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ASYLUM-SEEKERS' AND REFUGEES' ACCESS TO THE LABOUR MARKET IN ESWATINI

FOREWORD

The Southern Africa Migration Management (SAMM) project represents a collaborative effort embodying the ONE-UN approach, uniting the expertise and resources of four prominent UN development and/or humanitarian agencies: the International Labour Organization (ILO), the International Organization for Migration (IOM), the United Nations Office on Drugs and Crime (UNODC), and the United Nations High Commissioner for Refugees (UNHCR).

The ILO has increasingly acknowledged the need to **strengthen the nexus between humanitarian assistance and the development dimensions** of the overall response to crisis situations with decent work strategically placed at this intersection. **Access to employment and livelihoods has emerged as the bridge between humanitarian action and development cooperation** and, in this context, the ILO continues to play its part in supporting critical response programmes, including through strengthening its own policy framework to be able to respond more rapidly and effectively to crisis situations.

While strengthening resilience and capacities in national labour markets, the ILO also supports efforts to enhance socio-economic inclusion of refugee populations in a manner that promotes full, productive, freely chosen employment and decent work and income-generation opportunities for all. At the same time, ILO encourages its Member States to foster self-reliance by expanding opportunities for refugees to access livelihood opportunities and labour markets, without discriminating among refugees and in a manner which also supports host communities. Access to employment and livelihoods for refugees in Southern African countries is still very mixed.

There is an increasing amount of research and studies which suggest, or aim to show, that impacts of refugees' access to labour markets and deeper socio-economic integration into host societies does not need to lead to negative outcomes for those host societies, and often find that an important determinant of the success of host and refugee communities depends on the particular policy approaches adopted by governments.

Not all countries adopt such progressive integration policy approaches. Accordingly, the ILO and UNHCR collaborated to undertake **5 national-level studies (Eswatini, Malawi, South Africa, Zambia and Zimbabwe)** and a **comparative report** of labour market access for refugees in Southern African countries. We extend our gratitude to UNHCR colleagues and national stakeholders for their unwavering support and commitment to this crucial endeavour.

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This report on Asylum-seekers' and refugees' access to the labour market in Eswatini has been prepared under the Southern Africa Migration Management (SAMM) project headed by Ms Gloria Moreno-Fontes Chammartin. SAMM is an EU-funded inter-agency project, implemented by ILO, IOM, UNHCR, and UNODC, with an overall objective to improve migration management in the Southern Africa and Indian Ocean region, guided by and contributing to the realisation of the 2030 Agenda for Sustainable Development.

The draft report was prepared by Ms Emmerentia Erasmus, under the coordination and technical guidance of Mr Jesse Mertens, Technical Officer of the SAMM project, and Mr Theo Sparreboom, Labour Migration Specialist in the ILO's Decent Work Team in Pretoria. The report also benefited from feedback and comments from the participants of a validation workshop.

The authors take sole responsibility for the opinions expressed and arguments employed in this document. This report does not necessarily reflect the views of the ILO or the experts interviewed as part of the project. All errors belong to the authors.

Contents

ACKNOWLEDGEMENTS	3
Executive summary	7
Introduction	8
1. Setting the context: asylum-seekers and refugees in Eswatini's socio-economic landscape	10
2. Eswatini's refugee regime	12
2.1. The legal framework and coordination of the refugee programme	12
2.2. The Asylum system	12
2.3. Support services for asylum-seekers and refugees	15
3. Asylum-seekers' and refugees' access to the labour market	17
3.1. Freedom of movement	17
3.2. Wage-earning employment	18
The right to wage-earning employment and its implementation	18
Obstacles to accessing wage-earning employment	18
3.3. Setting up a business	20
The right to set up a business and its implementation	20
Obstacles to setting up and growing a business	21
3.4. Access to finance and financial services	22
Access to bank accounts	22
Access to financial platforms for conducting business	23
Access to loans	23
The impact of limited financial inclusion on accessing the labour market	24
3.5. Buying land and property	24
4. Asylum-seekers' and refugees' access to training, higher education and the recognition of skills and qualifications	25
4.1. The right to study and its implementation	25
4.2. Access to training and higher education	25
4.3. Access to the recognition of skills and qualifications	25
The SADC Qualifications Framework	25
The recognition of asylum-seekers' and refugees' qualifications in Eswatini	26
5. Rights at work	26
5.1. Access to justice	26
5.2. Freedom of association	27
6. Asylum-seekers' and refugees' access to social security	27
7. Durable solutions for refugees	28

8. Conclusion	30
9. Legal, policy and practice recommendations.....	30
Annex I Key rights of asylum-seekers and refugees in Eswatini’s refugee legislation.....	34
Annex II – List of Key Informants	36
Bibliography	38

List of abbreviations and acronyms

CDD	customer due diligence
CFI	Centre for Financial inclusion
CoD	Country of Destination
CoO	Country of Origin
COR	Commissioner for Refugees
DRC	Democratic Republic of the Congo
ENPF	Eswatini National Provident Fund
ESQF	Eswatini Qualifications Framework
EQA	Eswatini Qualification Authority
FSP	financial service provider
GoE	Government of Eswatini
GRF	Global Refugees Forum
ILO	International Labour Organisation
IOM	International Organisation for Migration
KI	key informant
MCIT	Ministry of Commerce, Industry and Trade
MoHA	Ministry of Home Affairs
MRRC	Malindza Refugee Reception Centre
NFQ	national qualifications framework
OAU	Organisation of African Unity
PSPF	Public Service Pensions Fund
RAB	Refugee Appeals Board
RAC	Refugee Advisory Committee
RSD	refugee status determination
RSDO	refugee status determination officer
SACU	Southern African Customs Union
SADC	Southern African Development Community
SADCQF	Southern African Development Community Qualifications Framework
SZL	Eswatini lilangeni
UN	United Nations
UNHCR	United Nations High Commissioner for Refugee

Executive summary

The right to work and access labour markets is fundamental to forcibly displaced persons' ability to be self-reliant, to live their lives in safety and dignity and contribute to and integrate into their host communities. This study assesses the labour market access of asylum-seekers and refugees in Eswatini by analysing Eswatini's refugee law, policy, and practice, and the socio-economic landscape in which they are implemented. It highlights the obstacles refugees face in accessing income opportunities and becoming self-reliant. This study proposes legal, policy and practice recommendations for bolstering asylum-seekers' and refugees' labour market access, as well as their resilience and dignity.

The Kingdom of Eswatini is a landlocked monarchy bordering Mozambique and South Africa. It is a lower middle-income country, with a population of around 1.2 million, which continues to experience high levels of poverty.¹ Unemployment has been growing from 23% in 2016 to 33.3% in 2021.² Employment is concentrated in low-income generating sectors, such as subsistence agriculture and the informal sector (40.8% of employed people are in the informal sector).³

As of 31 March 2024, Eswatini hosted 1904 asylum seekers and 1224 refugees, with the majority having lived in Eswatini for many years. Newly arrived asylum seekers are accommodated at Malindza Refugee Reception Centre (MRRC), where they are assisted with food, accommodation and other basic necessities for up to three months. They are, however, free to choose where they live and many live with their communities in other parts of Eswatini. Due to lack of capacity and challenges with documentation, refugee states determination (RSD) can take numerous years, which hampers the social and economic inclusion of asylum seekers. At the first Global Refugees Forum (GRF) the Government of Eswatini (GoE) pledged to strengthen its RSD process, and while some steps have been taken to do so, the number of RSD officers need to be increased to fulfil this pledge.

Refugees are free to move around and reside where they wish. They live peacefully alongside the host community and many integrate into chieftains. An estimated 10% of refugees are professionally skilled, such as doctors and nurses, and they live and work around the capital, Mbabane.⁴ In spite of having the right to work, refugees face numerous obstacles in accessing the labour market, including certain trades being reserved for nationals, nationals being favoured over foreigners for jobs, and competition for very few job opportunities. Most refugees work in the informal sector and engage in subsistence farming. Start-up capital and market assessments to determine in which areas refugee businesses should be established are some of the measures that could be taken address poverty and build self-reliance and resilience among refugees.

¹ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

² World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

³ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

⁴Interview with World Vision staff.

Introduction

This report on Asylum-seekers' and refugees' access to the labour market in Eswatini, Malawi, South Africa, Zambia and Zimbabwe has been prepared under the Southern Africa Migration Management (SAMM) project. SAMM is an EU-funded inter-agency project, implemented by ILO, IOM, UNHCR, and UNODC, with an overall objective to improve migration management in the Southern Africa and Indian Ocean region, guided by and contributing to the realisation of the 2030 Agenda for Sustainable Development.

The 2030 Agenda promotes the humane treatment of refugees, while also emphasising the need to enhance the resilience of communities hosting refugees. The Global Compact on Refugees promotes international cooperation and responsibility-sharing to provide sustainable solutions to refugee situations, ensuring that host communities are supported, and refugees can lead productive lives. One of its four key objectives is to enhance the self-reliance of refugees, including through labour market access, which also promotes its objective to ease the pressure on host countries.⁵

This Study assesses the labour market access of asylum-seekers and refugees in Eswatini. Asylum-seekers and refugees often face numerous challenges in accessing formal labour markets, due to, inter alia, legal restrictions; the reluctance of employers to hire foreigners and refugees; the lack of skills and qualifications recognition systems and the pertaining costs, as well challenges in verifying the qualifications with the country of origin (CoO); and discrimination. The lack of opportunities in the formal labour market often results in asylum-seekers and refugees working in the informal labour market, where they may be more vulnerable to exploitation, poor working conditions, and more likely to earn low and unreliable wages. It also means that they may work below their skill level which can lead to deskilling and affect their long-term work prospects and socio-economic outlook. Access to decent work opportunities in the formal labour market fosters the self-reliance, resilience and integration of asylum-seekers and refugees, and can boost business development and fill skills gaps in their host countries that aid their socio-economic development. Thus, it is important to assess the legal, policy and social dimensions of their access to formal labour markets and craft recommendations to enhance their access, resilience, integration and socio-economic contribution to their host countries.

