

Urban refugees: definitions, legal position and wellbeing in South Africa

Talita Dalton-Greyling.

Department of Economics and Econometrics, University of Johannesburg, Kingsway

Campus, Auckland Park

Cel +27824171233 or +2711 55929900 or +27126541498. Fax: +27126541498,

talitag@uj.ac.za

Abstract

In May 2008, 62 people died, several hundred were injured and some 25 000 displaced, due to xenophobic violence in South Africa. The attacks targeted mainly foreign nationals from other African countries. The number of refugees in South Africa has also increased notably over the years from 6 619 in 1997 to almost 30 000 in 2006 and estimates of the number of forced migrants in the country vary from two to eight million. These are some of the challenges the South African government faces to solve the refugee problem in South Africa. The South African government has adopted a new refugee act in 2000 namely Act 30 of 1998, which spells out the protection, rights and obligations of refugees, but there are still many indications that the refugees in South Africa are not well off. In this paper the definitions applicable to refugees and the rights of refugees are explained, in addition the wellbeing of refugees is analyzed and compared to the wellbeing of South African citizens in Johannesburg. For the purposes of the analysis and the comparison of data, ten criteria for determining wellbeing were selected in accordance to previous research done in developed and developing countries. The selection was restricted by the dataset, "Migration and the New African City" as it did not cover health aspects. The criteria were housing type, marital status, educational level, employment status, income per week, age, crime, relative income, future expectations and future residence in the country. It was found that refugees were only better off in three out of the ten selected criteria namely; marital status, educational level and employment status. In the other seven categories more South Africans were likely to be well. The categories were: housing type, income, age, crime, relative income, future expectations and future residence. Considering the total outcome, the majority of the

criteria indicated that the percentage of refugees experiencing wellbeing was lower than the percentage of South Africans. Furthermore the subjective questions posed in the questionnaire indicated that the refugees felt that they were poorer than average, that many of them would prefer to either stay in a third country or return to their home country and six times more refugees than South Africans thought that their children will be worse off than themselves. It was found that one of the reasons for the lower level of wellbeing among refugees was that Act 30 of 1998 was not fully enforced, for example the I.Ds issued to refugees have only 12 digits instead of 13 and is not accepted at many of the institutions that facilitate services. A second reason is the xenophobia experienced in South Africa. Also that refugees are more likely to be targeted by criminals and they are unwilling to report any incidents to authorities owing to the historical distrust refugees' harbour against law enforcement agents. The xenophobia also leads to a lack of job opportunities and a tendency to underpay refugees in addition the misconceptions of locals about refugees for example that refugees are unskilled and "steals" South Africans' jobs, also contribute to the problem. It is recommended that to improve the wellbeing of refugees the government should address the problems experienced with implementing Act 30 of 1998. Locals should be informed about refugee matters and the misconceptions must be removed. The scarce skills refugees have, should be used to contribute to the development of South Africa. Active policy measures should be taken to provide protection to refugees and change the attitude of law enforcement officers against foreigners in South Africa. This will also contribute to decreasing xenophobia.

Key words:

Displacement, refugees,
asylum seekers, subjective wellbeing,
wellbeing

JEL: O15 and O18

1. INTRODUCTION

In May 2008, 62 people died, several hundred were injured and some 25 000 displaced, due to xenophobic violence in South Africa. The attacks targeted mainly foreign nationals from other African countries. These were not the first incidents of xenophobia and cases of individual attacks have been recorded since 1995. Although the signs of xenophobia were there and the government was warned about increasing tension between South African citizens and foreigners little was done to protect them or to improve their wellbeing.

The renewed interest in refugees, migrants and xenophobia is not only a South African phenomenon but has also drawn worldwide attention as the number of people displaced increased markedly over the last decade. At the end of 2005, the global figure of “persons of concern” to the United Nations Higher Commission on Refugees (UNHCR) stood at 21 million. By the close of 2006 the number increased to 32.9 million or almost one in every one hundred and fourteen people in the world. Africa is the continent that hosts the most displaced people as a percentage of its total population. Many of the migrants and refugees from across the African continent move to South Africa and mostly settle in urban areas. The number of refugees in South Africa increased notably over the years from 6 619 in 1997 to almost 30 000 in 2006 and estimates of the number of forced migrants in the country vary from two to eight million. The large discrepancies in the estimates of forced migrants reflect the difficulty quantifying the often clandestine population movement. South Africa is not familiar with the hosting of refugees and migrants and therefore these groups experience great hardships.

It is against this background that the importance of establishing the wellbeing of refugees and migrants need to be considered and included in policy issues. Studies have been undertaken to establish the reasons for migration and to emphasize the risk of impoverishment of displacees. A separate stream of research has studied the wellbeing of individuals in both developed and developing countries, but this paper may be one of the first to link the literatures on refugees and wellbeing in developing countries. In this paper the wellbeing of refugees is analyzed and compared to the wellbeing of South African citizens in Johannesburg, the biggest city in South Africa. The analysis takes

place in view of the rights of refugees as stated in international, regional and South African legislation. The different criteria for wellbeing are established by considering research undertaken on this topic in both developed and developing countries. By making use of a dataset on urban migrants in Johannesburg, certain of the criteria, which are available, are analysed. The wellbeing of refugees and South African citizens is compared and in conclusion suggestions are made to improve the wellbeing of refugees in urban areas of South Africa. Due to limited data, which is restricted to 2006, no longitudinal comparisons could be made and certain of the criteria to determine wellbeing, for example health indicators could not be analyzed. In this paper the concepts related to forced displacement are defined. Secondly the rights and the protection of refugees on international and regional level and in South Africa are discussed. Further more the wellbeing of refugees and South African citizens in Johannesburg is analysed and compared and to conclude suggestions and recommendations are made to improve the wellbeing of refugees in South Africa.

2. LITERATURE REVIEW

2.1 Definitions

The term refugee is commonly used to cover a wide range of people including anybody that crosses an international border and who intends to stay in the receiving country. Other terms that are often used to refer to a “refugee” is migrant, illegal migrant or asylum seeker and they are indiscriminately used to indicate any foreigners from Africa found on South African soil. Each of the terms mentioned have different legal explanations and implications.

A migrant refers to a person that is voluntarily displaced from one place to another inside his¹ own country or internationally. International migrants choose to leave their country of origin and can return to their home country whenever they wish to and their lives are not in danger if they return home (UNHCR 2006). An economic migrant is a person that leaves his country or place of residence because he want to seek a better life. (UNHCR

2006). Often the term economic refugee is used in literature or spoken language, but this is not correct. If people voluntarily make a decision to leave their home countries to seek a better standard of living, they are not refugees. An illegal immigrant is a person who enters a country without meeting the legal requirements for entry, or residence. They enter the country illegally by not entering through a recognized border post or by making use of false documentation (Solomon 1996).

In contrast to voluntary displacement is involuntary displacement. Involuntarily displaced people “...(r)efers to those who have left their usual place of residence in order to escape from persecution, armed conflict or human rights violations. (Crisp 2006:1). In addition to this definition people are also involuntarily displaced due to development projects, environmental changes or government policies forcing people to move from their normal place of residence.

Refugees are involuntarily displaced and are forced to leave their countries because they have been persecuted or have a well-founded fear of persecution. The definition for a refugee is found in the 1951 Convention on Refugees and its 1967 Protocol which states that a refugee is: a person who;” As a result of events occurring before January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country”. Article 1 also states that the events occurring before 1951 shall be understood to mean mainly events occurring in Europe”.

In 1967 in the Protocol to the Convention on Refugees, which was signed by all member states, the scope of the 1951 definition of refugees was expanded to include people who were displaced after 1951 and in any geographical area.

