



“Angola is just
a picture
in my mind”

Research on the integration and future
plans of Angolans affected by the Cessation
Scalabrini Centre of Cape Town

1. Contents

2. Introduction.....	3
3. Methodology.....	3
4. Executive Summary.....	4
5. Recommendations.....	5
6. Economic Integration.....	6
7. Education and Qualifications.....	8
8. Social integration.....	9
9. Documentation: Past and Present.....	10
10. Perceptions of Angola & Angolan Cessation.....	12
11. Conclusion.....	13

Acronyms

ACP	Angola Cessation Project
DHA	Department of Home Affairs



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2. Introduction



The Angolan Cessation, announced by the Department of Home Affairs (DHA) in May 2013,¹ was largely successful in providing alternative documentation to those Angolan refugees who wished to remain in South Africa following the withdrawal of their refugee status. However, uncertainty exists regarding their future stay in South Africa.

The temporary residence permit, which was issued as per relaxed requirements of the Immigration Act² and Regulations – hereby referred to as the Angolan Cessation Project (ACP) permit – provided affected Angolans with a two-year stay in South Africa. These ACP permits start expiring in June 2015. DHA indicated that Angolans with ACP permits could apply to extend their permits as per the regular requirements of the Immigration Act and Regulations.³ The research, focusing on Angolan nationals who held refugee status or an asylum seeker permit prior to the Cessation, is undertaken in order to better understand the socio-economic realities of the respondents, whilst understanding their plans for future documentation in South Africa, and their ability to secure such documentation in terms of the regular requirements.

3. Methodology

The Scalabrini Centre of Cape Town (SCCT) and the Scalabrini Institute for Human Mobility in Africa (SIHMA) carried out this research jointly. A survey was administered individually to 131 Angolan nationals.⁴ Respondents were all of Angolan nationality and held either refugee status or an asylum seeker permit prior to the Angolan Cessation.⁵ Respondents were selected randomly from a list of Angolan SCCT clients and from a list provided by a local Angolan community organisation. The pool from which the respondents were accessed is limited to those individuals who made use of SCCT's free advocacy service. This is presumed to imply that respondents are from a lower-income group. Geographically, the study is limited to the Western Cape, and particularly, Cape Town. The research findings pertain only to the respondents who participated in the study. It does not represent the position or opinions of Angolan nationals in South Africa as a whole.

¹ The Cessation was announced, as per Section 5 of the Refugees Act No. 130 of 1998, which states that a person ceases to qualify for refugee status if 'he or she can no longer continue to refuse to avail himself or herself of the protection of the country of his or her nationality because the circumstances in connection with which he or she has been recognised as a refugee have ceased to exist and no other circumstances have arisen which justify his or her continued recognition as a refugee.'

² Republic of South Africa, *Immigration Act, 2002* (Act No.13 of 2002) and *Immigration Regulations* (22 May 2014) Government Notice R413 in Government Gazette 37679.

³ Department of Home Affairs Stakeholders Meeting (15 August 2013) *Meeting Minutes*.

⁴ The survey was carried out between 12 January 2015 and 30 January 2015. These surveys were conducted on an individual, confidential and anonymous basis. Ethics clearance for the research was granted by the Ethics Committee of the University of the Western Cape on 12 January 2015.

4. Executive Summary

This research indicates that respondents – who, on average, have been in South Africa for 18 years – are well-integrated, both economically and socially. Out of all the respondents, none expressed an intention to return to Angola.

➤ Employment

At 89%, a high rate of employment was recorded amongst respondents. This employment was typically of a long-term, stable nature, and 73% of respondents were employed on a contractual basis. Respondents' occupations spread across a variety of sectors, including skilled artisan, security and hospitality sectors. However, the research found that very few respondents are able to satisfy the criteria set down by the Immigration Act and Regulations in terms of renewing a work permit.

The research indicates an entrepreneurial respondent group, with 34% of employed respondents running their own business. Analysis of the data finds such businesses to be varied, well-established and to create employment for others. With an average establishment of nine years, respondents' businesses average net value was estimated at R 213,880. Furthermore, 78% of these businesses providing employment for others do so for South African citizens. However, very few of these respondents are able to satisfy the criteria set down by the Immigration Act and Regulations in terms of extending a business permit.