A mixed-methods approach was employed to gather data for this Study. It commenced with a desk review of relevant laws, policy and practice in Eswatini as well as reports, studies and news articles on the conditions, challenges and labour market access of asylum-seekers and refugees. A field mission was undertaken to Eswatini from 5 to 10 May 2024, and meetings were convened with stakeholders and refugees in Mbabane and Malindza Refugee Reception Centre (MRRC).

Overall, data was gathered through 13 Key informant (KI) interviews with government agencies; United Nations (UN) agencies; international non-governmental organisations; and a trade union. Moreover, two interviews were conducted with refugees in Mbabane, namely a refugee doctor and a refugee businesswoman. In addition, a focus group discussion was

⁵ UNHCR (2021). *The Global Compact on Refugees*. Available at: <https://globalcompactrefugees.org/article/global-compact-refugees>

convened with 39 asylum seekers and refugees at the MRRC, of which 23 were women and 16 were men.

This Study contains 9 chapters. Chapter 1 sets the context in which asylum-seekers and refugees find themselves in Eswatini. It describes Eswatini's socio-economic landscape; the restrictions imposed on asylum-seekers and refugees and key efforts that are made to support their needs. Chapter 2 focusses on Eswatini's refugee regime, namely the legal framework and coordination of the refugee programme, the asylum system and support services for asylum-seekers and refugees. Chapter 3 delves into asylum-seekers' and refugees' access to the labour market by assessing the implementation of key rights that affect their labour market access. It surveys the right to freedom of movement, wage-earning employment, and setting up a business, as well as access to finance and financial services and buying land and property. Chapter 4 addresses asylum-seekers and refugees' access to training, higher education and the recognition of skills and qualifications. Chapter 5 deals with rights at work, namely access to justice and freedom of association. Chapter 6 captures asylum-seekers' and refugees' access to social security in Eswatini. Chapter 7 provides an overview of durable solutions and complementary pathways available to refugees in Eswatini. Chapter 8 forms the conclusion. Chapter 9 summarises the legal, policy and practice recommendations for enhancing asylum-seekers and refugees' access to the labour market and their self-reliance and resilience.

1. Setting the context: asylum-seekers and refugees in Eswatini's socio-economic landscape

The Kingdom of Eswatini is a landlocked monarchy bordering Mozambique and South Africa. Eswatini is a lower middle-income country, with a population of around 1.2 million and an estimated Gross Domestic Product per capita of USD 3,823 in 2023. Approximately half of the economy is focussed on services, and a third in industry, specially manufacturing. It remains economically tied to South Africa, with its currency pegged to the South African Rand and South Africa accounting for around 65% of its exports and 75% of its imports.⁶ Eswatini is a member of the Southern African Customs Union (SACU) and revenue sharing from SACU is an important contributor to the Government's revenue – accounting for just over 40% of total government revenue in 2017/18.⁷ SACU revenues are contributing to a positive economic outlook for Eswatini in 2024, with real GDP growth expected to be 4.1%.⁸

Eswatini continues to experience high levels of poverty, with poverty only expected to decline marginally from 52.1% in 2024 to 51.4% in 2025 in terms of the lower-middle-income country poverty line.⁹ This is partly due to the fact that employment is concentrated in low-income generating sectors, such as subsistence agriculture and the informal sector (40.8% of employed people work in the informal sector). Unemployment has been growing from 23% in 2016 to 33.3% in 2021 with the youth (15 to 24 years old) unemployment rate standing at 59.1% in 2021.¹⁰

Eswatini is a country of origin, transit and destination for migrants and trafficked persons. Eswatini does not have distinct migration routes, but a number of informal crossings along its borders with South Africa and Mozambique.¹¹ Eswatini nationals travel to South Africa for employment opportunities, shopping and to attend schools, using formal and informal border crossing points. Migrants in an irregular status in Eswatini come from Africa and Asia, including Mozambique, South Africa, Tanzania, Bangladesh, India and Pakistan.¹² Migrants travel to Eswatini for work opportunities or transit Eswatini to travel to South Africa. Some migrants are trafficked in Eswatini, including Mozambicans that are exploited in forced labour. Mozambican women are also forced into sex trafficking in Eswatini or transported through Eswatini and trafficked in South Africa. Moreover, Emaswati have been found to be exposed to labour exploitation in South Africa in the mining sector and timber industry.¹³

On 31 March 2024 there were 1904 asylum seekers and 1224 refugees in Eswatini, with the highest number coming from the Democratic Republic of the Congo (DRC) (374 asylum seekers and 537 refugees), followed by Somalia (592 asylum seekers and 199 refugees); Ethiopia (432 asylum seekers and 40 refugees); Burundi (119 asylum seekers and 191 refugees); Rwanda (95 asylum seekers and 203

⁶ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

⁷ Statistics South Africa (2020). *A 110 year old trade venture*. Available at: <https://www.statssa.gov.za/?p=13385> Accessed on 14.06.2024.

⁸ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

⁹ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

¹⁰ World Bank (2024). *The World Bank in Eswatini*. Available at: <https://www.worldbank.org/en/country/eswatini/overview>. Accessed on 14.06.2024.

¹¹ IOM (2023). *Migration in Eswatini: A Country Profile 2015–2021*. IOM, Geneva.

¹² IOM (2023). *Migration in Eswatini: A Country Profile 2015–2021*. IOM, Geneva.

¹³ US Department of State (2023). *2023 Trafficking in Persons Report: Eswatini*. Available at: <https://www.state.gov/reports/2023-trafficking-in-persons-report/eswatini/> Accessed on 14.06.2024.

refugees); Eritrea (170 asylum seekers and 3 refugees); and the Republic of the Congo (35 asylum seekers and 16 refugees).¹⁴ Many asylum seekers reportedly enter the eastern part of Eswatini, through its border with Mozambique. Some Ethiopians arrive by plane in Mozambique, which has a direct flight with Ethiopia, while other Ethiopians also enter Eswatini from South Africa.¹⁵ Most refugees have been in Eswatini for many years.¹⁶

Eswatini's refugee regime encourages asylum seekers and refugees to integrate into society by allowing them to freely move around the country and live where they wish. They generally live peacefully alongside the host community. Asylum seekers are accommodated at Malindza Refugee Reception Centre (MRRC), where they are in principle assisted with food, accommodation and other basic necessities for up to three months. The MRRC often accommodates asylum seekers and refugees for much longer than three months, if they are not able to support themselves. Around 515 asylum seekers and refugees live in the MRRC, while the remainder live in urban areas or are integrated into chieftains in rural areas.

Asylum seekers and refugees are allowed to work. Most work in the informal sector and some engage in subsistence farming. They sell second hand clothes and handicrafts at Manzini, Mbabane and Mustapha markets¹⁷ and earn daily wages working as labourers, washing clothes or doing housework. Some grow vegetables on small plots of land at the MRRC given to them by the government, while others rent land from local chiefs to farm. Most of this farming is for subsistence while additional produce is sold in local markets.

Due to high unemployment few formal jobs are available to asylum seekers and refugees. Moreover, nationals are favoured for jobs over foreigners through what is known as the localisation policy. In this regard refugees continue to be treated as foreigners in the labour market. Furthermore, the government has frozen the recruitment of foreigners in the public sector and consequently many refugee teachers lost their jobs. An estimated 10% of refugees are professionally skilled, such as doctors and nurses, and they live and work around the capital, Mbabane.¹⁸

Asylum seekers and refugees face high poverty levels. A survey conducted by the Centre for Financial Inclusion (CFI) of a sample of 386 asylum seekers and refugees (264 residing in communities across the country and 112 living at the MRRC) representing this population, indicated that 49% did not have enough money to buy food and skipped meals. Poverty is most acute at the MRRC where 60% of the surveyed population reported that they do not have enough money to buy food and need to skip meals compared to 44% of asylum seekers and refugees in other parts of the country.¹⁹ The COVID-19 pandemic further exacerbated poverty and 55% of the surveyed asylum seekers and refugees lost their main source of income.²⁰

¹⁴UNHCR (2024). *Monthly Statistical Report – The Kingdom of Eswatini*, 31 March 2024.

¹⁵Interview with the Royal Eswatini Police Force.

¹⁶ IOM (2023). *Migration in Eswatini: A Country Profile 2015–2021*. IOM, Geneva.

¹⁷CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

¹⁸Interview with World Vision staff.

¹⁹CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

²⁰CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

2. Eswatini's refugee regime

2.1. The legal framework and coordination of the refugee programme

Eswatini acceded to the 1951 Convention and its 1967 Protocol. Eswatini registered two reservations to the 1951 Refugee Convention, namely a reservation to Article 34 on facilitating the naturalisation of refugees and a reservation to Article 22 on refugees' access to public education. Eswatini is also party to the 1969 Organisation of African Unity (OAU now called the African Union) Convention. Its 2017 Refugee Act domesticates its international commitments.²¹ The 2017 Refugee Act adopted the 1969 OAU Convention definition of a refugee, which expands on the definition of the 1951 Convention and includes *external aggression, occupation, foreign domination or events seriously disturbing public order* (Article 1 (2)) in the circumstances causing refugees to seek protection.²² The Government plans to draft regulations for the implementation of the Refugee Act.²³ The Office of the Commissioner for Refugees (COR) and the Refugee Department, under the Ministry of Home Affairs (MoHA), manage Eswatini's refugee programme.

