once there would get the money that could ensure a safe journey for his wife and children- which he managed to do a year later.

Studying the factors which played a role in the decision to migrate as well as the situation in the home country is crucial in understanding the forced migration phenomenon. A holistic approach to the situation in which Congolese and Somali refugees find themselves helps explain the reasons for which they see resettlement as their only option.

Chapter 3- Integration opportunities in the first country of asylum and the response of local communities to refugees and asylum seekers- case study: South Africa

3.1. Introduction to South African asylum system

South Africa is a signatory of the UN 1951 Convention regarding the Status of Refugees and Asylum Seekers, therefore the government has the obligation to grant protection to persons whose life is in danger due to founded “fear of persecution for reasons of race, religion, nationality, political opinion or membership to a particular group”. Any individual can claim to be an asylum seeker at any point of entry in the country (land border, harbor or airport). Therefore they get a Section 23 Permit, non-renewable asylum transit permit, which is valid for 14 days. Since South Africa does not have a policy of encampment, the permit offers the 14 days period in order for the individual to report to one of the three Refugee Reception Offices (RRO) within the country. Once the application is lodged at one of the Reception Offices, the asylum seeker is issued with a Section 22 Permit. The permit offers the possessors the right to education and employment in RSA, protecting them at the same time against deportation. According to Department of Home Affairs (DHA) the permit is valid for six months, with the possibility of extending it with another six months pending a final decision on their application.⁶ In practice permits are issued with a valid period which varies between one to six months. At CTRC, asylum seekers presented permits which were reissued for up to twelve times. Due to the asylum system in South Africa being overwhelmed, it lead to backlogs on determining the application’s status. There have been reports of people queuing outside RROs for days and some even weeks before being able to renew their permits. There have been various studies which also reported high levels of corruption in South African’s RROs; for example the Marabastad RRO in Pretoria has the highest rate of corruption with 62% of respondents reporting corruption incidents as being asked for bribe to enter the office or to be given priority to present their case, as well as obtaining and

⁶ <http://www.home-affairs.gov.za/index.php/immigration-services/refugee-status-asylum>

renewing asylum or refugee documents. Not only RSD officers have been involved in taking bribes but there are cases where interpreters and other DHA employees were also involved.

At the beginning of 2011 there used to be six RROs operating in Durban, Pretoria, Musina, Cape Town, Port Elisabeth and Johannesburg. Currently only three of them are still operating. The last three were closed even after the decision made by the DHA not to reopen the offices was declared by the court unlawful. Also Cape Town Temporary Refugee Facility is not allowed to process any new applications lodged after 30 June 2012. The closure of the offices in Port Elisabeth, Johannesburg and Cape Town was made under the assumption that people could travel to any of the other offices which remained open without any difficulties. This decision makes refugees and asylum seekers travel long distances every couple of months –for some even monthly- to renew their permits. This implies high costs for transportation and accommodation that many cannot afford. In most cases it is difficult for asylum seekers to find employment and once they have found a job, the family's income is not high. Also for families where only a family member has an income the cost of the journey becomes too expensive for the whole family, especially for families with children. The obligation to travel every couple of months and the small number of RROs available creates a chain reaction: refugees/asylum seekers having to either take days off work therefor having the income shrunken even more or they risk even losing their jobs. In case the permit has expired, even if the delay was caused by long queues outside RROs, the applicants have to pay a fine- which most asylum seekers cannot afford. If the permit is not renewed, regardless of the reason, the stay in South Africa becomes illegal and they can be detained or even deported.

After the transition to democracy in 1994, the country faced large levels of migration from within the Sub-Saharan region. As the country still faced high levels of poverty, socioeconomic deprivation and unemployment, the government claimed that immigration is the reasons for the country's economic struggles. The state justified the decision to tighten the regulation regarding migrants and asylum seekers by categorizing them a security threat. This perception has given authorities the justification they needed for deporting asylum seekers and migrants without giving any other explanations. While according to the law South Africa follows the international standards of protection, in practice the asylum seekers and refugees face corruption, inefficiency and violation of their rights. Furthermore portraying asylum seekers and refugees as security threats has implications for individual's human rights and protection (xenophobic attacks on migrants and discrimination).

The following subchapters will explain how refugees came to consider that resettlement would be the only viable option for them by providing a deep insight in the reason that the respondents of the survey had provided. For a holistic approach there will be taken into the analyses factors which have direct and indirect implications to creating the unsafely conditions for refugees.