In 1969 the Organisation for African Unity (OAU) decided that the definition of the 1951 Convention and the 1967 Protocol was still too stringent within the African context. As a

result, Article One of the Organisation for African Union Convention added a second paragraph to the original definition to include people that have been displaced due to liberation wars and internal upheavals, thus all individuals displaced by generalised conditions of violence and not only political refugees as originally stated in the 1951 Convention, are included in the definition of refugees..

To summarise a person is a refugee only if the following is applicable:

- A person must be persecuted due to his/her race, religion, nationality or due to being a member of a social group, or due to a specific political opinion, also according to the OAU definition any person displaced due to violence.
- A person must be outside his/her country and fear for his/her life if he/she returns to his/her own country.
- The definition is applicable to any person in any geographical area.
- There is no time restriction to when this “event” must have occurred.

The definition is very wide but still excludes internally displaced persons and people uprooted by economic disasters.

For a person to be classified as a refugee, a person needs to apply for refugee status. The countries that signed the 1951 Convention and its 1967 Protocol have refugee status determination procedures, to determine if a person fits the definition of a refugee in accordance with the domestic legal system. Therefore a person that flees his own country and crosses an international border must apply to be recognized as a refugee and if the person fits the definition of a refugee as set out in the country’s legal system, the person will be acknowledged as such and will have access to refugee relief and protection.

After a person has left his country of origin and has applied for recognition as a refugee in another country, but is still awaiting a decision on his application, he is known as an asylum seekers (UNHCR 2006:3).

Once a person has received refugee status, he or she has certain rights according to international, regional and national legislation.

The rights of refugees are spelled out in the 1951 United Nations Convention on refugees and its 1967 Protocol and in the region of Africa the 1969 Convention of the OAU is also applicable. Lastly the rights of refugees in South Africa are explained in Act 30 of 1998 on Refugees.

2.2 Legislation

The 1951 Convention

The 1951 Convention and the 1967 Protocol are the main international legal documents pertaining to refugees. The Convention came into being after the Second World War due to the number of people that were displaced at that time. The Convention was proposed as a possible solution to assist the displacees. Initially the Convention was limited to protecting only European refugees, but in the 1967 Protocol the scope was expanded to include other geographical areas as the problem of displacement occurred all over the world.

The main function of the Convention is to protect refugees if they flee to another country. This will apply in the event that the governments cannot protect their own citizens due to wars, civil unrest or if people's basic human rights are threatened. If the individuals that flee from their own country qualify to be recognised as refugees in a foreign country, they are entitled to receive international protection. The host countries are primarily responsible for protecting the rights of the refugees, while the United Nations High Commissioner for Refugees maintains a 'watching brief' to assure that refugees are granted asylum and are not returned to the countries where their lives are in danger.

The 1951 Convention explains who a refugee is (see "2.1 Definitions") and, also the legal protection and other assistance and social rights refugees should receive from states that have signed the Convention. In addition the Convention defines a refugee's obligations

to the host governments and specifies that there are certain categories of refugees who do not qualify for refugee status.

If a person fits the definition of a refugee, the Convention prescribes the rights of refugees and indicates that their rights should at least be equal to the freedoms enjoyed by foreign nationals living legally in that country and in many cases similar to the rights of the citizens living in the state. Some of the important rights of refugees according to the Convention are:

- **Non-discrimination:** According to Article 3 of the Convention, states may not discriminate on the grounds of race, religion or country of origin against any refugees.
- **Freedom of religion:** In Article 4 of the Convention it is stated that refugees should get the same rights as the nationals with respect to the freedom to practising their religion and the religious education of their children.
- **Free access to the courts of law:** Article 16 declares that refugees should receive the same treatment as nationals pertaining to free access to the courts of law.
- **The right to work is described in Article 17:** The contracting state must give refugees the most favourable treatment received by nationals of a foreign country, as regards the right to be employed and earn a wage.
- **The right to housing:** According to Article 21 refugees should receive the most favourable treatment possible if they reside in their lawful territory, and not less favourable than that accorded to aliens.
- **The right to education:** In Article 22 it is stated that refugees should get the same public education as nationals with respect to elementary education. With respect to education other than elementary education refugees should receive the most favourable treatment and not less favourable than that received by aliens.
- **The right to public relief and assistance.** In Article 23 it is stated that refugees should get the same treatment as nationals with regards to public relief and assistance.

- Article 26 addresses the freedom of movement within the territory. It states that refugees that are lawfully in their territory should have the right to choose their place of residence and to move freely within the territory
- The right not to be expelled from a country. Article 32 declares that a Contracting state cannot expel a refugee, unless the refugee is a threat to national security or public order.
- The most important right of refugees addressed in the Convention is in Article 33. It is the right to be protected against forcible return or refoulment, to the territory from which the refugees had fled.

The refugees' obligations to the host government are set out in Article 2. Refugees must respect the laws and the regulations as well as the measures taken to maintain public order in the country of asylum.

In Article 1 cases are explained in which the Convention does not apply to certain persons, for example a person who has committed a crime against peace or a war crime or a crime against humanity or a serious non-political crime outside the country of asylum, is not covered by the Convention.

The 1967 Protocol

In 1967 a Protocol was signed by all member states to expand the scope of the 1951 Convention. The Protocol stated that included in the previous definition of refugees should be people displaced after 1951 and in any geographical area.

The Convention Governing the Specific aspects of refugee problems in Africa (Organisation of African Unity Convention (OAU)1969)

The African heads of states met in Addis Ababa in September 1969 to discuss the refugee problem in Africa. They were concerned about the increasing numbers of refugees and the particular refugee situation found on the African Continent. They sought ways to

alleviate the refugees' suffering and to provide them with a better life and future. The OAU Convention was written to address these problems and came into force in 1974. In 2006 there were 42 African countries party to the Convention

The OAU Convention expanded the definition of refugee as described in the section on definitions relevant to refugees. Furthermore the OAU provisions of non-refoulement also provide more protection to refugees than the provisions contained in the 1951 Convention. For example, Article Two of the OAU Convention provides that:

(1) Member States of the OAU shall use their best endeavours consistent with their respective legislation to receive refugees and to secure the settlement of those refugees who for well-founded reasons are unable or unwilling to return to their country of origin or nationality.

(2) No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion which would compel him to return to or to remain in a territory where his life, physical integrity or liberty would be threatened.

In contrast the 1951 Convention, Article 33 states only that a host country should not expel a refugee to a country where his life or freedom would be threatened.

South African legislation - Refugees Act, 30 of 1998

South Africa did not recognise refugees officially until 1993, although migration and hosting of refugees did take place in South Africa from the 1980s, when South Africa was the host to some 350 000 Mozambican refugees.

Before 2000 refugees fell under the Aliens Control Act 96 of 1991. The Act granted the Minister of Home Affairs discretion over a wide range of matters concerning persons who are not South African citizens. The Aliens Control Act was replaced by the Refugees Act, 30 of 1998 which came into operation in 2000.

During this time South Africa also ratified the 1951 UN Convention Relating to the Status of Refugees, the UN's 1967 Protocol, and the 1969 OAU Convention Governing

the Specific Aspects of Refugee Protection in Africa Furthermore the government of South Africa declared in the introduction of Act 30 of 1998 that “...(t)he Government of South Africa is committed to the granting of asylum to refugees; to provide them protection; and to search for solutions in line with its obligations and responsibilities which it assumed under the International Law, as well as by incorporating a number of basic principles and standards in the Constitution (Refugee Act 30 of 1998, Introduction; p1)

The above mentioned indicates the commitment of the South African government to protect the rights of refugees. The government argued that refugee protection is a human rights issue rather than a migration issue and proposed four principles that should highlight refugee policy and legislation:

The Refugee Act also included the structures and mechanisms to determine the refugee status of asylum seekers. These included the establishment of Refugee Reception Offices, the appointment of staff within the Department of Home Affairs specifically to attend to applications for asylum, and the creation of a Standing Committee and an Appeal Board to review decisions taken by officials and hear appeals by asylum seekers whose applications for refugee status have been rejected.

