

# EDUCATION

**In South Africa everyone has the right to a basic education, including basic adult education**



**Can Refugees be Refused Admission to a Public School or a Public Adult Learning Centre?**

**No.**

**The Refugee Act of 1998 says that:**

**The South African Constitution says:**

- Everyone has the right to basic education including adult basic education.

*(Section 29 of the Bill of Rights)*

- Refugees and their children are entitled to the same basic health service and basic primary education, which citizens of the Republic receive from time to time.

*(Refugee Act No 30 of 1998, Admission of Learners to Public Schools of 2001)*

**The following conventions also bind the South African government to provide education for refugees, asylum seekers and migrants:**

**The International Convention on the Rights of the Child (ICRC) 1989, article 28(1) says:**

**State parties shall make primary education compulsory, available free for all.**

**The 1951 Geneva Convention and the 1967 Protocol Relating to the Status of Refugees Article 22 (1) of the convention says:**

**Contracting States shall accord refugees treatment as is accorded to nationals with respect to elementary education.**



## REGISTRATION REQUIREMENTS

### According to Section 15 to 18 of the National Education Policy Act 27 of 1996:

- You need to receive and complete an application form.
- You need to present a SA birth certificate or a Refugee ID Card, or Asylum Permit or Letter of Recognition
- Proof of immunisation. The learner can be immunised for free in a public hospital against polio, measles, tuberculosis, diphtheria, tetanus, and hepatitis B.
- A transfer card or equivalent document from the last school the learner attended.

**NOTE:** Payment of school fees, registration fees, deposits on school fees, taking of aptitude tests and uniforms are not conditions for registration to a South African Public School.

### Can the school refuse to admit refugees and migrants if they do not have some or all the documents **No**

#### Section 5 of the Admission of Learners to Public Schools (General Notice 4138 of 2001) says:

- Where the needed documentation is not available, the principal must help the parent to obtain necessary documentation.
- The child must be admitted to the school conditionally while the parent obtains the needed documentation.
- When the required documentation is not available within three months of the child having been conditionally admitted to the school, the School Governing Body in consultation with the District Officials must attend to the matter by liaising with the relevant authorities and parents.

### What if people are classified as “illegal aliens” or undocumented migrants?

#### According to Section 21 of the National Education Policy Act of 1996:

- A child of a person that does not have legal status may still have to be admitted to a public school as long as the caregiver or parent can provide proof that an application has been made to stay legally in South Africa.

#### Section 6 of the Admission of Learners to Public Schools on admission of non-citizens says:

- The legal and policy framework relevant to learners who are citizens of the RSA apply equally to learners who are not citizens of the Republic and whose parents are in possession of a permit for temporary or permanent residence issued by the Department of Home Affairs.



- A learner who has entered the country on a study permit must present the study permit on admission to the public school.
- Persons classified as “illegal aliens” or undocumented migrants must, when applying for admission for their children or themselves, prove that they have applied to the Department of Home Affairs to legalise their stay in the country.
- When the required documentation is not available, the principal must help the parents to obtain the necessary documentation. In such cases, the child must be admitted to

### What if a school is said to be full?

**A Feeder Zone:-** is an area that ‘feeds’ or provides schools with their learners. Learners in this area are given priority in terms of admission to the schools in the feeder zone. The Head of Department establishes feeder zones for schools after consulting with representatives of school governing bodies.

#### Section 34 of the South African Schools Acts says:

- Children who live or whose parents work within the designated feeder zone of a school are given first priority to register in a school.
- Reports from refugee community-based organisations show that some refugee children have been on waiting lists for more than a year. This is because schools say they are full. This is unlawful



### **The Admission Policy for Ordinary Public Schools says:**

- A learner who lives within the feeder zone of school A must be referred to the neighbouring school B, if school A is full.
- If school B is full, the Head of Department must find an alternative school within a reasonable distance. If that is not possible, school A must admit the learner

### **SCHOOL UNIFORM**

In SA there is no law that says children who cannot afford to buy school uniforms required by schools cannot go to school. It is against the law to prevent refugee children from going to school because they do not have a school uniform.