➤ Social Integration

The research finds respondents' families to be well-integrated – socially, linguistically and in terms of education – within South African society. A large majority of respondents' children were born in South Africa (73%) and 92% were enrolled in South African schools at the time of the research. At 77%, a majority of respondents used a South African language in the home with their family, whilst 62% of respondents believed that their children self-identified as South Africans.

➤ Documentation

The research found that 85% of respondents were successfully documented with ACP permits during the Angolan Cessation. When asked about plans for future documentation, 81% of respondents with ACP permits indicated their plan to apply for a renewal of their permit. Out of all the respondents, none expressed an intention to return to Angola.

Analysis of the data found specific categories of respondents to be at a high risk of irregular stay in South Africa as a result of the implementation of the cessation clause. These categories are: third national spouses of respondents, respondents' children born in South Africa, respondents who held asylum seeker permits, and respondents who received Angolan passports after the time period in which ACP permits were issued.

5. Recommendations

In summary, whilst the research suggests respondents to be an economically well-established section of the South African economy, barely any of the respondents indicate an ability to satisfy the requirements of work or business permit renewals, as per the Immigration Act and Regulations. A brief assessment of the data indicates that only one respondent (0.7%) was able to fulfil *some* of the requirements of extending a business permit, whilst 12 respondents (9%) were able to fulfil *some* of the requirements of extending a work permit.

In light of the research findings, we recommend that;

- DHA allow the extension of ACP permits in terms of relaxed requirements of the Immigration Act and Regulations and;
- DHA allow the extension of the ACP permits for a period of time that mirrors the long-term social integration of the respondents, and their families, in South Africa.

Furthermore;

- The research found that several respondents with ACP work permits were self-employed, with the permits' conditions stating as such. Should ACP permits be extended as per relaxed requirements, this aspect should be taken into consideration.

Regarding the categories that are at risk of irregular stay in South Africa due to the implementation of the cessation clauses, it is suggested that they are provided with an opportunity to regularise their stay in South Africa. For example, we recommend that;

- Third national spouses and children be joined to their spouses' extended ACP permits, as per relaxed requirements of the Immigration Act and Regulations, to allow the legal stay of family members and preserve family unity.
- Those currently holding Asylum Seeker Permits be permitted access to DHA in order to finalise their asylum applications.
- Those who applied for an Angolan passport within the specified time period, but whose passport was issued after that period, be provided with the opportunity to apply for an ACP permit.

Finally, we recommend that directives and policies regarding ACP holders be communicated, by DHA, to all affected stakeholders as a matter of urgency.

6. Economic Integration

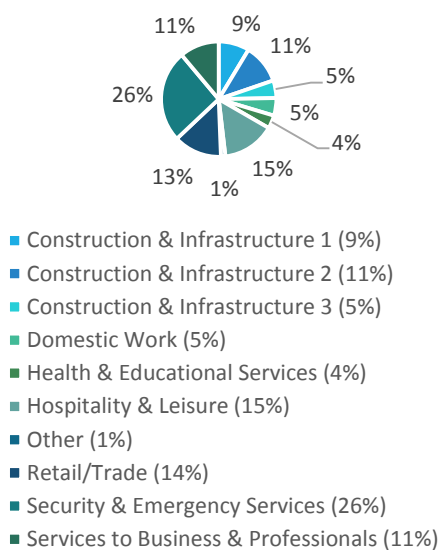


6.1 Types of Employment

Respondents held employment in a range of economic sectors, with a majority holding positions demanding semi-skilled labour.

At a rate of 89%, a high level of employment was recorded amongst respondents. The chart, below, indicates the various sectors in which respondents held employment.⁶ A complete list of employment positions held by respondents can be found in *Table 1* in the Annexure.

**Employed Respondents:
Employment Sectors**



⁶ Respondents' employment is categorised using the labour sectors set down by the Migrating for Work Research Consortium, African Centre for Migration and Society, University of the Witwatersrand.

6.2 Length of Employment

The stable, long-term nature of respondents' employment suggests an integrated, dependable section of the South African economy.

While 73% of respondents in employment held written contracts, 77% of these contracts are permanent in nature. At 40%, the majority of respondents held their current positions between five and ten years, whilst 16% of respondents held their current employment between 11 and 23 years. A further 33% of respondents indicated to have held their present employment for a shorter period, between two and four years.

