



Response

June 23rd 2020

Extending the COVID-19 Relief Grant

On 18th June, the Pretoria High Court handed down a judgment in terms of which access to the special COVID-19 Social Relief of Distress Grant (known informally as the R350 grant) was extended to asylum-seekers and to the holders of various Special Permits whose permit or visa was valid on 15th March, when the National State of Disaster was announced.

The Court ruled that clause 6(viii)(c)(I) of the Directions issued by the Minister of Social Development on 30th March, and amended on 9th May, was unlawful, unconstitutional and invalid since it did not include these categories of people. The Direction as it stood gave access only to South African citizens, permanent residents, and refugees already registered on the Department of Home Affairs database.

It is reckoned that the extension will potentially apply to roughly 188 000 asylum-seekers. (The Minister of Home Affairs gave this figure in answer to a question in Parliament in February of this year.) Unverified numbers for the special permits are about 250 000 Zimbabweans, 90 000 from Lesotho and 2 000 Angolans. It is thus a reasonably quantifiable, contained group. The Court ruled that the Minister of Social Development, in conjunction with other relevant departments, should quantify the costs of extending the grant to these groups within five working days from the time of the judgment, and then publish the amended clause of the Directions within five further working days.

It also ordered that those who were eligible for the grant would be deemed to have access as from the day of the judgment. The grant is a six month grant running from May to October; claims for May have expired, rendering it available as from June. Would-be beneficiaries will have to comply with the existing eligibility tests, which include having no other income, and no access to any other social grants or to UIF benefits. They must also be 18 years of age or holder. It is clear that this measure is designed for those who have absolutely no other means of support.

It should be noted that on more than one occasion during the pandemic, the government has been compelled to adopt more inclusive definitions of those eligible to benefit from the various supports on offer for people adversely impacted by COVID-19.

It was deeply poignant that the judgment was handed down on the eve of World Refugee Day, with its theme of 'every action counts.' The judgment bears witness to that truth. The UN Secretary General, in his statement on World Refugee Day, acknowledged that 79.5 million people have fled their homes from the ravages of conflict, persecution, terror or some other crisis. 10 million of these fled in the last year alone. About 65% of all refugees came from just five countries, the highest number recorded. Half the number are young people under the age of 18. He indicated that the pandemic had seriously exacerbated the situation, with 20 people fleeing their homes every minute. He also

mentioned that both the pandemic and the anti-racism protests around the world had underlined the urgent need to work for a more just, equitable world.

In a short statement marking World Refugee Day, the South African government praised the courage and resilience of refugees worldwide. Curiously, it made no reference to the impact of the pandemic on displaced persons even though it is such a huge contemporary contributing factor, especially in how refugees are being managed at a time of closed borders. Pope Francis picked up directly on this link. On 20th June he said “the coronavirus crisis has highlighted the need to ensure the necessary protection for refugees too, in order to guarantee their dignity and safety.” The question of protection is a key element of the Pope’s various appeals on behalf of displaced persons. He said a few weeks earlier that “the severity of the global crisis caused by the pandemic has relegated to the bottom of national political agendas those urgent international efforts essential to saving lives.” This is a dire warning.

Small victories such as the judgment of the Pretoria High Court must count as limited but significant attempts to ensure that, in such challenging times, the very vulnerable are not relegated to the bottom of the national agenda.

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