2.2. The Asylum system

The Office of COR registers asylum seekers and undertakes refugee status determination (RSD). Upon arrival asylum seekers should complete a statement with the police, either at the border or at a police station elsewhere. The police direct asylum seekers to the MoHA office in Mbabane or to the MRRC, where they will be registered by registration clerks.²⁴

Separate files are created for asylum seekers that are aged 18 and above - they are required to complete an application for refugee status. Interpreters assist with this process if asylum seekers do not speak English.²⁵ The application form is generally referred to as the "pink form" due to the colour of the document. As per the RSD SOPs, asylum seekers should be counselled on the RSD process and their rights in the country.²⁶

Registration clerks create a physical file for each asylum seeker, which needs to contain the police statement; the completed pink form; copies of any documents presented at registration; and the asylum-seeker certificate. The physical files are stored at COR's office in Mbabane.²⁷

After asylum seekers register with the Refugee Department, they register with MoHA's Civil Registration and Vital Statistics Department, which provides them with an acknowledgement letter and a non-Swazi personal identification number. The non-Swazi personal identification number is referred to as a PIN, which can be used to access services, such as to open a bank account and to enrol in a school.²⁸ The Civil Registration and Vital Statistics Department also issues birth certificates to the children of asylum seekers and refugees that are born in Eswatini.²⁹ These children cannot obtain Eswatini nationality. The Eswatini Citizenship Act,

²¹ UNHCR (2020). *Eswatini Livelihoods & Economic Inclusion Strategy 2021-23*, revised August 2022.

²² UNHCR (date unknown). *What is the definition of a refugee?* Available at: <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention> Accessed on 19.05.2024.

²³ Interview with COR.

²⁴ COR (2021). *Standard Operating Procedures for Refugee Status Determination*

²⁵ Interview with Assistant Estate Officer at the MRRC.

²⁶ COR (2021). *Standard Operating Procedures for Refugee Status Determination*

²⁷ COR (2021). *Standard Operating Procedures for Refugee Status Determination*

²⁸ Interview with MoHA.

²⁹ Interview with UNHCR staff.

1992, states in section 7(1) that a person born in Eswatini after the commencement of the Act is a citizen by birth if his father is a citizen of Eswatini, under this Act. The Constitution, 2005 maintains the same approach and states that a person born in Eswatini after the commencement of the Constitution is a citizen by birth if his father is a citizen of Eswatini, in terms of the Constitution.

In addition, MoHA's Immigration Department issues asylum seekers with a temporary residence permit number, which is needed to engage in economic activity, such as register a business with the Ministry of Commerce. Asylum seekers' documents are issued free of charge and do not expire.

Following an asylum seeker's registration, the registration clerk should schedule an RSD interview with an RSD Officer (RSDO). Vulnerable cases, such as women at risk, are prioritised for scheduling of RSD interviews, otherwise the oldest cases are scheduled first. According to the 2017 Refugee Act (Article 8(8)) the RSD process should be concluded within 180 days of the asylum application being made. At the time of writing Eswatini faced a backlog of 1600 asylum cases, due to budget cuts and lack of capacity. Only 2 RSDOs were conducting RSD interviews, and such interviews were not yet being conducted with asylum seekers that arrived in 2023. The claims of asylum seekers that arrived in 2022 are still being considered.³⁰ Moreover, key informants and refugees that were interviewed for this Study, indicated that some asylum seekers remained on asylum seeking status for several years due to their police statement, which forms part of their asylum-seeking file, having gone missing. One asylum seeker interviewed at the MRRC stated that he had been on asylum status for 7 years as his police statement had been lost.

The backlog in the asylum system hampers the social and economic inclusion of asylum seekers in several ways. They cannot access formal employment, as the refugee ID is generally required by employers. They cannot obtain a travel document, which they could use to travel to neighbouring countries to conduct trade. Moreover, asylum seekers cannot marry or have their children registered in their names. Some children reportedly do not have their father's name on their birth certificate because of their asylum status.³¹

At the first Global Refugees Forum (GRF) the Government of Eswatini (GoE) pledged to strengthen its RSD Process. To date SOPs for the RSD process has been developed and online and technical training has taken place for those officials involved in the process.³² However, the number of RSDOs needs to increase if the GoE is to address the backlog in asylum cases, which it has pledged to do. Moreover, the GoE has pledged to draft and adopt Regulations which will fully implement the Refugees Act, 2017 in line with international and regional standards for RSD by 2025. At the time of writing this process had not yet started.

Asylum seekers are interviewed at the MoHA office in Mbabane or at Malindza Refugee Reception Centre. Separate interviews are conducted for the spouse of the head of a household and accompanying adults, such as adult children or siblings. After the interview the RSDO will draft a written RSD assessment which recommends that the asylum claim

³⁰Interview with RSDO.

³¹Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

³² UNHCR (2023). *High-Level Segment on Statelessness -Progress Updates December GRF Kingdom of Eswatini*.

should be accepted or rejected and forwards it to the Refugee Advisory Committee (RAC), which takes a decision on the asylum claim.³³ The success rate of asylum applicants is around 80%-90%.³⁴ As per the 2017 Refugee Act, RAC consists of the following persons or their representatives: COR, who serves as the RAC' secretary; the Principal Secretary of MoHA, who chairs RAC; the Principal Secretary of the Ministry of Foreign Affairs; the Commissioner of Police; the Chief Immigration Officer; the Attorney-General; the Principal Secretary in the Deputy Prime Minister's Office; the Head of Secretariat of the Task Force for the Prevention of People Trafficking and People Smuggling; a representative of a non-governmental organisation with experience in refugee protection; and the UNHCR, who participates as an observer.

Asylum seekers whose asylum claims are rejected by RAC are entitled to lodging an appeal within 21 days with the Refugee Appeals Board (RAB) through COR.³⁵ According to the RSD SOPs, the RAB should consist of three Government legal practitioners, but at the time of writing RAB had not been active since 2023. Asylum seekers who are appealing against their rejected claims are allowed to remain in the country.³⁶ Under the GRF the GoE has pledged to operationalise the appeals process in line with the 2017 Refugee Act by December 2024.³⁷ The 2017 Refugees Act states in Article 9 (13) that if an appeal is rejected by RAB the applicant may still seek redress with the High Court of Eswatini.

The 2017 Refugee Act states (Article 10) that the dependents of a refugee, who is the head of the family, will be granted refugee status in accordance with the principles of family unity. These dependents will continue to be recognised as refugees if there is a change in family ties or status, due to circumstances such as death of the head of the family, attaining the age of majority by dependents, divorce or legal separation. Moreover, the family members of a recognised refugee will also be allowed to join her/ him in the country, in accordance with the principle of family unity.

The Refugee Department issues recognized refugees with a status permit, which costs SZL 30 (USD 1.61), and which they need to apply for a refugee ID, which is issued by MoHA's Civil Registration Department. Refugee IDs are issued to refugees once free of charge from the age of 16. If the Refugee ID is lost it is reissued at a cost, which varies depending on the age of the refugee. For 17- to 19-year-olds it costs SZL 100 (USD 5.36), for 20- to 24-year-olds it costs SZL 150 (USD 8.05) and for refugees 25 years and older it costs SZL 250 (USD 13.42).^{38 39}

The Refugee ID does not need to be renewed, whereas the refugee status permit needs to be renewed every two years and the renewal costs are SZL 10 (USD 0.53).⁴⁰ To renew the refugee

³³ COR (2021). *Standard Operating Procedures for Refugee Status Determination*

³⁴ Interview with UNHCR staff.

³⁵ 2017 Refugee Act Article 5 (6).

³⁶ Interview with the MoHA.

³⁷ UNHCR (2024) *Global Compact on Refugees Pledges and Contributions – Government of Eswatini*. Available at: <https://globalcompactrefugees.org/pledges-contributions>. Accessed 1 June 2024.

³⁸ Interview with MoHA.

³⁹ The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at: <https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

⁴⁰ The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at: <https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

status permit refugees need to provide the refugee Department in Mbabane with a letter indicating that they wish to renew their refugee status permit.⁴¹

MoHA indicated that the two-year duration of the refugee status permit helps them to keep track of the refugees in the country. It does however curtail the opportunities of refugees in numerous ways. For example, refugees struggle to access loans, as the repayment period of the loan is tied to the duration of the refugee status permit. In addition, the duration of refugees' work contracts is tied to the duration of the refugee status permit, and consequently they cannot access permanent employment, or benefit from the state pension fund.

Refugees can request a refugee status permit with a duration of 5 years from the Refugees Department, which is considered on a case-by-case basis, and generally granted if the refugee is known to the Refugee Department, and provides justifiable reasons, such as the need for an extended status permit to access a loan. In this case the refugee needs to provide the Refugees Department with a letter from the bank which indicates that the bank intends to loan the refugee money for 5 years. Refugees who obtain scholarships to study abroad also qualify for the 5-year status permit and need to provide a letter indicating their acceptance into an educational programme. However, to date only around 20 refugees have obtained the 5-year status permit. Due to the various limitations that the duration of the status permit impose on refugees the GoE is discussing the possibility to lengthen its period of validity.⁴²

Article 28 of the Refugees Act, 2017 states that refugees may be issued with travel documents to travel abroad. Refugees need a refugee ID to apply for a travel document, which costs SZL 80 (USD 4.29)⁴³ and is issued by the Immigration Department.⁴⁴ The Refugee travel document is generally valid for 2 years but may also be given for a 5-year period. The travel document does not include the nationality of the refugee, and merely states *refugee* under *nationality*. This makes it difficult for refugees to travel internationally as immigration authorities generally require a nationality on a travel document. Consequently, some refugees have been stranded at airports for days, while others could not take up employment overseas that they had been offered.⁴⁵ A UNHCR staff member indicated that not mentioning the nationality of the refugee is aimed at protecting refugees.

