

**EXPERIENCES OF UNACCOMPANIED MINORS: AN
EXPLORATORY STUDY CONDUCTED WITH REFUGEE
CHILDREN**

LUNGILE MAGQIBELO

**Submitted in partial fulfillment of the requirements for the degree
Magister Artium in Child and Family Studies in the Department of
Social Work**

University of the Western Cape

WESTERN CAPE

November 2010

Supervisor: Dr M.P Londt

Keywords: Unaccompanied minors, refugees, social services, social worker,
alternative care, asylum status, legal documentation, foster care, international treaties,
repatriation

ABSTRACT

Refugee children seek refuge in South Africa with the hope of a better life. However, some refugee children experienced life challenges such as being homeless, living in poverty, and some resort to criminal activities. The main aim of this study was to explore lived experiences of unaccompanied foreign minors in South Africa from a social work perspective. An important goal was to also explore the lack of guidelines on how to assist these young people. This study was conducted in a Children's Shelter, which is situated in the North-Eastern outskirts of Polokwane, where a group of unaccompanied refugee children from Zimbabwe were living. This study was qualitative and explorative in nature. Non-probability sampling was used to select participants for the study. Ten children were selected, ranging from age 14 to 18 years. Semi-structured interviews with the children and a focus group discussion with five care workers were held. Thematic analysis was used. The findings of this study revealed that services by government social workers are limited compared to those from social workers employed with non-governmental organisations. It is hoped that this study will assist government and other role players in planning, advocacy and policy development related to the issues affecting unaccompanied refugee children.

DECLARATION

I declare that *Experiences of unaccompanied minors: An exploratory study conducted with Refugee Children* is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged as complete references

Lungile Magqibelo

November 2010

Signed.....



DEDICATION

This study is dedicated to all vulnerable children who are still resilient despite their circumstances.

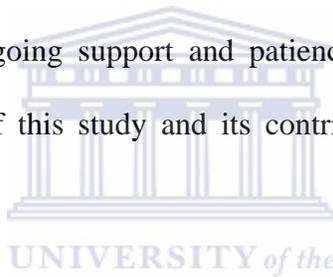


ACKNOWLEDGEMENTS

I would like to thank God Almighty for giving me strength throughout my studies. Finally I am reaping the fruits of my hard work. I would also like to express my sincere gratitude to the following people:

My family especially, my aunt who is also a mother to me and she always believes in my strengths, thanks for your continued support.

Dr Patrick Smith for his constructive inputs and for grounding this study while this document was still in its infancy stage. A special thanks to Dr N. Roman, Head of Social Work Department for her ongoing support and patience. Dr. Londt, for continually reminding me of the worth of this study and its contributions to change the lives of disadvantaged children.



Finally, I would also like to thank my colleagues, especially my manager Ms Joyce Ndzuta for her encouragement and support.

DEFINITIONS OF TERMS AND ABBREVIATIONS

Unaccompanied (child) minor: The Office of the United Nations High Commissioner for Refugees (1994:121) describes an unaccompanied child as a “person under the age of eighteen separated from both parents and not being cared for by an adult who by law or custom has a responsibility to do so.”

Refugee: A refugee is described as a person who flees to a foreign country or power to escape danger or persecution; a person who has a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his/her nationality, and is unable or from fear, is unwilling to avail him/herself of the protection of that country (Molapo, 2005).

Social services: Refers to benefits and facilities such as education, food subsidies, health care and subsidized housing provided by government to improve the life and living conditions of the children, the elderly and the poor in the national community.

Asylum status: Refers to individuals already present in the country who may apply for asylum, provided that they meet the definition of a refugee and are not barred by law from applying for or being granted asylum (Ressler, 1988).

Legal documentation: Refers to documents such as asylum papers that need to be obtained (by unaccompanied refugee children) in order to gain asylum status in South Africa (Van der Burg, 2005).

Foster care: The Children’s Amendment Act 41 of 2007 describes “foster care” as a

process whereby a child is placed in the care of a person who is not the parent or guardian of the child. The child is placed in foster care through the order of a court.

International treaties: Refers to the international law that South Africa has agreed to, such as the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, to which South Africa is a signatory.

ACRWC – African Charter on the Rights and Welfare of the Child

CORMSA- Consortium for Refugees and Migration of South Africa

CRC- United Nations Convention on the Rights of the Child

DSD- Department of Social Development

DHA- Department of Home Affairs

IOM- International Office for Migration

LHR- Lawyers for Human Rights

UNHCR- United Nations High Commission on Refugees

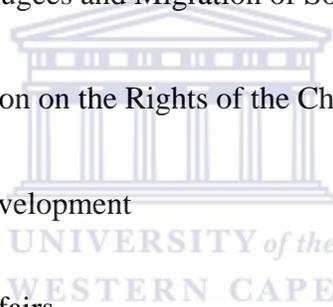


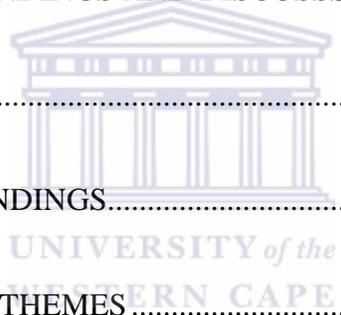
TABLE OF CONTENTS

CHAPTER 1	CONTEXT.....	1
1.1	INTRODUCTION.....	1
1.2	BACKGROUND AND CONTEXTUAL INFORMATION.....	1
1.3	PROBLEM STATEMENT.....	3
1.4	AIM AND OBJECTIVES OF THE RESEARCH STUDY.....	5
1.5	METHODOLOGY.....	6
1.6	SIGNIFICANCE OF THE STUDY.....	6
1.7	CONCLUSION.....	7
1.8	CONTENTS OF THE RESEARCH REPORT.....	8
CHAPTER 2	LITERATURE REVIEW.....	10
2.1	INTRODUCTION.....	10
2.2	LEGISLATION AND POLICY PERSPECTIVES ON UNACCOMPANIED REFUGEE MINORS.....	11
2.3	CHALLENGES FACING UNACCOMPANIED REFUGEE MINORS.....	21
2.3.1	International perspective.....	21

2.3.2	Perspectives from Africa.....	29
2.3.3	Perspectives from South Africa	31
2.4	ROLE PLAYERS DEALING WITH UNACCOMPANIED REFUGEE MINORS.....	36
2.5	SERVICES NEEDED BY UNACCOMPANIED REFUGEE MINORS.....	38
2.5.1	Psychological problems.....	39
2.5.2	Social problems of cultural (adjustment) dislocation	41
2.5.3	Educational problems	42
2.6	CONCLUSION	44
CHAPTER 3	RESEARCH DESIGN AND METHODOLOGY.....	47
3.1	INTRODUCTION	47
3.2	RESEARCH DESIGN	47
3.2.1	Methodology.....	47
3.2.2	Sampling.....	49
3.2.3	The research area	50
3.2.4	Data collection instruments.....	52



3.3	DATA ANALYSIS	55
3.4	TRUSTWORTHINESS	59
3.5	AUTHENTICITY	60
3.6	ETHICAL CONSIDERATIONS	60
3.7	REFLEXIVITY	62
3.8	CONCLUSION	63
CHAPTER 4	FINDINGS AND DISCUSSSIONS	65
4.1	INTRODUCTION.....	65
4.2	DISCUSSION OF FINDINGS.....	66
4.3	THEMES AND SUB-THEMES	69
4.3.1	Departure from the country of origin.....	70
4.3.2	Access to social work and other services.....	84
4.3.3	Children’s views on services offered to them.....	100
4.4	CONCLUSION	108
CHAPTER 5	CONCLUSION AND RECOMMENDATIONS	111



5.1	INTRODUCTION.....	111
5.2	CENTRAL ISSUES.....	111
5.3	LIMITATIONS OF THE STUDY.....	113
5.4	RECOMMENDATIONS	115
5.5	CONCLUSION	116
	REFERENCES	118

APPENDICES



Appendix A: Letter of consent

Appendix B: Research Fieldwork Plan

Appendix C: Interview Guide (Individual interviews)

Appendix D: Interview Guide (Focus group discussions)

Appendix E: Letter of permission

Appendix F: Letter of referral

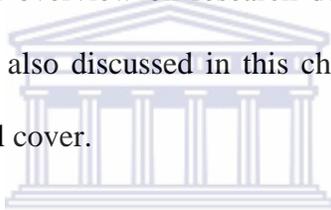
Appendix G: Letter from the Editor

CHAPTER 1

CONTEXT

1.1 INTRODUCTION

This study focused on the experiences of unaccompanied refugee children. In this chapter the researcher introduced background and contextual information relating to the core issue of the experiences of these young people. This was followed by the problem statement, which highlighted what motivated the research questions. The aim and objectives of the study, a brief overview on research design and methodology and the significance of the study were also discussed in this chapter. It concluded by giving a layout of what each chapter will cover.



WESTERN CAPE

1.2 BACKGROUND AND CONTEXTUAL INFORMATION

The phenomenon of unaccompanied refugee children had been overlooked for years despite several legislative frameworks. These frameworks included national, regional and international declarations pertaining to children, for instance the United Nations Convention on the Rights of the Child (CRC) (1990), the African Charter on the Rights and Welfare of the Child (ACRWC) (1990), and the Children's Act (Act 38 of 2005) as amended by Children's Amendment Act (Act 41 of 2007). The rights of children in South Africa, including those of unaccompanied refugee children, were specifically highlighted in Section 28 of the Constitution of the Republic of South Africa (Act 108 of 1996).

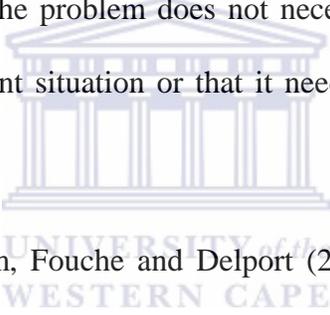
South Africa had ratified several international treaties and conventions such

as CRC (1989) and the ACRWC (1990) which served as guiding frameworks on how refugee children should be handled when they seek asylum in this country. The African Charter on the Rights and Welfare of the Child (ACRWC) (1990) Article 3 stipulated that “every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in this Charter irrespective of the child’s or his or her parents’ or legal guardians’ race, ethnic group, colour, sex, language, relation, political or other opinion, national and social origin, fortune, birth or other status.” Article 2 of the CRC also concurs with the ACRWC and further indicates that no child should be treated unfairly.

A number of unaccompanied children entered South Africa daily, yet no exact data was available. However, the research study conducted by Fritsch, Johnson and Juska (2010) indicated that approximately 1500 unaccompanied minors from Zimbabwe were living in the Mesina area alone, because Mesina is a border post and children find it easy to go back home when they want to. The study further mentioned that about 25% of the children travel alone, while others travel with a friend or sibling. It was estimated that 70% of the children who came to South Africa are boys. Fritsch et al. (2010) believe that this may be caused by the fact that girls tend to be engaged in domestic or sex work, and it is not easy to find them on the streets. The briefing paper (2010) from South African Catholic Bishops also indicated that there was an increase in the number of refugees and asylum-seeking unaccompanied children entering the country. These children came from South Africa’s neighbouring countries as well as other African countries. Owing to the outbreak of civil wars and political unrest in African countries, many refugees entered South Africa to seek asylum and protection. It is estimated that 50% of the refugees who

entered South Africa were children, some of whom were unaccompanied (UNHCR, 2007). This had posed serious challenges to social service professionals who have the responsibility to ensure that these children were protected. Services to unaccompanied children are multi-sectoral in nature, which means it is an initiative of both government and non-governmental organizations (NGOs). However, our government was expected to play a leading role in ensuring that the needs of these children are met.

1.3 PROBLEM STATEMENT

A problem is described as “any situation where a gap exists between the actual and the desired ideal states. However the problem does not necessarily mean that something is seriously wrong with the current situation or that it needs to be rectified immediately” (Sekaran, 2003:69)”.


According to De Vos, Strydom, Fouche and Delport (2005:90), a research problem is derived in various ways such as professional experience, observation of reality, and previous research. The research problem was identified by the researcher whilst employed by the Provincial Department of Social Development in the Western Cape. The researcher had noticed an increase in the number of unaccompanied refugee children entering South Africa, and this also became evident from the intake statistics of the Provincial Department of Social Development, Western Cape. However, national statistics on these children in South Africa were not readily available owing to a lack of coordinating structures. The research conducted by Save the Children (2007:4) also indicated that organizations which provided services to unaccompanied refugee children did not regularly keep records. This might be that currently only certain provinces in

South Africa had a high prevalence of child refugees entering the country keep statistics. Those provinces include Limpopo, Gauteng, KwaZulu-Natal and Western Cape. According to the United Nations High Commissioner (2007: 69), “about 36 736 refugees came to South Africa including children”. It is estimated that about 50% of refugees who are in each country are children. The UNHCR Yearbook (2007) did not give an exact number of how many unaccompanied refugee children came to South Africa. Therefore, there was no consolidated data on the number of these young people. This had an impact on the study because it would have been better if the researcher knew beforehand the exact number of refugee minors who were living in South Africa. At the same time, statistics would have provided the researcher with a larger sample for comparison. Statistics also assist to inform the development of policies and strategies.

The children seek refuge in South Africa with the hope of a better life, such as access to social services, education, job opportunities and other basic services. The briefing paper from Southern African Catholics Bishops had indicated that high levels of poverty cause children to escape their countries of origin in order to seek for improved conditions. Refugee children leave their country of origin for various reasons such as poverty, lack of education, death of parents and armed conflicts. However, some refugee children continued to experience life challenges such as homelessness and poverty, and some resort to crime whilst in South Africa. It was also apparent that many of these children eventually resort to full-time life on the street. Consequently, they seeked social work assistance to create a decent life for them. Social workers were then faced with the challenge of trying to respond to their needs, because there was no clear mandate, from

government policies or from legislation, for the care and protection of the children. This study would explore and describe the experiences of unaccompanied refugee minors living in South Africa. An important objective of this study was also to provide information about the role of government in providing social services to this group of children.

RESEARCH QUESTIONS

The study sought to address the following research questions:

1. How did the children get to South Africa?
2. What did they experience upon arrival in South Africa?
3. What kind of assistance was provided by the Department of Social Development?
4. What mechanisms were introduced in order to ensure that these children got access to basic services?

1.4 AIM AND OBJECTIVES OF THE RESEARCH STUDY

1.4.1 Aim of the study

The main aim of the study was to explore the lived experiences of unaccompanied foreign minors in South Africa from a social work perspective, to investigate the lack of guidelines on how to assist these children in South Africa.

1.4.2 Objectives

The objectives of the study were to:

- Establish what kind of social work services are provided to unaccompanied refugee children;
- Explore the children's experiences since their arrival in South Africa;
- Explore how unaccompanied minors view services offered to them.

1.5 METHODOLOGY

A qualitative research approach was adopted to conduct this study. It is the nature of qualitative research to conceptualise the problem and give a narrative response (Creswel in de Vos et al., 2005, 268). The researcher deemed this research approach to be relevant in order to explore the experiences of the participants. Individual interviews were used as a primary source of data collection and a focus group was used for secondary data. Interview schedules were developed to guide both interviews and focus groups, to ensure that all the necessary information was obtained. The participants of the study were unaccompanied minors between the ages 14-18 years. They were chosen because they were the right age of children who were able to express themselves during the interview process and the study targeted those participants who already received their asylum documents which allow them to stay in South Africa.. Purposive sampling was employed to select potential participants. Further discussions on research designs and methodology will be given in Chapter 3.

1.6 SIGNIFICANCE OF THE STUDY

This study would be significant to both social work practitioners and their clients, unaccompanied refugee minors, because it would have an impact on advocacy and policy development for such youngsters. Unaccompanied refugee minors are one of the vulnerable groups of children who are often left stranded with limited support, protection or care. According to the study conducted by Save the Children UK (2007), there was an apparent lack of procedures, and poor implementation of existing policies and legislation contributed further to the vulnerability of this group of minors. The researcher hoped that this study would help to draw attention to the need for improved social work services offered to refugee children. Research studies suggested that social work services to unaccompanied refugee minors by government social workers were minimal (Save the Children UK, 2007). Conducting this study would highlight the lived experiences of such people, and explored the current intervention strategies in order to reduce the difficulties that this group of children is exposed to in South Africa.



An important expectation was that this study might assist social work practitioners in understanding various policies and procedures that needed to be followed in assisting unaccompanied refugee minors. This study was significant to South Africa as it would address the needs such as access to social services, health, education and other basic necessities that were identified by the participants at a local level, but the researcher was of the opinion that this knowledge would influence how refugee children should be protected by the legislative and policy instruments that were supposed to improve the lives of all children.

1.7 CONCLUSION

The focus of the study was to explore the lived experiences of unaccompanied refugee minors. The number of such children entering South Africa was increasing daily. Their plight was still not being addressed, despite several local and international pieces of legislation and policies which were available to serve as a guide. A research study conducted by Save the Children UK (2007) had revealed that unaccompanied minors are subjected to exploitation while they were in the country of asylum. The findings further revealed that these children were used for sex and domestic work. This suggested that there was lack of protection of unaccompanied minors not only in South Africa, but in the entire Southern African region. It was not yet clear who should take care of these children as soon as they enter the country of asylum. The CRC, ACRWC and the Constitution of the Republic of South Africa Act (Act 108 of 1996) are all against discrimination against children on grounds of race, culture, origin and so on. The Children's Act (Act 38 of 2005) as amended by the Children's Amendment Act (Act 41 of 2007) made provisions for unaccompanied minors to be identified as children who are in need of care and protection. This study was significant because it would help social workers to address the needs of these children. Hopefully this study would be able to shed some light on what needs to be done in order to ensure care and protection of unaccompanied minors living in South Africa.

1.8 CONTENTS OF THE RESEARCH REPORT

The following layout would be used to present this research report:

Chapter 1: General introduction: this chapter would cover background and contextual information, problem statement, aim and objectives of the study, brief overview on

research design and methodology, significance of the study and a summary of the chapter and layout of the chapters.

Chapter 2: Literature review: This chapter focused on legislative and policy frameworks pertaining to refugee children, challenges faced by unaccompanied refugee minors globally, a brief highlight on the role players dealing with refugee children, and services needed by them. The chapter ended by giving a brief summary of what had been covered in the chapter.

Chapter 3: Research Design and methodology: This chapter gave an explanation of research designs, data analysis, trustworthiness, authenticity, ethical considerations, self reflexivity and a conclusion.

Chapter 4: Findings and Discussions: This chapter reported on the main findings and presented a discussion on these findings. The main outcomes of this study were presented in an objective and scholarly manner. Linkages also made with the main threads of literature that pertain to this area of work.

Chapter 5: Conclusion and recommendations: This chapter highlighted the main findings of the study that can articulate conclusions and recommendations to assist unaccompanied refugee children. Specific recommendations were made to government and other role players dealing with unaccompanied refugee minors.

