



SOUTH AFRICAN
WAR RESISTERS
GUIDE TO ASYLUM
IN THE UNITED KINGDOM

INTRODUCTION

Chances are that if you are reading this in England you will have already got in touch with the Committee On South African War Resistance in London. It has been prepared by the welfare and education sub-group of COSAWR to give you some background information on asylum in the United Kingdom, and to make sure that a lot of those questions are answered.

MAKING AN APPLICATION FOR ASYLUM

Making an application for asylum is a step that will only need to be taken if you cannot apply for the passport of another country. Should you have another passport, its worth bearing in mind that to work in this country it will have to be a commonwealth or european community passport.

1. THE PROCESS

You will probably have entered the UK as a tourist. Your passport will probably be stamped with a visa allowing a visiting period of 6 months with employment prohibited. After your initial interview with COSAWR, and assuming you are a *bona fide* war resister and wish to apply for asylum, an interview will be arranged for you with the United Kingdom Immigrants Advisory Service Refugee Unit (UKIAS-RU), or with a lawyer. UKIAS-RU are an independent service who deal exclusively with refugees from all over the world, so their experience in dealing with asylum procedure and practice is unrivalled.

You will need to prepare a written statement explaining your reasons for applying for asylum in the UK to the Home Office. This statement will be submitted to the Home Office along with your passport and any other documentation that is deemed necessary (eg callup papers). Its important to get a receipt from the Home Office when you make the application. Once you have submitted your application you are legally entitled to remain in the UK until a decision is made on your case.

After some time (about 6 months) you will usually, but not always, be called to the Home Office in Croydon for an interview, at which you will have to expand on your written statement. If you do not go for an interview you will be sent a form to fill in, again to expand on the statement you wrote. After about 24-28 months (the current average) from the time you submitted your application a decision will be made on your case which can go one of three ways.

2. THE DECISION

* Refugee Status/Leave To Remain:

Your application for asylum is accepted and you will be recognised as a refugee under the United Nations Convention Relating to the Status of Refugees of 28 July 1951 and its Protocol of 1967. You may not travel on your South African passport and you will be issued on application with a United Nations Convention Travel Document. This gives you the protection of the United Nations High Commission for Refugees but is issued by the Home Office. You will receive '*leave to remain*' in the United Kingdom for 4 years after which you can apply for '*indefinite leave to remain*' (permanent residence). After one year of indefinite leave to remain you can apply for naturalisation and British citizenship or passport. This is granted on a discretionary basis taking into account various factors such as time spent in the UK etc.

* Exceptional Leave to Remain:

You are not recognised as a refugee but are granted permission to stay in the United Kingdom. The Home Office has not given you refugee status but has considered your situation as someone who opposes conscription in defence of apartheid and therefore faces imprisonment. Your SA passport will be returned to you with this status ('*exceptional leave to remain*') stamped in it. This is granted for one year and renewed every year for a total of 7 years before you can apply for '*indefinite leave to remain*' (permanent residence). After one year of indefinite leave to remain you can apply for naturalisation etc. You can appeal against exceptional leave to remain without fear of losing it should the appeal fail. Should the SA authorities refuse to renew your passport once you have this status you will be able to apply for a Home Office Travel Document, which will only be valid for the period of the exceptional leave to remain.

* Refusal/Appeal/Deportation:

Your application is refused, in which case you will need to lodge an appeal within 2 weeks of this refusal. You will wait for about 6-8 months before the Home Office hold what they call a preliminary hearing at which you (or your representative-*ie* UKIAS or your lawyer) bring forward the evidence you want to present at the appeal hearing. On the basis on what evidence you will use the Home Office usually decide whether its worth their while going to an appeal hearing and they will sometimes make a decision on your case before the appeal hearing. Should the appeal hearing take place the case will be heard at Thanet House in London by specialist Adjudicators(judges).