### **SCHOOL FEES**

#### **Section 10 of the National Education Policy Act of 1996 says that:**

- No learner may be suspended from classes, denied participation in sporting or cultural activities, denied a school report or transfer card or victimised because his or her parent has not or cannot pay school fees.

#### **The South African Schools Act of 1996 says:**



- All parents or caregivers who cannot afford to pay school fees should be exempted from doing so.
- The principal and the School Governing Body must inform all parents about their right to apply for school fees exemption.
- The principal has the responsibility to assist parents or caregivers to apply for school fees exemption.

### **LEARNER'S AGE**

Some refugee learners spent years in their countries without schooling. In South Africa, 'normal grade age' means the grade number plus 6. For example, Grade 1 + 6 = age 7 or Grade 9 + 6 = age 15.

#### **What if a learner is older than 15 years?**

#### **Section 10 (1) of the Admission of Learners to Public Schools says:**

- a district senior manager must establish fast track programmes in his/her district to accommodate learners who –
  - ▲ Have been out of school for such periods as are likely to have impaired their learning opportunities;
  - ▲ Have had no schooling; or
  - ▲ Are three years or more above the age-norm grade.
- Learners who are above the normal grade age are often referred to a Public Adult Learning Centre (ERP ABET).

### **LANGUAGE**

- Most refugees in S.A are from countries where Arabic, French, Lingala, Swahili and Portuguese are the main languages.
- Some schools have denied refugee children admission because they cannot speak English.
- Those who are admitted, often pay extra fees for receiving lessons in languages of their choice such as French. This is an additional financial burden.
- Learning the language of their country of origin is important for many refugee children because this will make it possible for them to return home to help with the rebuilding of their countries.

#### **Section C of the Norms and Standards for Language in Public Schools in part aims to:**

Support the learning and teaching of all other languages required by learners, used by communities in S.A, including languages which are important for international trade and communication.

#### **Section D of the Norms and Standards for Language in Public Schools says:**

Languages other than the official languages can be offered as school subjects.



## EDUCATION LEVELS AND INSTITUTIONS

### CRECHE/PRE-SCHOOL



- Crèche is a pre-school for children, and it usually takes the form of a day-care facility for babies and toddlers between the ages of one and six years.
- Crèche is not government subsidised, and parents have to pay the fees.

### PRIMARY SCHOOL

- Primary school education is obligatory in South Africa. This means that the S.A government is obliged to provide adequate primary schooling for all children, including refugees and asylum seekers.



- SA primary education starts from the age of seven and extends to the age of 13.
- It runs from Grade 1 to Grade 7.

### SECONDARY SCHOOL

- Children from the ages of 13 to 19 years should attend secondary school, which spans from Grade 8 to Grade 12.

- These age groups are flexible. Some asylum seeker and refugee children may be older than their school friends, as they might have missed opportunities for education.

### UNIVERSITY STUDIES



- University studies, either to further education or to convert education from a person's home country to a SA degree, is often a good way to get access to the SA job market
- There are no general guidelines for asylum seekers and refugees on how to apply for university studies. Each university and technikon (a university of technology, which generally provides hands-on, practical training and education) applies its own criteria.
- Contact the international student office at the university or technikon of choice for their particular criteria.

### General guidelines for studying at a tertiary institution if you are an asylum seeker or a refugee:

- ▲ The prospective student must either have a valid asylum seeker or refugee status permit.
- ▲ Refugees and asylum seekers usually pay the local tuition fee plus an international registration fee.

### ADULT EDUCATION



- A small number of NGOs offer adult education to refugees and asylum seekers. Adult education focuses on education and skills training in order to empower and encourage integration into South African society.
- Most adult education training institutes offer English language courses. Some training institutes also offer self help programmes, vocational skills training programmes, crafts and arts classes.

- These programmes are designed to provide you with additional skills that might be essential to find a job or to set up your own business.
- Most of the adult education programmes are free of charge and are operated by either South African NGOs or refugee communities.

### CHILDREN WITH SPECIAL NEEDS



- Children with special learning needs may be placed in a special education school. This includes children with psychological or other needs.
- To place a child in a special education school is a long process and may take up to one year. It is important to put your child on a waiting list as early as possible for the following year.