

---

**MIGRANT RIGHTS MONITORING PROJECT**

---

**Special Report  
No. 2**

**MIGRANT ACCESS TO HOUSING IN SOUTH AFRICAN CITIES**

FEBRUARY 2008



**Jennifer Greenburg and Tara Polzer**

**Forced Migration Studies Programme  
University of the Witwatersrand  
Johannesburg, South Africa**

[migration.org.za](http://migration.org.za)

## **Migrant Rights Monitoring Programme (MRMP)**

The Forced Migration Studies Programme (FMSP) is Southern Africa's premier centre for research on migration, aid and social transformation. In 2007, the FMSP launched its Migrant Rights Monitoring Programme, building upon the organization's established record of research and advocacy on migrant rights. Its monitoring is premised on sustained, rigorous research into migrants' access to basic human rights, the implementation of South African immigration policy, and the nature of human rights abuses against non-nationals in South Africa.

The Special Reports series provides regular in-depth assessments of particular issues arising from this monitoring work.

Darshan Vigneswaran and Tara Polzer are the co-ordinators of the Migrant Rights Monitoring Project.

## **Recent publications from the Migrant Rights Monitoring Project**

### *Summary Reports*

- Consortium for Refugees and Migrants in South Africa (June 2007) *Protecting Refugees and Asylum Seekers in South Africa*

### *Special Reports*

- Special Report No. 1  
FMSP and Musina Legal Advice Office (September 2007) *Fact or Fiction? Examining Zimbabwean Cross-Border Migration into South Africa*

### *Occasional Reports*

- Occasional Report No. 1  
Busani Tshabangu, Xolani Tshabalala, Jean-Pierre Misago (June 2007) *Violence Against Foreigners in North-West Province*

**About the authors:** Jennifer Greenburg is a PhD student in geography at the University of California Berkeley. [Jennygreenburg@gmail.com](mailto:Jennygreenburg@gmail.com). Tara Polzer is a researcher and the co-coordinator of the Migrant Rights Monitoring Project in the Forced Migration Studies Programme of the University of the Witwatersrand. [Tara.polzer@wits.ac.za](mailto:Tara.polzer@wits.ac.za)

**Acknowledgements:** Special thanks to all Forced Migration Studies Programme staff who made this research possible and research assistants Jean Kisona Kapoma and Xolani Tshabalala. Thanks also to Ismail Farouk for contributing the case studies on Bertrams and the Fashion District. We are also sincerely grateful to all interview participants for their time and willingness to engage in conversation.

**The Migrant Rights Monitoring Project is supported by the Atlantic Philanthropies Foundation**

Please forward any inquiries on the contents of this report and details of the Migrant Rights Monitoring Programme to: [Tara.polzer@wits.ac.za](mailto:Tara.polzer@wits.ac.za) or [Darshan.Vigneswaran@wits.ac.za](mailto:Darshan.Vigneswaran@wits.ac.za)

---

## EXECUTIVE SUMMARY

---

This report provides an overview of the difficulties foreign migrants face accessing accommodation in South African cities. Rather than analyse any sector in detail, the report summarises issues relating to a range of housing options, including public housing, non-governmental housing provision and the private rental market. Providing access to dignified and healthy housing is a key policy challenge for South African cities in relation to all urban residents.<sup>1</sup> South Africa's policy of migrant and refugee self-settlement and urban integration, rather than confinement to camps, means that migrants compete within the generally overburdened urban housing market. The report argues that South Africa's cities will only win the battle to build sustainable communities and infrastructure by actively including foreign migrants in their public and private housing planning and provision.

The National Housing Code explicitly excludes migrants from government housing subsidies and upgrading schemes. Some local governments recognise refugees and asylum seekers as specific categories of migrants who should have access to government housing subsidies and other support mechanisms, but this is rarely implemented. Others lack awareness as to the rights of refugees and asylum seekers.

A small number of shelters and refugee service providers offer temporary support to migrants in desperate need of accommodation. The limited funding available to subsidize rents and temporary shelters provides a valuable buffer against complete despair but the piecemeal nature of this support compounds existing housing problems such as volatility and overcrowding. Churches are one of the most significant institutions through which migrants gain access to temporary and longer-term housing.

In the private sector, migrants face wide-spread discrimination and xenophobia on the part of landlords and estate companies, some of whom are unaware of who constitutes a legal migrant and whether it is legal to rent to refugees. These constraints often lead migrants to informally sub-lease, live in overcrowded and unsanitary conditions and pay bribes to access accommodation. Volatility is another key characteristic of housing histories: many migrants and refugees describe histories of continuous displacement from one temporary form of accommodation to the next.

