

# LOST IN THE MIDDLE

A report on Migrant Children's  
Access to Education in  
Johannesburg

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## Nomonde Ntsepo / **Lost in the Middle** / *A report on Migrant Children's Access to Education in Johannesburg.*

*Since 2008 Sacred Heart College has been running an educational bridging programme for migrant children, aged five to 14 years, who cannot access state schools. The Three2Six Project is based at two sites: Sacred Heart College and Observatory Girls' Primary School and accommodates 200 children in the afternoons (from 3pm to 6pm). A basic curriculum is offered, comprising of literacy, numeracy and lifeskills, and the classes are taught by refugee teachers. The ultimate aim of the project is to help migrant children register at state schools.*

As the Three2Six project continues to grow and expand, I have been asked to research the context in which it operates so that the project may better understand its necessity and impact. In this piece I examine the primary educational needs and challenges of the migrant community both in Johannesburg and in South Africa. Considering migrants with varying legal status – most commonly asylum seeker and refugee status – I present some of the key factors which continue to affect migrant children's access to education, and the ways in which these factors have changed since the project has been in existence. I consider these factors in two parts – those which become hurdles to initial access of primary education, and those that cause difficulty once children have managed to access schooling.

Access to education for migrant children remains extremely problematic. Even though all children in South Africa are assured the right to basic education, migrant children face a multitude of barriers when attempting to access both public and private schools. Documentation, financial constraints, structural xenophobia and a lack of access to information on schools' legal requirements and children's educational rights continue to pose significant problems.

This research was conducted over a series of interviews with primary school representatives, Non-Governmental Organisations, law clinics and other organisations involved with migrant children, as well as with co-ordinator representatives of the Three2Six project both at Sacred Heart and at Observatory Girls. Conducted between October 2015 and February 2016, the interviews were unstructured, and narrative based, most often conducted on an individual basis, and sometimes in group sessions and via email.

One of my main aims was to interview primary schools in the areas surrounding the Three2Six projects. It is significant that I encountered considerable resistance and reluctance from most schools, even when I explained the nature and reasons for this research, and stressed that the identity of the schools would remain confidential. As a result, I only managed to secure two interviews with schools – one public school and one private. It is also important to interview parents of children at the Three2Six project. Again, yet for different reasons, these interviews were difficult to secure in the given time period and at this time of year.

*'This piece is mainly qualitative and narrative based, and aims to determine the position, attitudes and experiences of major stakeholders.'*