Before 1 April 2000, asylum seekers whose applications were successful received a Section 41 permit. This permit legalised their stay in South Africa and they did not need any other documents such as study permits or tourist visas. With the introduction of the Refugees Act, these permits had to be returned to the Refugee Reception Office and they had to apply for new permits according to Section 22 of the Refugee Act.

After April 2000, asylum seekers who were successful in their asylum applications received a permit in terms of Section 22 of the Refugees Act, which gave them the legal right to adjourn in South Africa, though they do not have the right to seek work or to study until their legal status as a refugee has been decided. The adjudication can only occur 180 days after the permit has been issued. If the adjudication has not taken place, the asylum seekers have to renew their permits regularly every three months.

After the asylum seekers have been granted refugee status, they are entitled to the protection of the Government:

The following rights and obligations of refugees are listed in Section 27 of the Refugee Act:

A refugee -

- is entitled to a written recognition of refugee status
- enjoys full legal protection, which includes the rights listed in Chapter 2 of the Constitution and they have the right to stay in South Africa
- has the right to apply for an immigration permit in terms of the Aliens Control Act of 1991 after five years of continuous residence in South Africa
- is entitled to a identity document (ID)
- is entitled to a travel document
- can seek work
- refugees have the same right to basic health and primary education as the citizens of South Africa
- may apply for a travel document. (Section 31, Act 30 of 1998)

The identity document with which a refugee is issued according to Section 30 of the Refugees Act must contain the following;

- an identity number
- the holder's surname, full forenames, gender, date of birth and the place where he/she was born.
- the country of which the holder is a citizen
- a recent photograph of the holder
- a holder's fingerprints.

The obligations of refugees according to Section 34 state that a refugee must abide by the laws of the republic.

The new legislation applicable to refugees is an improvement on the old Aliens Act, though many practical problems pertaining to the protection and the rights of refugees still come to the fore. South Africa did not have refugee camps until May 2008 and even these camps are only temporarily in place due to the and had to be dismantled by the end of August 2008. Most of the asylum seekers and refugees live in urban regions and have to survive without any assistance. The asylum seekers are not allowed to work and thus have no means to support themselves, if they do need support they have to approach government structures. (www.southafrica.info 2004) Asylum seekers have no rights to food, work health care or education. They are only allowed to adjourn in South Africa and be protected from refoulment until their status as refugees is determined. Refugees have rights and are protected by the Refugee Act 30 of 1998. The assistance that refugees should receive depends on their identity documentation.

If the rights of refugees are protected as described in the Refugee Act 30 of 1998 and the regional and international legislation, the level of wellbeing of refugees should be similar to that of South African citizens or at least to other foreigners staying in South Africa. In the next section wellbeing and subjective wellbeing will be defined and the criteria by which wellbeing can be measured explored by means of reviewing existing literature.

2.3 Wellbeing and subjective wellbeing

Recently numerous papers were written on wellbeing and subjective wellbeing or happiness. Subjective wellbeing became an important field of study when Clark and Oswald (1996) and Oswald (1997) showed in their research that to maximise subjective wellbeing was the ultimate objective of most people. Subjective wellbeing has also become more theoretically attractive to economists as the standard theory on utility and revealed preference often failed to explain individual decision making (Timothy and Gruen, 2005). Secondly cross-sectional and panel data have become available with information on subjective wellbeing, which allows for empirical research.

Amartya Sen, the 1998 Nobel Laureate in economics describes “wellbeing” as being well, in other words to be healthy, well nourished, and educated and to have the freedom of choice to choose what one can become and can do (Sen, 1999)

Sen’s view of wellbeing influenced the way economists thought and measured wellbeing and led to the development of indicators of wellbeing that included multi-dimensions of the standard of living of individuals.

In recent years research has also moved to measuring wellbeing not only on the basis of objective indicators, but also using subjective indicators. A way to determine if people are happy with their lives is to ask them Subjective wellbeing or happiness is then a measure of the response to a question such as: “How satisfied or dissatisfied are you with your life overall?” Normally the respondents are asked to respond on a scale that can range from 1- not satisfied to for example 7 – completely satisfied (Bell, 2005) In different surveys, different wording is used to pose the question on wellbeing and the scales to rate the answers differ from questionnaire to questionnaire, but most of the questions try to establish an individual’s self-evaluation of their own well-being at that moment in time.

Since the late 1990s the number of empirical studies analysing the subjective wellbeing of people has increased significantly and far-reaching psychological research has indicated that self-reported measures of wellbeing are adequate and reliable when analysing human wellbeing (Hinks and Gruen 2006)

Most of the studies focused on the determinants of happiness in developed countries, for example the study of Frey and Stutzer (2002) that discussed the factors that seem to play a role in explaining human happiness. Recently the determinants of wellbeing have also been studied in developing countries. Studies on South Africa were undertaken by Knight & Gandhi (2004), Powdthavee (2005) and Hinks & Gruen (2005) and in other, mainly central European developing countries by Namazie & Sanfey (2001) and Hayo (2003).

The research done in recent years in the developed countries, indicated a number of factors that influence wellbeing. The factors include age, income, type of employment, marital status and health status. There are also some macro-economic factors that can influence wellbeing like inflation, unemployment, economic growth and income distribution ((Clark and Oswald (1994), Oswald (1997), di Tella et al (2001), Blanchflower and Oswald (2003), Ng (1996), Diener and Scollen (2003) and Gruen and Klasen (2005))

Much less research has been done on wellbeing in developing countries, though in some of the studies on South Africa undertaken by Hinks and Gruen (2006), Kingdon and Knight (2004), and Powdthavee they attempted to establish the structure of a happiness equation for South Africa and focused on estimating what determines happiness at micro-economic level. They specifically concentrated on the relationship between happiness or subjective wellbeing, absolute income levels, relative income levels, health, marital status and economic activity.

The following results were found in these studies: Racial group played an important part in happiness, with Whites and Asians significantly more likely to report happiness than Africans.

The U-shaped relationship between happiness and age was confirmed, with the minimum happiness reached at an age of approximately 30 years. Gender did not play a significant role in happiness.

Both studies by Powdthavee (2003) and Hinks and Gruen(2006) showed that marital status has no significant impact on happiness in South Africa in contrast to the well established positive effect similar research has shown in many developed countries, though in the study of Powdthavee using the 1997 household survey dataset, he found that South Africans in civil marriages were significantly happier than people who were not married.

In the study of Hinks and Gruen (2006) there was some evidence that the level of education did have an effect on happiness. They found that individuals with a degree or a diploma increased the likelihood of happiness compared to somebody who had no education, but primary and secondary educated were not more likely to be happier than somebody with no education.

The research showed that unemployment significantly and negatively affected happiness compared to somebody that was employed and furthermore individuals that were self-employed were significantly less happy than formal employees. It was also found that temporary employees were significantly less happy than full-time employees. This is in contrast to the findings of Blanchflower and Oswald (2004) for developed countries..

In the paper of Hinks and Gruen they used the type of dwelling to indicate household wealth and found that residing in a formal dwelling place significantly increased the likelihood of happiness.