3.2. Employment opportunities and the labour market in South Africa

After fear for their lives, access to the job market and employment opportunities are the factors which most influenced the decision of asylum seekers to chose South Africa as a country of asylum. In the Sub-Saharan region, South Africa is one of the most developed countries, which also has no policy of encampment for refugees and asylum seekers, meaning that individuals can move throughout the country without constrains after they have received a Section 22 Permit and have also the right to employment and education. Neoclassical Economics explains why international migration begins. Even though the theory talks about labour migrants, the same assumptions can be applied to asylum seekers who come to South Africa, due to the fact that most of them have passed through other safe countries before reaching South Africa. The main cause of international migration at the macro level is the difference in income between the country of origin and the first country of asylum. Therefor the employment opportunities that asylum seekers see in South Africa act as a pull factor in the migration process. From the case studies analyzed, the route most used by refugees is either Zambia-Zimbabwe-South Africa (for Congolese) or Kenya-Tanzania-Malawi-Mozambique-South Africa (for Somali). When taking into consideration the countries that refugees have passed through on their route, South Africa is the most developed country, which also offers the most opportunities compered to the others. From the human security perspective, on paper South Africa should be the country which offers the least threats. Even if South Africa has strict regulation on labour migration and the labour market does not offer many opportunities, refugees and asylum seekers receive the right to work and they usually engage in the informal or black labour market. The decision is, as the theory says, influenced by income, however the pull factors are the expected work opportunity rather than the actual earnings.

Immigration has been used more than once as the reason why the unemployment rates within a country are high and affect the economic development of a country. South Africa's unemployment rate has reached 26.7% in the first quarter of 2016, according to the Quarterly Labour Force Survey; the most affected group being the youth and the population from rural areas. The statistics show it is true that the unemployment rate for international migrants (people who are not born in South Africa)

is lower compared to the unemployment rate for domestic workers. However the same report shows that international migrants are engaged more in informal (32.5%) and precarious employment (53.3%), which is a sector that locals do not prefer to engage in. (Fauvelle-Aymar, 2014: 23-24) Both Rose and Maria have worked as cleaning-lady. While Rose works just 3-4 times per week only, Maria had been recently laid off because there was no more need for her at the hotel she was working at. Both women had confirmed that the jobs they managed to get are never steady jobs and that the risk of losing them at any point is high. The unsteady job situation is confirmed by both Maria's husband, who used to work as a security guard and even Abdullah, who is the only case that has a qualification-being certified as a interpreter for UNHCR and DHA. He confirms that his qualification does not offer him a steady income and he is forced to take piece jobs. The questioner which was conducted on refugee from CTRC reinforces the statement that international migrants are engaged in unsteady, informal jobs with 29 out of 50 persons answering that they are engaged in the informal sector or are doing piece jobs. The wage is in all the cases not enough for the households, therefor refugees appeal to other sources to supplement their income. Out of the 29 people who are engaged in the labour market, 21 receive help from church or get some sort of grant either from SASSA or from NGOs such as CTRC.

Discrimination is an important variable when there is an analysis about the job market in South Africa. The white privilege which characterized the Apartheid period is still present nowadays in South Africa which explains the high unemployment rate among black and colored South Africans. When it comes to international migrants there is not a difference between the employment rates when it comes to race, the differences between white-indian-colored-black are insignificant. (Fauvelle-Aymar *op.cit*: 32-35) The most important factor which influences the employment opportunities of an individual is the education level. As mentioned above the black population is at a disadvantage being the victims of both discrimination as well as the repercussions of the Apartheid period. The low education level makes it hard for a persons to get employed and if they do get employed, the job will be in most of the cases a low paid job. Studies have shown that the rate of employment for people with no education is the same for non-migrants, domestic migrants and international migrants. Added to that, the rate of employed international migrants who have finished part of the primary education or completed it is higher then the rate for domestic and non-migrants. However the same studies show that international migrants are most likely to be employed in the informal sector regardless of their level of education. (*idem*: 46-49) There have been various cases where refugees or asylum seekers who used to be journalists, nurses, judges or lawyers in their home country were able to find

employment only as housekeepers, cashiers or just worked day jobs. This has been the case mostly because South Africa recognizes few qualifications which were not acquired from a South African education institution. For the diplomas which are eligible to be recognized, individuals need to submit an application to South African Qualifications Authority (SAQA). The process is lengthy (it can take up to two years) and SAQA requires a fee for processing the application, which most refugees and asylum seekers cannot afford to pay. Incidents when applications have been lost and the process had to be restarted are common and have an effect of discouraging the individual to reapply.