Should the appeal fail you will be issued with a deportation order which you will need to appeal against within 2 weeks and the process starts again. Since you only have 2 weeks in which to lodge an appeal it is important to notify the Home Office of any change of address or to be in regular contact with an address to which your mail is sent.

3. FACTORS AFFECTING THE OUTCOME OF YOUR APPLICATION

The following declarations apply directly to how your application will be determined. The definition of a 'refugee' is taken from Article 1 of the Convention Relating to the Status of Refugees 1951 (the "Geneva

Convention") and the Protocol Relating to the Status of Refugees 1967. A refugee is described as a person who "...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; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable to, or, owing to such fear, is unwilling to return to it."

A United Nations General Assembly Resolution 33/165 of December 1978 called upon Member States to grant asylum or safe transit to another State, in the spirit of the Declaration on Territorial Asylum to persons compelled to leave their country of nationality solely because of a conscientious objection to assisting in the enforcement of apartheid through service in military or police forces.

In short a war resister has to show that to serve, or to continue serving in the SADF and consequently be held responsible for all the actions of the SADF, is contrary to well motivated political, moral or conscientious opinions. Any previous expression of these opinions, as well as proof of harsh punishment faced in the case of return to SA would be relevant. As provision has only been made for religious universal pacifists in SA, the Home Office would reject purely religious opposition to conscription, but religious conviction involving anti-apartheid beliefs would be relevant. Fear or dislike of combat, military service or fear of prosecution for refusing to serve do not on their own constitute a 'well founded fear of persecution', neither does a being in disagreement with the government constitute adequate political justification for claiming asylum.

4. REGISTRATION WITH THE POLICE

Once you have received either refugee status or exceptional leave to remain you need to register with the Metropolitan Police Aliens registration office in Lamb Conduit St EC1. This currently cost £25, whereupon you will be issued with an ID document with all your details on it.

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WELFARE BENEFITS

1. WORK AND THE DOLE

Once you have made an application for asylum you will be prohibited by law from taking up employment for a period of 6 months. After your application has been outstanding for this period of time you will need to write to them saying "I have made an application for asylum which has been outstanding for over 6 months. I request a variation of my conditions of leave to permit me to take employment." You will be sent a Home Office letter confirming that there are no longer restrictions on taking employment and you need to use this letter to apply for a National Insurance number.

In the time that you are not allowed to work and at any time at which you are unemployed you are able to apply to the Department of Social Security in your area for money to live on. At the DSS office you will be interviewed and questioned on your circumstances. As an asylum seeker you are entitled to draw on the social security system to meet your living expenses. There are three kinds of payments you can claim:

- * Income Support- a weekly payment to cover all living expenses excluding rent.
- * Housing Benefit- an amount paid to cover your rent.
- * Loan payments from the social fund to meet other expenses

Asylum applicants are paid under a regulation called special cases 21. When you go to the DHSS take the letter issued by the Home Office that shows you are a *bona fide* refugee awaiting a decision by the Home Office. Your income support will be posted to you once a fortnight. It can only be cashed at a specific post office, normally the one nearest to your home. You should get the first cheque within 14 days of your DHSS interview; if it does not arrive chase it up immediately.

Since you will be drawing Income Support you are entitled to claim Housing Benefit to pay your rent. The DSS will arrange for your local councils Housing Benefit Department to process your application and send you the cheque. In addition to Income Support and Housing Benefit you may apply to the DSS for a loan should you need clothing, furniture and certain household items. This will be repaid out of your Income Support, and should it be refused you should make a complaint to your local Member of Parliament who you should be able to contact through your local council information service.

When you receive Income Support it is assumed that you are available for work. If you work and draw Income Support you are claiming money illegally and should you be caught and prosecuted you will lose your right to appeal in a decision on your asylum application.