CHAPTER 2

LITERATURE REVIEW

2.1 INTRODUCTION

South Africa is faced with an increasing number of unaccompanied refugee minors entering the country every day. It was estimated that at least 25% of children travel to South Africa were unaccompanied (Fritsch, Johnson and Juska, 2010:624). The reasons why these children left their country of origin included poverty, famine, civil wars and fear of persecution. A similar situation also happened in Britain when a group of unaccompanied refugee minors entered to seek asylum from the British government. This led to a serious debate about the health and social needs of these children, who might have had health needs such as malaria, malnutrition, or dehydration (Thomas & Byford, 2003). These writers further mentioned that when it came to integrating these children into a society, some of them might display signs of trauma, hostility and poor support due to their past experiences.

There were no national statistics available to confirm the exact number of unaccompanied minors entering South Africa because of the lack of coordinating structures; as a result there is no central point responsible for keeping of data. The influx of these children into the country posed serious challenges to social work professionals since there was no clear guidelines on how to deal with them. South African policies and legislation, regional policies and international conventions were in place in order to address the plight of

unaccompanied minor children, but there was no clear implementation plan. The majority of these children came from South Africa's neighbouring countries such as Lesotho, Zimbabwe, Malawi and other African countries further afield like Somalia, Kenya, the Democratic Republic of Congo, Mozambique, Burundi and Rwanda (Save the Children UK, 2007:7).

This chapter would give a theoretical perspective pertaining to refugee children. It would be divided into three sections. The first section would explore the international context of unaccompanied refugee minors. In this section the researcher would look at the United Nations Convention on the Rights of the Child (CRC) (1989) and protective measures that were put in place by United Nations High Commissioner for Refugees (UNHCR). International literature pertaining to refugee children would also be explored. The second section would look at the regional policies and relevant literature in the African context. The African Charter on the Rights and Welfare of the Child (1990) would be examined. The third section would look at local literature including South African Legislative Frameworks and policies. These included the Constitution of the Republic of South Africa Act (Act 108 of 1996), the Children's Act (Act 38 of 2005) as amended by the Child Amendment Act (Act 41 of 2007), and the Refugees Act (Act 130 of 1998). At present there were no reliable estimates of the numbers of unaccompanied minor children crossing borders in the Southern African region (Save the Children UK, 2007).

2.2 LEGISLATION AND POLICY PERSPECTIVES ON UNACCOMPANIED REFUGEE MINORS

2.2.1 International provisions and perspectives

According to the report from the United Nations General Assembly (2005), unaccompanied refugee minors were among the most vulnerable of people. They were at risk of neglect, violence, forced military recruitment, sexual assault, abuse and vulnerability to infectious diseases, and therefore special care and protection are needed for them. The United Nations Convention on the Rights of the Child (1989) clearly indicated the responsibilities of the country in the care and protection of refugee children. State actors and other role players should ensure that unaccompanied refugee minors have the same rights as children of that country, and provide guidance on the care, protection and treatment of unaccompanied refugee minors.

In South Africa, care and protection of unaccompanied refugee minors is minimal owing to poor implementation of policies and legislation pertaining to children. This left the plight of unaccompanied minors unaddressed. The report from the United Nations General Assembly (2005:12-13) further specified the protection needs of unaccompanied refugee minors. The report indicated that interim care must be provided for children separated from their families, until they are reunited, placed with foster parents or other long-term care arrangements are made. The report from the UN General Assembly relied on the work of social work practitioners, which is the placement of children in foster care. At present, the implementation of the UN Convention on the Rights of the Child is unclear, especially when it comes to refugee children. The study conducted by Save the Children UK (2007:7) revealed that a significant number of children had become vulnerable owing to migration, and were currently not receiving assistance. The

Department of Social Development (DSD) guidelines for unaccompanied and separated children outside their country of origin in South Africa (2009) concurred with the UN General Assembly on the issue of care and protection of unaccompanied refugee minors. It clearly defined what the role of social workers should be in dealing with these children. The following articles specifically apply:

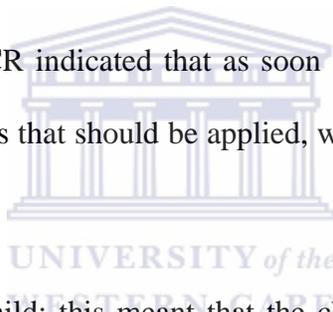
Article 2 of the United Nations Convention on the Rights of the Child (1989) stipulated that children should be treated fairly regardless of their language, race, religion or abilities of country of origin.

Article 22 of the United Nations Convention on the Rights of the Child (1989:9) further required that “States Parties shall take appropriate measures to ensure that a child who was seeking refugee status or who was considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties”.

Article 22 of the CRC further provides that “States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to

obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention". It was evident that South African government had an obligation towards unaccompanied refugee minors since it is a signatory to the Convention.

The Office of the United Nations High Commissioner on Refugees (OUNHCR) had developed policies and procedures that need to be followed in attending unaccompanied refugee children. The OUNHCR indicated that as soon as a child enters the country of asylum and this was the process that should be applied, which included but not limited to the following:



- (a) *Identification* of the child: this meant that the child needs to be identified, and whether it was accompanied or not. Should the child be found to be unaccompanied, various measures should be applied to assist the child.
- (b) *Registration* of the child: an unaccompanied child should be taken through a process of registration which should be done through interviews.
- (c) *Appointment of guardian*: a guardian should be appointed to ensure that the child was protected and cared for.
- (d) *Initial interviews*: should be held in order to get the social background of the child, such as family, reasons why the child was in the country of

asylum, whereabouts of the parents, and so on.

(e) *Age assessment* a holistic assessment should be made, which looked at the physical, social and psychological needs of the child. Age should not be used as a determining factor in granting a child asylum. Where there was uncertainty in terms of a child's age, benefit of the doubt should be given to the child in certain cases or situations.

(f) *Minors to be interviewed*: in order to determine the refugee status of the child, and the interview should be carried out by a professionally trained person who had experience in working with children. An *Interpreter* should be made available in the child's language should a need arise. *Consultation*: the child had a right to be informed about all the processes in attaining their asylum and also should be informed of the decisions made.

Luke (2007:1) indicated that the Canadian legislative framework provided limited support opportunities for family reunification of unaccompanied minors. As result the t the situation undermined Canada's international legal obligations pursuant to the United Nations Conventions on the Rights of the Child. As in South Africa, it appeared as if Canada did not have much to provide for the needs of unaccompanied refugee children.

2.2.2 Perspectives from the African Continent

The African Charter on the Rights and Welfare of the Child (1990) is one of the regional instruments which provided for the care and protection of children. The African Charter on the Rights and Welfare of the Child "recognized the need to take appropriate

measures to promote and protect the rights welfare of the African child”. Like the United Nations Convention on the Rights of the Child (1989), the African Charter contained a set of principles. In *Article 3*, the Charter speaks of *Non-Discrimination* and it clearly indicated that “every child shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed irrespective of the child’s parents or legal guardians’ race, ethnic group, colour, sex, language, religion, political or other opinion, national and social origin, fortune, birth or other status.” This Article of the Charter shows clearly that refugee children should not be disadvantaged in accessing any services because they were not South African citizens. They should enjoy full rights and protection like any other child, regardless of their country of origin.

Article 23 of the Charter further indicated what measures should be taken into consideration by State Parties in addressing the needs of refugee children. This Article highlighted what needs to be done as soon as a refugee child enters the country. Should a refugee child enter the country, the State should take both domestic and International law such as the Constitution, Children’s Act, CRC and ACRWC into consideration. The State should protect and assist in tracing parents or legal guardians of the child. If no parents or legal guardians are found, alternative care should be arranged.

Mupedziswa (1993) reports that the United Nations High Commissioner on Refugees Handbook for Emergencies defined an unaccompanied minors as “a child under fifteen years of age who has been separated from both parents and for whose care no person can be found – who by law or custom has primary responsibility.” Mupedziswa

(1993) explained that children often suffer from psychological disorders when they arrived in a country of asylum, which might be compounded by a poor state of health and malnourishment. Refugees were supposed to go through a process of reception and screening in order to determine their status.

2.2.3 South African Legislation and policies

The United Nations General Assembly (2005) and the subsequent report stressed that unaccompanied refugee minors should be placed in alternative care, for example foster care, if no parent(s) are found. Social workers were often challenged in placing these children in foster care because of the lack of clarity in the Children's Act (Act 38 of 2005) as amended by the Children's Amendment Act (Act 41 of 2007). The Child Care Act (Act 74 of 1983) did not make provisions for placement of unaccompanied refugee minor children in foster care. This makes it impossible for social workers to place such children into alternative care.

Children come to a country of asylum in various ways such as jumping borders, coming with long-distance truck drivers, or being sent by air to South Africa by relatives. However, there was an indication that unaccompanied minors were also included in the Act, as the definition of the "child" makes provisions for all children. Unaccompanied refugee minors can therefore be identified as children who are in need of care and protection.

According to the report released by UNICEF, South Africa and Save the Children Sweden in 2009 found that there were "2800 unaccompanied children in Mesina area.

Approximately 92 % of the children were living on the street while others were living in dangerous areas. Assessment revealed that many unaccompanied children arrived in South Africa alone, hoping to find jobs in the city or in search of their relatives. Many of these children adopted various forms of survival such as getting small jobs, begging on the streets while others resort to criminal activities such as stealing.” There is also an indication that some of the children are sexually exploited by adults.

Section 32(1) Refugee Act (Act 130 of 1998:20) stipulates that “any child who appears to qualify for refugee status in terms of Section 3 of the Act, and who is found under circumstances which clearly indicate that he/she is a child in need of care as stipulated in the Children’s Act (Act 38 of 2005) must forthwith be brought before the Children’s court in the district in which he or she was found. The children’s court may order that a child contemplated in subsection (1) be assisted in applying for asylum in terms of the Act.” This means that the circumstances of the child should be considered when applying for asylum status in South Africa.

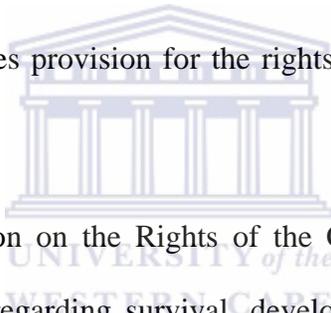
The report from UNICEF South Africa in 2009 indicated that many children were left to fend for themselves because of a shortage of social workers to provide reunification services. In the past “the International Office on Migration (IOM), Save the Children Sweden and UNICEF would attempt to reunify unaccompanied children with their families.” The Constitution of the Republic of South Africa (Act 106 of 1996), and the Children’s Act (38 of 2005) as amended by the Children’s Amendment Act (Act 41 of 2007) and international treaties such as the United Nations Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child, make

provisions for *all* children to be accommodated in the country, regardless of their country of origin. Although these policies are available to offer clear guidelines with regard to how to deal with refugee children, it seems that the South African government fails to address this problem. Refugee children are not fully accommodated because they cannot access social security; there are still challenges for the children in accessing social security grants and other essential services at government or domestic level. However, the Social Assistance Act (Act 13 of 2004) indicates that a foster parent is eligible for a foster grant for a child for as long as the child is in need of care of care and if he or she satisfies the requirements of the Children's Act (Act 38 of 2005) as amended by Children's Amendment Act (Act 41 of 2007)..

Van der burg (2005:73) confirmed that "South Africa had signed and ratified all of the treaties pertaining to children and it seems as a dismal failure from the South African government in implementing these policies and legislations". However, the author further argued that "South African legislation was lacking in addressing the needs of undocumented foreign migrant children", and that the previous Child Care (Act 74 of 1983) and Children's Act (Act 38 of 2005) as amended by Children's Amendment Act (Act 41 of 2007) did not take into account the specific needs of undocumented foreign migrant children. There was no clear provision made by the Child Care Act (Act 74 of 1983) or the new Children's Act (Act 38 of 2005) as amended, to accommodate foreign children. Social workers dealing with these children are challenged daily to find suitable placements for them, especially in foster care. It is difficult to place these children in a family environment such as foster care, because of the inaccessibility of social grants.

According to a briefing conducted by the United Nations Children’s Fund, South Africa in June 2008 “Section 9, 27 and 28 of the Constitution of the Republic of South Africa makes provision for non-South African citizens including children to be treated as equal before the law and offers the right to equal protection and benefits of the law”.

There should be no unfair discrimination against anyone on any grounds, including ethnic or social origin, colour, age, religion, conscience, belief, culture, language or both. Section 27 of the Constitution of the Republic of South Africa states that everyone has a right to access to health care services, sufficient food, water, and social security. This applies to non-South African children as well. Section 28 of the Constitution of the Republic of South Africa makes provision for the rights of *all* children, including non-South African children.



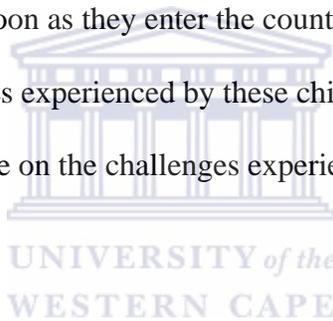
The United Nations Convention on the Rights of the Child also dealt with the basic human rights of *all* children regarding survival, development and participation. This Convention was implemented in conjunction with Section 39 (1) (b) of the South African Constitution, which stipulates that international law must be considered in the interpretation on the Bill of Rights (UNICEF, 2009).

According to Bobb (2009), a number of unaccompanied minors have fled Zimbabwe to South Africa. This was caused by political unrest in Zimbabwe after the ruling party began attacking members of the opposition, and this resulted in children leaving their country to seek care and protection in other countries. Children were often exposed to risky situations as most of them had to hide in empty vehicles or buildings to safeguard themselves. Some of the children would try to escape members of the South African

Police Services on the borders between South Africa and Zimbabwe. In many situations children who come from countries engaged in civil wars are exposed to a lot of trauma. Some of them have witnessed their family members being killed and tortured. On arrival in the country of asylum, life takes another turn. Most of them end up having no place to stay, and they end up living a street life.

2.3 CHALLENGES FACING UNACCOMPANIED REFUGEE MINORS

This section of the chapter explored challenges experienced by unaccompanied different countries in the world. It was important to get an understanding of how unaccompanied children are being handled as soon as they enter the country of asylum. Therefore this section would look at challenges experienced by these children internationally and Africa but more emphasis will be made on the challenges experienced by these children in South Africa.

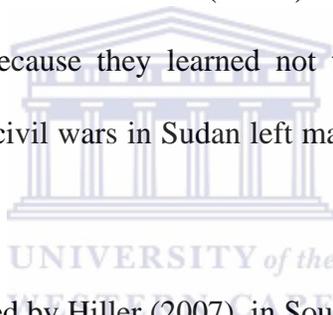


2.3.1 International perspective

According to Watters (2008: 9), people left their country of origin to seek asylum into other countries for various reasons. These reasons included poor economic conditions or educational prospects, high population density, environmental catastrophe, or fear of persecution. They sought asylum in other countries with the hope for a better life, such as good economic opportunities, the presence of family or community in the proposed country of asylum, language and safety. As Watters (2008) states, many children who seek social work assistance have indicated that they have come to South Africa for a

better life and to find job opportunities. Some children do not see a need for education.

According to a study conducted by Kanya (2009:211), refugee children experienced life differently, especially those who came from Africa, as in the case she gives of minors in Sudan who were based in Uganda. Children could be exposed to traumatic situations such as being recruited to be part of the army, loss, torture and ritualistic abuse by people who are involved in war conflicts. As a result of these experiences children's psychic integrity is compromised. Children who are unaccompanied and orphaned, become victims of exploitation. Owing to exposure to trauma, children display behavioural problems associated with Post-traumatic Stress Disorder (PTSD). They display signs of alienation, distrust, fear and confusion because they learned not to trust anyone and to destroy around them. The outbreak of civil wars in Sudan left many children vulnerable in many ways.



According to research conducted by Hiller (2007), in Southern Africa “there are push and pull factors that lead to migration of children from their country of origin. The push factors would include poverty, hunger, and lack of education and death of parent or caregiver, while the pull factors would possibly be stronger currencies, work opportunities, possibility of education and extended family and other networks.” Most of the children who have been assessed by intake social workers have indicated that they left their country of origin because of poverty, for example children who come from Zimbabwe. In some cases children do not leave their country of origin at their own will. Some of them are pressured by their own families to provide a sort of income. As a result children are forced to seek asylum in other countries in order to fulfil that

responsibility. Some of the children are being trafficked in order to generate income for their families (Hiller, 2007).

According to Hiller (2007:7), “the concept of children moving unaccompanied across the borders is currently not well integrated into policy, planning or legislation in the Southern African region. There is a distinct lack of qualitative and quantitative information on the subject.” Hiller (2007) further mentions that unaccompanied minor children are extremely vulnerable because they are denied places in schools and sometimes they are refused access to medical services. They are also often denied access to state services because they are not in possession of birth certificates. This is evident in the case of unaccompanied minor children in South Africa who cannot access social grants because they do not possess South African documents.

There is an indication that the Southern African region treats cases of child migration and child trafficking as being one and the same. This means that for child migration there are always contributing factors that result to a child leaving his or her country of origin, such as poverty, armed conflicts, economic downturns, lack of educational opportunities and so on. In a case of child trafficking there is always an adult or syndicate involved and children are used for exploitation such as sex or domestic work. Hiller (2007) stated that most unaccompanied migrant children come from South African neighbouring countries such as Zimbabwe, Mozambique and Swaziland. However, areas like Johannesburg presented a different group of children who come from other countries that do not necessarily border South Africa. The majority of unaccompanied migrant children in Johannesburg come from as far as Democratic Republic of Congo, Rwanda

and Burundi.. They perceive South Africa as a country with greener pastures than other African countries. They think that South Africa offers more opportunities such as employment and education.

According to Hiller (2007:12) not all unaccompanied migrant children have left their country of origin because of war and political unrest. Reference has been made to a group of children from Mozambique who were found living near Komatipoort and Malelane in 2007. Some of the children came to South Africa during the 1992 civil war in Mozambique. In her study, Hiller suggests that the end of political unrest in Zimbabwe will not necessarily spell the end of unaccompanied migrant children. Again, political unrest should not be the sole motivation behind donor strategies and programming around these children. African middle countries must respond accordingly to protect their little ones. Children often migrate from their country of origin in order to survive (Hiller, 2007).

Byrne (2008) finds that children leave their country of origin for various reasons which include, escaping war, famine, poverty, or abuse; some children enter the United States of America (USA) in search of family members and some are brought by adults who intend to exploit them. Unaccompanied children enter the USA through the immigration system. Some are apprehended crossing an international border. When children enter an asylum country, they do not have access to resources such as legal and welfare services. In order to reduce the problem, the USA has established the Office for Refugee Resettlement (ORR). The office has been mandated to develop a plan to ensure that the timely appointment of legal counsel for each unaccompanied child in custody.