Taking into consideration all of the above the reality is that international migrants are indeed taking in some way jobs from locals but only from the population who has low levels of education. Taking advantage of the situation, political representatives have focused the blame on immigration and have easily manipulated the vast majority of the poor population into thinking that the reason for the high rate of unemployment is not due to the high levels of corruption or the lack of development projects in South Africa. As much as the political class blames the poverty levels on the immigrants, the reality is that the roots of the problem lies within the apartheid period and the poor education system which has not prepared the youth in the country to access the labour market. Since education (from primary school to university) in South Africa is not free, many cannot afford to pay the tuition fees and therefor cannot gain the skills that the labour market requires. The political class instead of taking responsibility for the situation redirected the discourse towards the immigration and blamed refugees and asylum seekers for coming into the country to take the job opportunities from locals. Refugees and asylum seekers have been categorized as a security threat by many and the media has contributed to establishing this perception.

The main argument of Securitization Theory is that an issue becomes a threat not because it presents an actual threat to the society but because it has been defined by an actor as a security threat. Refugees and asylum seekers have been labeled by the political leaders in South Africa as a security threat time and time again. Since migrants, refugees and asylum seekers have no political power they have always been an easy target and a even easier justification for the situation that South Africa is confronted with. By publicly reinforcing these affirmations, through statements and speeches at public events, the population started to see themselves the refugees in South Africa as a security matter. What political leaders have rarely touch upon are the benefits that refugees' communities bring to the society they live in. For example the Somali community is very close and most of the Somali refugees once arrived in the country open small businesses. Somali shops are the most popular small businesses among refugees and asylum seekers. The opening of small businesses does not only

help the economic development of the country but also creates jobs especially for others within that community. For example both Mohammed and Abdullah have worked in Somali shops and Mohammed had his own shop before being robbed. From CTRC files and initial assessment interviews over 50% of the Somali cases reported either working, owing or past employment in a Somali shop after arrival.

However once the perception of security threat gained acceptance from the public opinion there was a demand for measures to be taken to resolve the problem. On the other hand there are two problems that South Africa faces regarding initiating actions against these communities: the first one would be that the high unemployment rate is not due to primarily the refugee flow, but to the corruption which renders the economic development of the country. The second issue is that since South Africa has ratified The 1951 Refugee Convention, it cannot break the non-refoulement rule or to refuse to process asylum claims. Therefor not taking any action against asylum seekers and refugees has encouraged people to take extraordinary measures against them using violence. Xenophobic attacks have been a constant phenomenon in South Africa, with times when the phenomenon has been more intense and visible.

3.3. Xenophobia within South Africa

UNHCR recognizes that in South Africa xenophobia still threatens the lives and the livelihood of its POC and it manifests in a wide range of attitudes from discrimination in all areas of lives to social exclusion, harassment, personal and collective violence. The insecurity and the fear that comes from xenophobia affects the quality of the asylum's services and also works against local integration as a durable solution for protection.

Xenophobia has been the main reason behind resettlement applications, given by the all of the refugees which were interviewed as well as the main reason which came out of the questioner answers. Speeches by community leaders could encourage either openly or not so openly xenophobic attacks on foreigners. By addressing the refugee situation as a threat and asking for the population to take measures, the violent actions have been legitimized in the eyes of the population which lives in poverty. One example is the Zulu King Goodwill Zwelithini speech at a local convention, when he make statements which lead to the Xenophobic attacks from March 2015. He stated "when you walk in the street you cannot recognize a shop that you used to know because it has been taken over by

foreigners”.⁷ Moreover he continued saying foreigners can do everything that they want in their country because South Africans are not behaving adequately. In his opinion foreigners decided “to exploit this nation of fools” (South Africans) and urged government to help solve this problem. He encouraged “foreign nationals to pack their belongings and go back to their countries” and also blamed other political leaders of not taking actions. Stating that the political class will not take action against the phenomenon has made South Africans think that they are entitled and even have a responsibility to take actions into their own hands. Politicians have even said that “[f]oreigners need to understand that they are here as a courtesy and our priority is to the people of this country first and foremost ... They cannot barricade themselves in and not share their practices with local business owners”. (Small Business Development Minister- Lindiwe Zulu in Wilkinson, 2015) In 2011 ANC MP Maggie Maunye has condemned refugees for taking advantage of the country’s resources and continued saying that all foreigners should be returned to their home countries- “Really, this intake, for how long are we going to continue with this as South Africans? Is it not going to affect our resources, the economy of the country? We’ve never enjoyed our freedom as South Africans. We got it in 1994 and we had floods of refugees or undocumented people in the country and we always want to pretend it’s nothing like that.”⁸ Comments like this encourage the myth that refugees and foreigners are coming to steal their jobs and drain the country’s resources. These views on immigration have been shared by many South Africans and the fact that they are coming from leaders helps legitimize abuses and attacks on foreigners.