This report offers recommendations intended to foster debate and action aimed at improving migrants' access to housing and the lives of all who use urban spaces. These recommendations include a review of the National Housing Code for language that excludes refugees and asylum seekers, the improvement of migrants' access to identity documents so that they may work and engage in legal rental contracts, and the inclusion of migrants in inner city regeneration schemes and ongoing debates over transitional and subsidized housing programmes.

---

## RECOMMENDATIONS

---

### ***National Department of Housing***

- Review the National Housing Code for language which excludes refugees and asylum seekers and conflates them with undocumented migrants.
- Include recognized refugees and asylum seekers as specific categories of legal migrants who should be included in access to subsidy and upgrading schemes.

### ***Department of Provincial and Local Government, Local Government Authorities, Inner City Partnership Forum***

- Include migrants and representative migrant organisations in ongoing discussions and planning for transitional and subsidized housing programmes.
- Provide training and awareness raising for local government authorities on refugee and migrant rights.
- Develop programmes to educate landlords about the legality of renting to documented refugees and asylum seekers and monitor and penalize those landlords taking illegal advantage of migrants.
- Recognize migrants, especially legal immigrants and refugees, as stakeholders in the inner city.
- Take into account how migrants will be affected by inner city regeneration strategies, in particular the upgrading of “bad buildings.”
- Foster supportive partnerships with churches and shelters providing housing relief.

### ***Department of Home Affairs***

- Improve migrants’ access to identity documents so that they may work and engage in legal rental contracts.
- Undertake education projects for local government authorities and the Department of Housing to increase recognition of refugee and asylum seekers’ identity documents.

### ***Non-governmental organisations and religious institutions***

- Continue working to expand current temporary and emergency shelter provision for both foreign migrants and destitute South Africans, ideally in coordination with municipalities and donors.
- Engage with existing shelters that discriminate against foreigners to encourage them to open up their services.
- Especially in the case of religious institutions, develop more formalised programmes around shelter to improve the quality of the shelter provided, without losing the charitable motivation to welcome and support needy persons.

# MIGRANT ACCESS TO HOUSING IN SOUTH AFRICAN CITIES

---

## BACKGROUND

---

Since the advent of democracy, South African cities have become important destinations for the continent's refugees, asylum seekers and economic migrants. A survey conducted in 2003 by the Institute for Security Studies found that close to one quarter of Johannesburg's inner-city residents were born outside of South Africa. More recent work suggests that the proportion of foreign born may be much higher in certain neighbourhoods.<sup>2</sup> The 2007 Inner City Survey conducted by the eThekweni Municipality reports that Durban's inner city population is between 7.5 and 11 percent foreign born. Though current reliable figures were unavailable for Cape Town, migrants certainly form an important aspect of social and economic life in the city. It is clear that the impact of migration on our cities cannot be ignored or reversed.

Housing not only provides physical shelter; it impacts strongly on health and livelihood options, and shapes whether one feels at home in the city. Migrants, both foreign and South African, encounter a severe housing crisis when they arrive in South African cities. This report discusses refugees' and migrants' rights to housing in practice. The right to adequate housing is stated in the Universal Declaration of Human Rights (1948) and the International Covenant on Economic, Social and Cultural Rights (1966).<sup>3</sup> Chapter Two of the South African Constitution states that "Everyone has the right to have access to adequate housing." South Africa's Refugees Act (130 of 1998) guarantees those rights provided in Chapter Two of the Constitution to refugees specifically. In practice, however, migrants face significant difficulties accessing accommodation. The particular ways in which migrants are experiencing the housing crisis raise the question of who has rights to the city, a debate that carries the highest stakes in post-apartheid South Africa.<sup>4</sup>

From the perspective of metro municipalities, how and whether migrants are included in housing policy and practice has direct impacts on questions of public health, urban regeneration, infrastructural service provision and on the goal of building inclusive, culturally diverse, world-class cities.

"There is no respect for this right [to housing]. In South Africa they accept refugees here but they don't do anything – we are just left like this."

*Congolese Refugee, Doornfontein, Johannesburg*

"UNHCR and its partner organizations do not usually provide accommodation to asylum seekers and refugees in South Africa. When you arrive in the country, **it is your responsibility to find your own accommodation.** Try and find out about available accommodation through friends and community members who have already been in the country for some time....."