In the USA “thousands of non-citizen children who have been separated from their parents or other legal guardians undergo removal (deportation) proceedings before the Executive Office for Immigration Review (EOIR), the office with the Department of Justice that oversees the US immigration courts”(Byrne (2008,7).

According to Gröndahl (2006:14), there are 400 000 Palestinians including children who are in Lebanon because of political unrest in Palestine. Gröndahl (2006) states that children share their experiences of daily violation and abuse. Some of the children feel hopeless and frustrated. This is a clear violation of Article 2 of the UNCRC, since Palestinian children are denied civil and social rights. Children are denied access to education and social services because they are not Lebanese.

According to the report from the Human Rights Watch in 2008, refugees are often exposed to abuse and trauma, and this happens worldwide. It was estimated that at least 65 000 refugees including children fled Somalia to Kenya because of the political unrest in the country, and they sought refuge in Kenya. Various incidents of abuse were cited by Human Rights Watch. Allegations were made that in Kenya the refugees from Somalia were abused and exploited by police officials. This followed an incident of an unaccompanied refugee teenage girl from Somalia who was physically abused by Kenyan police after she failed to produce legal documentation. The teenager was detained in police custody for three days. The Human Rights Watch (2008) reported that the teenager was forced to use her last money to bribe police officials so that they would release her. She could not get food and access health services because she did not have money, and she was forced to beg from other people. The teenager felt that she her only option

was to get involved with an older man in order to ensure survival (Human Rights Watch, 2008). The Human Rights Watch (2001) also reported an incident in which some refugees had to be deported to Somalia because they were unable to pay a bribe to the police officials. Most of the children are sexually exploited by police officials and adults. This showed that vulnerability of refugee children in the country of asylum.

In Australia it has been reported that a number of unaccompanied minors entered the country from Afghanistan (Human Rights Watch, 2008). The Australian immigration officials detained the children who were seeking asylum in the country. The situation was resolved by placing some of the children in alternative care such as foster care. However, it appears that there is also a lack of procedures from the Australian government to assist children in gaining access to refugee determination procedures.

It was also estimated that thousands of children as young as ten years of age from Morocco have entered Spain alone without proper documentation. Children use various ways to enter the country. Some of them use the Port cities of Ceuta and Melilla, and it has been reported that these children face severe beatings from the Spanish police officials and staff from residential centres, being attacked by other children at the centres. They are also denied access to education and health care by arbitrary age determination procedures and detention to unsafe conditions. Some of the children have been turned out on the streets to fend for themselves (Human Rights Watch, May 2002). According to the UNHCR Handbook (1994:122) there is a tendency to confuse unaccompanied children with orphans. Therefore there is a need to verify if the parents of the child are dead or alive. The UNHCR Handbook (1994) further pointed out that not all

unaccompanied minors are orphans, since children were separated from their parents for various reasons such as abduction, and some of them run away from home. In most cases children come to a country of asylum on their own, and sometimes with relatives. Children were separated from their parents for various reasons such as recruitment of parents into the military, some of them removed by aid workers, and so on.

Freeman & Dinh Huu (2003) has indicated that Vietnamese children who were seeking asylum status in Hong Kong were living under extreme neglect and abuse. This is seen as a serious violation of children's rights. It is estimated that children from ages 9-17 left Thailand to seek asylum in countries like China, Taiwan, South Korea, Malaysia, Indonesia, the Philippines and Singapore. According to Freeman and Dinh Huu (2003), certain procedures were followed to assist unaccompanied minors who were unable to seek for assistance on their own. Children were denied access to some of the countries and were told to go back to Vietnam. They were subjected to abuse and exploitation, and also witnessed violence and people being killed in front of them.

Canada is a well-known country that accommodates refugees and as a result it has a national policy on multi-culturalism. It was estimated that about 17.4% of persons living in Canada were born outside the country.

The majority of refugees in Canada come from Europe, Asia, Africa, the Middle East and Central and South America (Fantino and Colak (2001, 589). Fantino and Colak state that refugee children are often faced with identity issues, which happens both at home and at school. But the situation becomes worse at school because want to be accepted by their peers from other groups. At home they experience racism and discrimination from

the society. The authors also mention that Canada has two cultures, English and French, and as a result children are often trying to find recognition by fitting into both cultures.

Attempts of refugees to enter a country of asylum illegally are not new. It has happened before, and people put their lives in danger in order to make passage to the country of their choice. For instance, in the year 2000, 58 Chinese people were found dead in a container (freezer) truck in Dover as they were attempting to enter Britain illegally (Okitikpi & Aymer, 2003, 215).

The experiences of refugees in various countries in the world differ, and so does the treatment from citizens of that specific country. According to Puig (2002:86) refugee children are also expected to assume adult responsibility, and this happens to both accompanied and unaccompanied refugee children. In her study, Puig (2002) points out that the role of parents and children are disrupted and somehow children are expected to live an adult life. This author refers to the experiences of Cuban refugees in the USA. She mentions that the “adultification” of refugee children was based in the following:

- Children were expected to translate for their parents who could not understand the native language of America.
- In certain situations children had to deal with landlords on behalf of their parents.
- They had to manage situations involving school personnel, government officials and social service providers.
- Children had to pay bills on behalf of their parents, getting involved with social

institutions such as banks, school and shopping centres.

Owing to these responsibilities, children have been seen as taking serious decisions on behalf of their families, since their own families were dependent on them.

2.3.2 Perspectives from Africa

This section explores the how refugees in general and children are being treated as soon as they enter the country of asylum in Africa. This section does not include South Africa because challenges from South African needed to be mentioned separately. The section only focuses on other African countries such as Zimbabwe, DRC, Somalia etc.

According to the article published by the New York Times (2002), refugee children in refugee camps in Africa were subject to sexual exploitation. There were allegations of officials who were hired to work in the camps demanding sex from children in exchange for food and medicine. These incidents were reported to be prevalent in Guinea, Liberia and Sierra Leone. The research conducted by Fritsch, Johnson & Juska (2010:628) indicated that unaccompanied minors were subjected to exploitation and abuse while on their way to South Africa. They cautioned that children were becoming vulnerable to physical and sexual abuse, theft and assault. The main perpetrators of abuse and violence

were scavengers also known as *goma gomas*¹, who often waited in the bushes for unsuspecting travelers. The research further revealed that some children traded money or sex to the *malaishas*² in order to get assistance with their passage to South Africa.

Armed conflicts and political unrest are perceived to be one of the factors that contribute to people seeking asylum in other countries (Kaime in Sloth-Nielsen, 2008:183). The countries that are affected by armed conflicts are Somalia, Uganda, Chad and Ivory Coast. Zimbabwe, Burundi, Rwanda, Central African Republic, Eritrea and Ethiopia are known for political unrest. All the above factors have serious impacts on the lives of children, and result in their fleeing their countries of origin to seek asylum in other African and international countries. The reason for them seeking asylum varies because some come to seek care and protection, while others come to seek for job opportunities so that they can sustain themselves as well as their families. Kaime in Sloth-Nielsen (2008:184) states that about 60% of the people who seek refuge in other are minors. Kaime in Sloth-Nielsen (2008) is of the opinion that unaccompanied refugee minors are often exposed to risky situations such as military recruitment, sexual exploitation and

¹ Goma gomas are scavengers who often wait in the bushes for unsuspecting travelers

² Malaishas refers to long distance truck drivers or human smugglers.

abuse, child labour, denial of education and basic assistance, and sometimes die. It is perceived that the African human rights system does not initially provide a special protection programme for addressing the plight of refugee children despite the fact that the CRC (1989) CRWC (1990) make provisions for these groups of children.

2.3.3 Perspectives from South Africa

In this section Challenges experienced by unaccompanied refugee children in South Africa are explored in terms of access to services to services such as social services, legal documentation and education. This will be explored in terms of the current policies and legislation.

Challenges faced by unaccompanied minor refugee children are mainly caused by poor implementation of legislation, policies at domestic and international level, and the different conventions that many countries have ratified. Generally, refugee children are experiencing a range of challenges on their arrival in the country of asylum (Fritsch, Johnson & Juska, 2010).

According to the study conducted by Van der Burg (2006: 7), children experienced are being turned away from public schools, and most foreigners in South Africa experience a form of xenophobia. Some foreigners are allegedly ill-treated by officials of the Department of Home Affairs and by members of the South African Police Services. Van der Burg (2006:8) further states that foreign children experience additional difficulties upon their arrival in South Africa, which include language barriers, insecurity, inadequate housing and problems in integrating in schools because they are different from the local

population. Some of the challenges that are experienced by these children include being denied access to social services, legal documentation, and education.

The above-mentioned challenges will be examined individually in relation to various legislation and policies: the United Nations Convention on the Rights of the Child (1989); African Charter on the Rights and Welfare of the Child (1990); Constitution of the Republic of South Africa (Act 108 of 1996); Children's Act (Act 38 of 2005); Refugees Act (Act 130 of 1998); Social Assistance Act (Act 13 of 2004); South African Schools Act (Act 84 of 1996); Guidelines on services for separated and unaccompanied children outside their country of origin in South Africa (2009), and the National Scholar Transport policy (2009).



2.3.3.1 Access to social services

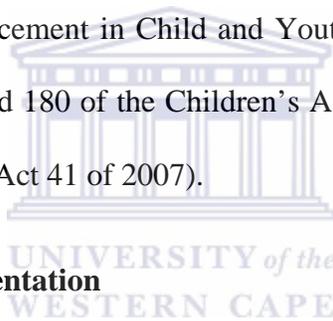
The United Nations Convention on the Rights of the Child is the most comprehensive international document on the rights of children. It defines the child as a human below the age of eighteen years unless under law applicable to the child, majority is attained earlier. The convention spells out a wide range of rights for all children including the right to dignity, freedom from discrimination, survival, development, protection from harmful influence, exploitation, and participation in civil, cultural, social and economic activities, with overall consideration of the best interest of the child. Article 22 of the Convention specifically deals with the issues of refugee children and how they should be handled and protected when they enter a country of asylum.

This Article cautions that where no parents or other members of the family can be found,

the child is accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason. Access to social services is mostly determined by access to legal documentation in the form of asylum papers, which will be discussed in the next session. It is the responsibility of the State where the child seeks asylum, to ensure that a refugee child has access to all the necessary services to ensure his or her survival and development.

Access to social work services in the form of foster care placement suggests that there is a serious impediment to refugee children who come unaccompanied to South Africa. This has become evident in the intake records of the Department of Social Development because these children do not possess South African documentation and this is despite the fact that both the CRC (1989) and the ACRWC (1990) have indicated that children should not be discriminated against on grounds of their national and social origin. South Africa is legally obliged to provide services to unaccompanied refugee children as it is clearly stated in Section 231 to 233 of the Constitution of the Republic of South Africa Act (Act 106 of 1996). The Constitution further states in Section 28 under the Bill of Rights that every child has the right “basic nutrition, shelter, basic health care services and social services”. Section 150 of the Children’s Act (38 of 2005) as amended has made provision for the child to be identified as a child who is in need of care and protection. However, there is no clear provision made in terms of the unaccompanied refugee children except children who are victims of trafficking. Section 2 of the Social Assistance Act (13 of 2004) states that “this Act applies to a person who is not a South African citizen, if an agreement, contemplated in Section 231(2) of the Constitution,

between the Republic and the country of which that person is a citizen makes provision for this Act to apply to a citizen of that country who resides in the Republic”. Guidelines on services for separated and unaccompanied children outside their country of origin in South Africa (2009), which were developed by National Department of Social Development, makes provision for the children to be placed in alternative care should the family reunification proved not to be feasible. The guidelines further state that the Children’s Court will make an alternative care order. The form of alternative care which can be explored for separated and unaccompanied minors includes foster care family, placement in community-based cluster foster care, supervised independent living in the case of older children, and placement in Child and Youth Care Centres. The guidelines are in line with Section 167 and 180 of the Children’s Act (Act 38 of 2005) as amended by the Child Amendment Act (Act 41 of 2007).



2.3.3.2 Access to legal documentation

“Legal documentation” refers to documents that need to be obtained by unaccompanied refugee minors in order to get asylum status in South Africa (Van der Burg, 2005). Access to legal documentation has indicated to be critical, since unaccompanied refugee minors will experience problems in accessing services. However, accessing documentation has indicated to be hurdle for these children. Article 6 of the ACRWC (1990) and Article 7 of the CRC (1989) clearly state that all the children have a right to a name and a nationality.

The provision of documentation to unaccompanied refugee minors falls within the ambit of the Department of Home Affairs. The application of documentation by

unaccompanied refugee minors should be done in line with the Refugees Act (Act 130 of 1996). Section 32(1) of the Refugees Act (Act 130 of 1998) “stipulates that any child who appears to qualify for refugee status in terms of Section 3, and who is found under circumstances which clearly indicate that he or she is in need of care as contemplated in the Children’s Act (Act 38 of 2005) as amended, must forthwith be brought to the Children’s court for the district in which he or she was found.” Section 32(1) of the said Act further stipulates that the Children’s court may order that a child be assisted in applying for asylum. Onuoha (2006:111) explains that there are difficulties in accessing some of the rights provided by the law, while inability to get proper documents from the Department of Home Affairs has left many refugees and asylum seekers unprotected, resulting in a violation of their rights.

Some of the children indicated that they obtained their asylum papers on their own. For instance, four out of ten participants got the asylum papers on their own in Mesina They indicated that they never experienced any difficulties because they were only given an affidavit to complete and they received their papers on the same day.

2.3.3.3 Access to education

It is evident that educational opportunities are one of the contributing factors that attract refugee children to South Africa (Save the Children UK, 2007). However, children do experience problems in accessing education because they do not have the relevant documentation, transport and ability to pay school fees. *Article 28* and *29* of the CRC (1989) clearly states that “each child has the right to education. The goal is free and compulsory education, secondary education (general or vocational) available to all, and

higher education on the basis of capacity”. This article, read concurrently with Section 29 (1) of the Constitution of the Republic of South Africa Act (Act 106 of 1996, reads: "Everyone has the right to a basic education, including adult basic education; and to further education, which the state, through reasonable measures, must make progressively available and accessible.” Both the CRC (1989) and ACRWC (1990) indicate that issues such as uniforms, dress codes, singing of national anthem or prayers are not covered by either the Charter or the Convention. It is the prerogative of government and schools to do so.

Section 39(3) of the South African Schools Act (Act 84 of 1996) states equitable criteria and procedure for the total, partial or conditional exemption of parents who are unable to pay school fees. This legislation makes schooling compulsory for all children between the ages of 7 and 15, or until they have completed Grade 9.

According to submission made by Lawyers for Human Rights and CORMSA on the 01 February 2010 to the Portfolio Committee on Basic Education, 24% of school-age children who are asylum seekers are not in school. The reason includes being unable to afford school fees, being without documents, being unable to afford transport, uniforms, and finding a local school.

2.4 ROLE PLAYERS DEALING WITH UNACCOMPANIED REFUGEE

MINORS

This section aims to give an indication of different role players such as social workers, doctors, nurses and other professionals dealing with unaccompanied refugee children.

Furthermore the role government and non-governmental organisations are also mentioned.

According to Corona & Quinn (2009:1), there is a considerable lack of clarity on provision of services to unaccompanied minors. The authors claim that there is limited policy information pertaining to unaccompanied minors. For instance, some of the unaccompanied minors who entered Ireland are claimed to be victims of child trafficking. The Irish government and NGOs view services to unaccompanied minors as multi-sectoral in nature. There are various role players who are involved in providing services to unaccompanied minors with different responsibilities. The role players include the National Immigration Bureau, which carries out deportations, border control and investigations related to illegal immigration and trafficking in human beings, the Health Service Executive which is responsible for meeting social and health needs including social work services, and the Child Protection and Social Work services that provide frontline services to children who are not receiving adequate care and protection. Children's best interests are considered at all times. Other role players are social-work teams, crisis intervention and after-hour services, the Office of the Refugee Applications Commissioner, the Refugee Appeals Tribunal, and Refugee Legal Services.

According to an ethnographic study conducted by Fantino & Colak with refugee families, it was found that the families needed assistance mostly with the settlement process, which included language translation services, help in locating permanent housing, access to English-language classes, community orientation, referrals to health and social services, and other services. Fantino & Colak (2001: 591-595) further highlighted the following

in terms of the role of social services in helping refugee children:

(a) *Promoting identity formation in refugee children:* this includes meaningful reintegration of the basic notion of space, time and social relations. The uprooting, disruption and insecurity inherent to migration affect psychological and social development, making the process of identity formation a more difficult balancing act between two or more sets of cultural notions and values. Children should be assisted in retaining their own identity.

(b) *Enhancing adaptation:* the authors stress the importance of external and informal supports in helping the families to manage migration and adjustment challenges.

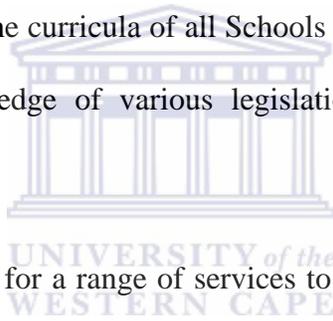
(c) *Helping children to mourn:* refugees should be helped to mourn for the loss of their family members as part of the coping mechanism.

(d) *Placing children in their family and cultural context:* this involves placing children who have been victims of trauma in a society which will understand the situation of the child. The findings of the study conducted by Fantino & Colak (2001) reveal that psychological assessment of refugee children needs to be culturally sensitive, and should include background and contextual information.

2.5 SERVICES NEEDED BY UNACCOMPANIED REFUGEE MINORS

Psychological consequences caused by displacement, stress, trauma, coping, bereavement and loss, have caused major strain for most of the refugee children in Africa (Bryant and Ahearn, 1999, 77). This calls for provision of psychosocial support by social workers and

other professionals, as highlighted in 2.3.3. It is estimated that there are 16.2 million refugees worldwide, 5.9 million of whom are in Africa, and the majority are separated, orphaned and unaccompanied children. Bryant and Ahearn (1999) emphasise that social-work professionals should devise solutions on how to work with unaccompanied children. They state that refugee children often face shortages of food and water, lack medical care, have inadequate housing, and lack safety. They view these conditions as having serious consequences for the health and mental-health status of the children. They also highlight a need for specialized services which would help with the assessment and care of these children. The authors conclude by saying that there is a need for the inclusion of refugee issues in the curricula of all Schools of Social Work, so that students can be equipped with knowledge of various legislation, conventions and protocols pertaining to refugee children.



