

## **Khanya College Legal Advice Day**

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Thursday, 29 June 2023, Johannesburg – Khanya College held a half-day-long event to provide free legal advice about common issues faced by working class people. The advice was tailored for issues such as unregistered births, problems obtaining birth certificates, applications for the R350 Social Distress data, and unlawful arrests and detentions.

The public benefit event took place at the Holy Angels Catholic Church, in Kensington on Albertina Sisulu Street. It had been advertised through pamphlets distributed by Khanya College staff; and a banner designed by the Khanya staff was also used to make the public invite more prominent. Although the area has a lot of migrants from different African countries, there were several South Africans who came to consult about the legal issues with which they are concerned.

Representatives from the Department of Home Affairs, the South African Social Security Agency, Pro Bono, Legal Aid, Black Sash, the Casual Workers Advice Office, and the Lawyers for Human Rights came to help provide legal advice.

*Karibu!* spoke with several people who attended, to hear about their experiences. Many of the community members were excited and said that they had made the best choice by coming for advice.

A Nigerian woman called Marcia\* told *Karibu!* that she had heard about the event through word of mouth and decided to come. Marcia said that she had already spent more than R10 000 trying to regularise her stay in South Africa as she currently does not have the proper legal documents. She told *Karibu!* that she was disappointed after finding out that the documents she had paid for were not authentic and that she had been scammed by a fellow Nigerian. This Nigerian compatriot told Marcia and her husband that he worked at Home Affairs and could get them the required documents. But Marcia said that when processed at a Home Affairs branch, she learned that she was really using the identity details of someone she had never met before.

Marcia said that her informal status is making her time in the country a lingering worry. The Nigerian national in her 30s said that her child does not have a birth certificate because of her status.

“Yes, my husband and I are foreign nationals but my child was born here, let the state recognise her. I am not asking for grants,” she said while emphasising that she did not wish to have any political rights.

Marcia said she has been struggling to find work because of her status. She ended up applying outside the country and has been receiving a lot of encouraging feedback. But she said that even so, her status as undocumented is making things difficult for her financially. “I will have to go home to Nigeria to fly from there, but I am in South Africa.”

When asked how she came to South Africa and when her problems started, Marcia said she first came to South Africa to visit her husband. “I was given 14 days to stay in the country,” but became sick and had to stay after her visitation Visa expired. After learning that she was pregnant she decided to stay and has been trying to regularise her stay.

Another participant at the event also came for immigration legal advice. The Zimbabwean woman in her 50s preferred to remain anonymous but told *Karibu!* that even though she may not qualify for any kind of permit to stay in South Africa, she wished that there were changes

in the way the healthcare system works in the country. Speaking in Zimbabwean IsiNdebele, the lady said that when a migrant is not feeling well, they are denied access to healthcare services at public hospitals. She said that the least that she is asking for is ubuntu (human compassion) when people are sick, saying that private healthcare is too expensive for most migrants.

Many of the organisations that were represented at the event had their hands full. Speaking at the end of the day, legal practitioner Carol Lemekwana, from Lawyers for Human Rights (LHR) said that it was a very positive day for them as they got more exposure. She said that the cases brought to them throughout the day were issues their institution often deals with, but that a lot of the migrants she spoke with were not previously aware that the organisation exists.

Lemekwana said that there had been some language barrier problems which would not occur in their offices as they have interpreters. Lemekwana who is an attorney in the refugee and migrant rights programme said that it was difficult to compel the Department of Home Affairs (DHA) to assist migrants and that they were friendly in their engagement with the DHA unless it became necessary to litigate.

Lemekwana said that many people who needed the services of LHR did not understand that help is an ongoing process and that issues cannot be resolved on the spot. LHR members also had to explain and assure the people they were helping that everything they spoke about was confidential and that a third party, in this case, Khanya College, would not have access to the information about their cases.

\*Name changed to protect the person

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