6.3 Income

The research indicates that the majority (66%) of employed respondents earned between R3000 and R8000 per month, whilst 11% of respondents indicated to earn over R8000 per month. Twenty-two percent of respondents earn below R3000 per month.

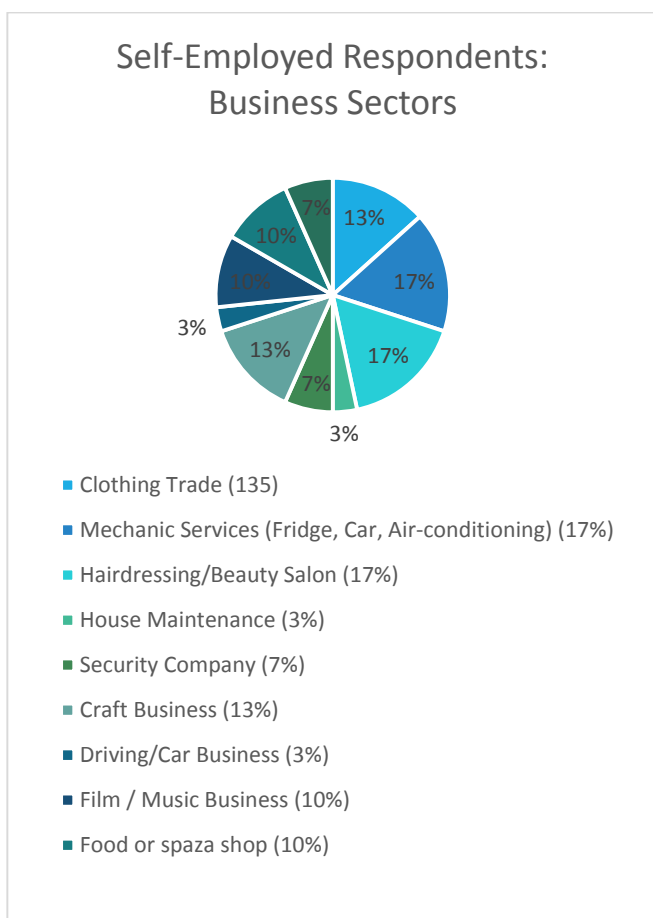
6.4 Self-employed respondents

Of employed respondents, 34% own their own businesses which, on average, have been operational for nine years.⁷ Respondents' businesses provided a variety of services. The research indicates such businesses to be well-integrated, established and economically active. However, respondents record a low rate of business registration; 37% of these businesses are formally registered.

Of self-employed respondents, 69% indicated that they employ others in their business, and 78% of these respondents employed at least one South African citizen.

⁷ This includes those respondents who indicated that they were self-employed or both employed *and* self-employed.

According to the research, 34% of self-employed respondents generated a monthly income above R8000 and 40% generated between R3000-8000 per month. The remaining respondents earned below R3000 per month through their self-employment. Out of those respondents who estimated the net value of their own business, the average value was set at R213,880. The chart below displays the range of services provided by respondent business-owners. Despite the established nature of respondents' businesses, 37% of self-employed respondents reported their businesses to be formally registered.



6.5 Unemployed Respondents

Eleven percent of respondents reported to be unemployed at the time of the study. This is less than half the national unemployment rate, which was estimated at 25.5% in July 2014.⁸ Half of unemployed

respondents report to have been without work for under a year. Unemployed respondents who have been without work between two and four years make up 21% of unemployed respondents, whilst 7% of unemployed respondents indicated long-term unemployment.

Reasons provided for respondents' unemployment included health reasons (43%), retrenchment or termination of fixed term appointments (14%).

At the time of the study, the majority of this group, consisting of nine respondents, held ACP permits (64%). The remaining respondents held refugee status (30%), other temporary residence permits (7%) or no documentation (7%).

6.6 Other Economic Integration

In terms of other forms of economic contribution and integration, respondents performed positively. When surveyed, 76% of respondents indicated that they had a bank account. A small percentage (eight percent) of respondents owned immovable property in South Africa. In terms of self-perception, respondents' reaction to the question, *do you believe you are making a contribution to South African society?* provided a range of opinions. At 70%, the majority of respondents considered payment of taxes, operation of business, job creation or employable skills as their main contribution to South African society. Two exemplary responses are provided below.