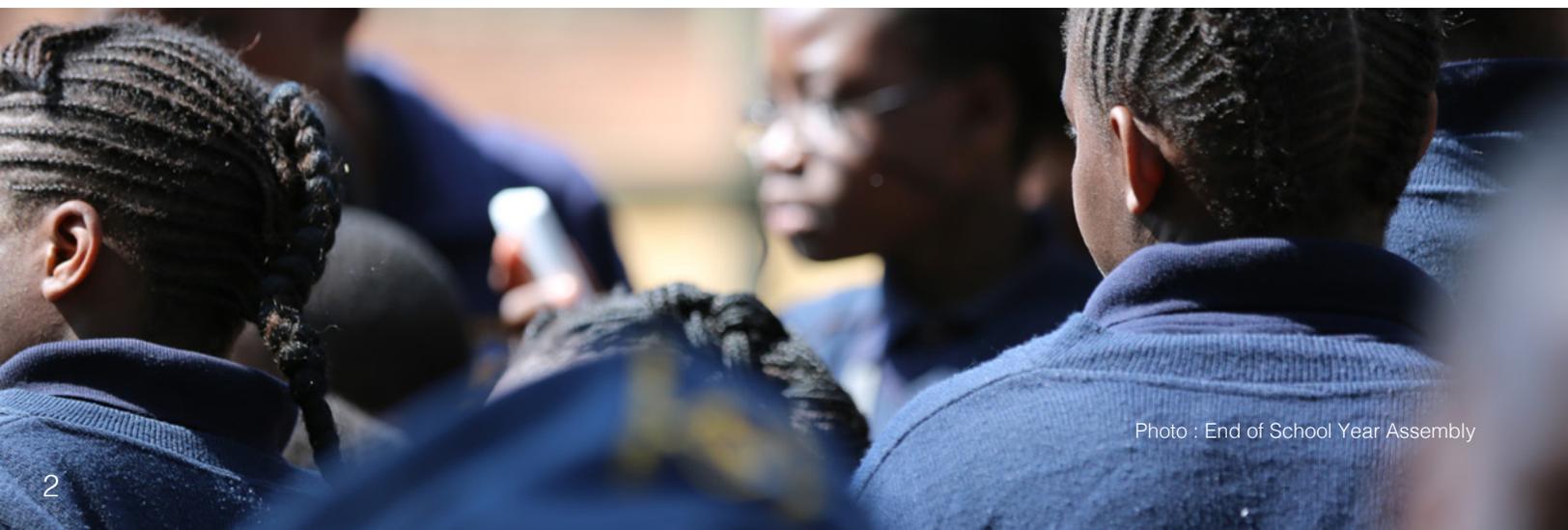


Photo : End of School Year Assembly

## ESTIMATING CONTEXT

*"In the current context, international migration in all its forms is framed in public policy as a phenomenon to be prevented, slowed, or stopped. If allowed, it is only under controlled circumstances where there are guaranteed benefits to host communities. Not surprisingly, this paradigm also codes migrants – especially low or moderately skilled immigrants from poor countries – as 'threats' to existing economic, political and social programmes".* <sup>1</sup> Loren Landau

It is difficult to give an accurate context against which to consider the findings of this paper. Most significantly, it is important to note that discourses surrounding migration – whether they are public, political or academic – are highly politicised, and are often permeated with myth. As the quote with which opened this piece illustrates, such myths often take migration, and migrants themselves, as threats.<sup>2</sup> These discourses are characterised by a severe lack of data. Writing in *Myth and Rationality in Southern African responses to Migration*, Loren Landau notes two main reasons for this:

Although Southern Africa's shortage of migration specialists is partially to blame, the region's dynamic communities and extended, highly porous borders make it all but impossible to track movements across them with any compelling accuracy. Moreover, those traversing these borders often have compelling reasons for remaining bureaucratically invisible (for example to avoid deportation, harassment or discrimination).<sup>3</sup>

It is this critical lack of data that makes a detailed context difficult to provide. Significantly, most of the statistics regarding migration in general use are estimates. In addition to this, there is an even more acute lack of information concerning the situations of migrant children in the country. In my own research, the NGOs and law clinics interviewed all reported working on an overwhelming amount of cases per month. Most recently, a report compiled by the Centre for Education Rights and Transformation at the University of Johannesburg in 2012, entitled *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa*, stated the latest statistics as follows:

The bulk of research literature that is available on migrants in South Africa relies on the 2000 census, the Unaccompanied Minors Report (2007) and UNICEF's Better Implementation Report (2009). According to the latest available statistics, in South Africa migrants make up 2% (900 000) of the population (Crush and Williams, 2001) and only 150 000 are identified as refugees or asylum seekers.

*'those traversing these borders often have compelling reasons for remaining bureaucratically invisible'*

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<sup>1</sup> Landau, Loren B. "Myth and rationality in Southern African responses to migration, displacement and humanitarianism." *Views on migration in sub-Saharan Africa: proceedings of an African Migration Alliance workshop. 2006.*

<sup>2</sup> Landau, Loren B.

<sup>3</sup> Landau, Loren B.

Migrants' reasons for migration are varied, and include flights from political and state violence, poverty and natural disasters. As the authors of *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa* note "reasons and modalities of migration vary considerably – migration is termed 'regular,' 'legal or illegal,' 'short or long term' and can occur with or without families – affecting migrants, particularly children, differently."<sup>4</sup> Migrants with children, and migrant children, are often particularly vulnerable. In her piece entitled *Responding with hospitality: Refugee children in the South African education system*, Juliet Perumal found that:

A large number of children migrate to South Africa because of the death of a parent. Their vulnerability is exacerbated by housing and food insecurity; lack of finances, threats to their personal safety, child labour, sexual exploitation, harassment and xenophobia. These experiences are generally evaded or ignored in the curriculum despite their potential to impact on students' academic and non-academic performances.<sup>5</sup>