The studies found that household income significantly influenced happiness, but at a decreasing rate also that relative income played an important role in determining wellbeing. Those individuals earning less than the median income were found to be significantly less happy than those living in households with above median income.

To conclude Hinks and Gruen (2006) found that the structure of happiness equations in South Africa slightly differed from happiness structures found in developed countries. They also emphasised that policy makers had to adapt their policy measures to address the factors that influence wellbeing in South Africa

3. METHODOLOGY

The Forced Migration Study Programme (FMSP) at the University of the Witwatersrand collected data for the purposes of the African Cities Project (ACP). The ACP is a

comparative and longitudinal study of refugees, asylum seekers, migrants and non-nationals in African inner-cities: Johannesburg, Maputo, Nairobi and Lubumbashi. The FMSP used the Migration and the New African City Questionnaire to collect the data in Johannesburg.. The data was collected by making use of a particular version of area cluster sampling, a multi-stage cluster approach. Due to limited resources and assuming that migrant populations were concentrated in particular areas; and that these areas could be located through preliminary consultative work, it was decided by the FMSP to limit the survey to a small number of suburbs.. The study aimed to survey fixed quotas of migrant groups, divided among 600 non-nationals (200 Somali, 200 Congolese and 200 Mozambicans) and a control group of 200 South Africans. According to Vigneswaran (2007) the three groups of forced migrants that were chosen as respondents resided in areas that had cultural attractions corresponding to their needs. The Mozambicans have tended to congregate in the Southern suburb of Rosettenville. The Somalis, who began to arrive in South Africa after 1994, have gathered near Mayfair and Fordsburg where the Indian communities had already established mosques, halaal butchers and other key services for Muslim residents. The Congolese are concentrated in the Western suburbs of Yeoville, Berea and to a lesser extent Bertrams. The raw data collected in the ACP was provided by the FMSP for the purpose of this study and paper.

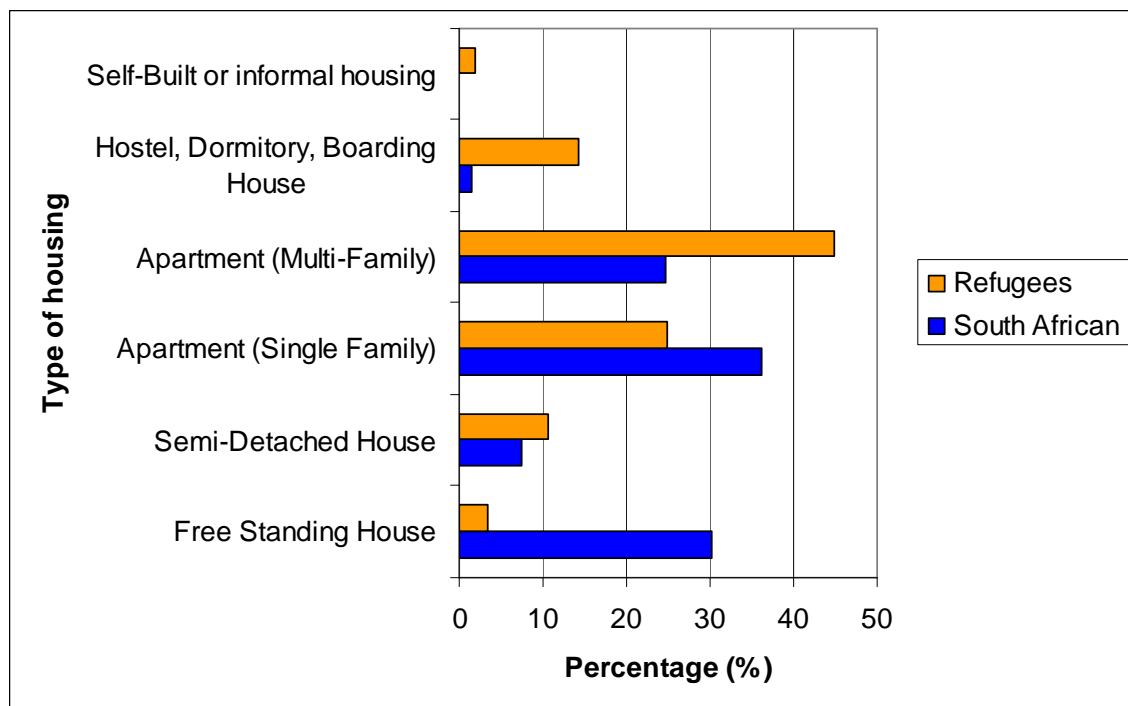
For the purposes of this research question no 125 that asked, “are you currently a refugee or asylum seeker (Migration and the new African City, 2006), was used to split the data between refugees and asylum seekers, other migrants and South African citizens. The origin of the refugees was not considered for the purposes of this study. Four hundred and three respondents were either refugees or asylum seekers. Of this group 194 respondents had already acquired refugee status, while 212 respondents were still awaiting the outcome of their application to be recognized as refugees. Question 100 established in which country the respondents were born and 191 were born in South Africa, though 199 respondents had South African citizenship. In this research the term “refugees” will refer to the 403 refugees and asylum seekers and “South Africans” will pertain to the 199 South African citizens in the sample.

In this study the theory on wellbeing was researched to establish the most important criteria discovered in the developed world and the developing world that are needed to measure wellbeing. The criteria for measuring wellbeing were also selected based on Powdthavee's research (2007b) which showed that the structure of happiness equations are similar in rich and in poor countries, thus the criteria for wellbeing used in developed and developing countries was included in this study. The data collected by FMSP did not include all the criteria covered in previous research on wellbeing, though it did include type of housing, marital status, educational level, employment status, income, age, crime and subjective questions on relative income and on the perceived future of the respondents' children in South Africa. The last information used in the study refers to the wish of the respondents to remain in South Africa or move to another country. Each of the criteria was analysed and based on previous research. The position of South Africans and refugees was compared to establish which group's wellbeing is at a higher level. In conclusion each of the criteria was summarized and it was found which group of refugees or South Africans have a higher level of wellbeing. Lastly the question is posed why the level of wellbeing of refugees is lower than South Africans' seeing that they should have the same rights.

4. RESULTS AND FINDINGS

In this section the results found in analysing each of the chosen criteria for wellbeing are discussed and possible explanations for the results are revealed.

Figure 1: Housing type



Source: Forced Migration Study Programme, 2006

In the study of Hinks and Gruen (2006) the housing type was used as a proxy for a wealth indicator and it was found that individuals residing in formal dwellings had a significantly higher likelihood to attain higher levels of wellbeing.

According to Figure 1 the housing type is specified in an ascending order according to the quality of housing, from a free standing house, which indicates a better type of dwelling, to a self-built house or a shack, showing the lowest category of dwelling. There are 30.2% of South African respondents staying in free standing houses and only 3.2 % of refugees in similar dwellings. A large proportion of refugees stay in hostels, dormitories and boarding houses, 14.3% relative to only 1.5% of South Africans. The result reflects the findings that housing to foreigners is limited in South Africa and they more often stay in apartment buildings or hostels, which are also more affordable. The relatively big proportion of South Africans, namely 30.2%, that reside in free standing houses can reflect the effect of low cost housing that is made available to South Africans. The low cost housing is not as accessible to refugees, although the Act on Refugees (Act 30 of 1998) and the Constitution of South Africa Chapter 2, give them the right to housing.

Consequently using housing type as a criterion for wellbeing leads to the conclusion that South African respondents in this sample have higher levels of wellbeing than the refugees.