UNHCR documented attacks where shops were burnt in March 2015, leading to the death of 7 and the displacement of thousands. Temporary safety camps were set up in various locations across the country. However the temporary nature of the camps meant that refugees had two choices: voluntary repatriation to the country of origin which they left because their lives were in danger, or returning to the local community where they might become victims of attacks once again. (Scales and Sanpath, April 2015) Xenophobic attacks do not happen only when public figures encourage it, but on a daily basis with less attention offered by the media. All five case studies have detailed being victim of xenophobia more than once since arriving in South Africa which has, according to their statements, made them feel that their life and their family’s are in danger and will continue to be as long as they are in South Africa. The attacks are not singular; each being a victim at least twice. Rose has related events which happened in broad day light, at the train station or at work and nobody

⁷ Video available on <https://youtu.be/3nbDnWnx9ZQ>

⁸ <http://www.news24.com/Archives/City-Press/ANC-MP-apologises-for-xenophobic-comments-20150429>

interfered. She also reported being harassed on the street while being called *makwerekwere*- a derogatory term used for other African nationalities. Rose has concerns that one day she might not be lucky and might not return home to her children. Such attacks have meant for Abdullah the death of his cousin and brother when the shop they worked in was attacked. He managed to get away alive after being shot and hospitalized. However he has suffered significant trauma witnessing the killing of his brother. Mohammed and Maria have not been the only victims in their families. When Mohammed's shop was targeted and he ended up in the hospital, his wife was attacked in their home and later threaten with death. Maria's husband had to quit his job as a security guard because he was targeted by one of his co-workers for being a foreigner and trying to take the jobs from locals. He got a restriction order against the man but the police did not enforced the warrant even after being followed and attacked several times. The cases are not unique- six out of ten individuals who required assistance from CTRC reported being victims of at least one xenophobic attack.

"I was attacked 3 times. I've been stabbed and they even throw me out of a car once. It's just hard to start over every time. They took everything that I have. (...) At least in Philipi – township- is better than Khalitcha –another township: they will stab you before asking for anything and that they will take everything from you. (...) I don't make enough money to move out of the townships." (DRC asylum seeker, 27 years old)

"I was shoot in the arm while I was working in the shop. It still hurts even after 6 months. My brother was killed a few days after I was shoot." (Somali refugee, 29 years old)

These have also been reinforced by an unanimous answer that fear for their safety is the main reason for wanting to resettle in the survey. As the cases of Mohammed and Abdullah show, foreign owned business have been a target of attacks which ended in deaths, serious injuries and burning down the establishment. Besides there have been notices of eviction and violent threats by local business associations which were reinforced by police actions targeting foreign-owned business and shutting them down, while similar shops owned by nationals have remained opened. (Misago *et all*, 2015: 21)

Even when there is un-denying proof that foreigners are victims of xenophobia on a daily basis, the government and the police have refused to categorize such attacks as xenophobic and rather preferred to include them in the "normal crime rate" of South Africa without any additional targeted interventions or policy changes. The police, who has the responsibility to protect all residents of South Africa, often has been complicit to the violence and even encouraged further attacks by not taking actions against the perpetrators of such crimes.

“They [the police] didn’t do anything because he was South African.” (Rose)

“If you don’t know the person, the police does nothing. They just give you a case number and you can go.” (Mohammed)

“The police is with them. They don’t do anything to stop it.” (Abdullah)

“They only took the statement and gave me this number. [case number] Nothing more... How can we feel safe when they do nothing?!” (Fathma)

“Husband was attacked even with this paper [restriction order] and when the police came they didn’t do anything. He [the attacker] was never went to jail or got arrested.” (Maria)

The above statements are backed up by the response of the police during the 2015 Xenophobic attacks, when officers were accused of not defending the lives or business of refugees and even taking part in the crimes. There are often unfounded claims among police that refugees and asylum seekers are involved in criminal activities. As a result of this they suppose they have the obligation to take action *“Approximately 90% of foreign persons who are in RSA with fraudulent documents [fraudulent documents include also expired permits] are involved in other crimes (...) are involved in crimes as well [note: there is no known factual basis for this claim] (...) it is quicker to charge these criminals for their false documentation and the to deport them than to pursue the long route in respect of the other crimes that are committed.”* (Misago *op.cit* : 22) The statement clearly shows that police applies discriminatory actions when it comes to refugees. Blaming outsiders for crimes and using their documents situation as a excuse for deportation shows that they lives are in permanent danger and that South Africa has often strained from the non-refoulement rule of law.

