

# Experiencing life in the deep end

By Vanessa Lamborn, 2011 Castan Centre Global Intern

After attending training sessions in Johannesburg and at Oxfam headquarters in Durban I commenced my six week placement at Lawyers for Human Rights in January 2011. On my first day I was thrown straight into reception where my role was to greet clients and process intakes. The Durban office of Lawyers for Human Rights was focused on the Refugee and Migrant Rights project, which meant that all our clients were refugees.

My first 'client' was a twelve-year-old girl who had travelled from the DRC through Zambia and Zimbabwe to arrive in South Africa by herself. Our clients seek refuge from many different countries, primarily the DRC, Zimbabwe and Ethiopia, but we also had files from Iran, Kyrgyzstan, and China amongst other places. The bulk of the work that I undertook at Lawyers for Human Rights involved drafting grounds of appeal for clients who had had their refugee status revoked.

Refugee law in South Africa is quite different to Australia in that every person who crosses into South Africa to seek asylum will immediately be granted a temporary asylum seeker permit. This entitles the asylum seeker to work and study within the community. Their application for refugee status is then processed by the Department of Home Affairs, and, depending on whether or not they fit the criteria, they will be deported or granted a temporary refugee permit, which is periodically reviewed.

One of the challenging aspects of the placement was realizing the gap between what a law seems to say and what its actual effect is. According to South African law, to be classified as a refugee one must be outside their country of origin and have a well founded fear of persecution based on at least one of six characteristics; race, tribe, religion, nationality, political opinion or membership to a social group. Although this definition seems likely to cover most people escaping the desperate violence and poverty that exists in many African villages, less than 1% of our clients would succeed in proving their claim.

Most asylum seekers are unable to satisfy the heavy burden of proof to show they had a 'well founded' fear of persecution and that this persecution was based on one of the above-mentioned attributes. Many asylum seekers, despite the horrible stories of witnessing mass rape and violence, ultimately come to South Africa for a better life and are thus labelled economic migrants who do not satisfy the requisite criteria to be classified as a refugee.



Vanessa works on one of her files.

My six weeks at LHR was really just an introduction into refugee law and life in South Africa. Every day refugees explained to me why they left their country of origin and these stories of brutalization by their own neighbours confronted me with man's ability to dehumanize and destroy.

I was also challenged to consider what the role of 'foreigners' is in development aid. Could I come into South Africa with my own inherent biases and really effect any change? How can a government that is struggling to support its own citizens be expected to also support the hundreds of refugees that arrive every day? Should change be on a macro or micro level? By attempting to help are we simultaneously supporting the current system?

During my placement at LHR I did not find the answers to these questions but I was frequently encouraged to debate these issues, and I was exposed to many different views and opinions. Although I see no solutions to the problems facing South Africa, which has an official unemployment rate of 24% (the unofficial rate is said to be more like 45%) and with almost 40% of people in the province I worked in affected by HIV AIDS, I am far from disheartened. The experience has allowed me to work with inspiring and dedicated people and to work for strong and resilient clients. The central character of our office book club book 'Little Bee,' a Nigerian refugee girl, explained that she was "carrying two cargoes. Yes, one of them was horror, but the other one was hope." The number of people working to improve human rights in Southern Africa means that there is much hope for the refugees of Africa.