Table 1: Marital status

	South Africans	Refugees
	%	%
No response/ Do not know	3.5	
Single (never married)	50.3	39.4
Living with Partner	11.1	4.2
Married	24.5	39.9
Married but Temporarily Living Apart	4.5	9.6
Divorced or Permanently Separated	2.5	5.7
Widowed	3.5	1.2
Total	100.0	100.0

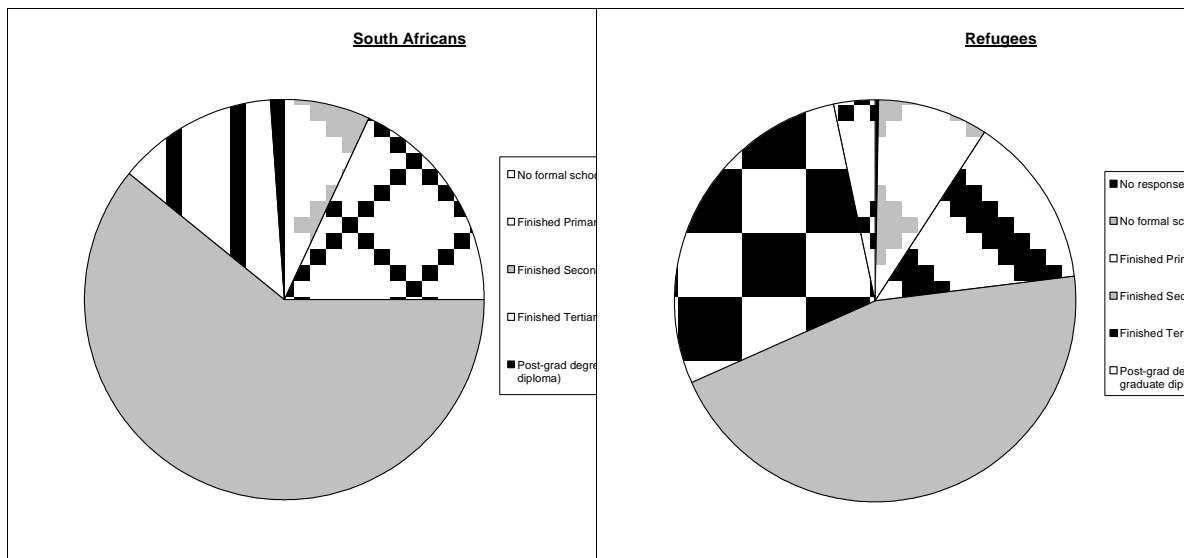
Source: Forced Migration Study Programme, 2006

Studies in the developed world indicated that married people were happier than unmarried persons. (Blanchflower and Oswald, 2004) Powdthavee (2003) using the 1993 Southern Africa Labour and Development Research Unit (SALDRU) dataset, found that marriage did not have a significant impact on happiness, but when using the 1997 household survey dataset, he found that South Africans in civil marriages were significantly happier than people who were not married.

In this research it was decided to include marriage as a criterion based on international research and research conducted by Powdthavee (2003) when using the 1997 household survey dataset. In establishing wellbeing married people and people that live with a partner were found to be happier than single people and single people were happier than

divorced or widowed persons. In Table 1, if the percentage of people living with a partner, married or married but temporarily staying apart are all added and included under “married people” as a category, it was found that 40.1 percent of the South Africans were married compared to 53.7 percent of refugees. The higher rate of marriages among refugees could indicate that the decision to apply for refugee status in a foreign country is often taken by the whole household and that both partners move to the country of refuge. Thus when using “marriage” as a criterion to judge wellbeing, refugees in this sample should be better off than South African citizens.

Figure 2: Education level – percentage of individuals that completed different educational levels



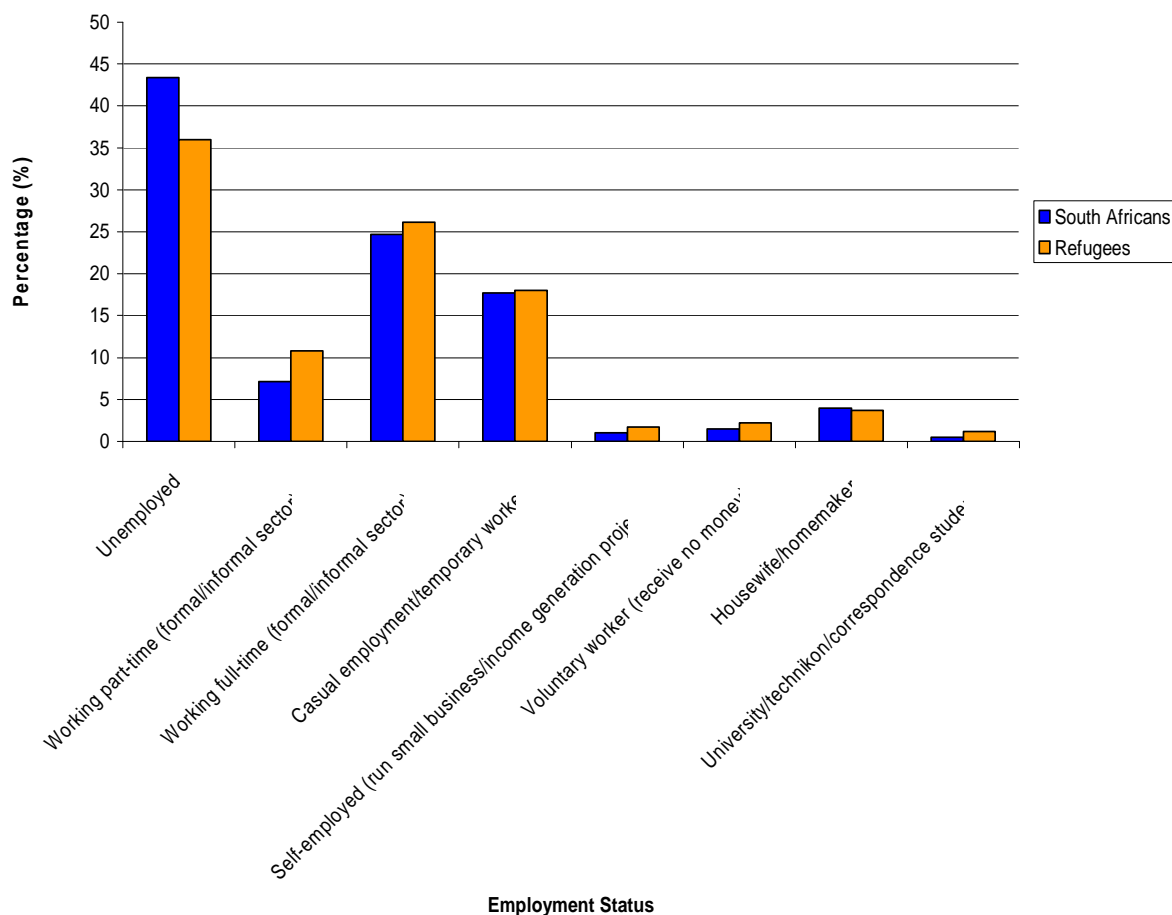
Source: Forced Migration Study Programme, 2006

International evidence showed that the higher the education level of individuals the higher their level of happiness (Oswald, 1997, Blanchflower and Oswald, 2004). This finding was also emphasised relative to South Africa in the studies of Hinks and Gruen (2006).