I contribute by working, paying pension, UIF, which benefit SA citizens directly or indirectly.

I have a business here and I provide employment to South Africans.

⁸ Statistics South Africa (29 July 2014) *Quarterly Labour Force Survey - Quarter 2, 2014*. Accessible at:

www.beta2.statssa.gov.za/publications/P0211/P02112ndQuarter2014.pdf. Accessed on 3 March 2015.

7. Education and Qualifications

In terms of respondents' education, secondary school was noted as the highest level achieved, with 65% of respondents indicating this educational level as their highest. Eighteen percent of respondents completed university, or reported to hold a diploma from a tertiary education institution.

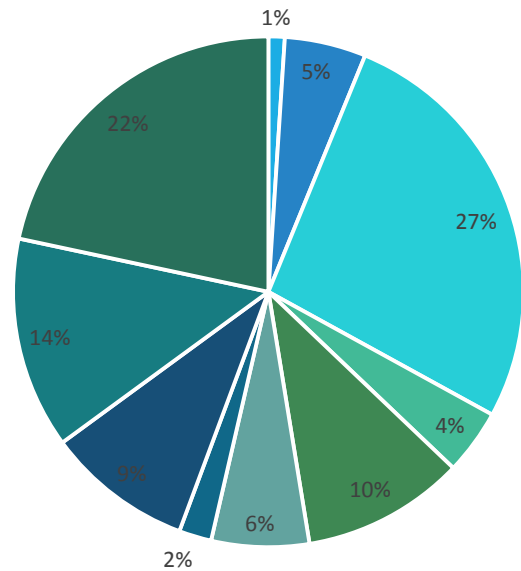
A high number of qualifications amongst respondents are recorded, suggesting a respondent group that has sought to qualify themselves professionally. However, despite respondents being qualified across various sectors, few seem to be of a level that would satisfy the highly-skilled criteria demanded by the Immigration Act and Regulations in terms of acquiring or extending temporary residence permits.

In total, the respondents held 97 qualifications between them, 75% of which were obtained from South African learning institutions. The following chart displays the types sectors in which respondents' qualifications are held.

Of qualifications gained in South Africa, 26% were obtained from a registered college or university, 73% were issued by an NGO, by an organisation's internal training, as part of course provided by a religious institution, or were reported as 'other or unknown'.



Sectors in which respondents hold qualifications



- Agriculture & Forestry (1%)
- Communications (5%)
- Construction & Infrastructure (26%)
- Health & Educational Services (4%)
- Hospitality & Leisure (10%)
- Other (6%)
- Retail / Trade (2%)
- Security & Emergency Services (9%)
- Services to Businesses & Professionals (13%)
- Unrecorded (21%)

8. Social integration

8.1 Languages, social involvement and identity

Respondents, on average, arrived in South Africa 18 years ago. Social integration is measured by factors such as the establishment of families, languages acquired, social involvement, self-perception and identity. The research indicates a significant level of respondents' integration within South African society.

In terms of language, the research found that 99% of respondents could speak English, whilst 21% could speak Xhosa and 20% could speak Afrikaans. Furthermore, 77% of respondents indicated that they used a South African language in their family home (either English, Xhosa or Afrikaans).

When asked with which nationality they identify themselves, 24% responded they perceived themselves 'as South African', whilst a further 14% identified themselves as mixed nationalities. The remainder identified with an Angolan or other identity.

When respondents were asked whether they believed they contributed to South African society, 35 respondents – forming 29% of those who responded to the question – reported their contribution to be social in nature. Such social contribution included participation in community programmes, church-based charity work, or donations. Below are two examples of such responses:

“I organize seminars about HIV, civic & social education.”

“[I contribute] by educating the community on how to be law abiding citizens.”



8.2 Children and Families in South Africa

At the time of the research, 50% of all respondents reported to be married. Of those married, 82% were married to non-South African nationals (Angolans, Congolese, and Tanzanian). The remaining 18% were married to South African nationals.

Amongst the respondent group, a total of 278 children were recorded. The children's integration, if measured through education, language and self-perception, is apparent from the research.