There is a strong sentiment that South Africans have a hostility towards the presence of other Black foreigners in the country. This have been supported by statistics: 25% of South Africans favor a total ban on immigration while 20% of South African nationals would like all neighboring nationals who are living in South Africa should be sent back to their home countries. (Crush, 2008) Local integration seems to be far from being accepted by South Africans and in consequence they are reluctant to support project or NGOs which offer assistance to refugees:

“Training refugees? The same people we want out? They are being trained? To stay here? We want these people out!”

“They will never leave; trust me, because you are educating them they will never leave.”

“Does it make sense that the violence was a sign that we want these people out; you wanna train them for what? Why do you want to train them? Deport them. [...] It doesn’t make sense,

people are saying we don't want them but you want to train them. We don't want them to be integrated.” (Misago op.cit: 59)

Professor Loren Landau says that the political discourses are only part of the reasons foreigners are being attacked. The other two main reason are the proximity- making foreigners' easy targets and the object of South African's rage and frustration- and the myth of job stealing. “These are people working in sectors such as small business and manual labor that offer the few available economic opportunities to poor South Africans. While their presence may ultimately create jobs, it is not perceived that way”. (Landau, 2015)

3.4. The impact of townships on refugees' security

Xenophobic attacks have become characteristic and are more intense across townships- informal settlements. As discussed prior most refugees do not earn a high income and cannot afford to spend much on rent. As a result the income plays an important factor when choosing the housing situation. Refugees can only afford to live either in townships or in poor neighborhoods, which have a high crime rate. Studies have concluded that violence occurs mostly, but not excessively, in areas where the population has poor livelihoods and are themselves victims of discrimination and lack opportunities. Rose, Mohammed, Fathma reported being victims of attacks which happened in townships- Phillipi or Khalitcha. The responds of the survey lived either in townships 22 (out of 50) or in neighborhoods with high poverty and high crime rates (Parrow, Belville, Brooklyn or Mitchell's Plain). In these informal settlements violence have become socially acceptable and it's seen as a means of solving problems or achieving justice. However as there was stated before poverty itself is not a cause for violence. There are cases of poor societies with low crime rates.

What acts as a factor in the occurrence of violence is inequality- the difference in how wealth is distributed among individuals; the gap between the poor and the wealthy. The Gini Index is a tool used to measure inequality in a country, with 0 showing perfect equality and a value of 100 shows absolute inequality. This puts South Africa with a Index of 63.1 among the countries with the highest rate of inequality, according to UNDP.⁹ Since most crimes occur against individuals of the same social status, we can say that these attacks are indeed driven not by the desire financial gains but by the desire to achieve justice for what they think outsiders robbed South Africans of- jobs, and also by

⁹ data is prior to 2013 available on <http://www.hdr.undp.org/en/content/income-gini-coefficient>

the desire to solve a issue that everyone calls it a security threat, but does not act against-immigration. (Glaser, 2008: 342-343) According to the theory, the acts of violence are only a result of frustration. It has been said that the population in the townships was predisposed since before the Apartheid period to discrimination, poverty or low levels of education. This have brought in for generation after generation levels of frustration and unworthiness. The political class has manipulated these feelings and used them to turn immigration into the object of their frustration. It would be false to assume that frustration always leads to aggressive behavior. The intensity of the aggressive behavior, such as the xenophobic attacks against refugees that happened in March 2015, will appear when the instigator will have a high control over the perpetrator. Therefor it is not a coincidence that the attacks started in townships after the Zulu King speech where he said that South Africans should take actions against the foreigners so that they would pack their back and go back to their home country. Usually aggressive behavior will not occur if there is an inhibitory force- such as the accountability in front of the law for their action or police intervention. It was presented above that law enforcement inseed of acting as a inhibitor of violence, acts as a encourage mechanism instead. That being said, the fact that a leader of the community made such statements encouraged the release of aggression and gave the actions legitimacy. The aggressive behavior was not directed only to refugees, but also their businesses were targeted according to various news articles.

All the above factors represent threats to the personal security of an individual. Even if asylum seekers and refugees came to South Africa down by the development country and the work opportunities they thought will find, those factors soon became push factors as they faced the reality after arriving in South Africa. Xenophobia manifesting in discrimination from institutions, government or authorities, discriminatory attitudes when accessing the labour market as well as the violent attacks that refugees encounter on a daily basis, acts as a push factor and threatens the livelihoods of individuals.