In Figure 2 the education levels of South Africans and refugees are compared. A higher percentage of South Africans have completed primary and secondary school than the refugees in this sample, though only 14.1% of the South Africans have tertiary education

compared to 30.7% of the refugees. The percentage refugees in the sample with masters and doctorate degrees are almost 3 and half times more than the South Africans with post-graduate degrees. The higher level of education among refugees can show that more highly skilled foreigners might be targeted in their countries of origin, and thus they are more likely to seek refuge in a foreign country. According to the evidence of Oswald (1997) and Blanchflower and Oswald (2004) refugees in this sample are better off than South Africans due to a higher percentage of their having a higher level of education.

Figure 3: Employment status– percentage of individuals according to economic activity



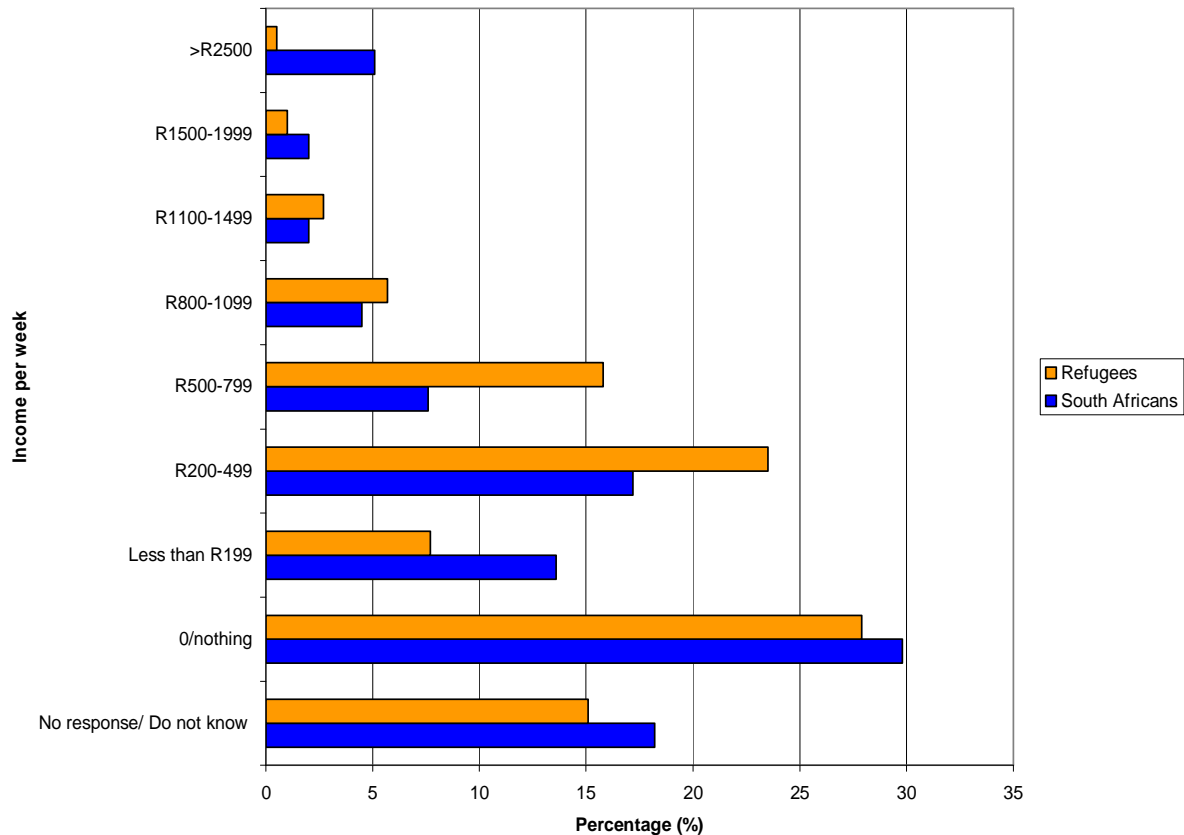
Source: Forced Migration Study Programme, 2006

In the research of Di Tella et al (2003) it was found that self-employed individuals in developed countries were significantly happier than equivalent employees. Hinks and Gruen (2006) found that self-employment in developed countries is split into self-employment in the formal sector and the informal sector. In South Africa the majority of self-employed work in the informal sector, which is characterised by poverty, insecurity, uncertainty and poor conditions, thus self-employment in the informal sector does not contribute to higher levels of wellbeing, though self-employed people in the formal sector should have a higher level of wellbeing, similar to that found in the developed world.. Hinks and Gruen (2006) found that the unemployed were unhappy and suffering from psychological scarring and financial needs.

According to Figure 3 more South Africans were unemployed (43.3%), than refugees (36%) and approximately the same number of South Africans (24.6%) and refugees (26.1%) were full-time employed in either the formal sector or the informal sector. These findings can indicate the willingness of refugees to work at any salary and in any circumstances, due to the difficulties they experience to access social grants and their need to earn income.

Based on the findings of the studies of Di Tella (2003) and Hinks and Gruen (2006) on the economic status of individuals as a criterion for wellbeing and according to the sample statistics shown in Figure 3, refugees should be better off than South Africans if economic status is the only criterion for wellbeing,. If this finding is due to a lack of rights of refugees to access social grants, this lack can have a negative effect on wellbeing, but this needs to be explored in future studies.

Figure 4: Income per week



Source: Forced Migration Study Programme, 2006

Hinks and Gruen's (2006) research showed that income and wellbeing are positively related. This suggests that higher levels of income will contribute to higher levels of wellbeing.

According to Figure 4 approximately the same number of South Africans and refugees earn no income, though when comparing the higher brackets of income, 7.1% of the South African respondents indicated that they earn more than R1 500 per week compared to only 1.5% of the refugees. This result can indicate that refugees, although higher skilled than South Africans are less likely to find better paid employment.

Based on the research of Hinks and Gruen (2006), the higher percentage of South Africans that earn a higher income in Table 4 establishes that more South Africans have a better level of wellbeing than refugees. Considering the results found regarding the

education level of refugees that is higher than South Africans' this outcome is against expectations as higher skilled workers normally earn higher levels of income. At this stage it can only be speculated that foreigners are not readily employed in high paying job opportunities, but this speculation will be researched in future studies.

Table 2: A victim of crime

	South Africans	Refugees
	%	%
No response/ Do not know	0.5	0.5
Yes	42.9	68.4
No	56.6	31.4
Total	100.0	100.0

Source: Forced Migration Study Programme, 2006

In the research of Powdthavee (2003) it was established that on average crime victims reported significantly lower levels of subjective wellbeing than the non- victimized.

Table 2 indicates that almost 43% of the South African respondents or somebody that lives with them was victims of crime in Johannesburg compared to about 1.6 times more refugees that were subjected to crime at 68.4 % of the respondents. The much higher rate of individuals that suffered from crime among the refugee respondents shows that crime as a criterion for wellbeing negatively affected more refugees than South Africans in this sample. This finding can also indicate that more refugees are targeted by criminals than South Africans and that they have a higher risk to become crime victims.

Table 3: Age

	South Africans	Refugees
	%	%
18-25 Yrs	34.8	19.9
26-30 Yrs	18.2	27.9
31-35 Yrs	12.1	27.4
36-40 Yrs	11.1	16.2
41-45 Yrs	8.6	4.2
46- 50 Yrs	4.0	2.5
51-55 Yrs	2.5	0.2
56+	8.6	1.5
Total	100.0	100

Source: Forced Migration Study Programme, 2006

Evidence of a U-shaped relationship was found between job satisfaction or happiness and age in studies by Warr (1992) and Clark et al. (1996) in developed countries and this was emphasised for South Africa in the studies of Powdthavee (2007a) for both the 1993 and the 1997 datasets. Powdthavee indicated in his research that the lowest point of wellbeing is reached at an age of round about 30 years.