Social workers are responsible for a range of services to refugees and asylum seekers at different levels, which include providing advice and food, and assisting with accommodation and other forms of humanitarian assistance where necessary (Okitikpi & Aymer, 2003, 213). Services to refugees should be able to address psychosocial issues (Okitikpi & Aymer, 2003:218):

2.5.1 Psychological problems

This covers a range of psychological problems experienced by unaccompanied refugee children after entering the country of asylum. These problems include health and emotional problems. These problems are mainly caused by anxiety, depression and uncertainty whether the children would be granted refugee status in the country of

asylum, as well as constant exposure to traumatic incidents while on their way from the country of origin. Okitikpi & Aymer (2003) explain that refugees use various ways to enter into the country of asylum such as ships, lorries carrying containers and so on. Children's psychological problems can also be produced by perceived threats to their lives and safety, and children witnessing the murder of their parents and relatives (Bryant & Ahearn 1999, 81).

At some point refugees display emotional detachment from themselves and from those close to them, this resulted in some mothers neglecting their children. Bryant & Ahearn (1999: 83-84) also suggest that emotional and social resources should be made available. Social resources should make linkages and networks for children in order to deal with their emotional difficulties.

There was also an indication that refugees are often exposed to hazardous conditions that compromise their health and wellbeing. As mentioned earlier, the Chinese refugees used ships and lorries carrying containers, while others risked getting tuberculosis and/or other health complications. They were exposed to cold and wet conditions. There is also a need for mental-health services, since most of the children have been exposed to traumatic situations that compromise their integrity. Broad & Robbins (271-72) reported that unaccompanied asylum seekers always showed high level of mental-health problems which were caused by their experiences. Access to health services was seen as inadequate and inaccessible to refugee children who were staying in London, especially those who had mental-health and HIV-related problems.

Article 14 (2) of the African Charter on the Rights and Welfare of the Child states that

State Parties must undertake to pursue the full implementation of health and health services, and must take measures to ensure provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care, to ensure provision of adequate nutrition and safe drinking water, and to integrate basic health service programmes in national development plans.

Due to the nature of their vulnerability as mentioned above, this calls upon various professionals such as doctors, psychologists, social worker and other related professions to intervene to these problems. Furthermore, it is the responsibility of each country who are signatories to CRC and ACWRC to ensure that the needs of these children are met and assisted to cope with their circumstances.

2.5.2 Social problems of cultural (adjustment) dislocation

As mentioned by Bryant & Ahearn (1999:81), social resources should be made available through networking and linking clients with relevant resources. The resources should be able to assist the children in adjusting in the country of asylum. Puig (2002: 86) also suggests that children should be assisted in familiarizing themselves with the cultural norms and values of the host country.

The research study conducted by Livesey (2006: 70-71) indicates that refugee children are subjected to xenophobic comments made towards them. The study further indicated that children had positive experiences about their teachers, as they would support them when they were discriminated against by their fellow classmates. Livesey (2006) states that children had mentioned the racial groups that displayed xenophobic attitudes towards

them. These findings revealed that children were treated well by White South Africans and badly by Black South Africans. They were treated mostly well by Coloured persons with a few receiving negative treatment. The research findings also revealed that children were discriminated against in terms of their language, as they received negative comments.

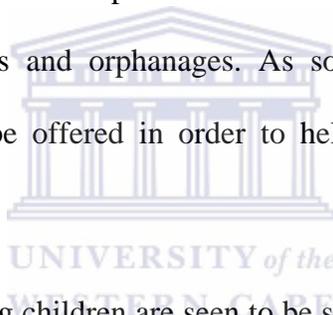
2.5.3 Educational problems

Article 28 of the CRC (1989) and Article 11 of the ACRWC (1990) state that every child has a right to education. Article 29 of the CRC states that the Convention does not address issues such as school uniforms, dress codes and singing of national anthems since that is the prerogative of the school officials.

The UNHCR Handbook (1994: 126) highlights the care that can be arranged for unaccompanied children. Placement of children in alternative care should be in line with Articles 12 and 20.3 of the CRC. In cases where the unaccompanied children are siblings, they should be kept together. Placement of unaccompanied children in alternative care should be monitored closely. In the case of unaccompanied children in South Africa, the placement should be monitored by a social worker. Adoption is not seen as an option of placement, as most unaccompanied minors are not orphans. They need to be reunified with their families (UNHCR, 1994). However, family reunification should be done in the best interest of the child. Should a child not wish to be reunified with his or her family, other options of long-term care such as foster care, guardianship, adoption etc, may be sought. Should an unaccompanied minor not meet the requirements of getting asylum, the protection and care of the child should be considered before returning the child to his

or her country of origin. The child can only be returned to his or her country of origin provided a parent has been located who can take care of the child, and the parent is informed about the return of the child. When a relative or other adult care-taker, government agency or child-care agency has agreed, and is able to provide immediate protection and care upon arrival, a child may be repatriated.

The UNHCR Handbook (1994: 124) stresses that the issue of unaccompanied children can be prevented by identifying actual and probable cause of separation, and thereafter intervention strategies can be put in place. UNHCR explains that there are various ways that can be used to search for unaccompanied children. They can be found in hospitals, on the streets, feeding centres and orphanages. As soon as the children are found, psychosocial support should be offered in order to help them to deal with whatever happened in their lives.



Unaccompanied asylum-seeking children are seen to be silent at times about their origins and circumstances when they are faced with authority figures including social workers, because they are afraid of victimization and deportation (Kohli, 2005: 707).

According to Corona and Quinn (2009) national statistics for unaccompanied minors in Ireland do not exist, although unaccompanied minors do enter certain areas of Ireland. This is similar to the South African situation as the majority of unaccompanied refugee minors can be found in provinces like Gauteng, Limpopo, Western Cape and KwaZulu-Natal. However, it appears that the Irish government has systems in place to tackle the problem.

Corona and Quinn (2009:9) suggest that there is no clear reason why unaccompanied minors enter Ireland. There is an indication that some of the children were sent by their parents to seek medical treatment in Ireland for chronic illnesses such as anaemia or Hepatitis B. The majority of children who enter Ireland are seemingly from Africa and Asia. It is estimated that about 29 South African children entered Ireland unaccompanied in 2002, but were never granted refugee or asylum status by the Irish government. Instead those children were reunited with their families in South Africa. Nigerians comprised the majority of children who entered Ireland, namely 453 children. As in South Africa, unaccompanied minors entered Ireland with the hope of better opportunities like better educational and economical opportunities. Some of the children who entered Ireland were trafficked children, intended to enter forced labour or prostitution. Social work teams in Ireland did their best to reunite these children with their families (Corona & Quinn, 2009). It is estimated that 52.1% of unaccompanied minors who entered Ireland were males below the age of 18 as opposed to 47.1% of females. Due to exposure to trauma, abuse and exploitation, various role players needed to be involved in order to assist the children to regain their lives. In order to assist unaccompanied minors, the Irish government implemented their own local legislation and international obligations such as the United Nations Convention on the Rights of the Child (1989).

2.6 CONCLUSION

The main threads of literature used in this chapter show that the unfair treatment of unaccompanied migrant children is worldwide, not only in South Africa. Unaccompanied children are often denied access to essential services by the country of asylum because

of the absence of legal documentation. Palestinian refugee children in Lebanon were refused access to services such as education, social services and health care because they were not born in the country (Gröndahl, 2006). The same situation is being experienced by refugee children in African countries. In South Africa, refugee children experience challenges in accessing social grants because they do not have South African identification. This is against Article 2 of the CRC which clearly indicates that children should not be discriminated against on grounds of race, gender, religion or country of origin. They should enjoy the same rights as any other child.

Unaccompanied migrant children leave their country of origin for various reasons such as political unrest, civil wars, famine, drought and persecution. They come to the country of asylum with the hope of better lives and as soon they enter the country of origin, things turned to be something else. Asylum countries do very little to protect this group of children. As a result, many children are left to fend for themselves. Some of them end up living a street life, while others resort to criminal activities in order to survive. Unaccompanied migrant children are the most vulnerable group of children. They are subjected to abuse of all kinds. Most of the children were sexually exploited on the way to the country of asylum (Hiller, 2007). They are mostly exploited by people who are supposed to protect them, such as police officials on the borders and truck drivers who sometimes give lifts to the children who want to enter the country.

Countries that have signed and ratified the United Nations Convention on the Rights of the Child (CRC) are obliged to meet the needs of unaccompanied migrant children. The CRC has been signed by many countries in the world except Somalia and the USA.

The implementation of the international, regional and local policies has been poorly implemented in addressing the needs of unaccompanied migrant children, especially in South Africa. The entry of these children in the country has been poorly coordinated and this has been shown by the absence of relevant data. The needs of unaccompanied migrant children are more or less the same, both in Africa and in international countries.

Guidelines on how to deal with unaccompanied migrant children have been developed by the Office of the United Nations High Commissioner on Refugees (1997). However, the protocol is not implemented owing to a lack of roles and responsibilities about services for unaccompanied refugee minors. Children have been detained on several occasions because they could not produce legal documentation to police officials which is against the principle of CRC on the detention of children.

South Africa is perceived as a country with good policies and legislation that pertains to children. But these policies and legislations are perceived to be poorly implemented to meet the needs of refugee children in general. The literature reviewed suggests that unaccompanied refugee minors experience serious life challenges. However a further study will be necessary in order to look at the holist needs of refugee children.

The following chapter of this report will focus on research designs and methodology.

CHAPTER 3

RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

This chapter covers the research methodologies employed in the study. A detailed explanation on the research techniques employed is provided, to show how these were utilised in order to accomplish the objectives of the study. The data collection techniques were interviews and focus group discussion. The chapter explains the procedure followed in order to ensure that the sampling was conducted successfully, and discusses the criteria used to select participants.

3.2 RESEARCH DESIGN

3.2.1 Methodology

The qualitative research approach chosen was best suited for this study. Babbie and Mouton (2001:270) stated that qualitative research is conducted in the natural setting of the social actors, so the researcher conducted the study where the participants were located. The primary focus was in-depth (thick) descriptions and understanding of actions and events. The main concern was to understand social actions in terms of their specific context (idiographic motive) rather than attempting to generalize to some theoretical population. Therefore the researcher was able to get an understanding of why unaccompanied refugee children seek refuge in this country.



The type of information sought is qualitative in nature as it is an attempt to understand the social circumstances and decisions of the participants. Qualitative research is holistic, inductive, and contextually based on narratives because it uses small samples that are studied in great depth. Qualitative research is narrative rather than numerical. It provides an in-depth and comprehensive understanding of the topic being researched and gives insight into the interpretation, understanding, experiencing and producing of the social world (De Vos *et al*, 2005:73, 74). At the same time the data generated should be flexible and sensitive to the social context. Qualitative research aims to produce in-depth understanding on the basis of rich, contextual and detailed data, while it focuses on understanding the richness of the individual's perceptions and experiences of the world. Mason (2003:57) states that qualitative research should produce explanations or arguments, rather than claiming to offer mere descriptions. For this reason the research should be formulated around an intellectual puzzle or research questions. The results of qualitative research are descriptive rather than predictive.

Creswell (in de Vos, 2005: 272) indicates that a case study can be regarded as an exploration or in-depth analysis of a "bound system" (bound by time and/or place), or a single or multiple case, over a period of time. Creswell (in de Vos, 2005) further states that exploration and description of the case take place through detailed, in-depth data collection methods, involving multi-sources of information that are rich in context.

The researcher used a case study design, namely interviews with the participants and a focus group discussion with the care workers in the shelter, in order to get information on the research subject. The researcher specifically used a collective case study

which helped to provide further insight into the social issue and the population he was studying. Becker & Bryman (2004: 194) suggest that a “case” may be an organization, a person, a community, a household or an event.

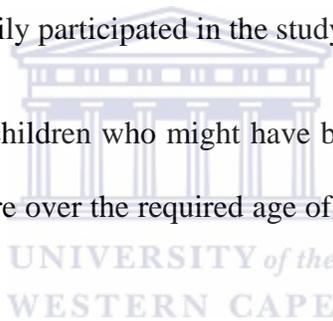
The researcher also used a narrative approach so that participants would be able to share their own experiences as unaccompanied refugee minors living in South Africa. According to Becker & Bryman (2004:399), narrative analysis is the collection and interpretation of life accounts in an interview or other forms with reference to story construction and attention to the tellers’ temporal ordering of events, and use of descriptive or explanatory devices such as metaphor or experiences.

3.2.2 Sampling

The participants of this study were ten unaccompanied refugee minors aged 14 to 18 years. The population in the research field consisted of 35 children in similar conditions who were residents of a Shelter in Polokwane. Some of the participants had already received their documentation while others were still waiting for documents. Purposive sampling was used to select potential participants. De Vos, et al. (2005:329) indicate that in purposive sampling the researcher must first think critically about the parameters of the population and then choose the sample accordingly. Participants should be selected purposively in that they illustrate some features or processes that are important in this study. The criteria used to select the participants were done in accordance with age and documentation. This means that participants of the study should be unaccompanied refugee minors between the ages of 14 to 18 years and they should have an experience of undergoing a process of documentation. In order to fulfill purposive sampling, the

researcher called a meeting with all unaccompanied refugee minors with the assistance of the management of the shelter. The researcher explained the purpose of the meeting the children attended the meeting. He further mentioned that participation to the study is voluntary and only ten children were expected to participate; and those who wished to participate were at liberty to withdraw at any time. The participants were refugee children who had experienced being unaccompanied in a foreign country. As already indicated, the facility accommodates 35 children and 3 out those were females. The other two females could not participate in the study due to the fact that one was under age of 14 and the other did not show interest to participate in the study. Therefore ten of them including one female voluntarily participated in the study

Though the facility had more children who might have been potential participants in the study, some of the children were over the required age of 18 and others were still waiting for documentation.



3.2.3 The research area

Beulah Children's Shelter is situated in the North-Eastern outskirts of Polokwane. The organization was established by Women for Prayer in 1995, and to provide fellowship between the women; and later the shelter was registered as a non-profit organization. One of the founders of the organization used to be a former Principal in a school for mentally challenged children. The organization started admitting children following a case of a mentally challenged learner who absconded from a foster care placement and later was found to be living on the street. The shelter initially started as shelter for street children. In 2008, they started admitting foreign children with three boys who were found

to be living on the street. In 2009 a large number of unaccompanied refugee minors were admitted, following a closure of the shelter in Mesina. At the time of the study, the shelter had 74 children in its capacity of which 35 of those were unaccompanied refugee children from Zimbabwe and the rest were South African children. At present the shelter had Zimbabwean children due to the fact that these children came to South Africa through Beitbridge border control in Limpopo. Therefore unaccompanied children from other countries were not available. All the unaccompanied refugee children in the shelter were not court ordered, which means they had not been placed via the children's court.

When doing a study, it is important to gain permission to the field that has been decided on. Permission should be granted by a relevant authority such as the mayor of a town or the headman of a tribe. It is also important to let people on the ground know what the project seeks to accomplish (de Vos et al., 2005:279). The researcher had written a letter to the Manager of the Shelter asking for permission to conduct the study (See Appendix E). The letter explained the study to be conducted as well as its purpose and duration. The Manager gave a verbal agreement for the study to be conducted with the children in the facility. All the participants of the study were based in the shelter. The researcher took time off from work in order to conduct the study. He travelled to Polokwane at his own expense and was on the research field for one week. As explained in section 3.2.2, a purposive sampling was used to shortlist potential candidates for the study. Furthermore the researcher developed a research fieldwork plan in order to facilitate the research process and for the management of time while he was still in the field (See Appendix B).

3.2.4 Data collection instruments

3.2.4.1 Interviews as method of data collection

According to de Vos et al. (2005:296), semi-structured interviews are suitable when one is particularly interested in a complex process, or where an issue is controversial or personal. A semi-structured interview schedule was developed to collect the data (See Appendix C). The researcher recorded and made use of field notes and journal entries and also asked for permission from participants to tape-record the interviews.

3.2.4.2 Selecting the interview setting

According to de Vos et al. (2005: 295), a quiet environment where no interruptions occur helps to facilitate the interview process. The researcher had no control over selecting the setting of the interview. The Manager of the facility had to select a venue which was available. The researcher had to utilize a TV room to interview participants, because of the inadequate space in the facility. However, privacy was still maintained, with a few disturbances by children who wanted to use the venue to watch television; the interviews were mainly conducted in the evenings because participants were not available during the day.

3.2.4.3 Conducting the interview

The researcher conducted individual interviews with participants. At the beginning of each interview, the researcher gave a brief outline on the purpose of the research. Participants were also reminded that they had the right to withdraw at any time should

they wish not to continue as indicated in Appendix A. Most of the respondents felt comfortable in responding to all the questions relating to their experiences. Those who were not comfortable about answering were given the right not to answer. The interviews were scheduled to last at least 45 minutes, but were terminated when the information became saturated and participants started to repeat themselves.

The researcher made use of open-ended questions to conduct the interviews. As a result most of the participants were able to express themselves freely and they could relate their experiences. Two of the participants were reluctant to give detailed information about their experiences. The strength of the interviews was the fact that they ensured depth in the data (de Vos et al., 2005).

3.2.4.4 Taking field notes

The researcher asked permission from participants for the interviews to be audio-taped. However, some of the participants did not feel comfortable with the audio-taping. Only three participants permitted audio-taping, while the rest refused because they feared victimization if staff members of the facility had access to the tape record. Despite the researcher's reassurance to participants that all the information provided by them would be kept confidential, this was in vain. The researcher was therefore obliged to take detailed notes about the interviews with seven of the participants who had refused to be audio-taped. This did not negatively affect the interviewing process; however it is possible that some of the information was left unnoted. All the interviews were individually transcribed and analyzed.

3.2.4.5 Concluding the interviews

At the end of each interview, the researcher asked participants if they had anything to add. Some of the participants indicated that the interviews were interesting and they felt happy that they had had an opportunity to share their own experiences of living in South Africa as unaccompanied minors.

3.2.4.6 Focus group

Kruger and Casey in de Vos et al. (2005:299) describe focus groups as group interviews. They explain that participants are selected because they have certain characteristics in common to relate to the topic of the focus group. As a mentioned earlier, a focus group was used as a supplementary source of data. In this case a focus group was used to verify the information obtained from individual interviews. The focus group was not held with the same participants who were seen for individual interviews, but with the care-workers who were responsible for meeting everyday needs of the participants. The researcher decided it was important to have at least one focus group with the care workers in order to verify the information about the experiences of participants since they had arrived in the country. The use of the focus group was phenomenological as it sought to understand the experiences of unaccompanied minors as perceived by care-workers in the facility. The focus group discussion was able to verify challenges that are faced by these group of children since their arrival in the facility.

The researcher obtained permission from the Manager of the facility before conducting the focus group with the care workers, and permission was granted. According to de Vos

et al. (2005:305) focus groups usually consist of six to ten participants. Initially six care-workers were invited to participate in the focus group, but on the day of the meeting only five were available. The researcher proceeded with the group as planned. Like in individual interviews, an interview schedule for a focus group was developed in order to guide the process (see Appendix D). All the questions were based on the themes emanating from the research questions. The focus group session lasted ninety minutes. Like in individual interviews with the children, members of the focus group refused to be audio-tape citing fears of victimisation should that information become known to the management of the shelter.