Of these children, 73% were born in South Africa. Those born in South Africa were, on average, ten years of age.⁹ At the time of the research, 74% of respondents had children enrolled in South African schools, and a further 15% of respondents' children had matriculated from the South African education system. When asked, *with which nationality do you believe your children identify?* 62% of respondents who replied believed their children identified as South African. Remaining respondents believed their children saw themselves as a 'mixture' between nationalities (13%), and 21% believed they identified as Angolan.

⁹The remaining respondents' children were, according to the research, born in Angola (18%), DRC (6%) or Namibia (2%), and the average age of these children was 22 years of age.

9. Documentation: Past and Present



9.1 Documentation before and after cessation

All respondents reported that they held either refugee status (89%) or asylum seeker permits (11%) prior to the announcement of the Angolan Cessation.

The majority (72%) of respondents were granted the ACP work permit. Of the other ACP permits offered, 8% of respondents indicated that they were granted an ACP business permit, and 5% were granted an ACP study permit.

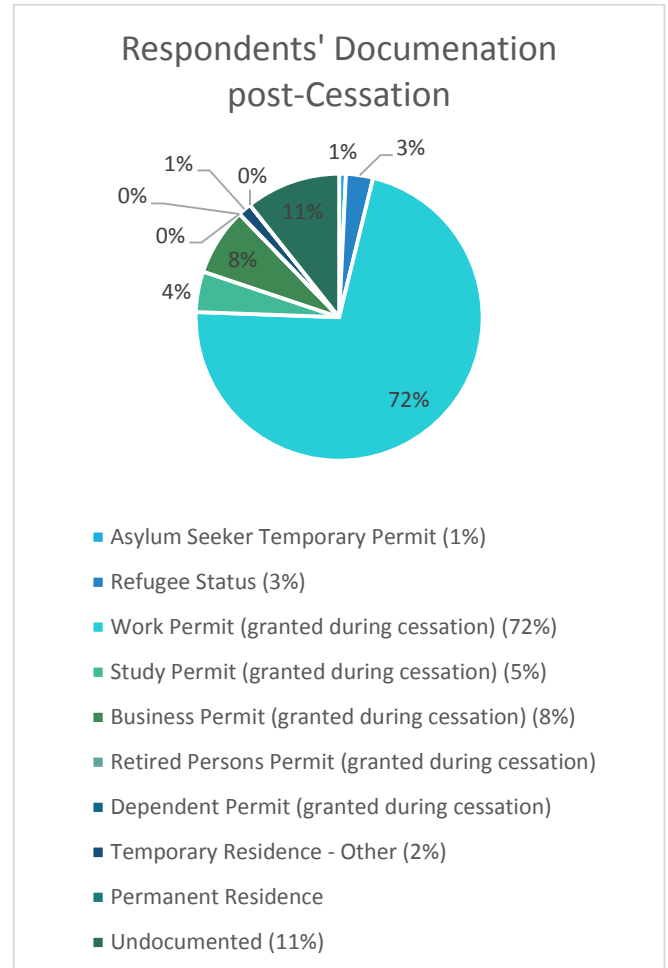
Analysis of the data found that several respondents with ACP work permits declared themselves to be self-employed. Indeed, 26% of ACP work permit holders indicated that they were, in fact, self-employed. It is arguable that such ACP holders' employment would speak to an ACP business permit rather than a ACP work permit.

9.2 Angolans' documentation: future plans

Of those respondents who held ACP permits at the time of the research, 81% indicated an intention to apply for a renewal of their documentation.

Furthermore, 4% of such respondents indicated that they did 'not know' what action they would take upon the permits' expiry, 2% of these respondents indicated their intention to move to another country.

At 76%, a majority of respondents with ACP permits, and planning to apply for a renewal of such, were not aware of the requirements for this extension. Nevertheless, the data revealed that 67% of respondents found it 'likely' that DHA would extend the ACP permits with continued relaxed requirements.



9.2 Undocumented Angolans

At 11%, a notable percentage of respondents indicated that they held no legal documentation at the time of the survey.

A majority (64%) of those respondents without legal documentation held asylum seeker permits prior to cessation whilst the remaining 36% held refugee status.