*Excerpt from Jesuit Refugee Services flyer, Johannesburg (emphasis in original)*

---

## METHODS

---

This report is based on information from two surveys and on additional key informant interviews and focus groups. During June and July 2007, four focus groups and a total of 40 individual interviews were conducted with migrants as well as actors in the National Department of Housing, local government, private landlords, churches and Christian development organizations, homeless shelters, refugee service providers and other non-governmental organizations. The bulk of the research was undertaken in the Johannesburg neighbourhoods of Hillbrow, Berea, Bertrams, Yeoville, Doornfontein and Rosettenville, with some institutional interviews in Cape Town and Durban.

Furthermore, a 2006 survey entitled "Migration and the New African City: Citizenship, Transit, and Transnationalism," surveyed 847 individuals, including foreign migrants and South Africans, in seven central Johannesburg neighbourhoods.<sup>5</sup> Statistics from this study are referred to as the New African City (NAC) survey. A 2007 survey entitled "Migrant Rights Monitoring Project (MRMP): Access to Public Services" surveyed 890 migrants in Johannesburg, Pretoria, Cape Town and Durban, and will be referred to as the MRMP survey.<sup>6</sup> Both surveys included questions regarding experiences in accessing housing, housing conditions, and evictions.

---

## FORMS OF HOUSING

---

Like South Africans, foreign migrants have a range of housing options in urban areas. Private sector rental housing is by far the most important sector, followed by informal accommodation, with little dependence on non-governmental shelters and public housing. There is significant variation between cities in the kinds of accommodation options available (see Table 1).<sup>7</sup>

The following sections of this report outline problems migrants encounter in relation to public housing, non-governmental shelters and formal private rental markets. Brief case studies from Johannesburg are presented to illustrate common issues in each of these three housing sectors. The forms of insecurity and xenophobic violence which migrants often face in informal settlements have been documented elsewhere, but require more research,<sup>8</sup> as does the problem of migrant homelessness.

**Table 1**  
**What kind of housing do you live in now?<sup>9</sup>**

	Gauteng	Cape Town	Durban	Total
Private rented accommodation	72%	65%	51%	65%
Informal housing/shacks	11%	11%	6%	10%
NGO/church/mosque shelter	3%	10%	10%	7%
Nowhere/Street	1%	4%	8%	4%
Public/government housing	2%	1%	5%	2%
Abandoned building/squat	2%	2%	5%	2%
At work	5%	0%	0%	2%
On a farm	1%	0%	0%	0%
Not stated	0%	4%	8%	3%
Other	3%	3%	6%	4%
Total Count	422	254	214	890

---

**ACCESS TO PUBLIC HOUSING PROVISION WITHIN EXISTING POLICY  
 FRAMEWORKS**

---

Public housing programmes explicitly exclude non-citizens. This is reflected by the low percentage of migrants who live in publicly provided or subsidised housing (Table 1). As reported by the Consortium for Refugees and Migrants in South Africa, the National Housing Code restricts access to programs such as housing subsidies to citizens and permanent residents of South Africa.<sup>10</sup> There is no mention of refugees and asylum seekers as particular categories of legal migrants with specific rights. This means that legal migrants who meet the same criteria as South Africans (income, dependents, no previous ownership of property, etc.) are not able to access the National Housing Subsidy Scheme or subsidized rentals in council properties. Moreover, the National Programme for Upgrading Informal Settlements and the Emergency Housing Programme require municipalities to actively identify “illegal” migrants and report them to the Department of Home Affairs. Due to a lack of knowledge about the differences between illegal and legal migrants, this means that asylum seekers, refugees and other legal migrants are often excluded from these programmes as well.

By and large, local government officials view migrants’ access to housing as outside of the responsibilities of the National Department of Housing and of municipal government. In interviews, local government actors often failed to understand who refugees are and what rights they have. Some policy actors who did recognize legal migrants’ rights to public housing schemes conveyed that technical, systematic problems with documentation procedures affect migrants’ access to this sector of housing resources in practice.

“As far as the city is concerned, we’re not making any provisions for them [migrants] at this present moment. I think they’re doing it for themselves...We are not really involved, as the Department of Housing...”

*Department of Housing, Cape Town*

“Our approach is if you’re legal, we’ll try and get you in [into an upgrading program] but if there’s a problem with the national database, it’s nothing to do with us. We can’t do anything about that.”

*Department of Housing, Durban*

“The idea of the criteria is to prioritize who gets access to the subsidies and who doesn’t since there is such a big backlog of housing in this country... We also didn’t anticipate that so many people would be coming here in 1994 who need housing.”

*Department of Housing, Johannesburg*

Interviews with local government officials in Johannesburg did reveal that some individuals within the city are moving toward a recognition of refugees and asylum seekers as a specific category of migrants who should have access to government housing schemes. The City of Johannesburg explicitly states it will proactively help refugees among other disadvantaged populations to “negotiate access to the city and get onto the ladder of urban prosperity” in its Growth and Development Strategy (p.54).