Table 3 reveals that 12.1% of the respondents in the sample were between the age of 30 and 35 compared to 27.4% of the refugees. Furthermore that the biggest proportion of refugees namely 71.5% compared to 41.4% of South Africans are between the ages of 26 and 40 years.. Referring to the research of Powdthavee (2007a) that indicates the lowest level of wellbeing at the age of approximately 30 years, it was found that the number of refugees in this age group is significantly more than the South Africans and thus the number of refugees whose wellbeing is lower due to age is greater than the South

Africans'. The considerable number of refugees between the age of 26 and 40 years indicate the age group of working refugees that come to South Africa to earn a living

Table 4: Income compared to income of others in the community

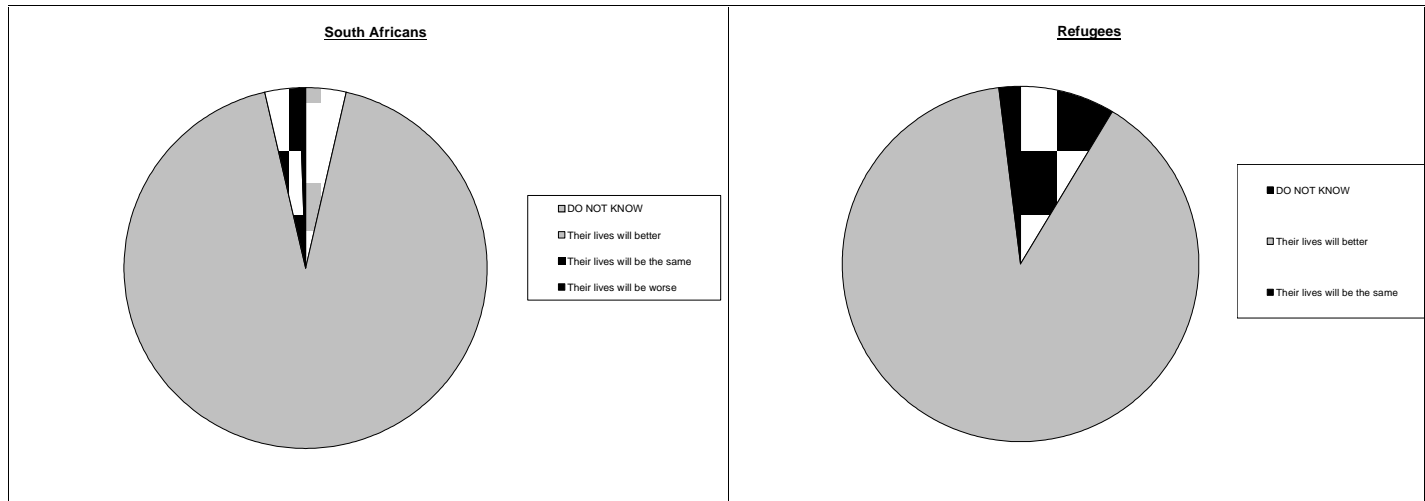
	South Africans	Refugees
Do not know	1.5	6.7
Poorer than Average	27.4	31.6
About Average	56.9	57.5
Better Off Than Average	14.2	4.2
Total	100.0	100.0

Source: Forced Migration Study Programme, 2006

In Gruen and Hinks (2006) it was found that not only the absolute income of individuals influence their wellbeing but also their relative income. If their relative income was higher than the perceived income of the community it would have a positive impact on wellbeing and if it were less than the community's perceived income, it would have a negative effect on wellbeing.

This question is a subjective question and reflects the individual's income compared to the perceived income of other residents in the community. Table 4 indicates that more refugees(31.6) than South Africans in this sample (27.4%) think that their income is lower than average and fewers refugees, 4.2%, compared to 14.2% of South Africans assume that their income is higher than average. The information in Table 4 indicates that refugees' wellbeing is lower than South Africans' due to their perceived notion of lower incomes compared to the average income of individuals in their residential areas.

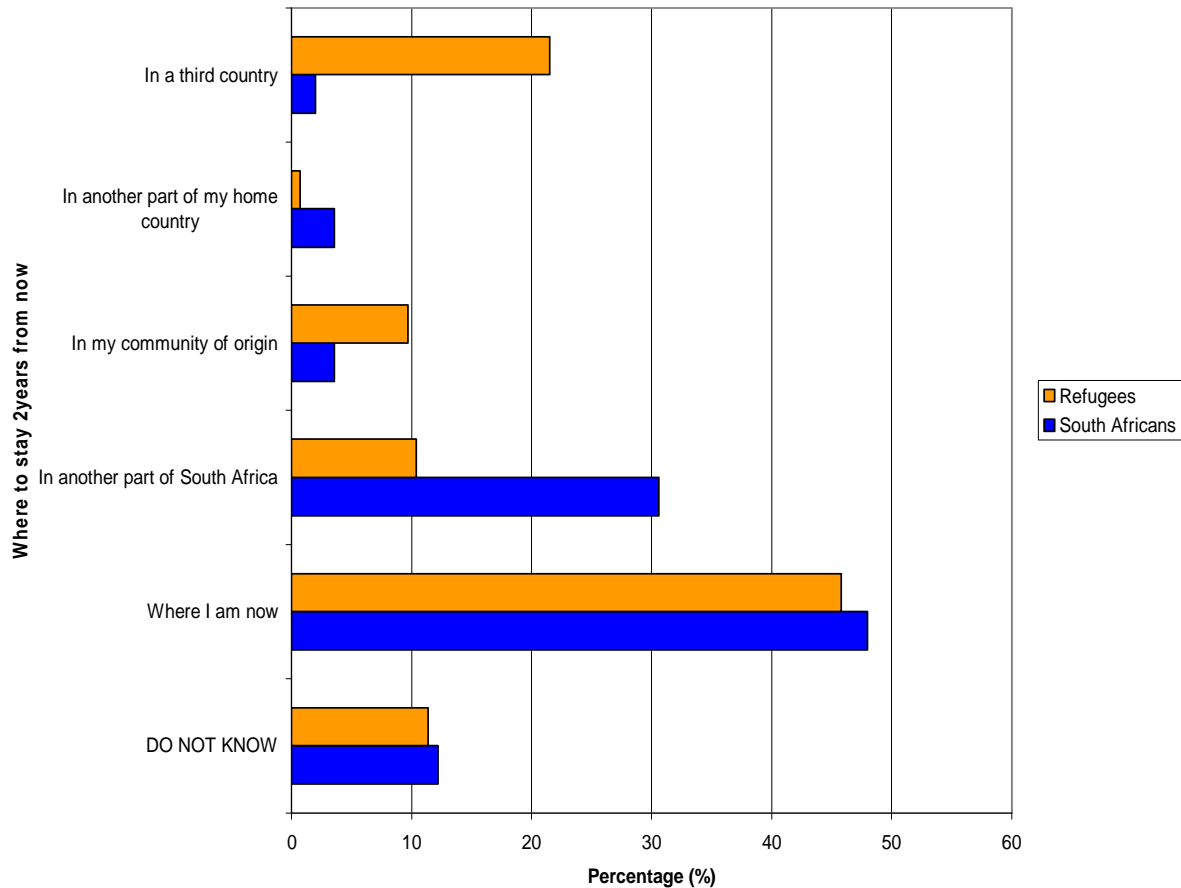
Figure 5: Do you expect your children's lives will be better or worse than your own life?