2. HEALTH

As an asylum applicant you are entitled to free health care through the National Health Service. You should register yourself with a doctor in your area making it clear that you are a resident in the area and providing them with proof of your application for asylum. You need to fill in a form and will (eventually) receive a National Health card and number. If you are on Income Support you will also be entitled to free dental care, optical treatment and prescriptions. Although you are supposed to go through your GP for all medical attention it is worthwhile finding out which of the local hospitals has a casualty facility.

3. HOUSING

Available housing to rent in London and most of England is divided roughly between 3 categories; rented from a private owner, rented from a local council or rented from a housing association/cooperative. If you are staying at a friend or contacts house and you are looking for your own place to stay the first step is to contact your local councils Housing Office to register yourself as a homeless person. As a single person it is very unlikely that they will provide you with any accommodation in the short term but in the years to come you might be offered a council flat at a very reasonable rent. Make sure that they give you a housing list number. Housing need is calculated on a points system. Single people have the lowest points but if your circumstances change..eg if you marry, or your wife/lover/girlfriend is pregnant notify the Housing Office because your points grading may change. The Housing Office will also be able to provide you with a list of Housing Associations that have houses in the area; contact them and put your name down for a place to stay.

The second step is to contact the Kiptown Housing Coop, a coop that caters for South African refugees and exiles. Its worthwhile joining the coop as you might get a place to stay sooner than you think. Call the COSAWR office for details.

Now the nitty gritty of seeking accommodation on the open market so to say. Rented accommodation is advertised in a lot of newspapers, the best are probably The Evening Standard and local borough weeklies such as South London News etc. Check also free magazines like TNT, LAW and other listings magazines like Time Out and City Limits. Noticeboards in Newsagents, community centres and education colleges are another source of openings.

Privately rented self-contained flats tend to be very expensive. Sharing a house with others or renting a bedsit are cheaper alternatives. Remember that landlords and landladies tend to discriminate against unemployed people, and you might have to pay a months rent as deposit and a months rent in advance before securing the room. In any case you will be able to retrieve this money from the DHSS providing you have documentation of the lease, and proof of the rent you are paying.

4. EDUCATION

Tertiary education in the UK is largely funded by government and local authority grants. Grants are assessed on a number of factors including your status in the UK, the course you are doing, the funding available etc. Your local education authority will be able to outline your eligibility for grants.

A publication worth buying is called Floodlight which is published in Summer of each year. It lists all the courses available for adults in the Greater London Area and gives contact names and numbers for colleges and institutions in your area. Courses run from Sept to August of the following year, the British teaching/studying year. You will find that while you are receiving Income Support you will be able to do 21 hours per week courses for about £1 per annum, excluding equipment such as books and materials. Otherwise prices can vary.

5. LEGAL

You are entitled to free legal advice and assistance ; your best contact for non-asylum matters would be your local Community Law Centre or Citizens Advice Bureau where you can find out about obtaining legal aid. Matters specifically related to your asylum application are best dealt with by UKIAS, while the British Refugee Council(BRC) can provide information and advice AFTER you have made an asylum application.

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GENERAL INFORMATION

1. THE COMMITTEE ON SOUTH AFRICAN WAR RESISTANCE

COSAWR was formed in late 1978 in England. It has continued to exist since then as the only organised presence of war resisters outside of South Africa. COSAWR-Netherlands was formed early the next year. It is probably best known for its journal *RESISTER* which has continued since March 1979 uninterrupted. The focus of COSAWR's work is war resistance, the apartheid war and the international campaign for the total isolation of apartheid. We are all conscripted South Africans who have refused to fight and who have chosen exile to avoid conscription.

2. LIBERATION MOVEMENTS

Both the ANC (African National Congress of South Africa) and SWAPO (South West African Peoples Organisation) have offices in London. Sechaba (the journal of the ANC) will give you a good idea of how the ANC view developments in South Africa. SACTU Newsflashes and the ANC Newsbriefings give up to date information from SA sources and others on trade union affairs and on matters affecting the democratic movement in SA. The African Communist is also available from the South African Communist Party, being a quarterly journal on developments in Africa written by South African communists.