2.3. Support services for asylum-seekers and refugees

The MRRC is intended to host newly arrived asylum seekers for 3 months, who are accommodated there on a voluntary basis. Some choose to stay with relatives in other parts of the country. The MRRC has the capacity to host 500 persons and in May 2024 was hosting 515 persons.⁴⁶ Some asylum seekers stay for a few days and others for several years. Some refugees have returned to the MRRC due to the need for accommodation. Most of the inhabitants of the MRRC have been living there for more than 10 years.⁴⁷ They have therefore not been able to integrate into society and achieve self-reliance.

⁴¹Interview with MoHA.

⁴²Interview with MoHA.

⁴³The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL18.62. Available at: <https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

⁴⁴ Interview with MoHA

⁴⁵Interviews with refugees.

⁴⁶Interview with the Assistant Estate Officer at the MRRC.

⁴⁷Interview with the Assistant Estate Officer at the MRRC.

The GoE provides accommodation, clean water and electricity to the inhabitants of the MRRC – families are generally given a room to share. Due to over-crowding up to four families may share a room, which puts women and children at risk. World Vision, with support from the UNHCR, provides newly arrived asylum seekers with bedding, cutlery, and hygiene products and offers counselling.⁴⁸ Charitable organisations donate clothes to the MRRC – Caritas, for example, provides an annual donation of clothes. The GoE provides asylum seekers with two meals a day and water for up to six months. However, the Refugee Department pointed out that MRRC residents who do not have access to food are assisted so that no one in the MRRC goes without food. Two meals are provided to all children every Thursday through funding from the Taiwan Fund for Children and Families, an NGO.⁴⁹ Asylum seekers and refugees, including children, who do not know English are taught English at the MRRC, to aid their integration into Eswatini.⁵⁰

The refugee ID given to refugees and the non-Swazi PIN given to asylum seekers are linked to the digital national population registry and used by these populations to access public goods and services⁵¹, such as schools. Children in the MRRC go to preschool free of charge in the MRRC, with funding that is channeled through World Vision. Older children living in the MRRC go to school outside of the MRRC at Mpaka primary school and high school which has sufficient capacity to accommodate all of them.⁵²

Refugee children face no restrictions regarding access to education, apart from payment of their school fees in certain cases. The primary schooling of refugee children in the MRRC is funded by the GoE. In other parts of Eswatini, the GoE no longer pays for any education of refugee children due to budget cuts and it is generally paid for by their parents. UNHCR pays half of the school fees of refugee children in secondary school who are living in the MRRC, while their parents need to pay the other half. The children of all asylum seekers need to pay school fees, while the UNHCR pays the school fees of children who live in the MRRC and whose parents cannot afford to pay.⁵³

The MRRC has a clinic, funded by the GoE, where its inhabitants and the host community can access free basic medical care. Serious medical cases are directed to hospitals in Mbabane, which are subsidized by the GoE. Refugees pay an SZL 10 (USD 0.53 USD)⁵⁴ entrance fee for the hospital.⁵⁵ The UNHCR pays for this health care for asylum seekers and refugees who cannot afford to pay for themselves.⁵⁶

The Phalala Fund has been set up by the GoE to assist nationals to access specialist medical care, either in Eswatini or abroad, generally in South Africa, and who would not be able to pay for it by themselves. Asylum seekers and refugees do not have access to the Fund and

⁴⁸Interview with the Assistant Estate Officer at the MRRC.

⁴⁹Interview with Assistant Estate Officer at the MRRC.

⁵⁰Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

⁵¹CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁵²Interview with the Assistant Estate Officer at the MRRC.

⁵³Interview with the Assistant Estate Officer at the MRRC.

⁵⁴The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at:

<https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

⁵⁵Interview with World Vision staff.

⁵⁶Interview with the Assistant Estate Officer at the MRRC.

consequently some have not received the treatment they require for their conditions. In some cases this has resulted in death.⁵⁷

In the MRRC many refugees survive through subsistence farming. The GoE has given them plots of land to farm that are 60 by 60 meters, where they farm beans and maize, as well as eggplant which they sell in Manzini. Refugees from Burundi, the DRC and Rwanda tend to farm, while Ethiopians, Eritreans and Somalis tend to work in grocery shops in Mpaka. Some refugees sell goods in Mozambique. Most refugee women sell secondhand clothes in Manzini or at Mpaka bus station and work in hair salons in Manzini. In 2024 World Vision will support 30 refugees in the MRRC and around Mazini who are engaged in informal businesses with general business management training.⁵⁸

Under the GRF the GoE has pledged to improve refugee livelihoods. It has made arable land available at Ndzevane farm for agriculture, which previously hosted a refugee camp. The farm is located in the Lowveld and suitable for a range of crops, including maize, citrus fruits, sugar cane and animal husbandry. The land has access to an irrigation system that currently supplies the agriculture development initiatives in the host community. The farm can provide 280.2 hectares of irrigated land, 248.9 hectares of rain fed agricultural production and 566 hectares of grazing land which makes a total of 1095.1 hectares.⁵⁹

The Ndzevane project is expected to improve the livelihoods of refugees and host communities by increasing food availability and creating agricultural employment opportunities.⁶⁰ It is expected to benefit 2,627 refugees and host community members. The project will rehabilitate old infrastructure that was built when Ndzevane was a refugee camp and serve to accommodate the refugees who will relocate from the MRRC.⁶¹

To promote collective action and enhance social cohesion, MoHA and World Vision Eswatini will facilitate the establishment of a Multipurpose Cooperative, which will consist of the targeted refugee and host community households. Project implementation is currently at the early stages.

3. Asylum-seekers' and refugees' access to the labour market

3.1. Freedom of movement

Asylum seekers and refugees can freely move around Eswatini. The MRRC is intended to host new arrivals for up to 3 months, after which they are expected to integrate into host communities, apart from vulnerable persons, such as the elderly or chronically ill. However, lack of employment opportunities and the ability to be self-sufficient has led to asylum seekers remaining in the MRRC for much longer.⁶² The majority of asylum seekers and

⁵⁷Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

⁵⁸Interview with World Vision staff.

⁵⁹UNHCR (2024). *Global Compact on Refugees Pledges and Contributions – Government of Eswatini*. Available at: <https://globalcompactrefugees.org/pledges-contributions>. Accessed 2 June 2024.

⁶⁰UNHCR (2024). *Concept Note Ndzevane Economic Empowerment Project for Forcibly Displaced Persons and Host Communities*.

⁶¹UNHCR (2024). *Global Compact on Refugees Pledges and Contributions – Government of Eswatini*. Available at: <https://globalcompactrefugees.org/pledges-contributions>. Accessed 2 June 2024.

⁶²UNHCR (2024). *Concept Note Ndzevane Economic Empowerment Project for Forcibly Displaced Persons and Host Communities*.

refugees, around 2500, do however live in other parts of Eswatini, while approximately 515 live in the MRRC.

3.2. Wage-earning employment

The right to wage-earning employment and its implementation

Refugees are allowed to access wage-earning employment. The 2017 Refugee Act states in Article 17(2) that measures imposed on aliens to protect the national labour market will not apply to a refugee *who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:*

- (a) He has completed three years' residence in the country;*
- (b) He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;*
- (c) He has one or more children possessing the nationality of the country of residence.*

In practice, however, refugees are discriminated against. Various key informants indicated that the GoE implements a localisation policy, which favours nationals over foreigners for jobs, including refugees. Discussions with key informants suggest that the localisation policy is a general approach applied to recruitment and not captured in a specific policy document. The localisation policy is applied to the recruitment of migrant labour by requiring employers to prove that there is no national with the necessary qualifications and experience to fill the position. A training plan, which would train a national to eventually take on the position, should also be in place. These conditions need to be met for a migrant worker to obtain a work permit.⁶³ While refugees do not require work permits to work in the formal labour market, implementation of this policy affects them by nationals being favoured over refugees for jobs.

Eswatini is yet to operationalise its Labour Market Information System, which was launched in 2019. At present it lacks a national assessment which captures labour market demand for foreign workers.⁶⁴ Operationalisation of its Labour Market Information System would provide a more accurate picture of domestic labour supply and skills gaps and assist in identifying sectors in which there is a shortfall of workers and that would benefit from opening up to refugees. Producing a critical skills list is another important step that could assist in opening up certain occupations to refugees and the GoE has expressed interest in producing such a list.⁶⁵

Obstacles to accessing wage-earning employment

- **Asylum-seekers can generally only access informal wage-earning employment.**

A refugee ID is generally required by employers to access formal employment and therefore asylum seekers only have access to informal employment.⁶⁶

⁶³ENS (2023). *Doing Business in Eswatini*. Available at: <https://www.ensafrica.com/doing-business>

⁶⁴IOM (2021). *Migration Governance Indicators Profile 2021 - The Kingdom of Eswatini*. IOM, Geneva.

⁶⁵ Information provided by the ILO.

⁶⁶Interview with World Vision staff.

- **Asylum seekers remain on asylum status for several years which limits their employment opportunities**

The status of asylum seekers in the country is uncertain, which causes employers to be reluctant to hire them.

- **A shortfall in employment opportunities**

High unemployment in Eswatini curbs the opportunities for asylum seekers and refugees to access employment.

