

MAIN OUTCOMES OF THE HIGH-LEVEL DIALOGUE

UNHCR and Republic of South Africa High-Level Dialogue

Assistant High Commissioner (Protection) and Minister of Home Affairs

January 2022



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OVERVIEW OF THE AGENDA : CURRENT AND FUTURE COLLABORATION

1. Asylum system development: legislative reform and protection impact
2. Asylum system development: social assistance
3. Asylum system development: judicial engagement
4. Asylum system development: RSD and backlog project

5. Durable solutions

6. Statelessness, including HLSS

7. Global Compact on Refugees and the Global Refugee Forum (update on pledges and current state of affairs)

8. Cooperation Agreement between UNHCR and GoRSA



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OUTCOMES

LEGISLATIVE REFORM

- UNHCR acknowledges that DHA has started a process to harmonize the Refugees Act, the Immigration Act and the Citizenship Act and bring them in alignment with international refugee law;
- UNHCR and DHA commit to continue discussing provisions which are at variance with international refugee law through a dedicated task force.



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OUTCOMES

JUDICIAL ENGAGEMENT

- UNHCR to approach the GoRSA judiciary through DoJ and to offer training on international refugee law to enhance their capacity in this complex area of law;
- UNHCR and DHA are open to exploring alternative dispute mechanisms with a view towards avoiding litigation or resolving cases out of court. If no agreement is reached then UNHCR may come in neutrally as *amicus curiae* (friend of the court);
- UNHCR commits to develop SOPs on Judicial Engagement and share with DHA.

OUTCOMES

SOCIAL ASSISTANCE

- **UNHCR will appoint a consultant to bring social assistance issues to the forefront and will commit to design a social assistance model for indigent asylum-seekers (ToRs to be shared and agreed with GoRSA);**
- **The consultant will work with a Task Team to bring all the relevant stakeholders together in a whole-of-government approach.**

OUTCOMES

RSD AND BACKLOG PROJECT

- In March 2021, UNHCR and DHA launched the Backlog Project aiming to eradicate the asylum appeal backlog. Building on the success of the project, UNHCR and DHA agreed to expand the project to include initial refugee status determination. UNHCR will look into the funding and resources needed to ensure capacity development as the project expands;
- UNHCR and DHA will further discuss how to furnish technical support to enable the digitization of asylum-seeker and refugee files;
- The re-opening of the Refugee Reception Offices is an ongoing discussion; UNHCR commits to support DHA to explore the expansion of the online extension platform to include new asylum applicants.

OUTCOMES

UNHCR & Government of South Africa Cooperation

- The Cooperation Agreement signed in 1993 was primarily focused on the return of South African exiles from abroad. The GoRSA and UNHCR agreed to establish a task team to draft a new co-operation agreement that modernizes areas of co-operation between the two parties regarding the provision of international protection for asylum-seekers and refugees.
- The new agreement will also incorporate the objectives of the sustainable development goals, the global compact on refugees, global compact on migration and the global action plan to eliminate statelessness as well as new standards with regard to data protection and sharing.

OUTCOMES

DURABLE SOLUTIONS

- **UNHCR will organize a tripartite process with a view to operationalize and expedite the process of voluntary repatriation. This will also ensure that countries of origin take responsibility for their nationals;**
- **UNHCR and GoRSA will work closely to sensitize governments of countries of origin through their embassies on the issue of Voluntary Repatriation.**

OUTCOMES

STATELESSNESS

- **UNHCR agrees that South Africa is not obliged to grant citizenship to every child born in South African territory to non-South African parents, unless there is indication that it would lead to statelessness, in line with the 1961 Convention on the Reduction of Statelessness;**
- **The Government of South Africa will nonetheless issue a Record of Birth to be presented to the country where they are deserving of citizenship;**
- **The Government of South Africa will actively collaborate with countries in the region to encourage and promote Civil Registration systems;**
- **UNHCR and Government of South Africa will publish a common statement on the definition of a stateless person.**

THANK YOU



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