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TO JW McKay
Deputy Director-General:
National Immigration Branch
Private Bag X114, Pretoria, 0001
Cnr Maggs and Petroleum Streets,
Waltloo, 0184

29 SEPTEMBER 2008

Dear Mr McKay

RE: OBSERVATIONS MADE BY TAC LEGAL MONITORS DURING RAPID STATUS DETERMINATION PROCESS IN IDP CAMPS

As you are well aware, since Monday 22 September 2008, we have deployed several legal monitors to the three camps in the Western Cape (Blue Waters, Harmony Park and Youngsfield) to assist displaced people with monitoring and advice regarding the Rapid Status Determination process currently being pursued by the Department of Home Affairs (DHA).

During the monitoring process, these monitors have made general observations and raised some concerns about the process. These are:

1. Worryingly, some DHA officials have complained about the presence of civil society monitors, and not allowed them access to displaced people during the interview process. Our presence for this purpose is legally permissible and necessary.
2. At Harmony Park, the photocopying machine housed in a mobile unit for the purposes of duplicating official documents ran out of ink- the ink was not replaced.
3. Despite your assurances, it appeared that the DHA had not arranged for translators in the home languages commonly used by displaced people. This caused some confusion amongst displaced people who did not understand the purpose and implications of the interviews.
4. It is unclear how long these applications will take to process. Estimates have ranged from one day to two weeks. This has caused even more uncertainty amongst displaced people.
5. Despite your assurances there have been no pamphlets circulated to displaced people providing them with information regarding the applications and appeals processes in different languages. We have been told that such a pamphlet exists in English, but that it was neither circulated nor translated.
6. One DHA official was observed shouting at displaced people, calling them "amakwerekwere" causing further tension in the camp.
7. According to monitors, the interviews took only a few minutes, despite the inability of interviewees understanding the questions due to lack of translation. Under normal circumstances these interviews may take hours to conduct.

8. Initial reports indicate that the majority of applications have been rejected, which is of concern given the lack of translation and the hasty interviews. One DHA spokesperson is quoted as saying that "Officials have conducted the interviews and can tell within minutes of meeting the person whether they fled their country because they were persecuted or for economic reasons". These disparate and often complex applications should not take minutes to be processed.

TAC has will continue to monitor the appeals process until it is completed. In this regard, our monitors will be given a letter from the TAC stating that they are mandated legal monitors, and that they are available to displaced people upon request to provide legal advice and assistance, according to their constitutional rights.

Should you have any queries, do not hesitate to call our office:
(021) 422 1490

Yours Sincerely

A handwritten signature in black ink, consisting of a large, stylized initial 'S' followed by a long, wavy horizontal line that ends in a small arrowhead.

Scott Dunlop
TREATMENT ACTION CAMPAIGN