In Durban, the municipal housing department has mentioned in correspondence with Lawyers for Human Rights that migrants with legal residency do qualify for housing subsidies so long as they meet the same criteria as South Africans. However, according to the eThekweni Department of Housing, there are no known cases of migrants who have gained access to government subsidy schemes.

---

## **CASE STUDY 1<sup>11</sup>**

### **URBAN REGENERATION AND EVICTIONS IN BERTRAMS, JOHANNESBURG**

---

Bertrams is the oldest suburb in Johannesburg. Located to the east of the city, the suburb has a history of displacement and migration which spans over 80 years. Since political transformation in 1994, Bertrams has been home to a diversity of immigrants, including economic migrants, refugees and asylum seekers from Mozambique, Ethiopia, Eritrea, Congo and Zimbabwe, and poor and lower-middle class South Africans. Poverty is a feature in the area, but inadequate housing conditions are also a result of absentee landlords who have lost control of properties. This has resulted in exploitative practices by slum lords and widespread sub-letting of rooms. The



urban environment is therefore of highly uneven quality as the suburb also boasts houses and flats which are well maintained.

Due to its strategic location next to the Johannesburg Stadium, and fuelled by the prospects of economic prosperity associated with the 2010 world cup, the suburb is in the process of being transformed. Returning landlords and developers are renovating their properties, and homeowners are protesting the lack of urban management services and putting pressure on residents who are not paying for rental or services. The City of Johannesburg has designated part of the suburb for the construction of subsidized public housing, which is nonetheless targeted at attracting middle class South African residents rather than at accommodating the urban poor.

The gentrification associated with the suburb's transformation affects all its poor residents, but has particularly serious impacts for foreign tenants. Impoverished South Africans as well as immigrants are both economically excluded from the new housing developments, as residents' incomes fall below the envisaged income profile. While the South African residents have the possibility of accessing housing subsidies, immigrants are completely excluded.

Renovations and the planned demolition of buildings for construction of social housing are resulting in the eviction of illegal occupants as well as residents of buildings with uncertain ownership or tenancy arrangements. The city has pledged to provide alternative temporary accommodation for the displaced residents in converted inner city high rise buildings, yet this offer is not addressing local needs. General problems with the temporary accommodation, which affect all evicted Bertrams residents, include the exclusion of families with more than two children, the small size of rooms and the relatively high rents. Once again, non-citizens are completely excluded from accessing this temporary housing option.

Alternative housing options for foreign residents of Bertrams are also limited by their social context. Many came to Bertrams because family members or countrymen were there, so that now entire communities are being displaced without social networks in other parts of the city. "Where to from here?" continues to be the question asked by the displaced residents of Bertrams.

---

## **CASE STUDY 2**

### **BAD BUILDINGS, URBAN MANAGEMENT AND CRIME CONTROL - THE CASE OF THE FASHION DISTRICT**

---

The Fashion District in downtown Johannesburg is a contested inner city space. Despite signs of economic development, the ownership of many buildings is disputed, infrastructure is crumbling and levels of crime have long been high. The predominant business activity is controlled by Ethiopian and Eritrean asylum seekers and refugees who have taken control of high rise 'bad buildings'<sup>12</sup> and adapted them to limit interaction with the dangerous sidewalk. The organisational

structure within these buildings presents an innovative model for inner-city community-based crime and urban development management.

At the forefront of these initiatives is a refugee-run NGO called the 'Horn of Africa Crime Stop Association' which was formed after an Ethiopian trader was killed during a robbery in 2006. Through partnerships with the South African Police Services and the Central Johannesburg Property Company, the organisation is paying for supplementary security services which consist of 25 private guards who patrol an 8 block radius. The monthly cost to the organisation is R150,000, to which every trader and formal business in the area contributes. As a result, crime has been drastically reduced and business in the area is booming.

South African investors and chain stores are beginning to notice the business potential of the area served by the Horn of Africa Crime Stop Association, now that crime has been controlled. The development value of the area is on the increase and there is much activity by private sector housing companies who are redeveloping residential buildings for middle class South African families. However, for the Ethiopian and Eritrean businesses which started the crime-stop initiative, their success at starting the urban regeneration process may lead to their displacement. Many of the businesses are run by people who have not been able to access asylum or refugee documents, due to backlogs at the Department of Home Affairs' Refugee Reception Offices. This means they are unable to secure formal tenure or ownership of buildings, have no access to loans or local government economic development support, and are in practice confined to small geographic areas in the city for fear of being arrested and deported. In spite of the Horn of Africa Crime Stop Association's substantial private investment in security, its members and businesses are in danger of being pushed out rather than integrated into the future of the Fashion District.