3.2.4.7 Testing the interview schedule

According to De Vos et al. (2005: 296) producing a schedule beforehand forces the researcher to think explicitly about what he hopes the interview might cover. The researcher had developed a list of interview questions in order to guide the interview questions with the participants. The interview schedule helped the researcher to get all the necessary information. De Vos et al (2005) add that developing an interview schedule assists the researcher to think about a broad range of themes or questions to be covered during the interview. The interview schedule assisted the researcher to get answers needed for the study. Questions were designed in such a way that participants were able to relate their own individual experiences.

3.3 DATA ANALYSIS

The interviews with some of the participants were audio-taped and others were written.

The following steps were followed to interpret the information, as suggested by Marshall and Crossman in de Vos et al. (2005:333):

3.3.1 Planning for recording of data

According to de Vos et al. (2005:334), the researcher should plan for the recording of data in a systematic manner that is appropriate to the setting, participants, or both, and that will facilitate analysis before data collection commences. The researcher obtained permission from participants to take notes and audio-record all the interviews. However, only three participants agreed to be audio-taped and the rest refused because they anticipated victimization by staff members. The researcher made several attempts to convince participants who refused to be audio-taped, but in vain; instead they wanted to withdraw from the study if they were forced to be audio-recorded. The researcher had to take detailed field notes for each of the participants who did not want to be audio-taped. The researcher compiled journal entries after each interview session in order to augment the written and recorded information. The information was arranged in chronological order according to the persons that were interviewed. All the recorded information was transcribed and formed a manuscript in preparation for analysis.

3.3.2 Data collection and preliminary analysis

According to Erlandson, in de Vos (2005:335), data analysis in qualitative inquiry necessitates a two-fold approach. The first approach involves data analysis at the research site during data collection. The second aspect involves data analysis away from the site, following the period of data collection. Patton, in de Vos (2005:336), mentions that

analysis of data begins to make sense while still in the field. Some of the data was analyzed whilst the researcher was still in the field. The researcher was able to group common responses from the participants in preparation for the final data analysis process.

3.3.3 Managing and organizing data

According to De Vos et al. (2005), this is considered as a first step of data analysis. As explained in the previous step, the data collected was transcribed. As it was mentioned earlier, the interviews were both audio-recorded and written since some of the participants did not want to be recorded; interviews were transcribed in order to prepare for data analysis. This also helped the researcher to ensure that information was not lost and it helped to prepare for an easy data-analysis process.

3.3.4 Reading and writing memos

According to de Vos et al. (2005), researchers should continue with the analysis of the data in order to get a feeling of the whole database. After transcribing all the recorded interviews, the researcher read all the transcribed documents in order to make sense of the responses. He wrote notes on each transcript in order to substantiate some of the responses that were given by participants.

3.3.5 Generating categories, themes and patterns

Creswell in de Vos et al. (2005:337) indicates that “classifying” means taking the text or qualitative information apart and looking for categories, themes or dimensions of information. After organizing data, the researcher arranged the information according to

themes and categories. All the relevant information from individual interviews was placed according to themes. The process of generating categories, themes and patterns, creates grounded theory. “Grounded theory” is described as one that is inductively derived from the study of the phenomenon it represents. It is discovered, developed and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon (Strauss and Corbin in Babbie and Mouton (2001:498). The following three codings of grounded theory were utilised in the study:

- **Open coding:** the process of breaking down, examining, comparing, conceptualizing and categorizing data. All the transcribed interviews were categorized in order to look for any commonalities, which assisted in categorizing themes for the study.
- **Axial coding:** a set of procedures whereby data is put back together in new ways after open coding, by making connections between categories, utilizing a coding paradigm involving conditions, context, action or interactional strategies and consequences. Themes were developed in such a way that they could link with one another.
- **Selective coding:** the process of selecting the core category, systematically relating it to other categories, validating those relationships and filling in categories that need further refinement and development. All the issues relevant to specific themes and categories were placed accordingly. The researcher selected core categories and sub-categories that helped in analyzing the data.

3.4 TRUSTWORTHINESS

According to Babbie and Mouton (2001: 276), “trustworthiness” is an approach to clarifying notions of objectivity as it is manifested in qualitative research.” The following criterion was followed to ensure trustworthiness as highlighted in Babbie and Mouton (2001:276-277:

In order to verify data the researcher used the model of Lincoln and Guba in De Vos et al. (2005:346). The models include the following:

Credibility is the alternative for internal validity, in which the goal is to demonstrate that the inquiry was conducted in such a manner as to ensure that the subject was adequately identified and described (de Vos et al., 2005:346). In order to ensure that the study was credible, the researcher ensured that prolonged engagement was done with the participants. Where there was a need for further clarity on their responses, the researcher used probing as a technique with the participants. Secondly, the researcher clearly defined the parameters of the research study, which means that the study was only focusing on the experiences of the participants as unaccompanied refugee minors in South Africa. Thirdly, careful and detailed field notes were taken after each interview in order to keep an accurate recording of all data. Lastly, the respondents’ responses were acknowledged since they shared different experiences.

Transferability: This refers to an alternative to external validity in which the burden of demonstrating the applicability of one set of findings to another context rests more with the investigator who makes the transfer than with the original investigator (Lincoln and

Guba in de Vos et al., 2005: 346). This was achieved by ensuring that theoretical frameworks which were related to the study were cited; providing a description of research methodology employed, as well as presenting the research setting and participants.

Conformability refers to attempts to capture the traditional concept and objectivity of the study (de Vos et al., 2005 347): It should be able to reflect whether the findings could be confirmed by another study. This was done by recording all the information that was provided by participants during the interview process, and transcribing all the responses from the participants

3.5 AUTHENTICITY

The Oxford English Dictionary (2003:43) describes the word “authentic” as something which is known to be real, genuine or something based on facts. In order to ensure that the study was authentic and credible, the researcher conducted interviews with the subjects of the study (participants) who were able to narrate their own experiences of being unaccompanied refugee minors in South Africa. All the responses given by participants were captured as they were, in order to ensure that they were carefully recorded. Furthermore, the researcher had a focus group discussion with the care-workers in order to verify the information given by participants.

3.6 ETHICAL CONSIDERATIONS

It was important for the researcher to ensure that the research ethics were observed while conducting research with the participants. Too often ethical lapses takes place in

research studies, such as faking interview data, inaccurate reporting of results, or bias shown in favour of the researcher's hypothesis (de Vos et al., 2005,57). Furthermore ethics assist in ensuring that subjects of the research are not victimised by researchers.

In order to ensure that research ethics are complied with, the researcher ensured that all participants were volunteers and none of the participants were remunerated. The researcher called a meeting with all the participants in order to explain the purpose of the research and how the research process would unfold. During the meeting it was also explained that should participants wish not to continue with the study they were allowed to withdraw at any time as indicated in Appendix A. This was done to avoid any harm that might be caused during the process of the study (de Vos et al., 2005: 58). Furthermore, the researcher had consent forms that were completed by the Manager of the shelter as the guardian of the participants, and also to ensure that the manager had given permission for the children to participate in the study. Participants were asked to give permission for audio-taping in each of the interviews conducted by the researcher.

The researcher was aware of the vulnerability of unaccompanied refugee children living in South Africa therefore he did not promise the subjects of the study that participation would assist in changing their circumstances. All the information given by participants was kept confidential. Names of the participants were not disclosed at any stage of the research process, including the data analysis process. In instances where the names of participants were to be disclosed, pseudonyms were used to protect their identity.

After all the interviews the researcher deemed it necessary for follow up intervention. This came after similar concerns were raised about their treatment in the shelter,

community at school. Therefore researcher referred the matter to the Provincial Head of Health and Social Development in Polokwane for further investigation and intervention (see Appendix F).

3.7 REFLEXIVITY

Reflexivity is about the ability to formulate an integrated understanding of one's own cognitive world, especially understanding one's influence or role in a set of human relations. It is about empathy and self-awareness. The researcher was able to identify with some of the life experiences that were shared by participants, through his personal life experience as well as his experience as a social worker in marginalized communities where poverty is rife. The researcher began to understand that poverty is a contributing factor to the migration of people from their comfort zone in order to seek for better opportunities with the hope of improving their lives. A person living in poverty becomes vulnerable to all forms of abuse and exploitation.

Researchers are also ethically obliged to ensure that they are competent and adequately skilled in order to undertake proposed investigation. The researcher viewed himself as competent and skilled (De Vos et al., 2005:63) and this is because of the knowledge he gained while he was doing his research modules, his work experience, and as a fourth-year student in social work. A supervisor who had expert knowledge in research was involved in order to provide guidance and support to the researcher.

Findings of the research must be compiled in a report form so that the public can have access to it. The findings should be compiled accurately and objectively (De Vos, 2005).

The researcher is expected to compile the report as accurately as possible, and he should be objective. The findings will be compiled, and recommendations will be made to government.

3.8 CONCLUSION

In this chapter, the researcher provided an overview of the research methods and techniques employed to collect data. A detailed description of each research method was provided such as procedures followed to request the conduct of the study, the sampling, and the criteria used to select potential participants, as well as ethics considered to ensure the protection of participants. The participants of the study were ten unaccompanied minors ranging from age 14 to 18, and one of the criteria used was that all participants should already have undergone a process of documentation through the DHA. In order to verify the credibility of the information received, the researcher also made use of a focus group discussions with the care-workers. All the information received from both individual interviews and focus group was carefully recorded. In order to comply with the research, all participants of the study were volunteers, they were never compensated for participating in the study, and their identity was protected.

The researcher had to possess some expertise in the research setting, as indicated in de Vos et al. (2005:63). The researcher's knowledge assisted in getting enough information from participants and in probing where necessary and he was also assisted by an experienced research supervisor to compile the research report. Under no circumstances were participants subjected to any form of deception. The researcher did not promise the participants that participating in the study would assist in changing their

circumstances, and participants were given an option of withdrawing at any time should they wish to do so.



CHAPTER 4

FINDINGS AND DISCUSSIONS

4.1 INTRODUCTION

The primary aim of the study was to explore the lived experiences of unaccompanied refugee minors from a social work perspective. The complexity which encouraged the research was mentioned in Section 1.3 of Chapter 1 (Problem statement).

The research objectives of the study were identified in Chapter 1 as:

- To establish what kind of social work services are provided to unaccompanied refugee children;
- To explore the children's experiences with their arrival in South Africa;
- To explore how unaccompanied minors view services offered to them.

The questions for both individual interviews and the focus group were directed at the experiences of the participants (children) and care-workers. These questions served to identify those issues that affect unaccompanied refugee children. The focus group was used to verify the information given by the children (as explained in sub-section 3.2.4.6). An interview guide was developed for both individual interviews and the focus group. This helped to operationalize the aims and objectives of the research. The questions were developed in such a way that the aim and the objectives were covered.

The following three themes were formulated for discussion in the individual interviews:

- Departure from country of origin;
- Access to social work and other services;
- Children's views on services to offered to them.

4.2 DISCUSSION OF FINDINGS

The following discussions were based on categories and sub-categories of themes that emerged from the data. These findings also reflect the number of participants and the gender of participants. The target of the research was unaccompanied minor refugees between the ages of 14 and 18. All the participants were from Zimbabwe except the members of the focus group discussion.



Tables were used to graphically depict some of the information that was gathered for this study.

TABLE 4.1 BIOGRAPHICAL PROFILES OF PARTICIPANTS

Participants	Age	Gender	Current Grade at school	Arrival date in South Africa	Current residential abode
P1	18	M	9	January 2009	Shelter
P2	17	M	12	July 2008	Shelter
P3	18	F	9	November 2006	Shelter
P4	17	M	10	July 2009	Shelter
P5	17	M	9	July 2007	Shelter
P6	16	M	9	October 2007	Shelter
P7	18	M	11	August 2008	Shelter
P8	17	M	12	December 2008	Shelter
P9	17	M	11	September 2009	Shelter
P10	16	M	10	April 2009	Shelter

Table 4.1. reflected the number of participants and their gender. Individual interviews were conducted with each participant and all the participants were asked the same

questions.

The data in this table showed that the majority of unaccompanied minors who sought asylum in South Africa were males (N=90%) compared to females (N=10%). A study by Save the Children UK (2007:4) revealed that girls who came to South Africa unaccompanied were under-represented because they were more likely to be employed as domestic or sex workers. The data in this table concurred with the main outcome of the Save the Children study that female children were underrepresented.



4.3 THEMES AND SUB-THEMES

TABLE 4.2: CATEGORIES OF FINDINGS

THEMES	SUB-THEMES
<p>4.3.1 Departure from country of origin</p>	<p>4.3.1.1 Push factors</p> <p>4.3.1.2 Pull factors</p> <p>4.3.1.3 Challenges faced by unaccompanied refugee children in South Africa.</p> <p>4.3.1.3.1 Xenophobia</p> <p>4.3.1.3.2 Homelessness</p> <p>4.3.1.3.3 Involvement in criminal activities</p>
<p>4.3.2 Access to social work and other services</p>	<p>4.3.2.1 Entry of unaccompanied refugee minors to South Africa</p> <p>4.3.2.2. Documentation</p> <p>4.3.2.3 Legal placement of children in a place of safety.</p> <p>4.3.2.4 Access to education</p> <p>4.3.2.4. 1 School fees and stationery</p> <p>4.3.2.4. 2 School uniforms</p> <p>4.3.2.4. 3 Access to bursaries/scholarships</p> <p>4.3.2.4. 4 Transport to school.</p>

<p>4.3.3 Views of unaccompanied refugee children on services offered to them</p>	<p>4.3.3.1 Access to social work services</p> <p>4.3.3.2 Access to documentation</p> <p>4.3.3.3 Access to education</p>
---	---

Table 4.2 gave a brief overview of the themes and sub-themes identified during the data analysis process. These themes were identified following responses given by participants of this study. The data in this table as discussed in this chapter showed the following:

- **Departure from country of origin:** This theme looked at push and pull factors, challenges faced by unaccompanied refugee children since their arrival in South Africa, xenophobia, homelessness and involvement in criminal activities.
- **Access to social work services:** This theme dealt with issues like entry of unaccompanied refugee minors in South Africa, documentation, legal placement of children in a place of safety, formal placement of children in alternative care and access to education.
- **Views of unaccompanied minors on services offered to them:** This theme discussed the views of participants with regard to access to social work services, access to documentation and access to education.

4.3.1 Departure from the country of origin

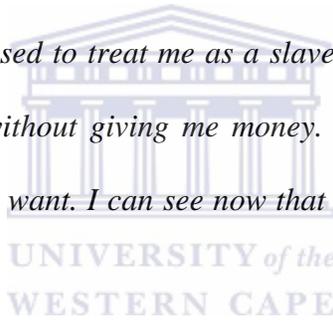
4.3.1.1 Push factors

The data in the above table showed that these children left their country of origin because of poverty, lack of educational opportunities, political unrest, abuse and

exploitation (Hiller, 2008) suggested that issues of poverty, unemployment and lack of educational opportunities had resulted to a number of unaccompanied refugee children entering the country. The report from Save the Children (2003:4) revealed that at times families pressurize children to seek work across the border, and children will comply for various reasons, including a strong desire to fulfill their familial duty. However, it was not always the case to the participants of the study as they left their home out of their own will. .

At least 80% of the participants left their country of origin because they had been exposed to abuse and exploitation. For instance, one of the participants said that:

“People in Zimbabwe used to treat me as a slave. People in the community used me to work for them without giving me money. They were giving me food and some clothes they don’t want. I can see now that things are better because I now go to school” [P4].



In certain situations children left their country because they were abused by those who were supposed to take care of them when there were no surviving parents. One of the participants indicated that

“I came to South Africa, because my uncle physically abused me, I came to South Africa because I wanted to be protected. I am now happy and I am going to school” [P3].

Some participants said that they had left their country of origin because they were orphaned.

“When I left Zimbabwe, things were not right in terms of money, food. I can just say almost say everything. When you in Zimbabwe and you get money and the money will lose its value within four days. I don’t have parents in Zimbabwe. I have a sister who is 25 and she is in Zimbabwe. My mother passed away in 2000 while I was doing Grade 3. I never saw my father and I don’t know him. When my mother passed away, I changed so many places” [P5].

Participants also indicated the following when they were asked why they left Zimbabwe:

“I left Zimbabwe during the time of the elections. The time I left I was already living on the streets because both of my parents are deceased” [P1].

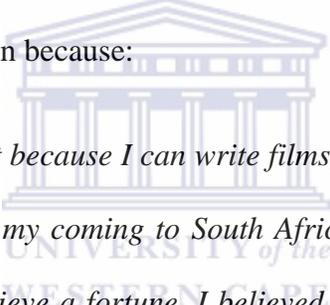
“I left Zimbabwe because of the treatment I was getting. Because when my father died, I left my mother and she was sick. My father was the one who was working. I had to work. Most of the time I never attend school without being absent. I decided to come here to look for job so that I can support my family” [P2].

The research by Save the Children UK (2007: 5) revealed that children left their country of origin to seek asylum to other countries because of a combination of death of their parents or caregivers and poverty in their home country.

It became apparent from this study that participants left their own country (Zimbabwe) for various reasons such as abuse, exploitation and for economical reasons. Participants believed that by leaving their country would provide solutions to the problems they were facing at the time.

4.3.1.2 Pull factors

The data collected as reflected in Table 4.2 revealed that children came to South Africa with a hope for better lives. They were hoping to have access to job opportunities, education, care and protection from the South African government. The “pull factors” refer to circumstances which attracted people to a particular place (Fritsch et al., 2010:624). Watters (2008:9) also confirmed that refugees seek asylum in other countries with the hope of better lives such as good economic prospects, safety and protection, stronger currencies, work opportunities and the possibility of education. The participants in the present study were also hoping that they would find job opportunities; some of them left their countries of origin because:



“I can say I am an artist because I can write films, soapies, drama and I can even write a book. I thought my coming to South Africa would be a breakthrough, in fact I am hoping to achieve a fortune. I believed that South Africa can make my dreams come true because its one of the developed countries in Africa” [P6].

Another participant stated that:

“I left Zimbabwe to come to South Africa in order to find work. My father died and my mother was sick and she could not work. I had to come here to seek for jobs so that I can support my family.” [P9].

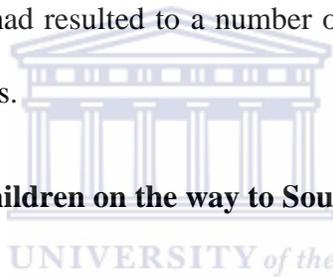
The other two of the participants indicated the following:

“I came to South Africa hoping for a better future. At least I am already seeing a

future here because now I am at school and I am so happy to be back at school.”
[P8].