“This is not the life you want to live, looking always over your shoulder, afraid that you can get attacked just because you are a foreigner in this country.” (Abdullah)

”We really hoped that we can make a life here, but we can’t live like this. Always afraid to go out of the house because we might be attacked. We are not free.” (Maria)

Once the personal security of an individual is threaten, that individual will seek new ways to achieve it. As shown in chapter 2 repatriation is not an option for most of them, since Somalia and DRC are still facing internal conflict. This chapter has shown that local integration is still hard to achieve in

South Africa due to the feelings that nationals have towards outsiders. As a result of all this factors the only durable solution that refugees can see viable is resettlement to a third country.

Chapter 4- Resettlement as a durable solution

Host countries facing economic challenges, as well as social and political unfavorable factors have a difficulty in creating an appropriate environment for local integration. When there is a lack of opportunities for voluntary repatriation and local integration, there is a higher demand on the resettlement as a durable solution. However the number of places that the resettlement countries offer has not been able to keep up with the refugees' demand.

4.1. UNHCR Resettlement policy and process

Even if there is a high demand coming from refugees, resettlement does not represent a right, but nonetheless it has to offer the most in need an appropriate and timely response. UNHCR has made ongoing efforts to identify the most vulnerable refugee groups which are in need of resettlement. In order to be eligible for resettlement a person needs to have recognized refugee status, in most cases, and also it was determined that the other two durable solutions are not viable and that resettlement is the appropriate action. UNHCR wants to ensure a non-discriminatory resettlement process, therefore all individuals regardless of their age, gender or sexual orientation would have access to durable solutions which are appropriate for their cases.

UNHCR resettlement cases are submitted according to the priority level that the case is given. There are three level:

- *Emergency priority* for cases which are in immediate need of security or medical assistance in matters of days or even hours. Emergency resettlement will be offered to individuals who are threatened with deportation to their country of origin. Also individuals who encounter situation which are a immediate threat to their life in the country of asylum could be given emergency priority. However emergency submission should only be made after a thorough analysis of the case and the urgency of the removal.
- *Urgent priority* is given to the refugees who are in need of fast resettlement but their priority is not as high as that of those given emergency priority. It applies usually to medical cases where individuals cannot be given the necessary treatment in the country of first asylum. Urgent priority cases need to be offered resettlement within six weeks from submission.
- *Normal priority* applies to most of the cases which are not in immediate medical, physical or social danger. Cases would be given priority according to the specific submission category.

According to UNHCR Resettlement Handbook(245-288) there are seven submission categories:

Legal and/or Physical Protection Needs. Resettlement may be the only option for refugees to have guaranteed protection when they are faced with threats which might put them in danger in the country of refuge. The threats will be different relating to each individual age, gender, sexual orientation, religion, ethnicity or disability. In order to qualify for resettlement under legal and/or physical protection needs, the applicant must meet at least one of the following criteria: be in danger of refoulement to the country of origin or deportation to another country which might break the non-refoulement rule-for example deporting a refugee to a country which has not ratified The 1951 Refugee Convention ; be in danger of being arrested or imprisoned- due to either sexual orientation, gender identity or ethnicity; threat of human rights and physical abuses in the country of first asylum which make asylum not feasible-past harassment even when it reoccurs will not be considered enough in most of the cases.

Survivors of torture and/or violence are considered for resettlement when the trauma they have faced has severe implication on their mental and physical well-being which the country of asylum cannot resolve. In order to be considered for resettlement the refugee must have experienced torture and/or violence either in the country of origin or asylum; may face physical and psychological effects from the trauma suffered; could face further traumatization due to the conditions in the country of asylum; might require medical and mental health care which is not available in the country of origin or asylum and require resettlement to meet specific needs.

Medical needs. Most refugees with medical needs will not qualify for resettlement, therefore when considering resettlement as a protection measure there is a need for proper evaluation. As a result all four criteria must be met:

- a. Diagnosis- the health condition or disability is life threatening or there is a risk of irreversible loss if adequate treatment is not provided or the situation in the country of asylum is the reason that the condition will worsen
- b. Treatment- proper treatment is not available in the country of asylum and the treatment cannot be provided through emergency evacuation to a third country
- c. Prognosis- the condition of the refugee hinders his/hers changes of having a normal life and becoming self-sufficient and there is a good prognosis that treatment and life in a different country would improve their quality of life
- d. Informed Consent- the refugee has expressed the wish to be resettled after he/she was given all the information about the integration conditions in the new country and community

Women and Girls at risk. Women and girls face gender-related forms of persecution that asks for special forms of protection. This category is less visible in the displacement population and the incidents might not be reported due to fear of stigmatization by the communities they live in. Risk of abduction, sexual exploitation, rape, genital mutilation and sexual abuse are just some of the problems female face both in the country of asylum and home country. In order to be consider under this category the following have to be considered: there are security threats which are related to their gender; specific needs that come from the result of past persecution cannot be meet in the country of first asylum or there has been a change in the social norms which result in being unable to offer traditional protection mechanisms.