- **The localisation policy impedes the employment opportunities of refugees.**

Localisation is the prioritization of nationals for employment opportunities. This approach has become especially pronounced with the impact and aftermath of the COVID-19 pandemic, which led to a decrease in employment opportunities. While refugees do not require work permits, they are still treated as foreigners in the labour market and nationals are given preference. Employers are reluctant to hire refugees and the Refugee ID card indicates to them that refugees are not nationals.

- **The contracts of refugees employed in the public sector are not being renewed.**⁶⁷

The GoE has frozen the employment of foreigners and consequently refugees employed in the public sector have lost their jobs. Key informants highlighted that refugee French teachers lost their jobs and have been replaced by nationals. There are apparently more nationals that have mastered the French language and become French teachers and it is believed that they should fill these positions, rather than refugees and foreigners.

- **Refugees face deskilling**

Professionally skilled refugees who do not have the opportunity to practice their skills are losing their skills and may not be able to practise their professions again.

- **The two year duration of the refugee status permit curtails the employment of refugees.**

Refugees can generally only be employed for two years and only on contract basis as their status permit is only valid for two years. This creates a sense of job insecurity and weakens their bargaining power for better pay or conditions. It also means that they cannot access the regular state pension. The length of their employment contract is tied to the duration of their refugee status permit and at the end of their employment contract they receive a lump sum payment instead of a pension.⁶⁸

- **Lack of access to tertiary education and training constrain the capacity of refugees to build their skills**

Refugees face a number of obstacles to build their skills and obtain qualifications, including very few opportunities for funded training and tertiary education. Most refugees cannot afford to fund their own training and tertiary education.

- **The recognition of qualifications may be an obstacle to accessing wage earning employment**

⁶⁷Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

⁶⁸Interview with refugee doctor.

As refugees fled to safety, they may not have all their documents with them to have their qualifications recognised in Eswatini, and may struggle to make contact with educational facilities in their countries of origin (CoO). The cost of having foreign qualifications recognised in Eswatini (SZL 750/USD 40.25) may also be prohibitive for refugees.⁶⁹

3.3. Setting up a business

The right to set up a business and its implementation

In terms of self-employment the 2017 Refugee Act states in Article 18 that refugees should be treated as favourable as possible and not less favourable than aliens generally in the same circumstances with regards to self-employment in agriculture, industry, handicrafts, commerce and in the establishment of commercial and industrial companies.

The 2017 Refugee Act addresses Liberal Professions in Article 19 and applies the same approach – refugees whose qualifications are recognised and who would like to practice their profession should be treated as favourable as possible and not less favourable than aliens generally in the same circumstances. Such professions could be practised through wage-earning employment or self-employment.

The Ministry of Commerce, Industry and Trade (MCIT) indicated that asylum seekers and refugees are classified as foreigners when applying for trading licenses, which are issued by the MCIT and valid for 1 year. Foreigners and nationals pay the same fees for these licenses, as well as the same taxes.⁷⁰ Companies need to be registered with the MCIT's Registrar of Companies Department. The cost of registering depends on the nominal capital of the company.⁷¹ The MCIT informed that the cost of applying for a business license is stipulated in the Trading Licenses Amendment, 2023, but the Act could not be located. A Female refugee business owner indicated that she paid SZL 1800 (USD 96.65) to register her company in 2020 and SZL 3000 (USD 161.09) to renew her trading license annually.⁷²

The MCIT stated that refugees require a refugee status permit and refugee ID to apply for a trading license, while asylum seekers need to provide their asylum seekers permit. In addition, asylum seekers and refugees need to prove that the business they are seeking a license for will not be on Emaswati Land. Only indigenous Emaswati may set up businesses on Eswatini Nation land and these businesses must be fully owned by Emaswati. This rule is specified in the 2018 Trade Regulations of 2018.⁷³ Eswatini Nation Land is in rural areas, regarded as communal land and ruled over by chiefs. Therefore the businesses of foreigners, including asylum seekers and refugees, must be on title deed land, which would be urban and private property. They can provide the lease agreement or the title deed (if they own the property) to the MCIT as proof that the business is not on Emaswati Land.⁷⁴

⁶⁹The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at: <https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

⁷⁰Interview with the MCIT.

⁷¹MCIT (2021). *Company Registration Fees*. Available at: <https://www.gov.sz/index.php/departments-sp-1596706154?id=522> Accessed on 12 June 2024.

⁷²The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at: <https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

⁷³Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

⁷⁴Interview with the MCIT.

Obstacles to setting up and growing a business

- **Certain trades are reserved for nationals.**

The Reservation of Certain Trades or Businesses for Swazi Citizens, Regulations, 2017, reserves 31 trades for nationals. While the actual Regulations could not be located, the media reported that these businesses and trades include takeaway restaurants, grocery shops, private investigator, livestock dealer, debt collector, street vendor and funeral parlours.⁷⁵ This is confirmed by the CFI's 2022 diagnostic report on the financial inclusion of asylum seekers and refugees in Eswatini which states that the MCIT does not issue business license to asylum seekers and refugees to engage in the following business activities: household and property, groceries, private investigation, dealer or speculator in livestock, debt collection, street vendor and funeral parlour.

Moreover, the Trading Licenses Amendment Act 9 of 2011 states in Section 20(b) that the Minister may issue regulations that reserve any trade or business for citizens or businesses owned by citizens.⁷⁶ In addition, the 2024 Citizens Economic Empowerment Act aims to economically empower citizens by promoting businesses that are owned by them. It provides for the establishment of the Citizens Economic Empowerment Council, which will inter alia guide amendments to legislation to ensure effective economic empowerment initiatives for citizens⁷⁷. Regulations are also foreseen to be developed for the implementation of the Act.⁷⁸ This implementation of this Act may negatively impact on asylum seekers and refugees who are treated as foreigners in the private sector in Eswatini.

- **Asylum seekers and refugees may not establish businesses on Eswatini Nation Land**

The 2022 *Report on the Assessment of the Rights of Refugees in Eswatini* by the Commission on Human Rights and Public Administration/Integrity of Eswatini points out that this rule especially affects Somali refugees. They were generally not able to access formal education in their CoO and they typically make an income through running businesses.

Moreover, refugees tend to live in the outskirts of towns, which is also Eswatini Nation Land, as they cannot afford to live in towns. For this reason it is also problematic that they may not run businesses on Eswatini Nation Land, as travelling into urban areas and renting shops in urban areas to trade from increases the cost of doing business. Ethiopian and Somali refugees mainly work in retail, such as selling clothes or groceries. World Vision staff remarked they complain that they cannot afford to rent shops in town to sell goods.⁷⁹

A further business restriction for asylum seekers and refugees with regards to Eswatini Nation Land is that they may not sell liquor on Eswatini National Land, as specified in the 2023 Liquor Act.⁸⁰

⁷⁵ Sukati, S (2017). *31 Businesses ban for foreigners starts January*, 10 December 2017, in Times of Swaziland. Available at:

<http://www.times.co.sz/news/116202-31-businesses-ban-for-foreigners-starts-january.html#:~:text=MBABANE%20%E2%80%93%20It%20is%20now%20official,House%20of%20Assembly%20last%20Thursday>.

⁷⁶Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

⁷⁷These provisions are in the Citizens Economic Empowerment Bill, 2021 which is believed to contain the same provision as the Act of 2024. The Act could not be located.

⁷⁸Guest writer Anonymous. *An empowering Act indeed, but...*, in Times of Eswatini, 4 February 2024. Available at:

<https://www.pressreader.com/eswatini/times-of-eswatini/20240204/281874418299905>

⁷⁹Interview with World Vision staff.

⁸⁰Interview with the MCIT.

- **The informal market is saturated which makes it hard for asylum seekers and refugees to set up and grow informal businesses**

Asylum seekers and refugees both tend to be selling the same agricultural products, for which demand is saturated. Market assessments are not being conducted to determine in which areas businesses could be established for which there is a market demand.⁸¹

- **Lack of financial capacity to pay for farming inputs and training**

Asylum seekers and refugees involved in the farming sector are no longer being provided with any farming inputs and need to purchase it themselves. Many struggle to afford fertiliser, seeds or other farming inputs. Asylum seekers and refugees at the MRRC stated that due to lack of fencing animals destroy their crops. They also need irrigation as drought hampers their farming capacity.

Moreover, as aid budgets have been cut, paid training opportunities for asylum seekers and refugees have declined. Consequently there is little business development training offered to asylum seekers and refugees free of charge and they generally cannot afford to pay for it themselves.

- **Asylum seekers cannot travel across the border to purchase goods to trade**

Without refugee status, asylum seekers cannot obtain travel documents, which refugees use to enter Mozambique and South Africa to purchase goods to sell in Eswatini and to trade goods in these countries.

- **Refugees struggle to obtain trading permits**

Refugees find it difficult to obtain trading permits from municipalities and tend to lease permits from Emaswati.⁸² This imposes an additional cost of doing business.

- **Lack of access to loans and business grants for asylum seekers and refugees**

Asylum seekers cannot access loans as their status in the country is uncertain. Refugees generally cannot access loans due to the 2 year duration of the refugee status permit, which means that the loan would have to be repaid over the two year period as there is no certainty that the refugee will remain in the country.⁸³ Moreover, asylum seekers and refugees cannot access business grants that are given by the state.⁸⁴ Not being able to access capital to start or grow businesses limits the ability of asylum seekers and refugees to do so. It also means that they cannot buy property on which to operate their businesses, which curtails their opportunities to invest and grow businesses.