---

### **ACCESS THROUGH CHURCHES, NGOS, SHELTERS, REFUGEE SERVICE PROVIDER SYSTEMS**

---

While non-governmental actors are only able to provide a limited amount of shelter to the migrant population, it is nonetheless a very important area for the support of the most vulnerable. This type of support for accommodation, however, is temporary, partial and funding is often unstable. The small amount of funding available to subsidize rents and temporary shelters provides a valuable buffer against complete despair but the piecemeal nature of this resource compounds pre-existing problems explored below such as volatility and overcrowding.

It is of concern that many non-governmental homeless shelters in the inner cities explicitly exclude non-citizens from their services. In some cases, this is due to a lack of knowledge of the rights of legal migrants, and others justify their exclusion because of budgetary constraints.

However, some shelters explicitly reject providing assistance to foreigners, claiming they have no rights to space in the city.

Churches are one of the most significant means through which migrants are gaining access to accommodation, both long-term and temporary.<sup>13</sup> A number of churches encountered in the course of this research were found to have constructed makeshift dormitories or rooms with particle board in church common spaces. Several churches had also converted store rooms into temporary lodging spaces for migrants and contribute directly to migrants' monthly rent or to rented rooms specifically marked for the lodging of church members. Though these forms of accommodation were spoken about in interviews as "temporary," it was not uncommon for churches to have people staying in these living situations for between six and eighteen months. Churches providing these direct forms of support are not, as might be expected, necessarily providing these services to recently arrived migrants. Rather, church dormitories and makeshift shelters provide a place to go for migrants who have been in the city for a number of years, following eviction or other displacement from precarious living situations.

Most churches are providing this form of accommodation and support to their own members, some of whom are South African. Some churches had implemented screening processes and special committees to decide who should gain access to the housing support provided. Churches are also important information networks through which migrants are finding people to share a room or a flat with, a landlord or sub-lessor willing to formally engage in a contract or, more often, informally sub-lease, or a temporary place to stay upon first arrival in the city.

"I am a true shepherd in the African way, providing not only spiritual guidance but also bread."

*Pastor of church providing temporary accommodation, Rosettenville, Johannesburg*

"For people who are not Christian, we help them accept the words of Christ."

*Pastor of church providing temporary accommodation, Hillbrow, Johannesburg*

---

### **CASE STUDY 3**

#### **CENTRAL METHODIST CHURCH, JOHANNESBURG**

---

The Central Methodist Church in downtown Johannesburg has been hosting between 1000 – 1500 homeless people, mostly Zimbabweans, for several years. Residents sleep in the church itself, in meeting rooms and hallways, and sometimes in the courtyard. The church is known as a

place of shelter to which NGOs offering other services to migrants, such as health care or advice, can send clients in desperate need of accommodation. The international health care NGO Médecins Sans Frontiers has also recently opened a clinic at the church, offering basic health care and HIV/AIDS treatment. It is one of the few places in inner-city Johannesburg offering such shelter and so plays an important part in facilitating access to basic welfare services for migrants.

Due to the high demand for shelter in a space not designed for long-term occupation by so many people, the church has struggled to provide adequate sanitation and water. Conflicts among the destitute and often desperate residents, in such overcrowded conditions, have also been a challenge for the church. While working in close communication with the City of Johannesburg and the South African Police Services, the church has not received significant material assistance or recognition.

On 31 January 2008, the Central Methodist Church was raided by SAPS in the middle of the night, and c. 1000 persons sleeping at the church were arrested on suspicion of criminal activity and of being 'illegal foreigners.' Hundreds of detainees were released the same night. No criminal charges were laid, and the charges against the remaining detainees on the basis of illegal presence in the country were dropped and they were released within two weeks. This raid raised a series of issues, including police brutality and corruption, due process in immigration law enforcement, and the conduct of the judiciary regarding the detainees, for which Johannesburg High Court Judge Sutherland issued an official apology on 15 February 2008. The raid received widespread national and international media attention and intervention from human rights organisations, including the Consortium for Migrant and Refugee Rights in South Africa, Lawyers for Human Rights, the AIDS Law Project and Refugees International.

This raid also raises many issues relating to the provision of housing for migrants in the city. In the absence of formal and planned accommodation provision, such informal and charitable programmes provide protection to the most vulnerable who might otherwise be on the street. When such places are no longer safe sanctuaries but potential targets for the police, they lose the trust of migrants and so can no longer facilitate access to crucial services.<sup>14</sup> Such raids also discourage other organisations from establishing shelters.