Family Reunification. Maintaining the family unit is a principle that is important to the humanitarian field. During the flight there are many instances when family members get separated and this principle helps restore the family unity whenever members are estranged. Resettlement is done by UNHCR in order to reunite a estrange member with a member of the family which already is in the country of resettlement. UNHCR encourages reunification of nuclear family members, spouses, parents and children, separated or unaccompanied minors with parents or siblings, dependents parents of an adult and other dependents family members.

Children and Adolescents at risk. In order to establish the risk that a child or an adolescent a Best Interest Report (BID) must identify that resettlement is the most appropriate method of protection. The child has to have protection needs which cannot be addressed in the country of first asylum and it has been determined the resettlement is the best solution. In selecting the state where the child will be resettled there must be taken into consideration the countries which best appeal to the particular needs.

Lack of foreseeable alternative durable solutions. This category does not require immediate resettlement but there is a need for establishing a durable solution to their situation. The submission under this category is mostly used by UNHCR to unlock protracted refugee situations.

As seen from the above categories, the cases studied in this research do not meet the criteria for resettlement submission. Not only these cases but many others find themselves in the same situation. Some can say that xenophobia is a matter of concern, however UNHCR does not support past harassment on a individual, even if it reoccurs, a sufficient enough to qualify. Therefor a decision regarding their claim must be given and attempts for local integration must be continued. As long as asylum seekers and refugees have the right to work, have access to education and there are foreseeable

integration opportunities which other have taken advantage of, resettlement will not be an option as long as other criteria by UNHCR are not applicable.

4.2. Resettlement within the USA- expectation vs. reality

The United States has had a long tradition of granting asylum to people who are fleeing their countries due to persecutions through a programme which is endorsed by the President. To become eligible for resettlement in US the following criteria have to be met:

- be among those refugees who were determined to be of special humanitarian concern to the United States by the President
- meet the definition for a refugee according to the national legislation
 - any person who is outside it's country of origin or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion
 - in such circumstances as the President after appropriate consultation (as defined in Section 207 (e) of this Act) may specify, any person who is within the country of such person's nationality or, in the case of a person having no nationality, within the country in which such person is habitually residing, and who is persecuted or who has a well founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. (Section 101(a)(42) of the Immigration and Nationality Act)
- not be firmly resettled in a third country
- be admissible under the U.S. Law

The admission programme endorsed by the President includes processing priorities, refugee admission levels and the groups of refugees which represent a special humanitarian interest to the country. The priority levels are the most important, as they establish which humanitarian crises are given priority; as of 2015 priority one included all the cases that UNHCR and its partner identified as being in immediate danger in the country of first asylum, those who were in danger of refoulement, those who were facing immediate oppressions due to their political, religious and human rights activities. Besides this all cases which were under UNHCR submission categories were given

Conclusion

The purpose of the thesis has been to establish what are the reasons behind the high number of resettlement application in South Africa. As one of the most developed countries in the Sub-Saharan Region, both economically and from the human rights perspective, South Africa should be the place where local integration is a viable protection option for refugees. However, the thesis has shown that after arriving in South Africa, the refugees encounter different threats to their personal security. In the country of origin, individuals face economic, environmental, health, personal and community threats, which all combined act as push factors and determine an individual to make the decision to leave the country of origin. Firstly, they would try to adapt in other regions of their country if they have the option, but when new threats appear the decision to leave the country is imminent. In South Africa the threats that refugees face are mostly personal and economic: a high number of participants in the study have pointed out to lack of employment opportunities and xenophobic attacks.

Xenophobia is a phenomenon which has negative consequences in all area of life; affecting the quality of services that refugees receive, the education and employment opportunities and the physical safety of the individuals. The attacks, which are usually encouraged by community and political leaders, have an impact on the lives of refugees leaving them incapable to work or strip them from the only source of income that they might have. However, as explained in Chapter 2, even if these acts are uncalled for, the perpetrators are “victims” of the system they grow up in. The apartheid period had an impact on the underprivileged South Africans by creating a gap between wealthy and poor. The political leaders took advantage of the frustrations that they had built up and used refugees as the scapegoat for situation South Africa find itself in: with high levels of unemployment.