During the Angolan Cessation, it was confirmed by DHA that those Angolans holding asylum seeker permits would be fast-tracked and have their application finalised by 8 August 2013.¹⁰ It is arguable, therefore, that those respondents who held asylum seeker permits prior to the Angolan Cessation became undocumented after the Cessation and did not (or were not able to) access the fast-tracking of their asylum application.

All but one of these respondents, representing 93% of the group, held a valid Angolan passport at the time of the survey. Four (representing 28%) of the respondents without legal documentation indicated that they applied for an Angolan passport within the time period provided (May-August 2013), but the passport arrived after February 2014, at which point the ACP permits were no longer being issued. Two of these respondents held refugee status prior to the Cessation. This implies that the delayed issuance of their Angolan passport could have been a factor in these respondents being without legal documentation at the time of the study.

9.3 Third nationality spouses: documentation

The research found that a high percentage of respondents' third nationality spouses (Congolese and Tanzanian) were without legal documentation.

Whilst 61% of such spouses held valid asylum seeker permits or refugee status granted to them independently,¹¹ 39% of these spouses of respondents were effectively without legal stay in South Africa. A number third national spouses reportedly derived their status from their refugee spouses¹² – and therefore

¹⁰ Department of Home Affairs (31 July 2013) *Notice to all Angolan Asylum Seekers with Pending Applications*.

¹¹ Such refugee status was presumably granted in terms of Section 3(a) or (b) of the Refugees Act.

¹² As per Section 3(c) of the Refugees Act.

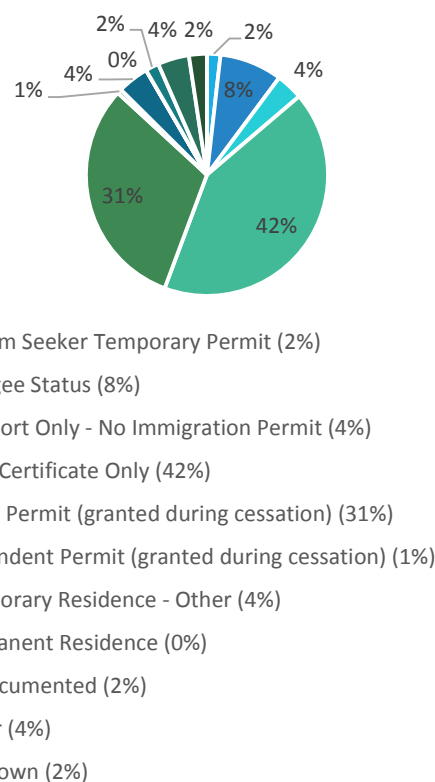
were subject to cessation in the same manner. It was observed that ACP permits were not accessible to third national spouses during the application of the cessation clause.

9.4 Angolans' children: documentation

At 90%, a majority of respondents' children resided in South Africa at the time of the research. Whilst 25% of these children were reported to hold South African nationality, the remaining children held Angolan nationality (62%) or other nationalities (Congolese, Namibian) or were of unknown nationalities (13%).

For those respondents' children of non-South African nationality, the research indicated that 48% were, at the time of the study, effectively without legal stay in South Africa. Their documentation status was reported as either undocumented, with a passport but with no permit, or with a birth certificate only.

Respondents' Non-South African Children - Documentation Post-Cessation



10. Perceptions of Angola & Angolan Cessation

9.1 Perceptions of Angola

At the time of the survey, when asked about future plans, no respondent expressed an intention to return to Angola.

In terms of connections with Angola, 63% of respondents had not been in Angola in the last decade (since 2005), suggesting that these respondents have not returned to Angola since fleeing the country.

Respondents were asked, *if returning to Angola ever became an option, how would you feel?* Despite the subjective nature of such data, some examples of responses can be found below, exemplifying different categories of responses:

I cannot go back, my kids are born here and they are receiving education in SA.

I can only visit, not settle, [in Angola].

I cannot go back; there are no life prospects.

I wouldn't know where do begin. Angola is just a picture in my mind.



9.2 The Process of Cessation

As above mentioned, a total of 85% of respondents indicated that they obtained ACP permits during the Angolan cessation. Whilst 56% of respondents found that Home Affairs's service during cessation was either fair (23%), good (28%), or very good (5%), 59% of respondents found that the Angolan Cessation Help Desk (located in Refugee Reception Offices), which assisted Angolans through their options within cessation, to be a helpful resource.