Migrant children in South Africa are ensured the right to basic education. As Ivor Baatjes, Mondli Hlatshwayo et al note in their study:

The South African constitution and national education legislation as well as the Refugee Act consistent with international treaties, guarantees the right to basic education of refugees and asylum seekers.<sup>6</sup>

*In addition to this, a report by the Consortium for Refugees and Migrants in South Africa (CoRMSA) found:*

Although no nationally representative studies have been done of migrants' access to education, smaller-scale studies have indicated that high levels of school-age migrant children remain outside of the school system<sup>7</sup>

Although participants in this study often answered more general questions concerning Johannesburg, both Observatory Girls and Sacred Heart College are situated in central-east Johannesburg, and my research focuses on this area. Both schools are on the borders of, and are surrounded by, low income suburbs with high migrant populations. Significantly, these areas have no free schools, although all applicants to government schools, with low income can theoretically apply for fee exemptions after completing a means test.



Photo : 2015 Journey With an Artist Program.

<sup>4</sup> Ivor Baatjes, Mondli Hlatshwayo, Kara Mackay, Sehlaphi Sibanda, Carol Anne Spreen and Salim Vally. *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa*. 2012.

<sup>5</sup> Perumal, Juliet. "Responding with hospitality: Refugee children in the South African education system." *Education as Change* 19.3 (2015): 65-90. P70.

<sup>6</sup> Ivor Baatjes, Mondli Hlatshwayo, Kara Mackay, Sehlaphi Sibanda, Carol Anne Spreen and Salim Vally. *The Education Rights of Migrants, Refugees and Asylum Seekers in South Africa*. 2012. 8.

<sup>7</sup> CoRMSA. *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*. April 2011. 36.



Photo : Making Butterflies out of wool

the ways in which the project acts as an advisor for all things, including schooling once the children have left the project; documentation; and dealing with trauma. Citing the project's warm atmosphere, real connections and an individual and personal approach, she emphasised the frequency with which members of the community returned to tell their stories, even once they were no longer directly connected to the project. In a community where information such as she describes is scarce and difficult to access, this function of the project is invaluable, and the information collected here for community use profound. Also important is the project's ability to put parents in touch with help for diverse issues. In its operation, the project has had contact with and requested help from the following organisations and others: the *Wits Law Clinic*; the *Legal Resource Centre*; *Lawyers for Human Rights*; *Sophiatown*; *Gift of the Givers*; *The Yeoville Police (SAPS)*; *Awethu*; and *CORMSA*.

## ESTABLISHING ACCESS

### *On Information*

One of the most crucial areas which participants identified as affecting almost all aspects of access to schools was a lack of adequate information on schools, school procedure and the legal processes that govern them. Participants reported numerous times that this lack of information could be, and often was, exploited by schools and other officials. An admissions officer at one of the schools interviewed described the ease with which some schools could dismiss migrant applicants by withholding information. She used registration as an example, stating that she knew of instances where migrant applicants were turned away from schools after registration dates without being informed that late registration was an option. She emphasised that South African parents would generally have knowledge of the schooling system as well as their rights, and so would be able to put pressure on schools in ways migrant parents could not. Such stories were confirmed by other participants, who reported incidents of parents being delayed or dismissed from admission by being asked for unnecessary or incorrect documents from previous schools.

It was also clear that an important part of the functioning of many of the NGOs is to give clear and correct information regarding migrants' rights, as well as information on where they might access legal and other help. It is significant then that one of the first, and most important ways that both representatives of the Three2Six projects spoke of the projects, is in terms of their role as holders of information for their communities. Information sharing is crucial to the project. Three2Six functions as an information distributor and a place to pool knowledge. The representative of Three2Six at Sacred Heart described