3.4. Access to finance and financial services

Access to bank accounts

To access bank accounts asylum seekers and refugees generally require a valid ID and proof of residence. Residents of the MRRC can use a letter from the MRRC as proof of residence.⁸⁵

⁸¹Focus group discussion with asylum seekers and refugees at the MRRC.

⁸²Interview with UNHCR staff.

⁸³Interview with CFI staff.

⁸⁴CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁸⁵CFI (2023). *Roadmap to the Financial Inclusion of Forcibly Displaced Persons (FDPs) in the Kingdom of Eswatini*, July 2023.

MoHA indicated that asylum seekers can use their non-Swazi personal identification number which is issued by the Civil Registration and Vital Statistics Department to open bank accounts. However, some asylum seekers interviewed at the MRRC for this Study stated that they are not able to open bank accounts. Access to financial service providers (FSPs) and bank accounts are impeded by the lack of a standardized approach to the onboarding of asylum seekers and refugees, who are following their own interpretation of customer due diligence (CDD) requirements.⁸⁶ Asylum seekers and refugees need a business licence from the MCIT to access a business bank account.⁸⁷

Access to financial platforms for conducting business

Asylum seekers and refugees who were interviewed for this assessment indicated that they generally run their businesses using cash. The CFI's 2022 diagnostic report on the financial inclusion of asylum seekers and refugees in Eswatini confirmed that cash is still a popular means of payment.⁸⁸ Asylum seekers and refugees also stated that they transact through mobile platforms, namely MTN money. CFI's 2022 diagnostic report found that mobile money is the most popular financial service amongst asylum seekers and refugees. Non-bank financial service providers, especially mobile money operators, are the catalyst for the financial inclusion of asylum seekers and refugees in Eswatini. Mobile money platforms can be used for savings, payments, remittances, micro-credit and insurance services and are situated closer to the MRRC than bank branches.⁸⁹ The Refugee pin can be used to obtain a sim card and access mobile money platforms, while asylum seekers can use the non-Swazi personal identification number to do the same.

Access to loans

CFI, which is a semi-autonomous body under the auspices of the Ministry of Finance and coordinates the implementation of Eswatini's Financial Inclusion Agenda, was interviewed for this assessment and indicated that refugees generally only have transactional bank accounts. They lack access to various financial products, such as loans, insurance, life cover and investments due to the two-year duration of their refugee status permit.

Refugees struggle to access loans due to the two-year duration of the refugee status permit. They can apply for a five year status permit if they have letter from the bank indicating that they intend to provide them with a loan. However, the longer status permit is not easily accessed and only around 20 refugees have obtained it to date. Asylum seekers cannot access loans, and as mentioned earlier, may be on asylum status for several years.

Furthermore, there are no bespoke financial services for asylum seekers and refugees who may experience financial exclusion as they do not all know English and financial services are not offered in the languages they know. In addition, there are limited non-interest-bearing financial services (Sharia Banking) for Muslims, which particularly affect Somali refugees.⁹⁰

⁸⁶CFI (2023). *Roadmap to the Financial Inclusion of Forcibly Displaced Persons (FDPs) in the Kingdom of Eswatini*, July 2023.

⁸⁷CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁸⁸CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁸⁹CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁹⁰CFI (2023). *Roadmap to the Financial Inclusion of Forcibly Displaced Persons (FDPs) in the Kingdom of Eswatini*, July 2023.

The impact of limited financial inclusion on accessing the labour market

Eswatini has a combination of traditional banking and non-banking institutions that offer savings, payments, credit, investments, and insurance services. In general refugees and asylum seekers can access these financial products if they have a residence status permit, a letter from MoHA, and a letter from the MRRC as proof of address. However, some lack some of these documents and experience financial exclusion.⁹¹ Also, financial service providers have different ID requirements for asylum seekers and refugees and the lack of a harmonised approach towards CDD undermines the financial inclusion of asylum seekers and refugees.⁹²

The refugee ID given to refugees and the non-Swazi PIN given to asylum seekers are linked to the digital national population registry. However, only one commercial bank has integrated the registry into their systems. Integrating more FSPs with the national population registry will reduce the speed and cost of complying with CDD requirements and enhance financial inclusion.⁹³ Moreover, the time it takes for asylum seekers to obtain refugee status is an obstacle to financial, economic and social inclusion.⁹⁴

The CFI's 2022 diagnostic report on the financial inclusion of asylum seekers and refugees in Eswatini found that 27% of the surveyed asylum seekers and refugees are financially excluded, while 13% of the national population is financially excluded.⁹⁵ Limited access to banking and financial services impede asylum seekers' and refugees' access to employment and self-employment. This includes lacking access to finance for emergency needs; lacking seed money for a business; and lacking resources to invest in gaining new skills and recovering from economic shocks. It also means that businesses owned by asylum-seekers and refugees' may have a smaller client base and less scope for growth, as some clients will only transact with formal businesses that have a business bank account. Access to financial services is vital for the economic inclusion of refugees. *Affordable access to financial services can help refugees cope with negative shocks, reduce exposure to risk, and stimulate economic activity at community and national levels.*⁹⁶

3.5. Buying land and property

Asylum seekers cannot purchase property as a refugee ID is required.⁹⁷ Refugees may not purchase residential property and may only purchase property for business in certain circumstances.⁹⁸

*Circular 1 of 2017 'on deprivation of ownership of immovable property by foreigners' bans non-Emaswati citizens from purchasing residential property in the country.*⁹⁹ As refugees are treated as foreigners, this rule also applies to refugees.

⁹¹CFI(2023). *Roadmap to the Financial Inclusion of Forcibly Displaced Persons (FDPs) in the Kingdom of Eswatini*, July 2023.

⁹² CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁹³ CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁹⁴CFI (2023). *Roadmap to the Financial Inclusion of Forcibly Displaced Persons (FDPs) in the Kingdom of Eswatini*, July 2023.

⁹⁵ CFI (2022). *Forcibly Displaced Persons in Eswatini - Financial Inclusion Diagnostic Report*.

⁹⁶UNHCR (2019). *Executive Summary of Inaugural Financial and Economic Inclusion Workshops for Refugees by UNHCR and the Banking Association South Africa*, September 2019.

⁹⁷Interview with World Vision staff.

⁹⁸Interview with the MCIT.

⁹⁹Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

According to the 2005 Constitution Section 211(4) non-citizens or their majority-owned foreign companies cannot buy immovable property in Eswatini. However, Section 211(5) of the 2005 Constitution makes an exception to this stipulation for businesses which use land as significant factor or base. Practically this means that foreigners, including refugees, can only purchase land for business purposes, and only if land is a significant base or factor for the business. These rules have resulted in the Deeds office no longer registering residential property in the personal names of non-citizens.¹⁰⁰

4. Asylum-seekers' and refugees' access to training, higher education and the recognition of skills and qualifications

4.1. The right to study and its implementation

The 2017 Refugee Act states in Article 22 that refugees should enjoy the same treatment as nationals with regards to primary education. The 2005 Constitution of Eswatini states in Article 29 (6) that all Eswatini children should enjoy free primary education. Yet in practice, children born to refugees are discriminated against as they do not benefit from free primary education and government scholarship grants which are only given to Emaswati children¹⁰¹ Due to lack of funds for education some children resort to working in the local market.¹⁰²

4.2. Access to training and higher education

While asylum seekers and refugees may access training and higher education, they generally have to fund it themselves. Only nationals benefit from government scholarships for tertiary education.¹⁰³ Refugees in Eswatini can access the DAFI (Albert Einstein German Academic Refugee Initiative) scholarship programme, through which an undergraduate degree in Eswatini can be earned. The DAFI programme is supported by the Government of Germany, the Government of Denmark, the UNHCR and private donors.¹⁰⁴ UNHCR headquarters provide an annual quota for the number of refugees in Eswatini that can access the DAFI scholarship scheme. At the time of writing (2024) 6 refugee students were studying in Eswatini through the DAFI scholarship.

4.3. Access to the recognition of skills and qualifications

The SADC Qualifications Framework

The Southern African Development Community (SADC) Qualifications Framework (SADCQF) was established as a Regional Qualifications Framework in 2011 and its implementation will

¹⁰⁰Nkambule, N. (2022). *Can foreigners purchase and own immovable property in Eswatini?* 8 April 2022, in InsideBis Magazine. Available at: [https://www.insidebiz.co.sz/can-foreigners-purchase-and-own-immovable-property-in-eswatini/#:~:text=Section%20211\(4\)%20sets%20out,purchase%20immovable%20property%20in%20Eswatini.](https://www.insidebiz.co.sz/can-foreigners-purchase-and-own-immovable-property-in-eswatini/#:~:text=Section%20211(4)%20sets%20out,purchase%20immovable%20property%20in%20Eswatini.)

¹⁰¹Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini.*

¹⁰²Interview with refugee doctor.

¹⁰³Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini.*

¹⁰⁴ UNHCR (2023). *DAFI Tertiary Scholarship Programme.* Available at: <https://www.unhcr.org/what-we-do/build-better-futures/education/tertiary-education/dafi-tertiary-scholarship-programme>

facilitate the movement of learners and workers in and beyond the region.¹⁰⁵ The mutual recognition and transferability of skills and qualifications will be possible between Member States that have aligned their national qualifications frameworks (NQFs) to the SADCQF.