3. SOLIDARITY ORGANISATIONS

****Anti-Apartheid Movement (AAM):** a British organisation which has its head office in London and a network of active local groups in London and around the country. They campaign for the total isolation of South Africa, having the consumer boycott of South African goods and the campaign for the release of political prisoners as their major foci.

****Namibia Support Committee (NSC):** also a British organisation that campaigns for the immediate independence of Namibia, and supports SWAPO and the right of the Namibian people to self determination.

****End Loans To South Africa (ELTSA):** A group working on the isolation of financial support given to South Africa by international financiers.

****Mozambique Angola Committee:** small group campaigning to increase public awareness of the situation in both Mozambique and Angola.

****European Campaign Against South African Aggression on Mozambique and Angola (ECASAAMA):** Europe wide network to draw attention to the destruction by South Africa of these countries economies.

****South African Non Racial Olympic Committee (SANROC):** an organisation primarily concerned with sports issues and violations of the Sports boycott.

4. REGULAR INFORMATION ON SOUTHERN AFRICA

- Weekly Mail, South, New Nation (from selected bookshops... Colletts/Books For a Change/Central Books)
- ANC news briefings (from ANC, 28 Penton St London)
- Southscan (from Southscan Ltd, PO Box 724 London N16 5RZ)
- AAnews, Action on Namibia (from AAM and NSC)
- Angop News Bulletin, MIO News Review (from 16 Maddox St, London W1 and 7a Caledonian Rd, London N1 9DX)
- Focus (from IDAF, 64 Essex Road, LONDON N1 8LR)
- Daily Newspapers such as Guardian, Morning Star, Independent, Daily Telegraph, Times and Financial Times have regular reports from SA
- BBC World Service news sometimes has reports from SA in their world news (648 Medium Wave).

5. CONTACTS

- * COSAWR, BM BOX 2190, LONDON WC1N 3XX, TEL: 287 3786
- * UKIAS (Refugee Unit), 2nd Floor, County House, Gt Dover St, LONDON SE 1, Tel: 357 7421
- * HOME OFFICE, Lunar House, Wellesley Road, Croydon, CR9 2BY, Tel: 686 0688 (Immigration), 686 3441 (Nationality)
- * DHSS (General Enquiries), Alexander Fleming House, Elephant and Castle, LONDON SE1, Tel: 210 3000 ask for gernal enquiries
- * BRC (British Refugee Council), Bondway House, 3 Bondway, LONDON SW8, Tel : 582 6922
- * AFRICAN NATIONAL CONGRESS (SA), Box 38, 28 Penton St, London N1 9PR, Tel: 837 2012
- * ANTI APARTHEID MOVEMENT, 13 Mandela St, London, NW1 ODW, TEL: 387 7966
- * ELTSA, PO Box 686, London NW5, Tel: 708 4702
- * IDAF, 64 Essex Road, LONDON N1 8LR, Tel: 359 9181
- * Mozambique Information Office, Tel: 278 8691
- * Mozambique Angola Committee, Tel: 733 0519
- * Namibia Support Committee, Box 16, 53 Leverton St, LONDON NW5 2LW, Tel: 267 1942
- * National Citizens Advice Bureau, Middleton House, 115-123 Pentonville Rd, LONDON N1, Tel: 833 2181
- * SOUTH WEST AFRICAN PEOPLES ORGANISATION, Box 194, 96 Gillespie Rd, LONDON N5 1LW, Tel : 359 9116

* WAR RESISTERS INTERNATIONAL, 55 Dawes St, LONDON SE17 1EL, Tel:703 7189

* WORLD UNIVERSITY SERVICES, 20 Crompton Terrace, LONDON N1, Tel:226 6747

Your local library and council hall will have information on facilities available in your local area . See also your local directory(Thompsons)

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