Photo : Learners Playing During Afternoon Assembly



## *On documentation*

The issue cited by almost all participants as one of the most significant was that of documentation. This included both documents which migrants might need from their home countries, such as a school report card or birth certificate, as well as permits issued by the department of Home Affairs. Such documentation is often confusing and difficult to obtain. Some documents might be located in a migrant's home country, while documents and permits which must be obtained from Home Affairs pose a different set of problems. Centres are often far away and expensive to reach, and once there, many migrants face pressure to bribe officials, long delays, problems of xenophobia and violence. In addition to this, almost all participants reported cases of children who had already managed to gain access to schools using correct documentation that needed to be renewed on a regular basis. Often, when these papers failed to be renewed, children faced the threat of being deregistered. This might be for long and indeterminate periods of time. Parents have reported difficulties with refusals of renewal, and stated that bribes are regularly requested. There are few accurate figures on the number of children who are denied access to schools due to problems with documentation. While most organisations were reluctant to comment on figures, one school principal estimated that 20% of migrant children who apply to her school do not have the correct documentation, and that these children were denied admission.

Many participants in this research project also emphasised an atmosphere of increased pressure from the department of Home Affairs, as well as increased pressure on the department of Education to act as a control measure. They highlighted the increasingly law enforcing, and punitive nature of Home Affairs over one that aimed to facilitate children's access to schools. This is evident in many of the examples which follow.

In my interviews with both representatives of the Three2Six projects at the two current locations, as well as with one primary school, it became clear that relationships that had been strengthened between the project and schools

over the duration of the project had suffered from an increasingly punitive Home Affairs presence over the past year. In this way, even schools who had worked closely with the Three2Six project in the past, were increasingly wary of accepting migrant children. One public school reported that in the past year (2015) a representative from Home Affairs had visited the school three times, and had attended parent-teacher meetings, in addition to informing the school that there is a R10000 fine liable by the school per learner attending a public school without the correct documentation. When informed of this, an NGO and a law clinic indicated their desire to investigate and challenge this.

Although this falls outside the purview of primary education, it is interesting to note that many participants commented on an increase in cases of difficulties in learners writing the final matric exams needed to graduate from high school. New regulations from the Department of Education state migrant children cannot write matric without the right documentation, and there have also been reports of schools withholding matric results due to documentation and financial issues.

Writing on approaches to migrant education, Perumal argues that a purely rights based approach to access to education has resulted in a punitive and technical atmosphere, in which migrant children must prove they are entitled to rights that the South African constitution grants to every person:

An exclusive preoccupation with a rights-based conception of protection privileges a focus on legal requirements and technicalities, and marginalises its attendant moral and ethical implications. This is antithetical to the spirit in which refugee protection was originally conceived of as a concept in international law (Wilson 2010:100).<sup>8</sup>

She argues that combining a rights based approach with ideas of hospitality allows for a response that can better serve all the needs of the communities involved. While Home Affairs does focus on legal requirements and technicalities, the Three2Six project is able to bridge the gap this creates by providing access to its program and assistance for migrant children in obtaining the correct documentation. This was extremely different from schools I interviewed, which considered documentation only, as a legal and necessary requirement, and also completely the responsibility of the parent and the child.

*'Many participants in this research project also emphasised an atmosphere of increased pressure from the department of Home Affairs'*

<sup>8</sup> Perumal, Juliet. "Responding with hospitality: Refugee children in the South African education system." *Education as Change* 19.3 (2015): 65-90.

## On Finance

Alongside documentation, it is financial constraints which present one of the biggest barriers to accessing education. Most significantly, parents cannot afford school fees, and are often denied or do not know about the fee exemptions they might be entitled to.<sup>9</sup> In addition to unaffordable school fees, many respondents, one herself in an admissions position at a school, maintained that some schools view migrants as financially risky, and used factors such as documentation to refuse them admission.

Finance is also a major issue once children are admitted to schools, as many parents and guardians cannot afford the extra costs necessary, such as those for school uniform, stationery, transport and food during school hours. While all of these can result in learners missing school, respondents maintained that transport to and from school is one of the biggest difficulties. It is both a financial constraint and a safety issue, and transport is one of the biggest reasons migrant children miss school. At the schools I interviewed, and in consultation with the law clinics, parents' difficulties in meeting the financial costs associated with schooling resulted in extremely tense relationships between the school and the parents, often ultimately impacting negatively on the children. The Three2Six project is mindful of these difficulties, and in addition to free attendance at the project, provides uniform, stationery, food and shares the cost of transport with parents.