The SADCQF is informed by learning outcomes and quality assurance principles that will serve as a regional benchmark for qualifications and quality assurance mechanisms. Eight Member States are piloting the alignment of their NQFs to the SADCQF, namely, Botswana, Eswatini, Lesotho, Mauritius, Namibia, Seychelles, South Africa and Zambia. Mauritius and South Africa have reportedly completed their alignment processes to the SADCQF.¹⁰⁶

The recognition of asylum-seekers' and refugees' qualifications in Eswatini

The Ministry of Education, who was interviewed for this assessment, indicated that a national Recognition of Prior Learning policy is being developed and expected to be completed in 2024. It should assist refugees, who do not have formal qualifications, with having their skills recognised.

The Eswatini Higher Education Council instituted the Eswatini Qualifications Framework (ESQF) in 2016, which is based on the SADCQF.¹⁰⁷ The Eswatini Qualification Authority (EQA) is responsible for the implementation of the ESQF and the verification and evaluation of local and foreign qualifications.

The EQA indicated that asylum seekers and refugees can have their foreign qualifications recognised in Eswatini, even if they do not have the official document, such as a degree, from the institution where they studied. Through contact with the issuing institution in the country of origin, the authentication of the qualification can be established. Next EQA will establish the local equivalence of the qualification in terms of the ESQF. It costs E750/USD 40.25¹⁰⁸ to have qualifications recognised, which may not be affordable to refugees. To work in a professional field, such as medicine, recognition would also need to be obtained from the relevant professional body to work in that field in Eswatini.

5. Rights at work

Eswatini has ratified 8 of the 10 ILO Fundamental Conventions, 2 of the 4 governance conventions, and 23 of the 177 technical conventions.¹⁰⁹

5.1. Access to justice

Part IV of the 2017 Refugee Act addresses welfare issues. Article 24 deals with labour legislation and states that refugees should enjoy the same treatment as nationals with regards *remuneration, including family allowances where these form part of remuneration*,

¹⁰⁵Crush, J., Dhakal, A., Williams, V. and Ramachandran, S. (2021). *Stocktaking of work on labour migration in the Southern African region - final report for the Southern African Migration Management (SAMM) Project*.

¹⁰⁶Crush, J., Dhakal, A., Williams, V. and Ramachandran, S. (2021). *Stocktaking of work on labour migration in the Southern African region - final report for the Southern African Migration Management (SAMM) Project*.

¹⁰⁷IOM (2021). *Migration Governance Indicators Profile 2021 - The Kingdom of Eswatini*. IOM, Geneva.

¹⁰⁸The exchange rate is from xe.com on 12 June 2024 with 1 USD = SZL 18.62. Available at:

<https://www.xe.com/currencyconverter/convert/?Amount=1&From=USD&To=ZAR>

¹⁰⁹ILO (2023). *Ratifications for Eswatini*. Available at:

https://normlex.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103336

hours of work, overtime arrangements, holidays with pay, restrictions on homework, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining.

Article 16 confirms that refugees shall enjoy the same access to the courts of law as nationals.

The Ministry of Labour and Social Security explained that all workers in Eswatini, including asylum seekers and refugees, are protected by its labour and employment legislation. This includes the Employment Act, 1980, the Workmen's Compensation Act, 1983 and the Occupational Safety and Health Act, 2001. The Employment Act, 1980, inter alia, covers employment contracts, wage deductions, equal pay for men and women, and prohibits forced labour. Article 9 deals with the powers and duties of inspectors, which includes to periodically inspect places of employment. The Ministry of Labour and Social Security stated that labour inspection takes place, but is limited, due to lack of capacity. The Ministry has 7 local labour offices, to which workers, including asylum seekers and refugees, can report complaints. Following a complaint, labour inspection will take place to investigate the complaint and the labour office will try to resolve the dispute. Article 8 of the Employment Act, 1980 deals with the powers and duties of the Labour Commissioner, which includes to receive and address complaints arising from any employee/employer relationship.

The Industrial Relations Act, 2000 establishes the Industrial Court, which is responsible for promoting good labour relations and employment conditions (Article 6). Complaints can be lodged with the Court, including by an employee, an employer and trade union (Article 8 (2) (a)). Decisions and orders of the Industrial Court carries the same weight as judgments of the High Court (Article 8(5)).

5.2. Freedom of association

Freedom of Association is covered by the Industrial Relations Act, 2000, which stipulates that the basic rights of an employee include joining or taking part in forming a trade union and the basic rights of an employer include joining or taking part in forming an employer organisation. However, while asylum seekers and refugees are allowed to join trade unions and employers' organisations, in reality they do not appear to be members of these organisations in Eswatini. The social partners that were interviewed for this assessment did not have any members who are asylum seekers or refugees. Moreover, this research did not identify any asylum seekers or refugees who belong to trade unions or employers' organisations.

6. Asylum-seekers' and refugees' access to social security

The 2017 Refugee Act addresses social security in Article 24. It states that refugees should be given the same treatment as nationals with regards to *social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme)*. However, this is subject to limitations and may include benefits that are paid out of public funds.

Asylum seekers and refugees can benefit from compensation under the Workmen's Compensation Act, 1983. The Eswatini National Provident Fund (ENPF) is only available to

nationals.¹¹⁰ The ENPF was established in 1974 to serve as a retirement savings scheme which employed persons can benefit from when they retire due to old age or no longer being able to work.¹¹¹ The Public Service Pensions Fund (PSPF) is also only available to nationals. Refugees' contracts are generally limited to two years due to the two year duration of the refugee status permit. The Ministry of Labour and Social Security explained that to benefit from the PSPF an employee needs to have been employed for more than 10 years. Furthermore, the GoE does not have agreements with other countries that allow for the portability of social security benefits.¹¹²

7. Durable solutions for refugees

The right to work and access labour markets are fundamental to refugees' ability to be self-reliant, live their lives in safety and dignity and contribute to and integrate into their host communities.¹¹³ The UNHCR promotes three durable solutions for refugees as part of its core mandate: voluntary repatriation, local integration or resettlement. These solutions also aim to promote the self-reliance, safety and dignity, and social and economic integration of refugees. Refugees' participation in the labour market in the context of these solutions are key to achieving the desired outcomes of these solutions.

Local integration

The UNHCR online Master Glossary of Terms defines local integration as a refugee's permanent settlement in its host country, which involves legal, economic, and socio-cultural aspects, and often concludes with the naturalisation of the refugee.

Section 45 of the 2005 Constitution deals with *citizenship by registration* which is granted by the Citizenship Board and for which the following conditions should be met. The person should normally be living in Eswatini and have lived in Eswatini for 5 years during the preceding 7 years. Furthermore, they should be able to support themselves and have contributed and continue to contribute to the development of the country; they should be of good character; have sufficient knowledge of siSwati or English and intend to reside in Eswatini. A person can also obtain *citizenship by registration* if they have been living in Eswatini for 10 years and their application is supported by a Chief after consultation with bandlancane (an administrative council of a chiefdom) or if their application is supported by three reputable citizens. Despite these legal provisions, naturalisation is generally not an option for refugees in Eswatini.

It is rare for refugees to obtain citizenship in Eswatini – it takes a long time to be processed and most refugees that obtained citizenship did so more than 10 years ago.¹¹⁴ Some refugees

¹¹⁰Interview with the Ministry of Labour and Social Security.

¹¹¹ENPF (2020). *Eswatini National Provident Fund*. Available at: <https://enpf.co.sz/>

¹¹²IOM (2021). *Migration Governance Indicators Profile 2021 - The Kingdom of Eswatini*. IOM, Geneva.

¹¹³Zetter, R. and Ruadel, H. (2018). *Refugees' right to work and access to labour markets: constraints, challenges and ways forward* in Forced Migration Review "Economies, rights and access to work" Issue 58, June 2018.

Available at: <https://www.fmreview.org/economies/zetter-ruadel>

¹¹⁴Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

have been in Eswatini for more than 30 years and have still not obtained citizenship.¹¹⁵ Other refugees have been approved for citizenship and never received it.¹¹⁶

The Citizenship Board informed some refugees who appeared before it that only applications with certain qualifications and in employment were considered.¹¹⁷ Consequently, refugees without qualifications, who are self-employed or no longer employed are discriminated against.¹¹⁸ Moreover, there is no official policy on which sectors refugees need to work in to obtain citizenship.¹¹⁹ Access to citizenship for refugees remains opaque which impedes local integration.

Voluntary repatriation

Voluntary repatriation is the free and informed return of refugees to their CoO in safety and dignity.¹²⁰ The voluntary repatriation of refugees may be organised, or it may be spontaneous and undertaken by refugees themselves. The UNHCR facilitates voluntary repatriation from Eswatini - In 2023 it supported the repatriation of 16 individuals: 13 to the DRC, 2 to Angola and 1 to Burundi. Most refugees currently seeking assistance from the UNHCR to return to their CoO are from the DRC (Kinshasa and Lubumbashi) To date 11 individuals have been supported to return to the DRC in 2024.¹²¹

Resettlement

Resettlement is the selection and transfer of refugees to a country that agreed to provide them with permanent residence status and the opportunity to become a naturalised citizen.¹²² Resettlement caseloads are determined by Countries of Destination (CODs), who have their own criteria for resettlement, such as vulnerable women refugees that are survivors of torture and gender-based violence. There is no specific allocated quota for Eswatini. Once an individual is identified as in need of resettlement UNHCR negotiates with resettlement countries to consider their case.¹²³

The UNHCR identifies cases for resettlement from Eswatini through regular monitoring missions and some cases are also referred to the UNHCR by World Vision. The UNHCR assesses the resettlements needs of identified cases and submit cases that meet the resettlement criteria of resettlement countries to those countries. If a case is accepted by a country for resettlement, IOM is instructed by the resettlement country to organise the travel of the refugee who is to be resettled. IOM facilitates the medical assessment of refugees at their office in Pretoria, South Africa, and arranges pre-departure orientation for refugees, as well as travel documents and transport to the COD. There were no resettlement departures in 2023. However, 40 individuals departed between 2016 and 2020 mainly to USA. Currently 27 individuals are due to be resettled (23 to the USA and 4 to Germany), pending departure processes.¹²⁴

¹¹⁵Interview with UNHCR staff

¹¹⁶Interview with refugee doctor.