---

## **ACCESS THROUGH PRIVATE RENTAL MARKETS**

---

As noted above, private rental markets provide accommodation to the vast majority of migrants in South African cities. Focus group participants mentioned high levels of xenophobia and targeting of foreigners for crime as reasons why they accessed inner city rental markets as opposed to those in the townships, despite much higher rents in the inner city. Existing social networks in

inner city neighbourhoods also shape the spatial concentration of migrant groups in certain areas of the inner city. Migrants access inner city rental markets primarily through friends, family and other informal social networks located especially in churches. The 2006 New African Cities survey data confirms that overwhelmingly migrants' (both South African and foreign) most common strategy upon first arrival in the city is to stay with friends or family.

The 2007 MRMP survey identified key problems experienced by migrants with their current housing, mostly in relation to privately rented or sublet accommodation. 29% of respondents said that they had no problems, but 71% noted a range of common concerns (see Table 2).

**Table 2**  
**What kinds of problems have you experienced with your current housing?<sup>15</sup>**

	Frequency	Percent of those who noted problems
Overcrowding	204	42%
Bad Services (water, electricity, refuse)	148	31%
Bad treatment by neighbours for being a foreigner	80	17%
Bad treatment by landlord for being a foreigner	74	15%
Threat of eviction for non-payment	73	15%
Unable to pay (no threat of eviction yet)	62	13%
Threat of eviction for being a foreigner	52	11%
Threat of eviction for no documents	34	7%
Being forced to pay a higher rent because of being a foreigner	35	7%
Not stated	10	2%
Other	24	5%
Total who experienced problems with their current housing	482	165%

Many of these concerns are not specific to foreign migrants, but affect all poor inner city residents. These include overcrowding, bad services, the threat of eviction for non-payment and the inability to pay rent. Other issues are more specific to foreigners, including perceived xenophobic treatment by landlords and neighbours, and difficulties in relation to documentation.

More in-depth focus groups with migrants confirmed that the lack of a generally recognized identity document and language barriers pose some of the most severe constraints. Refugees and asylum seekers experience great hardship gaining access to formal documentation through the Department of Home Affairs. Even those interview participants who were able to gain access to documentation consistently mentioned landlords and estate companies requiring a South African Identity Document to engage in a lease; Refugee and Asylum Seekers' Permits were not acknowledged. This means that many migrants have few options but to informally sub-lease, leaving them vulnerable to exploitation and without any formal tenants' rights. 77% of the private rental accommodation accessed by migrants in Gauteng is subletting from other tenants.<sup>16</sup> Migrants' lack of access to a recognized identity document means that many refugees, asylum seekers and other migrants are unable to work formally or for a consistent income. This means

they are unable satisfy requirements to engage in a formal contract with a landlord or to pay the security deposit as well as monthly rent.<sup>17</sup>

Anecdotal evidence from interview participants, confirmed by follow-up inquiries with estate companies and private landlords, shows that actors in the private sector rental market are unaware of who constitutes a legal migrant and whether it is necessarily legal to engage in a contract with documented migrants.

“We’re not a refugee camp! No, I mean, at the end of the day we’re a South African company and we have to look after our own first. A refugee is not necessarily a legal person – they can’t work, they can’t pay rent. In fact, it’s illegal to rent to a refugee.”

*Telephonic conversation with Johannesburg landlord, in response to questions regarding why their company does not rent to foreigners*

The above quote illustrates the popular conflation of refugees and asylum seekers with undocumented migrants and the widespread misunderstanding of who refugees are and the rights to which they are entitled. It also reflects the nationalistic exclusion of migrants, regardless of whether such companies are indeed “looking after their own first.”

Interview participants also encountered blanket discrimination and xenophobia on the part of landlords as well as existing residents of the neighbourhood or building. One participant in a focus group described her encounter with a landlord who told her, “We don’t need any foreigners. You have many children. You have too many babies.” She continues to describe her experiences: “It’s the same with the neighbours. When you go looking for a place the neighbours look at you and know you’re a foreigner, so they won’t show you places nearby.”

The constraints explored above mean that migrants must share rooms and subdivide flats among many families or individuals. Informal sub-leasing from South Africans or documented migrants is also common, with the leaseholder often extracting surplus from those occupying the property and threatening occupants with constant displacement. Fieldwork also revealed an entire network of renting bed-space in semi-built environments, such as converted industrial buildings. Bribing must also be seen as a survival strategy in this context, in which payment to building security or the building manager is often a requirement to access shelter.