When asked how the Cessation process might have been improved, respondents provided a variety of feedback, exemplified in the quotations below:

DHA explained the process very clearly, the work DHA is doing is not easy they are doing the best they can.

[DHA could] consider giving proper documentation to those who have stayed here for long and those with children.

People were supposed to get permanent residence (those who qualify) they should have given 5 years permit at least.

Discussion[s] were private or done behind closed doors, engagement with affected stakeholders was supposed to be done.

Give more time. My passport arrived late, so now [I am] undocumented.

11. Conclusion

At 81%, a large majority of respondents with ACP permits expressed their intention to extend their permits. However, analysis of the data suggests that very few respondents would be able to satisfy the criteria, as set down by the Immigration Act and Regulations, for the extension of a temporary residence permit.

With regard to ACP work permits, twelve (9%) of the total respondents fulfilled the following criteria, which was recorded in the research.¹³ These criteria do not include all the requirements of a work permit extension, as per the Immigration Act and Regulations.

- Respondent currently holds ACP work permit
- Respondent is in full-time employment
- Respondent is employed on written, permanent contract
- Respondent hold a qualification in the field of their current employment
- Respondent believes employer could assist in application to extension
- Respondent intends to apply for an extension of the ACP work permit

With regard to ACP business permits, one (0.7%) respondent fulfilled the following criteria, which was recorded in the research.¹⁴ These criteria do not

include all the requirements of a business permit extension, as per the Immigration Act and Regulations.

- Respondent currently holds ACP business permit
- Respondent has their own business and is self-employed
- Respondent's business is formally registered
- Respondent's business is registered with SARS
- Respondent's business employs over 60% South African nationals
- Respondent intends to apply for an extension of the ACP business permit

In light of the above, whilst taking into consideration that no respondent expressed an intention to return to Angola, the overall intention of respondents to apply to remain in South Africa is apparent. Furthermore, a significant majority (89%) of respondents are economically active as employees or business-owners. In terms of social integration, respondents indicate that families have been created and settled in South Africa; at 81%, a majority of respondents have children, 73% of which were born in South Africa.

Whilst the intention to remain in South Africa and the level of socio-economic integration amongst respondents is apparent in the research data collected, very few of the respondents are able to satisfy the criteria for extension of temporary residence permits. Returning to Angola was not an intention of any respondent. If such respondents are able to remain in South Africa following the expiry of their ACP permits, a relaxation of the requirements of the Immigration Act and Regulations would have to be permitted.

¹³ These respondents' employment fields were recorded as: 2 Security officers, handyman, administrative officer, beautician, caregiver, interpreter, shelf-packer, technician, receptionist, teacher and engineer.

¹⁴The respondent in question reported to hold a small artisan business, with an estimated net value of R 250, 000

Table 1: Employed respondents – Employment Sectors

Sector	Position	Frequency	Total	%
Construction & Infrastructure 1	Electrician	1	7	8.6
	Engineer	2		
	Technician	4		
Construction & Infrastructure 2	Builder	1	9	11.1
	Carpenter	1		
	Pipefitter	1		
	Stonemason	1		
	Tiler / Tilecutter	2		
	Upholsterer	1		
	Welder	2		
Construction & Infrastructure 3	Handyman/Maintenance Worker/caretaker / painter	4	4	4.9
Domestic Work	Domestic worker / cleaner	4	4	4.9
Health & Educational Services	Caregiver	1	3	3.7
	Lecturer	1		
	Teacher	1		
Hospitality & Leisure	Baker / Bakery Manager / Chef	6	12	14.8
	Hair dresser / Stylist / Beautician	3		
	Porter	1		
	Waitress	2		
Other	Pastor	1	1	1.2
Retail/Trade	Assistant Manager	1	11	13.6
	Market	1		
	Sales person / sales assistant / Sales manager	4		
	Store manager	1		
	Cashier / packer	4		
Security & Emergency Services	Doorman / Security	19	21	25.9
	Fireman	2		
Services to Business & Professionals	Administrative officer / Receptionist / Customer Service	3	9	11.1
	Counsellor	1		
	PR Counsellor	1		
	Translator	3		
	Travel Agent	1		