The high levels of xenophobia and the lack of employment opportunities threaten the human security of an individual and therefor refugees tried to find a new way to ensure their security. Since they have not seen any successful attempts to local integration the only viable option they saw was resettlement. Diaspora payed an important role in the destination country: many choosing USA because of the fact that they either have distant relatives or hey know someone who has been living there. In most cases the refugees have either too little information about the situation in the country of refugee or have incorrect information, which makes them have high expectations regarding the situation in the USA. They mostly think that by simply getting there, all their problems will be solved and they do not have any plan on how they will cope in a new country.

There was important to notice that refugees are not informed about the resettlement procedure and what the process implies. Many refugees who came to CTRC had a false impression that almost everyone gets resettlement and once they applied with UNHCR, they stopped trying to find solutions in the country of first asylum. There is a need that the resettlement process should be explained to all applicants and that a final decision regarding their case should be offered within the time frame the procedure requires.

Since the cases studied in this thesis do not meet the criteria for the submission categories of UNHCR, resettlement is most probably not an option. Until the situation in the country of origin ameliorates and the conditions of safety livelihoods upon repatriation are met, the only viable option of DRC and Somali refugee communities is local integration. In order to offer the security that individuals need all actors involved should make an effort to accomplish it. The following recommendations are suggested in order to establish a successful local integration:

- *Develop programmes that tackle inequality in South Africa and that minimize the gap between social classes*
- *Programmes which will focus not only on developing skills for refugees and asylum seekers, but that also involve the development of the community as a whole should be developed*
- *Develop education programme which would prepare individuals with skills that will enable them to access the labour market, involving the minimum cost possible for the underprivileged*
- *Corruption should be tackled from the highest levels to the lowest and measures should be taken against those who are involved in such acts.*

Appendix 1

Survey about resettlement

This survey is part of a research project which tries to analyze what are the reasons for which refugees/ asylum seekers apply for resettlement once they come to South Africa. The survey **WILL NOT** affect any outcomes related to your case with CTRC or UNHCR.

1. Gender M/F 2. Age 3. Country of origin:
5. What area of Cape Town do you stay in?
6. What is your source of income? (Multiple choice answer)
 - Work
 - Grants (SASSA, CTRC, other organizations)
 - Old age pension
 - Savings
 - Friends/ Family
 - Church
 - Unemployed
7. Do you have any medical condition? Which?
8. Have you applied for resettlement? YES NO
9. What is the reason that you applied for resettlement? (multiple choice answer)
 - Safety reasons
 - Medical reasons
 - Disability
 - Family reunification
 - No employment opportunities in South Africa
 - No study opportunity in South Africa
 - No housing
 - Low income
10. From all the above which is the MAIN reason you applied for resettlement?

11. Which country would you like to move to?

12. Why did you choose that country? (multiple choice answer)

- Social benefits (unemployment benefits, child benefits, old age pensions)
- Better employment opportunities
- Possibility to study
- Easier life
- Medical care
- Safer country

13. From all the above which is the MAIN reason you would choose to move to that country?

Thank you for your answers!

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- *** UNDP, Human Development Report 2015- Congo (Democratic Republic of the), available online <http://hdr.undp.org/en/countries/profiles/COD>
- *** UNDP, Somalia Human Development Report 2012- Empowering Youth for Peace and Development available online
http://hdr.undp.org/sites/default/files/reports/242/somalia_report_2012.pdf
- *** UNHCR Mid-Year Trends 2015 available online <http://www.unhcr.org/56701b969.html>
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<http://www.unhcr.org/559ce97f9.html>
- *** UNHCR Resettlement Handbook 2011 available online
<http://www.unhcr.org/46f7c0ee2.pdf>
- *** UNHCR Resettlement Handbook Country chapters- USA available online
<http://www.unhcr.org/3c5e5a764.html>
- *** United Nation Trust for Human Security Human Security in Theory and Practice- An Overview of Human Security Concept and the United Nation Trust Fund for Human Security available online
http://www.un.org/humansecurity/sites/www.un.org.humansecurity/files/human_security_in_theory_and_practice_english.pdf

Online Resources

- UNHCR www.unhcr.org

- SAHRC www.sahrc.org.za
- www.responsabilitytoprotect.org/index.php/crises/crisis-in-drc#background
- www.unicef.org/somalia/health.html
- www.unicef.org/somalia/health_90.htm
- <http://www.fao.org/emergencies/countries/detail/en/c/148705/>
- <http://apps.who.int/nutrition/landscape/report.aspx?iso=cod>
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