



CITY OF JOHANNESBURG

Member of the Mayoral Committee

Councillor Anthea Natasha Leitch

Human Settlements

MEDIA STATEMENT

FOR IMMEDIATE RELEASE

22 November 2023

MMC WELCOMES STRIDES BEING MADE AGAINST RAMPANT ABUSE OF THE LAW BY ILLEGAL FOREIGNERS IN JOHANNESBURG

MMC for Human Settlements Anthea Leitch has welcomed the court ruling of Monday 20 November confirming the importance of arresting and deporting illegal immigrants from our city.

Last week, a group of people were refusing to leave the Hofland Recreation Centre in Bezuidenhout Valley despite this public facility being required for use by the IEC in this past weekend's voter registration drive.

The occupants had been placed there temporarily following the fire at the Usindiso building at 80 Alberts Street in Marshalltown. From there they were processed by the relevant departments, with alternative accommodation arranged for affected South Africans.

The City's policies do not allow its Department of Human Settlements to provide housing services to illegal immigrants – rightly so. The only legal recourse available to us is for undocumented migrants to be detained by Home Affairs and deported if they are found to lack the legal basis required for being in the country.

Rental vouchers were also sponsored by the United Nations to affected households, regardless of their residency status in the country, and distributed at Hofland by workers from the Red Cross. Even after accepting these vouchers – provided independently of the City – the facility's occupants refused to move on. The matter became even more worrisome after the caretaker's office was broken into and ransacked by these occupants, including having computer equipment stolen.

Once the occupants began to openly dismantle the wooden jungle gym to burn the logs in their cooking fires, it was increasingly clear that law and order desperately needed to be restored.

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The Department of Home Affairs was brought on board and they proceeded to detain five Malawians and 27 Tanzanians to deport them from their Lindela Repatriation Centre. These individuals were later represented by lawyers ostensibly protecting their human rights. They argued that the individuals had been arrested unlawfully since the recreation centre had supposedly been their “private dwelling”, and therefore warrants should have been issued.

Senior Magistrate PJ Du Plessis handed down a ruling making it clear that the detainees could not claim residential rights over the city’s facility and the immigration officers had entered the premises at the request of, and with the permission of, the rightful owner, the City of Johannesburg.

COMMENT ON ERECTION OF SHACKS AT THE FORMER DENVER VEHICLE POUND

It is clear that our City lacks temporary emergency accommodation facilities, which are much needed to assist the victims of disasters, especially from fires and flooding.

These facilities are needed to meet the constitutional obligation of providing temporary housing to people evicted from privately owned buildings. However, the City’s policy only allows us to accommodate people who do not earn enough to pay their own rent, and who are South Africans.

Our temporary housing sites almost inevitably, however, become permanent dwellings for people, especially when human rights lawyers refuse to recognise that government is only obligated to provide temporary shelter to evictees.

They have convinced the courts that there can be something like permanent free housing that must be provided to people who have not even applied for any government product and who do not qualify for any government housing product – and who should certainly not be favoured over people who have been waiting patiently on housing lists for years.

We call on the courts to rectify this and to allow us as government to make it clear that people in temporary state properties only have limited time to find themselves alternative accommodation once they have been moved into any temporary emergency shelter.

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The corrugated iron shacks being put up in Denver are a response to us as the City being forced to provide such “temporary but permanent” shelter to disaster victims and evictees.

It is likely that this site will become yet another informal settlement among the hundreds the city is already struggling with, but the conditions at this site are nevertheless safer than those at the firetraps such as 80 Albert Street.

As this department and the City, we remain committed to providing decent housing and eliminating informality in the years to come. The new draft Informal Settlements Policy is currently ready for public comment, and we call on the public to make their voice heard on this issue.

Ends

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