Fieldwork confirmed the high levels of volatility found in the 2006 survey. All of the difficulties faced by migrants listed above contribute to what comes to be a common housing story of constant displacement and movement from one temporary, precarious housing situation to the next. Survey data report that the mean for all respondents for number of residential moves since coming to Johannesburg was 7.5 times, nearly one third of respondents planned to move again within the next six months, and only 13.1 percent of respondents expected to be living in the

same place within the next two years.<sup>18</sup> The sharing of living spaces among many people is but one aspect of extremely high levels of volatility and vulnerability, since if one or several members of the group sharing a living space leaves, it can result in the entire arrangement disbanding. This constant movement between temporary housing arrangements also makes it difficult for migrant communities to organize themselves against inner city problems such as crime or decay of the built environment.<sup>19</sup>

“The City of Johannesburg is obliged to ensure that the health and safety of these residents [in the inner city] is not endangered in overcrowded, deteriorating buildings where services have been cut off. But it is also obliged to cater for the housing needs of residents who want to locate in the inner city.”

The Growth and Development Strategy for Johannesburg 2006, p. 36

---

#### **CASE STUDY 4**

### **SUBLETTING, OVERCROWDING, VOLATILITY AND EVICTION IN PRIVATE RENTAL ACCOMMODATION**

---

Jean<sup>20</sup> is a Congolese Asylum Seeker who has been in Johannesburg since November 2005. When he first arrived in Johannesburg, he was able to obtain R300 per month for three months from Jesuit Refugee Services toward rent for himself and his wife. Since this was insufficient to rent on their own and Jean was unable to work, they shared a two bedroom flat in ‘Ponte’ Tower in Hillbrow with 9 adults and 5 children. Jean and his wife stayed in ‘Ponte’ for six months, then moved to another high-rise apartment building in Berea, where they shared a one bedroom apartment with 11-12 others, mostly Congolese but also some South Africans. They were evicted from this building approximately one year later and Jean and his wife are now living in a makeshift room in the common area of a church in Troyeville.

---

## CONCLUSIONS

---

Providing and facilitating access to sustainable and housing in South Africa's cities is a challenge that has no easy or quick answers. The accommodation difficulties which migrants face may seem like a lesser priority than the myriad urgent developmental needs faced by metro councils. However, as has been often noted, people and their needs do not disappear because they are excluded from policies, and the negative impacts of the resulting vulnerability on the society at large may increase through such exclusion.

There are several implications of excluding migrants from public housing policies. Although this study did not focus on measuring the impacts of migrant exclusion from housing from the perspective of the urban social and physical fabric, other studies give us insights into the likely effects. As in the case of South Africans, a lack of adequate housing provision leads to overcrowding and unsanitary and unsafe living conditions. This, in turn, can lead to public health hazards affecting the wider urban community, places unplanned loads on available infrastructure, and makes it difficult to plan for infrastructure upgrades in line with real housing needs.<sup>21</sup> Second, the creation of a group of people who are vulnerable to exploitation by slum lords runs counter to efforts to maintain the standards of buildings and responsible tenancy, which is an integral element of urban regeneration. Finally, making it difficult for migrants to gain a stable and productive foothold in South Africa's cities, not least through formal housing, means missing both economic and cultural opportunities which migrants can contribute toward the stated goal of building inclusive and 'World Class' cities.<sup>22</sup>

Housing access for migrants should therefore be approached from various angles, including awareness raising among private landlords and rental agencies concerning the rights of legal migrants, support for non-governmental and religious organisations providing accommodation support, and the inclusion of non-citizen residents in public urban regeneration and housing programmes.



---

## REFERENCES

---

- City of Johannesburg Metropolitan Municipality. "Growth and Development Strategy for Johannesburg 2006." Johannesburg: City of Johannesburg, 2006.
- Africa, Consortium for Refugees and Migrants in South. "Protecting Refugees & Asylum Seekers in South Africa." Pretoria: Consortium for Refugees and Migrants in South Africa, 2007.
- Centre on Housing Rights and Evictions. "Any Room for the Poor? Forced Evictions in Johannesburg, South Africa." Johannesburg: COHRE, 2005.
- Laloo, Kiran. "Arenas of Contested Citizenship: Housing Policy in South Africa." *Habitat International* 23, no. 1 (1998): 35-47.
- Landau, Loren. "Transplants and Transients: Idioms of Belonging and Dislocation in Inner-City Johannesburg." *African Studies Review* 49, no. 2 (2006): 125-45.
- Sadie, Wendy, and Scott Borger. "Accessing Accommodation in Inner City Johannesburg." In *Forced Migrants in the New Johannesburg: Toward a Local Government Response*, edited by Loren Landau, 84-89. Johannesburg: University of the Witwatersrand, 2004.
- South African Cities Network. "Inclusive African Cities: Mapping Challenges and Opportunities in Contemporary Urban Africa." In *Final Report of the Inclusive African Cities Conference*. Johannesburg, 2007.