“When I came to South Africa I was hoping to get someone who would take care of me, someone who would take me to school and also to get money to send home”[P7].

This study indicated that children come to South Africa not only to seek protection, but with ideals and aspirations and with the hope that their dreams would be fulfilled. The study from Save the Children UK (2007:7) suggested that limited educational opportunities in their country had resulted to a number of children leaving their country of origin for better opportunities.



4.3.1.3 Challenges faced by children on the way to South Africa.

The findings of this study indicated that unaccompanied refugee children experienced life challenges in South Africa. As mentioned in Table 4.2 the challenges that were indicated by participants included xenophobia, homelessness and involvement in criminal activities. Furthermore, involvement in criminal activities was not a matter of choice for some of the children; instead it was used as a way of survival. Each of the above challenges will be described in the following sections.

4.3.1.3.1 Xenophobia

As mentioned earlier, unaccompanied refugee children endured xenophobic comments made towards them by South African children, especially at school and in the

community. The research conducted by Livesey (2006: 70-71) reveals that refugee children are subjected to xenophobic comments that are made towards them by other learners at school. Livesey (2006) further indicated that children have positive experiences about their teachers, as they support them when they are discriminated against by their classmates. Article 2 of the United Nations Convention on the Rights of the Child indicates that children should not be discriminated against on the grounds of age, race, religion or country of origin.

Xenophobia is described as an excessive and irrational fear of anything foreign. This fear is most often of foreign people, places or objects. People who are xenophobic may display fear or even anger toward others who are foreign. While the term “xenophobia” is often used interchangeably with terms such as “prejudice” and “racism”, these terms have different meanings (Kendra Cherry, 2010). The participants mentioned that xenophobia was one of the things they experienced after they arrived in South Africa. They indicated that they experienced xenophobic comments both at school and in the shelter where they were currently staying.

One of the participants mentioned that some of the staff members in the facility would make a comment like:

“The food here is not for you Zimbabweans; this food is for South Africans. We are doing you a favour by giving you food. Those things make me feel hurt” [P2].

Some of the participants also mentioned that they experienced some form of discrimination at school. However, the teachers were seen as being supportive to the

learners from Zimbabwe. The experience of participants to xenophobia differed. For instance, four out of ten participants indicated that their fellow classmates were tolerant towards them, while other participants indicated otherwise. Some learners would apparently make comments like:

“You are the son of Mugabe and you are too dark; and Shangaans³. When they make such comments I just keep quiet and sometimes ignore them because I got nothing to lose” [P5].

In some of the South African black communities; a person who is very dark in complexion will be referred to as a Shangaan because of the perception that Shangaan people are very dark in complexion.

Participants had different views on how they were treated by some of the classmates at school and friends in the community. They mentioned the following:

“I wish I can be a South African so that other learners can stop calling me names” [P1].

³ Shangaans are large group of people living mainly in southern Mozambique in Maputo and Gaza Province; there is also a large Shangaan group in Limpopo Province in South Africa. in South Africa, the Shangaans are called Tsonga (http://wikipedia.org/wiki/shangaan_people)

“I don’t have any problems at school. My friends and teacher are treating me well” [P7].

“Actually the student at school they are very nice. I can commend them. They are not criticizing me. I think they understand me. What I like, they don’t even hate me. Most of the teachers understand the situation. One of the teachers once bought us covers for our books. It’s something which shows that these people care for us. They make us feel that we have a sense of belonging” [P6].

“Sometimes we experience discrimination here at this place. Sometimes we are told to go back to the streets” [P3].

“At school, the teachers at school are treating me well. They show support. The learners are problems, some of them are nice and others are bad. They are teasing so that somebody can feel bad. There would say you are from Zimbabwe, you are dark. Usually its guys are doing that and I just ignore them because I am afraid of them” [P10].

One of the participants indicated that:

“Some of the children are just blowing things out of proportion because they take petty things as discrimination, especially if they are reprimanded for the wrong doing” [P9].

The other participant indicated that:

“If you are a Zimbabwean child and you report something about a South

African child or staff it gets twisted. They make you feel like the one who did something wrong. Nobody listens to here, I gave up and I can't report anything to anyone. I wish social workers come here one day and see children and listen to their individual needs "[P7].

The data obtained from the focus group discussion with care workers indicated that there was a level of animosity between South African and Zimbabwean children who stayed in the shelter. However, the staff cautions that they try to establish peace amongst the children.

According to a research study conducted by Onuoha (2006:110-111), South Africa has complied with the international law and standards in developing a legal policy framework for refugee protection. However, it has failed to achieve a creditable implementation process that meets the international standards, and this has been detrimental to the protection of refugees and asylum seekers in this country. The author further mentions that some impediments and major challenges confronting the rights of forced migrants were identified. They include maladministration, corruption, xenophobia, and lack of service delivery.

Due to their unfair treatment at the shelter, school and community, some of the participants believed that there was a relationship between xenophobia and favouritism. As already, mentioned that some of the participants believed that if there were South Africans treatment would not be the same. This showed a lack of implementation of policies and legislation because if policies were rightfully implemented the community would have been aware that xenophobia can also be associated to some of

discrimination; hence the participants felt that that they feel more vulnerable at the hands of South Africans. However, four of the participants indicated that its not all bad because some of the participants would use xenophobia as an excuse especially if they were being corrected for their wrongdoing. Therefore experience of participants with regard to xenophobia varied.

4.3.1.3.2 Homelessness

According to a report from UNHCR (2010:1) the term “homeless” is used to describe those persons recognized to be in need of international protection, who do not have access to adequate housing, meaning that they are either roofless (sleeping on the streets without shelter of any kind), or household (with a place to sleep in an institution or temporary shelter).

The group of children in this study came to South Africa without knowing anyone and as a result they ended up being homeless. The data from this study indicated that the participants were on the street before being admitted to the shelter. The children stayed on the streets for at least two years.

“I stayed on the streets for one year six months after my arrival in South Africa in July 2008. I was staying in Mesina for three months and I moved to Louis Trichardt for another three months and later moved to Polokwane where I spent most of the time on the streets until I got a place in the shelter” [P2].

They also alleged that some of the staff members did not treat them well. The conditions

in the shelter seemed to be unbearable at times because of the discrimination they experienced.

One of the participants said

“The situation I meet now, sometimes I think it was better to be on the streets, because I was having my friends and we came together here at this place, but they decided to leave this place because of the treatment we get. The difference between the street and this place is that you have a place when it is raining. In the streets, when it is raining you don’t know where to go” [P1].

The following responses given by participants showed some of their experiences of being homeless since their arrival in South Africa:

“I was in Pietersburg, for long time. I was sleeping on the streets. I stayed on the streets for five months. On the streets it was hard. The conditions were difficult; the thing is there was some place where I would get the food. But the issue of clothes and soap and place to sleep it was very difficult. To get to the job I had to go to the robots. To get money also was difficult. It was really hard” [P3].

“When I came to South Africa, I did not know anyone. I stayed on the streets in Mesina for three weeks” [P5].

“I didn’t know anyone when I was coming to South Africa. I stayed in Mesina for a week. When I got to Mesina I stayed on the show ground because they were giving asylum at the showground. When I got my asylum I went to look for a piece

job” [P8].

One of the participants indicated that she had never been homeless after she arrived in South Africa. She came to South Africa with her sister who had also stayed in the shelter. Her sister had left the shelter a long time ago.

Participants shared different experiences of being homeless. The frequency of their stay on the streets was not the same since they arrived in the country at different times (see Table 4.1). At least four out of ten participants experienced life of being homeless. However, during the interview one of the suggested that life on streets was much better than their current situation. This was mainly cause by unfair treatment they received in the shelter despite the fact that *Article* of the CRC (1989) indicated that children should not be discriminated. But their main concern was that on the street they were often exposed to cold, damp weather and hunger.

Huszar and Sianni (2010:3) stated that homelessness for refugees can be caused by lack of opportunities for family reunification and a perceived lack of employment opportunities. Bobb (2009) emphasized that on arrival in the country of asylum, life takes another turn for unaccompanied refugee minors. The reality was that many of them end up homeless and on the streets. Furthermore, the participants indicated that life on the streets was challenging since they were exposed to cold weather and there was no safe place to live there. However, they had different views of being in a sheltered environment because of the treatment they received from the shelter.

4.3.1.3.3 Involvement in criminal activities

The data gathered in this study and reflected in Table 4.2 showed that 20% of the participants were involved in criminal activities and also victims of crime on their way to South Africa. According to the participants, being involved in crime was a way to survive since they did not have food and they had to resort to stealing from other people. In her study, Hoosain (2007:84) established that some of the refugee children were involved in illegal activities, and were also exploited by adults in their community of origin. However, there was no indication of adult involvement when the children committed crime. Some of the participants admitted that they were victimised by goma gomas on their way to South Africa.

for instance one of the participants mentioned that: *On the streets we were doing different things like stealing, let's say if you buy a grocery we would assist in pushing your trolley and then steal some of your grocery items. Sometimes we would eat it or sell it at a lower price. It was the way I survived on the streets of Polokwane" [P2].*

Interviews with participants revealed that the children were not only involved in criminal activities, but were also victims of crime while they were on their way to South Africa. They met “goma gomas” on the way to South Africa, especially those who did not enter South Africa through Beitbridge. According to the participants, goma gomas are group gangs who hide in the bushes. They normally target those people who are coming from Zimbabwe, using the bushy areas in order to avoid the police. The goma gomas would rob people of their valuables and rape women and girls. In certain cases people were beaten up before they were released, and sometimes they were even killed. One of

the participants indicated that he was using the same route where there were goma gomas (described as scavengers who often wait for unsuspecting travellers) and this is what happened to him:

“On the way to Mesina, I used the road which is on the bush. I was trying to run away from the police and I didn’t want them see me. I met the goma gomas and they asked me for money and I didn’t have anything to give them. They beaten me up because I had nothing to give them, after beating me they told me to go. I ran so that they could not catch me again” [P5].

Other participants indicated that they had never been involved or arrested by police officials while they were on their way to South Africa or once they were in the country.

The research by Save the Children UK (2010:5) also mentioned that there was a high potential for unaccompanied refugee children to be involved in criminal activities, whether it was direct or indirect. The report from Save the Children indicated that some of the children entering South Africa had to bribe informal guides so that they could help them to cross to South Africa. Generally, any act of bribery could constitute a criminal action.

This study suggested that refugee children experienced trials and tribulations before finding ways to cope with their circumstances while in the country. In order to prevent further vulnerability of unaccompanied refugee children, Section 28(1) (c) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) states that “every child has a right to basic nutrition, shelter, basic health care services and social services”.

It was not always the case for refugee children since they had to resort to other alternatives in order to survive. Some children indicated that they had to resort to dumping bins in order to get something to eat. Article 6 of the United Nations Convention on the Rights of the Child concurs with the Constitution of the Republic South Africa Act (Act 108 of 1996) when it pronounced that government should ensure that children survive and develop healthily.

4.3.2 Access to social work and other services

Data collected as reflected in 4.3.2 of Table 4.2 reflects access to social work and other services. The data also gave an indication of how these young refugees entered South Africa, how they accessed legal documentation for their stay in South Africa, how they got placement in the shelter and the possibility of alternative care placements. Access to education was also indicated with a specific focus on school fees and stationery, school uniforms, access to bursaries or scholarships and access to bursaries. These sub-themes were explained in detail in the following sections.

The Office of the United Nations High Commissioner on Refugees (OUNHCR) (1997) had set guidelines on how unaccompanied children should be treated when they are seeking asylum in another country. The provisions of OUNHCR correlate with the guidelines for services for separated and unaccompanied children outside their country of origin in South Africa developed by the National Department of Social Development (2009). The Department of Social Development provided criteria on how children should be identified prior to their entry in South Africa. The following were explored in terms of

access to social work and other services:

4.3.2.1 Entry of unaccompanied refugee minors in South Africa

The data in table 4.2 indicates how children have entered South Africa. The findings of this study have shown that they used various ways to enter the country. The Refugee guide from Lawyers for Human Rights (2009:9) indicates that unaccompanied children should be identified when entering a country.

The research report from Save the Children UK (2010:5) further indicates that for children to qualify as unaccompanied, they must have crossed an international border without an adult who is responsible for them. Three out of ten participants interviewed indicated that they did not come to South Africa via Beitbridge. Some of the children came with a bus to Beitbridge and others got emergency transport to cross the border and ended up being unaccompanied in South Africa. Interviews with participants demonstrated that not all the children who came to South Africa had been pushed by circumstances to South Africa as highlighted in 4.3.1.1. Some the participants were attracted by what South Africa could possibly offer to them (see pull factors 3.2.1.2). One participant indicated that:

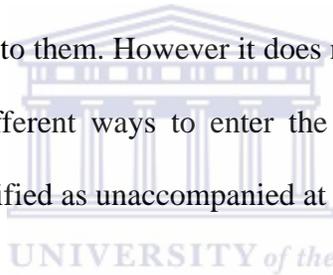
“I was using emergency passport from Zimbabwe to South Africa. I got it from Home Affairs in Bulawayo. I used to travel to countries like Botswana because I was doing business with my friends. I still have parents in Zimbabwe. My coming to South Africa, I believed that I would make a fortune. I was hoping that I would get fortune and thereafter I would be able to fulfill my dreams in the film

industry” [P6].

Another participant said that:

“I was arrested six times while I was in Mesina and I was taken to SMG a place where the soldiers stay. I escaped and they never caught me again. I was arrested because I was told that I am here illegally” [P4].

Therefore some of the children who are asylum seekers do not fit the criteria of being unaccompanied minors seeing that they have relatives who are able to take care of them. The authorities had managed to identify the category of those children but still continued to issue asylum documentation to them. However it does not mean that their rights should be violated. Children used different ways to enter the country, which might make it impossible for them to be identified as unaccompanied at the port of entry.



The following was an indication of how the unaccompanied refugee minors entered the country:

“I got a lift with a truck from Zimbabwe to Beitbridge. From Beitbridge I had to walk across Limpopo River to Mesina” [P10].

“I travelled with the train from Bulawayo to Beitbridge. From Beitbridge I had to walk across Limpopo River to Mesina” [P7].

“I just cross Limpopo River. From Zimbabwe we used a bus, when we reach Beitbridge we started walking to Mesina” [P5].

“I came with a bus from Zimbabwe to Beitbridge. From Beitbridge we got a lift in a tractor to get to Mesina” [P3].

“From Zimbabwe I came with a truck after hitchhiking while I was walking. The truck dropped me off in Beitbridge. I had to walk from Beitbridge to Mesina. On the way to Mesina, I used the road which is on the bush” [P4].

“I used trucks from Zimbabwe to Beitbridge. I walked from Beitbridge to Mesina on foot” [P1].

Lawyers for Human Rights (LHR) (2009) further indicates that unaccompanied children must identify themselves as being on their own to the Department of Home Affairs, who will make special arrangements for the applicants. The purpose of the identification is to determine whether all the children who seek asylum are really unaccompanied or not. It seems that it is difficult to determine that from the South African side because some of the children indicated that they did not come through the Beitbridge border post between South Africa and Zimbabwe. They used other routes such as crossing the Limpopo River, which makes it difficult for authorities to identify them.

This section gave an illustration of how unaccompanied refugee minors entered the country. The findings of this study revealed that some of the participants used illegal ways to enter the country e.g. five out of ten participants admitted using illegal routes in entering the country. This is despite on what was mentioned by LHR in terms of identifying unaccompanied refugee minors.

4.3.2.2 Documentation

The data shown in Table 4.2 indicated how children obtained their asylum status. It also showed the procedures used by participants in obtaining their documents from the Department of Home Affairs in Mesina. Documentation involves issuing of asylum papers for refugees to enter the country. The UNHCR (1994:98) indicated that determining the refugee status of unaccompanied children is difficult, and requires special consideration. The UNHCR further indicated that if the refugee claim is denied, the child might be permitted to stay in the country of asylum with immigration status granted for humanitarian reasons.

All the participants indicated that they were documented and had asylum papers, though some of the participants may not necessarily fit the criteria to have asylum status in South Africa. The findings of this study revealed that some of the unaccompanied children came to South Africa not because they were being forced by poor conditions at home or by political unrest, but because of the pull factors as discussed in section 4.3.1.2. One of the participants mentioned that:

“I came to South Africa to get a job so that I can send money back home. My mother is not working but she has a small income she gets by selling at flee market. But it’s not enough to cover the whole family” [P5].

This showed that the child was not here in South Africa because he did not have parents, but because he came to seek economic opportunities so that he could assist in supporting his family.

Experiences of participants in obtaining documentation differed. This became evident during the interviews. The participants indicated the following with regard to getting the asylum papers:

“I went to the show ground in Mesina to get my asylum papers. I was advised by other guy I met to get documentation. I went to the Home Affairs . I had to wait in the queue, I had to write my name on the list and Home Affairs allocated a number for me. I had to wait until my turn comes because if I move away I would forfeit my place. When my turn finally came, I have entered at Home Affairs, they took my picture and they asked for my details on the same day after I have been waiting on the queue for thirty days” [P1].

“I have asylum papers and I got them in 2008. I was helped by another man in Mesina. He took us to Home Affairs and we gave him our names and ages other than I don't know what he did. He brought us affidavit from Home Affairs and we have to write them. I waited for three months in Mesina. But when we went with that guy we got it within a day” [P4].

“I have got my asylum papers and the manager took me to Mesina to get the papers. I never had any problems there and I got the papers on the same day” [P7].

“I was using an emergence travelling document from Zimbabwe to come South Africa. But we take it from the Home Affairs in Zimbabwe. It makes it easy to cross the borders. You can go wherever you want to go” [P9]

“I went to Home Affairs and they told me that I was minor and they could not help me with my documentation. They took us to a Place of Safety in Polokwane, but I never get help.. They told me that I have to go to the police to get affidavit. The manager at this place helped me” [P3].

“When I got to Mesina I stayed on the show ground because they were giving asylum at the showground” [P10].

Section 32(1) of the Refugees Act (130 of 1998), “stipulated that any child who appeared to qualify for refugee status in terms of Section 3, and who is found under circumstances which clearly indicate that he/she is in need of care as contemplated in Section 150 of the Children’s Act (38 of 2005), must forthwith be brought to the Children’s court of the district in which he or she was found.” Section 32(1) of the Refugees Act further stipulates that the Children’s court may order that a child be assisted in applying for asylum.

Four out of ten participants in this study indicated that they had obtained their asylum papers on their own, while others were assisted by strangers to get documentation while staying in Mesina. They indicated that they were often harassed by police officials threatening to deport them if they did not have documentation. Fifty percent of the participants indicated that they stayed in Mesina for at least three months without getting legal documentation to stay in South Africa. Lawyers for Human Rights indicated in their Refugee Guide (2009:9) that an unaccompanied or separated child should approach a Department of Home Affairs representative and state that he or she was unaccompanied. The representative from the Department of Home Affairs should contact social

workers from the Department of Social Development who in turn would further assist the child.