Source: Forced Migration Study Programme, 2006

“Do you expect your children's lives will be better or worse than your own life?” (FMSP, 2006). This is a subjective question to understand the respondent's future expectations about the quality of life they anticipate their children will have. If they feel that their children will be better off, it shows that the respondents are positive about the future of their children in South Africa, however if they think their children will be worse off, their expectations for the future is dim. Figure 5 shows that 93% of South Africans had a positive expectations for future of their children in South Africa where as only 86 % of the refugees felt that their children 's wellbeing will be better than their own. Only 0.5% of the South African respondents thought that their children will be worse off, while 3, 2 % of the refugees felt that their children's wellbeing will be poorer than their own. This shows that South Africans are more positive about the future for their children in South Africa than the refugees.

Figure 6: Where do you expect to stay two years from now?



Source: Forced Migration Study Programme, 2006

According to Cernea (2000) displacement or resettlement is successful if the displaced prefer to stay in the new settlement, if the person wishes to move to another country it implies that the resettlement was not successful. Figure 6 shows that 48% of the South Africans reported to be happy in Johannesburg suburbs compared to only 45.8% of the refugees. A significant percentage of 21.5% of refugees wanted to move to a third country, while only 2% of the South Africans respondents wanted to leave South Africa. In total 32% of refugees wished either to return to their home countries or to move to a third country. This indicates that the resettlement of refugees in South Africa did not contribute to their wellbeing.

5. SUMMARY OF THE MAIN FINDINGS

Table 5: Summary of the main findings

Criteria	South Africans	Refugees
Housing type: Free standing house	30.2%	3.2%
Marital status: Married	40.1%	53.7 %
Education level: Tertiary education	14.1	30.7
Employment status Unemployed:	43.3	36.0
Income per week: More than R1500	7.1	1.5
Age 31-35 years	12.1	27.4
Victim of crime: Yes	42.9	68.4
Relative Income: Poorer than average	27.4	31.6
Future expectations - children's lives: Worse off	0.5	3.2
Future residence: Move to a third country	2	21.5
Total number of criteria that reflects better wellbeing for SOUTH AFRICANS	7	
Total number of criteria that reflects better wellbeing for REFUGEES		3

Source: Summary of findings – Greyling, 2008

The criteria chosen to compare the level of wellbeing of refugees and South Africans were based on previous research conducted in both the developed countries and developing countries. The criteria analysed were housing type, marital status, educational level, and employment status, income per week age, crime, relative income, future expectations and future residence in the country.

The findings were summarised in Table 5 and it showed that there are only three categories out of the possible ten in which more refugees had a better level of wellbeing than the South Africans. The three categories were marital status, educational level and employment status. In the other seven categories more South Africans were likely to be better off. The categories included: housing type, income, age, crime, relative income, future expectations and future residence. Considering all ten criteria used, the majority of the criteria indicated that the percentage of refugees experiencing wellbeing was lower than the percentage of South Africans.

Furthermore allowing for only the subjective questions posed in the questionnaire namely; question 445, 804 and 809 the following was found: Question 445 asked, “compared to others in the area where you live, would you say your household is, poorer than average, about average or better off than average?” (FMSP, 2006) The answer to this question indicated that the majority of refugees felt that they were poorer than average and reflected the overall finding of this study, that fewer refugees are well off compared to South Africans. The two other questions revealed the future expectations of refugees. The first question was question 804 which asked, “Where do you expect to be living two years from now?” (FMSP, 2006). The refugees replied that 32% of them would rather shift to either a third country or their home country than stay in South Africa. The last question asked, “Do you think that your children's lives will be better or worse than your own life?” (FMSP, 2006). Six times more refugees than South Africans felt that their children would be worse off in South Africa than themselves. Both these questions reflected that refugees were pessimistic about their future in South Africa.

One of the reasons for the lower level of wellbeing among refugees is that though Act 30 of 1998 establishes all the basic rights that refugees have in South Africa including the right to work, primary education, primary healthcare and social welfare, refugees do not have access to these rights (CICLASS (2007). The main reason for this is the Identification Document (ID) they are issued with. South African citizens are issued with a 13 digit ID, but the ID of refugees has only 12 digits and will not be accepted at many institutions to access any free services or social welfare. This is a problem that will have to be addressed by government in the near future to improve the wellbeing of refugees. A second reason for the lower wellbeing of refugees is the xenophobia experienced in South Africa. Refugees are often the target of crime. Criminals know that refugees are unwilling to report incidents to law enforcement officers due to the negative attitude these officers harbour against refugees (Wa Kabwe-Segatti & Landau, 2008). The xenophobia also leads to lack of job opportunities and a tendency to underpay refugees. The whole matter of xenophobia needs to be addressed urgently, furthermore the misconceptions for example, the low level of education and the “stealing of South Africans jobs” must be removed.

6. CONCLUSION

This paper might be one of the first papers to link the literatures on refugees and wellbeing in developing countries. In this paper the definitions applicable to refugees and the rights of refugees were explained, in addition the wellbeing of refugees was analyzed and compared to the wellbeing of South African citizens in Johannesburg. For the purposes of the analysis and the comparison of data, ten criteria for determining wellbeing were selected in accordance to previous research done in developed and developing countries. The selection was restricted by the dataset, “Migration and the New African City” (FMSP, 2005), as it did not cover health aspects. The criteria were housing type, marital status, educational level, and employment status, income per week age, crime, relative income, future expectations and future residence in the country. It was found that refugees were only better off in three out of the ten selected criteria namely; marital status, educational level and employment status. In the other seven

categories more South Africans were likely to be better off. The categories were: housing type, income, age, crime, relative income, future expectations and future residence. Considering the total outcome, the majority of the criteria indicated that the percentage of refugees experiencing wellbeing was lower than the percentage of South Africans. Furthermore allowing for only the subjective questions posed in the questionnaire it was found that: (1) the majority of refugees felt that they were poorer than average and reflected the overall finding of this study, fewer refugees are well off compared to South Africans, (2) 32% of the refugees would rather move to either a third country or their home country than stay in South Africa, (3) more than six times more refugees felt that their children will be worse off in South Africa than themselves.

It was found that one of the reasons for the lower level of wellbeing among refugees was that Act 30 of 1998, which establishes the rights of refugees in South Africa were not fully enforced, for example the I.Ds issued to refugees have only 12 digits instead of 13 and is not accepted at most of the institutions that facilitate services. A second reason is the xenophobia experienced in South Africa. Refugees are often the target of crime and violent attacks. Criminals know that refugees are unwilling to report these incidents to authorities owing to the historical distrust refugee's harbour against law enforcement agents. Xenophobia also leads to lack of job opportunities and a tendency to underpay refugees. Furthermore the misconceptions of locals about refugees for example their low level of education and the "stealing of South Africans jobs" must be removed.

It is recommended that to improve the wellbeing of refugees the government should address problems experienced with the implementation of Act 30 of 1998. Locals should be informed about refugees and the misconceptions they have must be addressed. The scarce skills refugees have should be used to contribute in the development of South Africa. Active policy measures should be taken to provide protection to refugees and change the attitude of law enforcement officers against foreigners in South Africa. All this will also contribute to decreasing xenophobia.

Future research will be undertaken to estimate the subjective wellbeing function of refugees. Such a function will be beneficial to predict the effect of future policy measures undertaken by the government of South Africa. Research should also be carried to address the problems of implementation of the rights of refugees. Current research performed by FMSP examines the contributing factors to xenophobia and should shed light on conceptions of locals about refugees and have a gist of solutions to address this problem.

The number of refugees and foreigners entering South Africa is significant and increasing. South Africans will have to be educated concerning refugees and their wellbeing. This is of utmost importance to build a peaceful, developed South Africa.

NOTES

1. In the paper if “he” is used it also refers to “she”

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