---

## ENDNOTES

---

- <sup>1</sup> Centre on Housing Rights and Evictions, "Any Room for the Poor? Forced Evictions in Johannesburg, South Africa," (Johannesburg: COHRE, 2005).
- <sup>2</sup> Loren Landau, "Transplants and Transients: Idioms of Belonging and Dislocation in Inner-City Johannesburg," *African Studies Review* 49, no. 2 (2006).
- <sup>3</sup> The Universal Declaration of Human Rights and International Covenant on Economic, Social and Cultural Rights states that "Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing."
- <sup>4</sup> Kiran Laloo, "Arenas of Contested Citizenship: Housing Policy in South Africa," *Habitat International* 23, no. 1 (1998).
- <sup>5</sup> The survey was a joint project of the Wits University Forced Migration Studies Programme, Tufts University, and the French Institute of South Africa. See <http://www.migration.wits.ac.za/> for more information.
- <sup>6</sup> This survey combines findings from questionnaires collected in collaboration with ten NGOs who provide services to migrants and refugees in Johannesburg, Cape Town and Durban from July-December 2007, as well as questionnaires collected at the Refugee Reception Office in Marabastad (Pretoria) in December 2007.
- <sup>7</sup> The MRMP survey captured mainly inner-city-based migrants, since it was conducted through urban-based NGOs. Residents of informal settlements and rural areas are therefore underrepresented and they are likely to have different housing patterns.
- <sup>8</sup> Consortium for Refugees and Migrants in South Africa, "Protecting Refugees & Asylum Seekers in South Africa," (Pretoria: Consortium for Refugees and Migrants in South Africa, 2007).
- <sup>9</sup> MRMP Survey 2007. Since the Marabastad Refugee Reception Office serves people resident in both Johannesburg and Pretoria, the findings from the survey conducted there are expressed as relating to Gauteng Province, even though there are significant differences between Johannesburg and Pretoria housing conditions. The differences between cities are statistically significant at .000.
- <sup>10</sup> Africa, "Protecting Refugees & Asylum Seekers in South Africa."
- <sup>11</sup> Ismail Farouk contributed the case studies on Bertrams and the Fashion District. He is an urban geographer and artist working in Johannesburg.
- <sup>12</sup> 'Bad buildings' is a term used by the City of Johannesburg to describe buildings where ownership is contested and which are overcrowded and dilapidated. See Centre on Housing Rights and Evictions, "Any Room for the Poor? Forced Evictions in Johannesburg, South Africa."

---

<sup>13</sup> Since the majority of the qualitative fieldwork for this study was undertaken in the Congolese community, this report only considers the role of churches. However, Islamic charity organizations, mosques and other religious organizations, especially for the Somali community, seem to provide comparable forms of relief.

<sup>14</sup> At a panel discussion on the implications of the raid, held on 7 February 2008 at Wits University, MSF reported that many of their patients had stopped attending the HIV clinic located at the Central Methodist Church after the raid.

<sup>15</sup> 2007 MRMP survey. Percentages add up to more than 100% since multiple answers were possible.

<sup>16</sup> This is based only on data from the 2007 MRMP Marabastad survey, as the distinction between subletting and main tenant was not made in the rest of the MRMP survey.

<sup>17</sup> See Wendy Sadie and Scott Borger, "Accessing Accommodation in Inner City Johannesburg," in *Forced Migrants in the New Johannesburg: Toward a Local Government Response*, ed. Loren Landau (Johannesburg: University of the Witwatersrand, 2004).

<sup>18</sup> Landau, "Transplants and Transients: Idioms of Belonging and Dislocation in Inner-City Johannesburg." (Accra: African Migrations Workshop, 2007).

<sup>19</sup> Centre on Housing Rights and Evictions, "Any Room for the Poor? Forced Evictions in Johannesburg, South Africa."

<sup>20</sup> A pseudonym is used to protect the identity of the speaker.

<sup>21</sup> Centre on Housing Rights and Evictions, "Any Room for the Poor? Forced Evictions in Johannesburg, South Africa."

<sup>22</sup> South African Cities Network, "Inclusive African Cities: Mapping Challenges and Opportunities in Contemporary Urban Africa," in *Final Report of the Inclusive African Cities Conference* (Johannesburg: 2007).