## On Xenophobia and discrimination

Almost all respondents reported structural xenophobia and discrimination as deeply problematic, playing a huge role in keeping migrant children from adequately accessing primary education. A CoRMSA research report based on the years 2009 and 2010 found that:

Xenophobia and incidences of xenophobic violence are not decreasing. Many of these incidents do not receive coverage in the mainstream media, and this creates the impression that xenophobia is no longer a problem. The truth is far from that... there is a pressing need for legislation specifically targeting hate speech and intolerance.<sup>10</sup>

Since 2010 there have been continued and severe incidents of xenophobic violence, including burning of houses, violence and intimidation in the areas surrounding the Three2Six projects just last year. This impacted heavily on the Three2Six children in the project, who had to be accompanied to and from the project by school management for safety.

<sup>9</sup> CoRMSA. *Protecting Refugees, Asylum Seekers and Immigrants in South Africa*. April 2011. 36.

<sup>10, 11</sup> CoRMSA. *April 2011*. 36.

In line with such incidents, many of the NGOs and law clinics reported difficulty with integration in schools, as an issue due to discrimination. In one case, a law clinic employee described their difficulties in fighting a case based on religious discrimination: The school in question is refusing to allow the learner to wear religious headgear. While the law clinic would like to take the school to court, the school is delaying on the basis that the parents should follow the internal processes of the school to complain. The parents, who do not speak English, do not feel equipped to do this. In this way, the school exploits and discriminates against its migrant learners, which may have a significantly negative impact on the learner's schooling experience.

Significantly, one school principal reported no problems with xenophobia or discrimination whatsoever, but at the same time commented on issues of migrant children integrating with the rest of the school. When asked if the school had done anything to try and facilitate integration, the answer was no. More research is needed to draw any conclusions, but this suggests a worrying disconnect between children and school managements' awareness of discrimination.

One group particularly vulnerable to discrimination, and therefore to being unable to access schools, are unaccompanied children. Many NGO and law clinics reported that unaccompanied and abandoned children are particularly vulnerable and face severe difficulties in accessing schools. CoRMSA found the numbers of unaccompanied minors increasing in 2010:

Numbers of independent migrant children coming into South Africa have increased in recent years, with the majority of unaccompanied children coming from Zimbabwe. Many of the children coming into South Africa face considerable risks that are not being adequately addressed by current policy frameworks and practices.<sup>11</sup>



Photo : Sourcing Materials for Collaging

## CONCLUSION AND RECOMMENDATIONS

It is clear that migrant children continue to face significant barriers in accessing primary education in South Africa. A lack of information, access to finance, documentation and discrimination are still severe barriers to migrant children accessing state schools. Many participants in this research had not seen practical improvements over the past ten years, and expressed worries about a worsening situation especially due to the increased punitive measures of Home Affairs. It is clear that Three2Six and similar projects can still have a huge impact in helping to provide a bridging platform which migrant children navigate, and attempt to be accepted into, the mainstream South African education system. To conclude, I present the following recommendations:

- **In future research, interviews need to include more schools, migrant parents, and consider the possibility of child participants.**

- *Efforts should be made to consolidate and make available the pool of information Three2Six holds. Any materials should be made available in a number of the different languages spoken by refugees.*

- **As a lack of report cards remain a barrier to accessing schools, Three2Six should consider its report cards so that they remain as effective as possible in helping children to access schools. The project could also explore the possibility of developing a diagnostic test, which might serve as a place holder for a report card, for all migrant learners struggling to access schools.**

- *Facilitate a conversation with relevant organisations around the reported increase in barriers presented by Home Affairs. In particular, legal help and opinion should be sought on the issue of schools threatened with the R10000.00 fine for accepting learners without correct documentation.*

- **Three2Six should forward all reports of corruption experienced by migrants to organizations such as corruption watch.**

- *Three2Six should continue to refer financial and other concerns to relevant organisations.*

- **The project should continue to take a public stand against xenophobia at its events, as it has done previously at events such as the Sacred Heart College music festival.**

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Photo : Grade 2 Boys Praying Before Class



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