4.3.2.3 Legal placement of children in a place of safety

This section explored how the participants were placed in the shelter and if legal procedures were followed. The placement of children in a place of safety or residential facility should be done within the prescripts of the child care legislation. Section 150 (1)(2)(3) of the Children's Act (Act 38 of 2005) clearly spelled out of how a child can be identified as a child who is in need of care and protection. Sections 151 and 152 further define the category of children who can be placed in temporary safe care with or without a court order. Section 152 of the Act also stipulated that a designated social worker or police official might remove a child and place the child in temporary safe care without a court order if there are reasonable grounds that the child is in need of care and protection and there was a need for immediate emergency protection.

All the participants indicated that they had never been brought before the children's court and had never had contact with social workers. However, one of the participants indicated that he had contact with a social worker but he was not taken to children's court.

The following was an indication of how the participants were referred to the shelter:

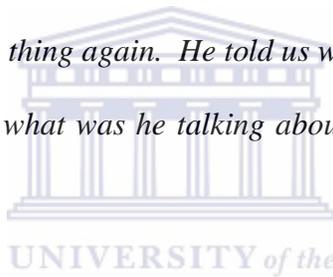
“When I arrived in Pietersburg, I stayed on the streets with other boys who were also coming from Zimbabwe next to McDonalds. We were 20 boys. While we were sitting a certain lady came to talk to us. She introduced herself as Ms M. She

asked us to come with her to the Shelter and that's how I ended being here today"
[P3].

"I didn't know anyone in South Africa. I was taken by another lady and she took me here. She got me in town. She saw us sitting at the robots and she asked us some questions. She was with another man" [P4].

"I never stayed on the streets in SA since my sister already knew the place" [P2].

"It was around September 2009, when somebody told me that there is a place where I can stay. He was explaining to us. I just take for granted. The guy came back telling us the same thing again. He told us where the place was. One day we decided to come to see what was he talking about. We talked to the Manager of this place" [P1].



"I was taken by Home Affairs to a place of safety in Polokwane after I was told that I am minor and they could not assist me with my asylum papers" [P7].

"While I was on the streets I saw a lady and she told me that there is a place where I can stay and go to school if I want to. At first I didn't believe. I used to come here and I would run away. But I decided to stay I have been told that I can go to school" [P10].

One of the participants indicated that he was taken to a place of safety by social workers from Childline in Mesina but he was not court-ordered:

"Social workers from Childline in Mesina took us to a Place of Safety in

Polokwane, and I stayed there for six months. The social workers in the Place of Safety told me that I can no longer stay there because I was older than my age group, so they took me to me Home Affairs in Mesina to get my asylum papers and after that they left me there”[P8].

Members of the focus group discussions confirmed children were not placed legally in the shelter, since some of the children were brought to the shelter by social workers from NGOs and government. In certain instances, children were brought by community members. Therefore all unaccompanied refugee children in the shelter were not there from a court order through the children’s court.

Currently the children are accommodated in shelters for street children which have both South African and Zimbabwean children. The Constitution and the Children’s Act (38 of 2005) as amended lay down that every child should be treated the same, regardless of the country of origin. However, it is the researcher’s opinion that though all the children in the facility were found on the streets, the reality was that services to unaccompanied refugee South African children should be slightly different. The Constitution and Children’s Act indicate that all the children should be treated the same, but there is still a gap in terms of services. During the focus group discussion with the care-workers in the facility, it was established that only South African children were receiving a subsidy from the Department of Social Development; all the refugee children were not subsidized.

Placement of children in the shelter was not done in line with legislation i.e the Children’s Act (Act 38 of 2005) as amended by Children’s Amendment Act(Act 38 of 2007). Consequently, access to social work services by unaccompanied refugee

children was limited. Children received marginal social work services from non-governmental organisations such as Childline South Africa. The research report from Save the Children UK (2010:6) further revealed that few children had contact with government social workers.

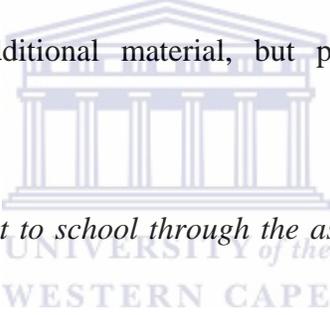
4.3.2.4 Access to education

The data collected (Table 4.2) indicated that the participants had access to educational opportunities, in line with *Article 28* of the United Nations Convention on the Rights of the Child (1989), which clearly stated that “each child has the right to education. The goal is free and compulsory education, secondary education (general or vocational) available to all, and higher education on the basis capacity.” This article reads concurrently with Section 29 (1) of the Constitution of the Republic of South Africa Act (Act106 of 1996) which stated that "Everyone has the right to a basic education, including adult basic education; and to further education, which the state, through reasonable measures, must make progressively available and accessible.” According to a submission made by Lawyers for Human Rights and Consortium for Refugees and Migration of South Africa of 01 February 2010 to the Portfolio Committee on Basic Education, 24% of the school-aged children who are asylum seekers are not at school. The reasons for this included being unable to afford school fees, being without documents, being unable to afford transport and uniforms, and finding a local school.

The following will deal with education highlighted by the participants:

4.3.2.4.1 School fees and stationery

According to the South African Schools Act 84 of 1996, Section 39(3), equitable criteria and procedure are given for the total, or partial or conditional exemption of parents who are unable to pay for school fees. All the participants indicated that they were not paying school fees for this year. The school also provided them with the books and stationery. However, participants indicated that they had to cover for extras that the school was unable to provide. These extras included study guides, calculators and so on. The participants indicated that they had to work on weekends and during school holidays in order to cover these expenses. They mentioned the following with regard to the payment of school fees and other additional material, but participants presented different responses:



“I have managed to get to school through the assistance of the Manager of the Shelter” [P1].

“The Manager pays for my school fees, uniforms and for my travelling” [P3].

“I am attending school. The owner of the shelter pays for school fees. He also organized the school” [P5].

“The school fees are being paid here” [P7].

“I am attending school and the owner of this place organized school for me. This year we don’t pay school fees. We get stationary at school for free” [P8].

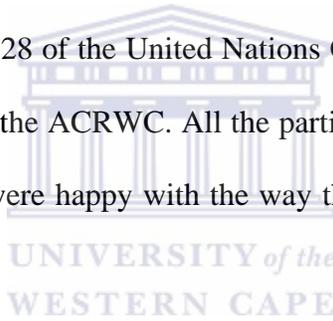
“The manager of this place organized school for me. We don’t pay for

school fees and stationery” [P9].

“The shelter used to pay for school fees but now it’s free” [P10].

Another four participants gave similar responses that they were exempted from paying school fees this year by the Department of Education, and all of them attended the same school.

It appears that South Africa has managed to fulfill its constitutional mandate in terms of providing for education to unaccompanied refugee children as stipulated in Section 29 of the Constitution of the Republic of South Africa Act (Act 108 of 1996). There is also compliance in terms of Article 28 of the United Nations Convention on the Rights of the Child (CRC) and Article 11 of the ACRWC. All the participants indicated that they were all attending school and they were happy with the way there were treated by teachers at school.



4.3.2.4.2 School uniforms

The South African Schools Act (Act 84 of 1996) does not provide for school uniforms to the learners who cannot afford to buy them, so parents/guardians are expected to take responsibility for the purchase of uniforms. The facility had managed to get uniforms for all the children through donations; however, one of the participants indicated that:

“Only last week I was given a shirt since I came here. I am the one who buys the uniform. I am the one who is mostly absent from school because I have to go and find money to buy school uniform and other things” [P3]

“The Manager pays for my school fees, uniforms and for my travelling” [P7].

“The problem is I don’t have a full uniform. I don’t have a jersey. When it is cold it’s difficult. I have to put a t-shirt under my shirt. At school they don’t allow us to wear anything if its not part of the uniform” [P5].

Eight out of ten participants also confirmed that school uniform was given to them by the facility manager, whereas the other two shared a different view with regard to the provision of school uniforms. One of the participants indicated tha he was responsible for purchasing his own uniform, while the other participant indicated that he did not received full uniform. Article 29 of the CRC indicated that the issue of school uniform was not addressed by the Convention, therefore it was discretion of government of each country.

4.3.2.4.3 Access to bursaries/scholarships

This section looked at the issues relating to post matric qualification. This was one of the issues that emanated from the interviews conducted with the participants. As indicated in Table 4.1 two of the participants were currently busy with their Grade 12 at the time of the study. Both participants expressed their anxiety with regard to the future continuation of their studies. Here is what was said by both participants:

“Sometimes it is harder us to further our education. They have to reach agreement and how to assist foreigners in continuing their studies. They should assist us in meeting some of the requirements that are needed prior to admission to tertiary institutions, such as study permits, identification and so on. As for

foreign student they must devise a solution” [P8].

“I am thinking of bursaries this year so that I can be able to go back to school. Then I will be able to go to University, but I don’t know how would I qualify since I am a not South African” [P2].

The other eight participants did not make any comment about accessing bursaries to further their education after matric.

Article 28 of the CRC, mentioned that “each child has the right to education. The goal is free and compulsory primary education, secondary education (general or vocational) available to all, and higher education on the basis of capacity.” Section 29(1)(b) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) further indicated that “everyone has the right to further education, which the state, through reasonable measures, must make progressively available and accessible”. Although CRC indicates that States who are signatories of the convention have an obligation to provide education to refugee children, it is not clear who is supposed to take responsibility for higher education. The participants had concerns around unavailability of bursaries/scholarships for them after completing matric. They mentioned that they established from their friends who completed matric few years ago that could not proceed to university level because there was no funding and this was because they were not born in South Africa. This suggested that there was a gap in terms of policy implementation.

4.3.2.4.4 Transport to school

This section deemed to be relevant due to the fact that the participants were using

transport to the school and they also raised concerns about the transport there were using. Here is what participants said in relation to this:

“The Manager pays for my school fees, uniforms and for my travelling” [P2].

“We have to walk long distance to school. if you walk you will be late at school. We arrive at school at the end of the second period. The transport is not reliable. The school is more that 10 kilometers from here” [P3].

“We have to wake up early and sometimes we get to school later even after the first lesson” [P8].

“We have to walk long distance because transport sometimes is not available. We would be tired and the following day we are expected to wake up at 3am. It is so tiring” [P7].

“Sometimes we have to walk 15km from school especially if we have to attend afternoon classes. The bakkie from here does not fetch us from school if it happens that we have to attend afternoon classes”[P1].

Members of the focus group discussion also confirmed that there were challenges with regard to transport for the children in the shelter. The shelter was currently using an old bakkie to drop and pick up children at school. It was also indicated that the bakkie had mechanical problems and as result children would come back late from school. The manager was busy negotiating with the Department of Education for the provision of transport to school.

While in the field the researcher also witnessed that there were challenges in transporting the children from school. He had to use his own transport to pick up some of the participants since it was getting late. The participants had to walk at least 15 km from school to the shelter when transport was not available

The final Draft Scholar Transport Policy from the Department of Transport (February, 2009:34) stipulates that “a maximum walking distance to a scholar transport pick up point should be 3 km, whereas in rural and urban areas it should be between 2 and 5 km.” hopefully this implementation of this policy would address the problems of transport experienced by children.

The findings of this study relating to access to education revealed that all the participants were attending school despite the challenges relating to school uniform, transport and their inability to access scholarship. The overall findings of this study with regard to education had indicated that participants were satisfied with the educational system of South Africa.

4.3.3 Children’s views on services offered to them

According to the data collected as reflected in Table 4.2, participants expressed different views on how services directed to unaccompanied minors should look in South Africa. They expressed their views in terms of social services, education, access to documentation and other relevant services that would assist in addressing their needs.

The following were the synopses of what was considered by participants in terms of

services that were offered to them:

4.3.3.1 Access to Social work services

Social work services fall under the ambit of the Department of Social Development (DSD). One of the mandates of the DSD is to provide social welfare services to vulnerable groups including children. According to Section 28(1)(c) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) states that “every child has a right to basic nutrition, shelter, basic health-care services and social services.” Sections 150 of the Children’s Act (Act 38 of 2005) also identify these children as children who are in need of care and protection. A Refugee Guide from LHR (2003) further mentioned that the provision of social services was the responsibility of both government and non-governmental organizations such as the United Nations High Commissioner on Refugees. Therefore the Department of Social Development is obliged by the Constitution of the Republic of South Africa Act (Act 108 of 1996) to be of assistance to unaccompanied refugee children. Social work services appeared to be critical to unaccompanied refugee minors in order to ensure that they were well cared and protected. The role of social work in terms of unaccompanied children was to offer counseling, advocacy, referral, placement, family tracing and reunification. All the participants indicated that they had never been in contact with social workers from the Department of Social Development, except marginal social work services received from Childline, who assisted them to obtain documentation.

The following is what was said by participants which indicated a need for social work

intervention

“I left Zimbabwe because my parents are dead and my uncle physically abused me. Coming to South Africa was the only option for me. Now I feel safe to be here.” [3]

The time I left I was already living on the streets because both of my parents are deceased” [P7].

“I left Zimbabwe because of the treatment I was getting. Because when my father died, I left my mother was sick. He was the one who was working” [P1].

“My coming to South Africa, I believed that I would make a breakthrough. In fact I was hoping that I would get a better future. But it seems impossible because there is no one to help me to get through my wishes” [P5].

“I came to South Africa on my own and I wasn’t having what I wanted. I wanted to be at school. I came to South Africa to have a better life because I was suffering in Zimbabwe. I was not at school. People in Zimbabwe used to be as a slave. People in the community used me to work for them without giving me money. They were giving me food and some clothes they don’t want” [P7].

“My mother passed away in 2000 while I was doing Grade 3. I never saw my father and I don’t know him. When my mother passed away, I changed so many places. I started staying with my mother’s parents. My uncle came, my mother’s younger brother. He volunteered to take care of me. I only stayed with my uncle

for a year, because my aunt, his wife was not that good. She was ill treating sometimes” [P2].

Focus group discussions with care-workers revealed that some of the children presented with behavioural problems especially when they had to be reprimanded. They cited an incident whereby one of the care-workers was allegedly attacked by a group of these children in the facility. It also appeared that the shelter did not have systems in place in terms of disciplinary procedures especially when the children misbehaved. Another important issue that was raised was lack of training for care-workers. They did not have a formal training to address the needs of these children. The care-workers indicated that they used common knowledge to address the needs of the children.

The Guidelines on Services for Separated and Unaccompanied Children outside their Country of Origin in South Africa (2009) were developed by the National Department of Social Development (DSD) in order to guide with various steps or protocols that could be followed to assist unaccompanied or separated children. The guidelines from DSD clearly specified the roles and responsibilities of social workers when dealing with unaccompanied or separated children. However, similar guidelines were developed by OUNHCR (February, 1997) on policies and procedures in dealing with unaccompanied children seeking asylum. Hopefully the guidelines developed by DSD would be able share some light to social workers on how to deal with unaccompanied refugee minors.

When the participants were asked what did they think about the role of social workers in addressing their needs and they said the following:

“Social workers should assist us with basic needs such as food because the food we are eating here is not healthy. Most of the food is expired” [P1].

“I think social services should come and intervene to the problems experienced by children in the facility. I wish that social workers can come and see children here individually” [P2].

“I want social services to come and intervene knowing that nobody wants to listen to us. You must ensure that they come and help us here. Zimbabweans are suffering here” [P3].

“There is a need for social workers to come and look at the food we eat here. We eat food which expired lot time ago” [P6].

Other participants did not have much to say regarding the services of social workers hence they lack understanding of the role of social workers. It is the responsibility of social workers to link clients with relevant resources so that they can be assisted in addressing their needs.

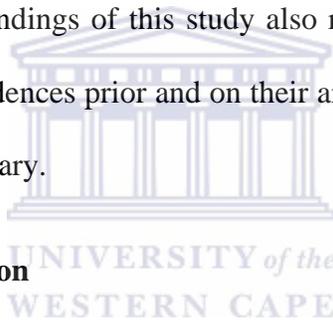
The focus group discussions with the caregivers of the participants in the shelter also shared the same sentiments as participants. They felt that there were not capacitated to deal with participants who displayed serious uncontrollable behaviour. This is what was said by two members of the focus group:

“It is difficult to work with these children sometimes. They need skilled people like Psychologist and Social Workers. They display a lot of anger and aggression

and when you try to reprimand them they don't listen".

"We do our best to support the children but sometimes it seems as if we do not give them enough. At the same time we don't have necessary skills and knowledge on how to deal with them. I mean in terms of training on child care. We just use our common knowledge."

The study conducted by Hoosain (2007) suggested that refugee children required an internal and external approach as well as family support. The study also further mentioned a need for therapeutic services so that children could cope with their circumstances. Furthermore, findings of this study also revealed that these children had been exposed to traumatic incidences prior and on their arrival to South Africa, hence the integrated approach was necessary.



4.3.3.2 Access to documentation

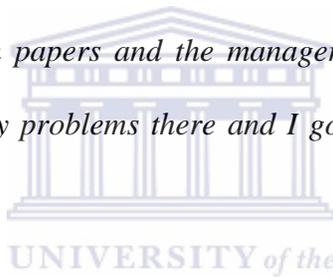
This referred to the asylum papers that refugee children had to access through the Department of Home Affairs. Section 32(1) of the Refugees Act 130 of 1998 stipulated that "any child who appeared to qualify for refugee status in terms of Section 3, and who was found under circumstances which clearly indicated that he/she was in need of care as contemplated in the Children's Act (38 of 2005) as amended, must forthwith be brought to the Children's court for the district in which he or she was found." Section 32(1) of the said Act further stipulates that the Children's court might order that a child be assisted in applying for asylum. Further than that the Department of Home Affairs developed Standard Operating Procedures (SOP) which clearly indicated that "minors should not

queue and should be treated as priority as their vulnerability was taken into consideration.” The SOP further states that; minors were not allowed to lodge asylum papers on their own or without the assistance of guardians. However, this had shown a contradiction on what was experienced by participants. The experiences of participants with regarding access to documentation were already discussed in section 4.3.2.2.

This is what was said by participants:

“Services from Home Affairs were good and they assisted me without giving me hassles” [P7].

“I have got my asylum papers and the manager took me to Mesina to get the papers. I never had any problems there and I got the papers on the same day” [P3].



Eight other participants shared the same sentiment in terms of services offered to them by the Department of Home Affairs and they indicated that the services were effective.

Onuoha (2006:111) states that there were difficulties in accessing some of the rights provided by the law while inability to get proper documents from the Department of Home Affairs had left many refugees and asylum seekers unprotected, resulting in the violation of their rights.

