



Response

May 19th 2020

The Special COVID-19 Social Relief of Distress Grant and Refugees

On 11th May Minister Lindiwe Zulu launched the special COVID-19 *Social Relief of Distress Grant*. This grant, worth R350 per month, seeks to offer some support, over a six month period, to those who have no access to any other form of income. It is designed to ensure that “no-one falls between the cracks”, and is part of the R500bn package announced by President Ramaphosa as a response to the multiple crises that have resulted from the pandemic. The President also indicated that the Child Support Grant would be increased immediately by R300 for May, and then by R500 per month for the next five months. Other grants would be increased by R250. It has been estimated that this combined package should assist some 13m people. Civil society groups had mounted vigorous campaigns for expanded support, and these campaigns continue, particularly around the adequacy of the amounts being offered. The campaigners argue that this particular grant has been couched in the language of ‘safety nets’ and the assurance that everyone would have ‘a minimum of support.’ This language, it is argued, speaks to both a sustainable amount and a more universal access, and they contend that this particular grant falls short on both counts.

The Minister emphasised that the grant was available to all unemployed persons over the age of 18 who received no other income, no other grants, no UIF payments, and no NSFAS stipend, and who were not resident in a government subsidised or funded institution. Applicants had to be South African citizens or permanent residents, or refugees registered with the Department of Home Affairs (DHA) and resident within the Republic. The latter detail was added apparently to deter refugees who had registered with the department, but who did not necessarily live full-time in South Africa, from crossing borders to benefit from this grant. This was raised in a discussion in a portfolio committee meeting during the deliberations.

Applicants have to produce a valid proof of identity, bank details and an address. The requirement for proof of residence was dropped after representations made to the department indicated that many applicants would not have proofs like utility bills, and this would have excluded a large number of people for whom this grant was particularly designed. People with no bank accounts can apply and payment will be made through money transfers after a validation process. Applications have to be completed electronically, and no applications can be made personally at SASSA offices. Some campaigners have pointed out that there are obstacles or difficulties implicit in these requirements.

The Department has indicated that despite the ‘no other income stipulation’, in the preliminary period, of the 91 000 who applied via WhatsApp, 11 000 were found to be receiving grants already, and of the 250 000 who made application by email, 125 000 were already receiving grants.

In the days following the launch several contentious issues have emerged, especially in the migrant and refugee communities. The exclusion of undocumented migrants, who are a particularly vulnerable and destitute group, has been robustly debated. SASSA has apparently indicated in response to queries that their framing legislation, and especially Regulation 9(6) of the Social Assistance Act 2004, does not allow them to dispense support to anyone other than the categories eligible in the requirements for this grant. This seems to be a growing international practice.

One particular group has received attention: those who would have had the necessary documentation had there not been such bottlenecks and backlogs in the bureaucratic processes at DHA. The number of people who would qualify under this heading is fairly small when compared to the total number of undocumented migrants, but at least it offers some support to those most indigent. It is worth noting that in a Parliamentary written reply on 22 February 2020, the Minister indicated that there were 188 000 migrants with active section 22 permits – in other words, in the system but not fully processed. It is argued that this is a manageable number to add to those entitled to the Social Relief of Distress Grant.

In support of this argument it should be noted that, in the case of *The Minister of Home Affairs v Watchenuka*, 2004, the court held that the application of an asylum-seeker had to be adjudicated in 180 days and that, where it was not, the right (*in casu*, to study and to work) was presumed to be accorded to the applicant since work would constitute the only reasonable means for a person's support and was necessary in order to avoid humiliation and degradation. The court held that human dignity, which had to be upheld in all people, was diminished when applicants were restricted from seeking a means to avoid degradation. Advocacy groups argue that the same principle should render at least the 188 000 eligible for the grant.

A second difficulty has emerged as a result of the fact that all DHA offices are closed for the duration of the lockdown. Although no penalties will apply to people whose documentation expires during this time, or for 30 days after the lockdown is lifted, those with expired documentation cannot have their bank accounts verified; and without the necessary verification the accounts are frozen. This is either because the banks cannot check the person's details with DHA, or because new documents pertaining to refugees and asylum-seekers cannot be obtained from DHA, and so cannot be submitted to the banks. This clearly impacts negatively on those refugees who are entitled to access the special grant, and who would normally use a bank account, but are unable to for reasons of non-verification. Advocacy groups are calling for a directive from DHA indicating that there should be no refusal of banking services due to non-verification. They are also calling for a similar document to be issued by the Banking Association, giving the reassurance that no account will be frozen due to non-verification.

As the process of application unfolds further, it is to be hoped that the Minister's promise to ensure that any corruption will be rooted out, and that those perpetrating it will face the full force of the law, will be honored. It is also hoped that bureaucratic procedures will not delay access to the grant by the people who most need support.

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