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Joint ALP/TAC Submission to Parliament on the Refugees Amendment Bill

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Yesterday, Regis Mtutu, TAC's International Campaigns Coordinator, and Fatima Hassan, a senior attorney with the AIDS Law Project (ALP), presented before Parliament a joint TAC/ALP submission on the Refugee Amendment Bill.

Although TAC and the AIDS Law Project support many aspects of the Bill, we have concerns about some of its objectives and provisions, as well as significant omissions that specifically relate to health and social services. In brief, the submission expressed the following concerns:

- Our opposition to the removal of the ?right to health services? contained in s27 (g) of the Refugee Act. This provision should not be removed but strengthened.
- Our belief that the provisions that purport to deal with children (accompanied and unaccompanied) are weak and require significant strengthening to conform to constitutional ad international obligations to act in the ?best interests of the child? at all material times.
- The fact that the Bill, as it currently stands, makes an unnecessary distinction between ?refugee? and ?asylum seeker? in a manner that is potentially inconsistent with the obligations of SA in the CRSR, which may lead to the violation of the rights of asylum seekers.
- The Bill proposes to remove Section 6 of the Act, which expressly incorporated international treaties and declarations into the interpretation of the Act. We oppose the removal of Section 6.
- ALP and TAC are concerned about the health conditions at immigration detention centres, immigration queues and police holding cells. The implications of reports of overcrowding, poor sanitary conditions, lack of regular access and visits by health care workers and/or observers and the clear limited capacity of such detention centres to provide health services results in the immediate and on-going risk of the spread of TB including drug resistant TB and other public health problems.
- Our appeal to the Committee to conduct an unannounced visit and investigate, in particular, access to health services at the Musina detention centre (Army Base) and investigate the unlawful detention of children and alleged abuse carried out by officials in the employ of SAPS and the SANDF.
- Our concern with the inhumane conditions encountered by people when they enter asylum application queues at Refugee Reception Offices. Many spend days in the queue without access to shelter, water, sanitation or food for fear of losing their place in the queue. The Bill regrettably does not seek to address the health situation and health risks at these queues nor include minimum standards for queuing.

TAC and ALP also endorsed the separate submissions made on the same Bill by Lawyers for Human Rights and the Legal Resources Centre.

- Immigrants and Refugees

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