The overall findings of this study regarding the views of the participants with regard to issue of participants appeared to satisfactory due to the fact that the majority of participants indicated that there not given hard time while they were applying; except the

fact that they had to wait in long queues. However, this study also established that policies and procedures were not rightfully adhered to.

4.3.3.3 Access to education

Section 29 (1) of the Constitution of the Republic of South Africa Act (Act 108 of 1996) and *Article 28* of the CRC stipulated that every child had a right to education. The participants indicated that they were satisfied with the education system of South Africa, and they were happy to be at school. However, they mentioned similar challenges as indicated in section 4.3.1.3.1 except one incident whereby one of the participants was told by one of the teachers that he needed to bring a birth certificate to school, though the teacher were aware that he came from Zimbabwe. *“I only got my asylum papers and I don’t have a birth certificate”* is what the participant told the teacher. the matter was resolved the manager of the shelter made a follow up with the school.

Some of the participants indicated the following with regard to education:

“The teachers are treating me well at school” [P8].

“When it comes to school, it was like at a dream for me. I am happy to be at school except the challenges that I have experiencing” [P3].

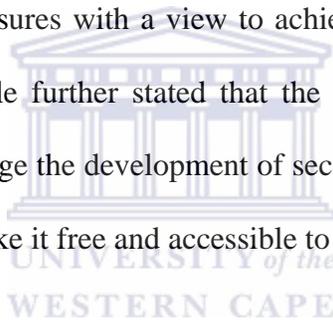
“Most of the teachers at school understand the situation” [P2].

“In the school during Life Orientation classes we are taught that discrimination is not good. So my classmates respect me” [P1]

“At school, the teachers at school are treating me well and they show support” [P9].

“The thing is when we lost hope of going back to school, but when we get here we had an opportunity to go back to school. They provide us with free and education. As a child I think if you can be given an opportunity to go to school, it’s alright because you can build your own future” [P10].

The responses given by participants concurred with *Article 11 (3)(a) and (b)* of the African Charter on the Rights and Welfare of the Child which stated that “State parties shall take all appropriate measures with a view to achieving the full realization of this right in particular”. This article further stated that the “State should provide free and compulsory education, encourage the development of secondary education in its different forms, and to progressively make it free and accessible to all”.



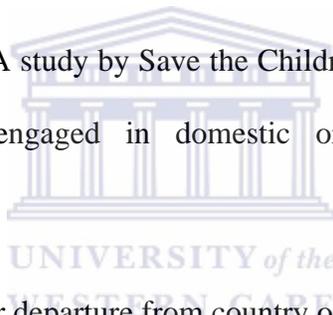
4.4 CONCLUSION

The Office of the United Nations High Commissioner for Refugees (1997) described an accompanied child as a “person under the age of eighteen separated from both parents and not being cared for by an adult who by law or custom has a responsibility to do so.”

Unaccompanied minors came to South Africa with ideals, agendas and aspirations. The data obtained in this study established that all the participants came to South Africa with hopes for better lives and future. The majority of participants said that they had come to find jobs and educational opportunities, whilst a minimal number of participants

indicated that they came to the country hoping that they would find somebody to take care of them.

The analyzed data was obtained from the individual interviews with ten participants and that focus group discussion. Findings of the research were categorized into three themes namely reason for departure from country of origin, access to social work and other services, and children's views on services offered to them. These themes were divided into sub-categories. All categories and sub-categories were contextualized and supported by relevant literature. The main findings of the research revealed that the majority of unaccompanied children who come to South Africa to seek for asylum are males, whilst females constitute a minority. A study by Save the Children UK (2007) revealed that girl children are likely to be engaged in domestic or sex work hence they are underrepresented.



In the first category, reasons for departure from country of origin, the sub-categories were push factors, pull factors, challenges faced by children in South Africa, xenophobia, homelessness and involvement in crime.

It was established from the research findings that unaccompanied children are attracted mostly by pull factors to South Africa rather than push factors. Most of the participants indicated that they wanted to have access to educational and job opportunities. However, they experienced challenges in terms of continuing with their education at the university level, since they did not qualify for bursaries or scholarships in South Africa, though *Article 11* of the African Charter on the Rights and Welfare of the Child (1990) stated

that “every child shall have a right to education”.

The findings of this study also revealed social work services from government social workers. At least 70% of the participants never had access to social work services, but 30% of the participants received marginal social work services from non-governmental organizations and this concurred with the findings of the study conducted by Save the Children UK in 2007.



CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

5.1 INTRODUCTION

The primary goal of the study was to explore experiences of unaccompanied refugee minors. The research document consists of five chapters. Chapter 1 focused on the general introduction of the study. In Chapter 2, the researcher gave a theoretical perspective pertaining to unaccompanied refugee minors. Chapter 3 dealt with the research methodology employed to conduct this study. Chapter 4 dealt with data analysis and discussions of the research findings emanating from the analyzed data and Chapter 5 is about conclusions and recommendations of the study. This chapter will also give a brief indication of the objectives of the study and how they were achieved.

This chapter would cover the following:

- Central issues emanating from the study;
- Limitations of the study;
- Conclusion, and
- Recommendations.

5.2 CENTRAL ISSUES

The findings of the study were supported by collected data and with the relevant literature, namely national and international studies. The departure of unaccompanied

minors from their country of origin was affected by factors that were classified as push and pull factors. Hiller (2007) indicated that poverty, political unrest, HIV and AIDS, poor economy and lack of opportunities can result in children leaving their country of origin to seek asylum in other countries. The findings of this study revealed that this group of unaccompanied refugee minors came to South Africa with ideals and aspirations. The children aspired to achieve something in life, such as education and employment opportunities.

The children had experienced serious life challenges such as being homeless and committing crime as well as being victims of crime. At certain point in their lives, they had to endure xenophobic comments being made to them by communities and at school. Despite these challenges they choose to remain resilient.

The findings of this study also established that some of the children had been exposed to trauma. As mentioned by Okitikpi and Aymer (2005), refugee children experience psychological problems such as anxiety, depression and uncertainty about whether asylum or refugee status would be granted. A similar situation applied to these children seeking asylum in South Africa. Furthermore Hoosain (2007) called for integration of services especially when it comes to refugee children. Some of the participants had been exposed to trauma, such as witnessing one the parents murdered in front of them, as well as abuse perpetrated by close family members. This raised a point of uncertainty by some of the refugees especially when it came to accessing some of the services such as social services.

The findings further illustrated that access to social work services was a challenge to them, especially comprehensive social-work services from government. The role of government in terms of social services indicated to be a dismal failure since only a small number of children received services from non-governmental organizations. Again Save the Children UK(2007) also mentioned that refugee children were likely to received minimal social work services from non-governmental organisations.

The main aim of this study was to investigate experiences of unaccompanied refugee minors living in South Africa, and their experiences have been described in the previous chapters. However, the findings of this study are neither conclusive nor exhausted because only Zimbabwean children participated in the study A further study might be necessary in order to look holistically at the experiences of unaccompanied refugee children from other countries. However, the findings of this study revealed that there is still a need for further government interventions regarding such children entering South Africa every day.

5.3 LIMITATIONS OF THE STUDY

The study is limited in that:

The study was conducted with unaccompanied refugee minors from Zimbabwe, and experiences of children from other African countries may differ. The shelter currently accommodates children from Zimbabwe hence they were the only participants in the study. The other group of children was from South Africa who could not meet the set criteria of the sampling. Thus it is contextual in a very specific setting and the

information cannot be generalised to other settings. Furthermore newly arrived children in the shelter might share a different views and experiences compared to those who were in the shelter for more than one year.

Limited time was spent on the field, which may have had effects on the data-collection process. The researcher spent five days in the research field and the reason and extension thereof would have compromised the researcher financially.

The study was conducted far from where the researcher stays and the research fieldwork was not funded. Therefore the researcher was responsible for the costs of accommodation and transport to and from the research area. Interviews were conducted in the evenings because participants were not available during the day. As a result the researcher had to take into consideration the fact that they had to do their schoolwork before they went to bed. This also had some limitations in terms of further probing to some of the questions.

The study was also influenced by the fact that seven out of ten participants and members of the focus-group discussions refused to be audio-taped. This might have had an impact on capturing the data during the interview processes because the researcher could have captured all the information given by participants during the interviews. The seven participants and members of the focus group expressed fears of victimisation should they allow themselves to be audio-taped, despite the assurance from the researcher that there information will be kept confidential. They further indicated that should the researcher attempts to audio-tape them they would pull out of the study.

5.4 RECOMMENDATIONS

In view of the research findings and the contextualization of the findings, the following recommendations can be made;

South Africa should implement all existing legislation and policies pertaining to children holistically in order ensure that unaccompanied refugee children are protected. Furthermore it should be ensured that all these policies are communicated to government (social workers) and non-governmental organizations.

Proper procedures needed to be followed when dealing with refugee children, as provided by the guidelines and procedures of the United Nations High Commissioner for Refugees (1997) and the National Department of Social Development (2009). Further a standardised procedure should be developed and communicated to all stakeholders on how to assist children with documentation.

The inter-sectoral collaboration between various stakeholders should be strengthened, otherwise there would be unaccompanied refugee minors who will fall between the cracks of the system and result in them not being identified.

The Department of Social Development should ensure that unaccompanied refugee children enjoy equal rights and benefits with South African children, especially when it comes to social assistance and education.

Child protection services should address the needs of all children, regardless of the country of origin, and also protect children from further victimisation whilst they are in

this country.

5.5 CONCLUSION

The presence of unaccompanied refugee minors was a familiar reality, not only in South Africa but worldwide. As a result the UNHCR (1997) developed guidelines on how to deal with unaccompanied children seeking asylum. The guidelines specifically speak about care and protection of these children as well as durable solutions. The Department of Social Development (2009) had also developed guidelines for unaccompanied and separated children from outside South Africa as an intervention strategy which implementation thereof might address the plight of unaccompanied refugee children who are entering the country everyday; until such time the plight of this group of children remains unaddressed by the South African government. These children were still vulnerable to all forms of abuse and exploitation while in the care of South Africa.

Unaccompanied refugee minors came to South Africa with aspirations, agendas and ideals. Most of the participants indicated that they came to South Africa to seek for job opportunities, which a few of them did not manage to get. Overall, these children came to South Africa hoping to improve their circumstances, not only for themselves but for their families back home in Zimbabwe. One of the outstanding aspirations that were indicated by participants was access to educational opportunities. They believed that education was the key to a better life for them.

Hopefully, the findings of this study illuminated the experiences of unaccompanied refugee minors living in South Africa. This study proposed to give an indication of the

challenges that such young people experience in countries of asylum.



REFERENCES

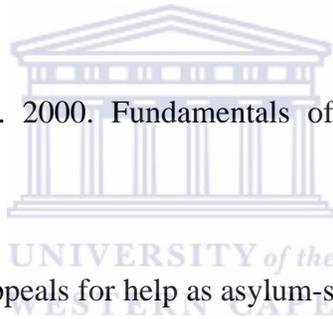
African Charter on the Rights and Welfare of the Child. 1989. University of Minnesota.:

Human Rights Library:

Babbie, E. & Mouton, J. 2001. *The Practice of Social Research*. Cape Town: Oxford University Press.

Becker, S. & Bryman, A. 2004. *Understanding Research for Social Policy and Practice: Themes, Methods and Approaches*. United Kingdom:Bristol: The Policy Press and Social Policy Association.

Bless, C & Higson-Smith, C. 2000. *Fundamentals of Social Research: An African perspective*. Cape Town: Juta:



Bloemen, S. 2008. UNICEF Appeals for help as asylum-seekers flee Zimbabwe for South Africa. South Africa: UNICEF.

Bobb, S. (2009) *Unaccompanied Children Flee Zimbabwe in Growing Numbers*. VOANEWS February, 12:1-2

Bryant, S & Ahearn, A.J. 1999. 'Refugee Children in Africa: Psychological Consequences of Displacement.' *Social Thought* Vol 19(1)

Broad, B & Robins, I. 2005. 'The Wellbeing of Unaccompanied asylum seekers leaving care'. *Diversity in Health and Social Care*, 2:271-7.

Byrne, O.2008. Unaccompanied Children in the United States: A Literature Review. New York: Vera Institute of Justice.

Children's Act No 38 of 2005. Pretoria: Government Printer.

Children's Amendment Act No 41 of 2007. Pretoria: Government Printer.

Constitution of the Republic of South Africa Act No 108 of 1996. Pretoria: Government Printer.

Chang, J. Rhee, S & Berthold, S.M. 2008. Child Abuse and Neglect in Cambodian Refugee Families: Characteristics and Implications for Practice. Child Welfare League of America

Corona, J, & Quinn, E. 2009. Policies on unaccompanied minors in Ireland. Ireland: Dublin: The Economic and Social Research Institute.

Department of Social Development. 2009. Guidelines for unaccompanied and separated children outside their country of origin in South Africa. 2009. Pretoria: Department of Social Development.

Department of Transport. 2009. National Scholar Transport Policy (draft). Pretoria. Department of Transport.

de Vos, A.S., Strydom, H., Fouche, C.B. & Delport, C.S.L. 2005. Research at Grass roots for Social Sciences and Human Service Profession, 3rd Edition. Pretoria: Van Schaik Publishers.

Fantiano, A & Colak, A. 2001. Refugee Children in Canada: Searching for Identity. USA: Child Welfare League of America.

Freeman, M.J & Dinh Huu, N. 2003. Voices from the Camps: Vietnamese Children seeking asylum. USA: Washington:University of Washington Press. Washington.

Fritsch, Cerise., Johnson, Elissa & Juska, Aurelija 2010. 'The Plight of Zimbabwean unaccompanied refugee minors in South Africa : A call for comprehensive Legislative Action.' <http://www.Law.du.edu/documents/djilp/38No4/Juska.pdf> (September 15, 2010).

Gröndahl, M. 2006. Refugees in Lebanon: Palestinian Children's voices. Sweden: Save the Children.

Hiller, L. 2007. Children on the move: Protecting unaccompanied migrant children in South Africa and the Region. United Kingdom.: Save the Children UK.

Hoosain, Shanaaz. 2007. Resilience in Refugee Children: A Gestalt Play Therapy Approach. Pretoria: University of South Africa (M.DIAC IN PLAY THERAPY).Unpublished thesis.

Huszar, K. & Sianni, K. 2010. Refugee Homelessness in Hungary. Hungary: United Nations High Commissioner for Refugees.

Kamya, H. 2009. ' The impact of war on children: How children perceive their experiences.' Journal of Immigration and Refugee Studies, 7:211-216.

Kohli, R.K.S. 2006. 'The Sound of Silence: Listening to What Unaccompanied Asylum-Seeking Children Say and Do Not Say.' United Kingdom: British Journal of Social Work, 36:707-721.

Livesey, Tracy Kay. 2006. A Survey on the Extent of Xenophobia towards Refugee Children. Pretoria: University of South Africa (M.DIAC IN PLAY THERAPY). Unpublished thesis.

Luke, Alison 2007. 'Uncertain Territory: Family reunification and the plight of unaccompanied minors in Canada.'
<http://www.djls.org/16/UncertainTerritory.pdf>(August 25, 2010).

Molapo, Rachidi Richard. 2005. Aspects of the South African youth experience in exile 1960-1994. Bellville: University of the Western Cape (PhD).

Nanyangwe, Lenganji. 2006. Location, dislocation and risk for HIV: A case study of refugee adolescents in Zambia. Bellville: University of the Western Cape (MA). Unpublished thesis

Mupedziswa, R. 1993. 'Uprooted: Refugees and Social Work in Africa'. Journal of Social Development in Africa Vol (1993)

Ndung'u, Irene N. 2007. International Law on the Protection of Child Refugees and its Domestic Implementation: A Case Study of Refugee Children in South Africa (1994-2005). Johannesburg: University of Witwatersrand). Unpublished thesis

Nwagboso, Goodluck Chinyere. 2004. An evaluation of the nutritional status of refugee children in Namibia. Bellville: University of the Western Cape. Unpublished thesis

Ogata, S. 1994. Refugee Children: Guidelines on protection and Care. New York: United Nations Commissioner on Refugees.

Okitikpi, T & Aymer, C. 2003. 'Social Work with African Refugee Children and their Families.' Child and Family Social Work 8:213-222.

Onuoha, Enwere Corlivics. 2006. Human Rights and Refugee Protection in South Africa (1994-2004). Johannesburg: University of Witwatersrand. unpublished thesis

Puig, M.E. 2002. Adultification of Refugee Children: Implications for Cross-Cultural Social Work Practice. Haworth: The Haworth Press.

Refugees Act No 130 of 1998. Pretoria: Government Printer

Ressler, E.M. 1988. Unaccompanied children: care and protection in wars, disasters and refugee movements. New York: Open University Press.

Save the Children UK. 2007. Children crossing borders: Report on unaccompanied minors who have travelled to South Africa: United Kingdom: Save the Children.

Sampson, Gerry. 2008. 'Kenya must treat Somali Refugees humanely. Human Rights Watch. <http://www.hrw.org/en/news/2008/11/22/Kenya-must-treat-somali-refugees-humanely> (August 15, 2010).

Sekaran, U. 2003. Research Methods for business. 4th edition. United States of America: John Wiley Publishers.

Sloth-Nielsen, J and du Toit. 2008. Trials and Tribulations, Trends and Triumphs: Developments in International, African and South African Child and Family Law. Cape Town: Juta Publishers

Sloth-Nielsen, J, 2008. Children's Rights in Africa: A Legal Perspective. United Kingdom:England: Ashgate Publishing Limited.

Social Assistance Act No 13 of 2004:South Africa: Pretoria: Government Printer.

South African Schools Act No 84 of 1996. Pretoria: Government Printer.

Shangaan people. http://en.wikipedia.org/wiki/shangaan_people (November 6, 2010)

Thomas, Samantha & Byford, Sarah 2003. 'Research with unaccompanied children seeking asylum.' <http://www.bmj.com/content/327/7428/1400.extract> (August 25, 2010).

United Nations Convention on the Rights of the Child. 20 November 1989. New York.

United Nations High Commissioner for Refugees 2007. Demographic Yearbook. New York; United Nations.

United Nations Commissioner for Refugees, 1997. Guidelines on Policies and Procedures in dealing with unaccompanied children seeking asylum. Geneva: United Nations.

UNHCR. 2010. Refugee Homelessness in Hungary. http://www.unhcr-centraleurope.org.za/images/stories/news/docs/FINAL_Report_Refugees_Homelessness_in_Hungary (September 15, 2010).

Van der Burg, Anthea. 2005. An examination of the extent to which South Africa is meeting its legal obligations with regard to the protection of undocumented foreign migrant children. Bellville: University of the Western Cape (LLM). Unpublished thesis

Viviers, Andre. 2008. Legal Access to Services by Non-South African Children. South Africa: UNICEF.

Watters, C. 2008. Refugee Children: Towards the next horizon. United Kingdom: London: Routledge