¹¹⁷Interview with UNHCR staff

¹¹⁸Commission on Human Rights and Public Administration/Integrity (2022). *Report on the Assessment of the Rights of Refugees in Eswatini*.

¹¹⁹Interview with refugee doctor.

¹²⁰ UNHCR. (date unknown). *Master Glossary of Terms*. Available at: <https://www.unhcr.org/glossary>

¹²¹ Information provided by the UNHCR.

¹²²UNHCR. (date unknown). *Master Glossary of Terms*. Available at: <https://www.unhcr.org/glossary>

¹²³ Information provided by the UNHCR.

¹²⁴ Information provided by the UNHCR.

Complementary pathways

In the absence of durable solutions, complementary pathways of admission can offer refugees protection and long-term solutions in third countries. Complementary pathways for admission include labour mobility schemes; education programmes; family reunification; humanitarian admission programmes and community sponsorship of refugees.¹²⁵ The UNHCR stated that there are currently no complementary pathways available to refugees in Eswatini and that it continues to advocate for such pathways, especially education pathways.

8. Conclusion

The local integration of asylum seekers and refugees is promoted in a number of ways. They are allowed to move freely around the country and have access to educational and health facilities, which are subsidised by the Government. Moreover, the Government offers support to asylum seekers for the first three months of their stay, by hosting them at the MRRC and providing them with essential services such as accommodation, water and electricity. The GoE also spurs on the self-reliance of refugees by having provided some land for them to farm and giving them access to the formal labour market.

The social and economic inclusion and self-reliance of asylum and refugees are, however, impeded by several factors. The lengthy RSD process keeps many asylum seekers in legal limbo for several years, limiting their access to employment, documentation and financial services. Moreover, in practice refugees are often treated as foreigners in the labour market. Refugees are grouped with foreigners in the government's policy of reserving certain trades and public sector jobs for nationals. In addition, the two-year duration of the refugee status permit prevents refugees from accessing long-term employment, as well as loans which may be needed to start or grow businesses.

High unemployment and poverty in Eswatini results in many asylum seekers and refugees living in poverty, with some returning to the MRRC as they are not able to support themselves. The GoE should review its policies and practices that impact on the social and economic inclusion of asylum and refugees, with a view to bolster their self-reliance and the contribution they can make to society. Specific recommendations on how to do so are detailed in chapter 9 on legal, policy and practice recommendations.

9. Legal, policy and practice recommendations

Legal Recommendation

- **The GoE should amend its laws to allow refugee children born in Eswatini to be given Eswatini citizenship.** This will enhance their integration and social and economic opportunities and their ability to contribute to the social and economic development of Eswatini.

¹²⁵UNHCR (date unknown). *Complementary pathways for admission to third countries*. Available at: <https://www.unhcr.org/complementary-pathways.html>

- COR should identify the laws that affect refugees and engage the line ministries to align those laws and their implementation to the rights provided to refugees in the Refugees Act, 2017.

Policy Recommendations

Improving the documentation of refugees to bolster their social and economic opportunities:

- The Refugee Department should reduce the number of documents that form part of an asylum seeker's file, move away from using hard copies and digitise these documents to speed up the RSD process.
- The GoE should extend the duration of the refugee status permit to at least five years to aid the integration of refugees and their access to employment and financial services.
- The GoE should consider reviewing the refugee travel document. Currently refugees face challenges travelling with the document and accessing employment opportunities abroad as there is no nationality on the refugee travel document issued by the GoE.

Enhancing access to citizenship to strengthen local integration:

- The Citizenship Board should clarify the requirements for refugees to obtain citizenship and speed up the process to obtain citizenship.

Strengthening the labour market access of refugees:

- The GoE should provide refugees with more favourable labour market access than other foreigners, and consider opening up all business sectors to refugees. It should also allow them to work in the public sector.¹²⁶

Reinforce social assistance for refugees:

- The GoE should provide refugees with free primary education, as is captured in its legal framework.
- The GoE should extend scholarship opportunities to refugees.
- The GoE should grant refugees access to the Phalala Fund so that their medical needs can be met and their productive contribution to society enhanced.

¹²⁶ The GoE should be guided by the ILO's *Guiding principles on the access of refugees and other forcibly displaced persons to the labour market*.

Practice Recommendations

Improving the asylum system:

- The GoE should digitise asylum files.
- The GoE should clear the backlog of asylum cases, appoint more RSDOs and ensure that all RSD processes are completed within 180 days.
- Asylum seekers who do not have the necessary documents to obtain refugee status, such as those whose police statements have been lost, should be provided with the necessary documents to complete the RSD process.
- COR should reactivate the RAB so that asylum seekers are not kept in legal limbo and their appeals are finalised.

Raising awareness on the rights of asylum seekers and refugees:

- COR should organise a workshop with all government agencies and stakeholders in Eswatini that are engaging with asylum seekers and refugees to raise awareness on their rights, refugee law and discuss how to enhance their integration.

Enhancing the labour market access of asylum seekers and refugees:

- The ILO and the UNHCR should conduct a study to determine what is the best way to measure and quantify the labour market access of refugees, as well as their access to decent work. Once these aspects can be measured, the effectiveness of strategies to augment labour market access of refugees and their access to decent work can also be measured.
- The Ministry of Labour and Social Security should operationalise the Eswatini Labour Market Information System which will enable it to affectively assess skills gaps. It should also produce a critical skills list and open up sectors in which there are skills gaps to refugees.

Boosting the financial inclusion of asylum seekers and refugees:

- The CFI should develop bespoke financial literacy programmes for asylum seekers and refugees who are dependents, farmers, and informal workers as their 2022 diagnostic report on the financial inclusion of asylum seekers and refugees in Eswatini found that they are the most financially excluded of all asylum seekers and refugees.
- The CFI should advocate for the development of bespoke financial products for asylum seekers and refugees, which are in their home languages and enhance their financial inclusion.

- The Central Bank of Eswatini should encourage the development of non-interest bearing financial services (Sharia Banking) to enhance the financial inclusion of asylum seekers and refugees that follow the Muslim religion, such as Somalis.
- The Central Bank of Eswatini and the Financial Services Regulatory Authority should develop a guideline that clarifies the documents that are needed to meet CDD requirements so that CDD requirements are standardised by all FSPs for asylum seekers and refugees. They should then raise awareness on these CDD requirements with FSPs.
- MoHA should push for the integration of more FSPs with the national population registry to reduce the speed and cost of complying with CDD requirements and enhance the financial inclusion of asylum seekers and refugees.

Bolstering livelihoods:

- The UNHCR and partners should increase microfinance and start-up capital for refugee businesses.
- The ILO and the UNHCR should conduct market assessments to determine in which areas businesses could be established for which there is a market demand and train refugees on such skills.
- The UNHCR and partners should increase technical vocational education and training opportunities, that are aligned to market demand, for refugees.

Annex I Key rights of asylum-seekers and refugees in Eswatini's refugee legislation

The Refugees Act, 2017

Refugees have the right/duty to:

- refugees have the right to have the Commissioner for Refugees facilitate entry into Eswatini of their family members.
- the dependants of refugees will be granted refugee status and their status will continue to be recognised as refugees in the case of death or a change in family structure, such as death of the head of the household or divorce.
- refugees and their dependents have the right to remain in Eswatini and to be issued with an identity card
- refugees have to conform to Eswatini's laws and regulations and measures for maintaining public order.
- refugees have to try to learn the language and customs of Eswatini in order to fully integrate into its society
- refugees have the same freedom as nationals to practise their religion and conduct the religious education of their children.
- refugees have the same right of association as nationals
- refugees have the right to free access to the courts.
- refugees have the right to the same treatment as nationals in term of access to the courts, including legal assistance.
- refugees have the right to the most favourable treatment to engage in wage earning employment, as is given to foreigners in the same circumstances
- refugees have the right to self-employment, as is given to foreigners in the same circumstances
- refugees have the same right to practice liberal professions, as is to given foreigners in the same circumstances
- refugees have the right to the same treatment as nationals with regards to rationing
- refugees have the right to the same treatment with regards to housing, as the best treatment that is given to foreigners in the same circumstances
- refugees have the right to the same treatment as nationals with regards to primary education
- refugees have the right to at least the same treatment with regards to secondary education, scholarships and the recognition of qualifications, as is given to foreigners in the same circumstances
- refugees have the right to the same treatment as nationals with regards to public relief and assistance
- refugees have the right to the application of the same labour laws and regulations as nationals
- refugees have the right to the same social security as nationals, with certain limitations, such as no access to the public pension
- refugees have the right to freedom of movement
- refugees have the right to a travel document

- refugees have the right to the same treatment as nationals with regards to payment of taxes

Asylum-seekers have the right/duty to:

- to not be penalised for illegally entering the country
- to apply for asylum and be issued with an asylum document, which will remain valid until the person is granted or refused refugee status.
- to be provided with an interpreter during the RSDO interview if they do not understand the language that the interview is conducted in.
- to remain in Eswatini while their asylum claim is assessed
- to not be subject to non-refoulment
- to be given the outcome of their asylum claim within 180 days of it being made.
- to appeal to the National Refugee Appeals Board within 21 days of being informed that the claim for asylum was rejected and to remain in the country while the appeal is being considered.
- To leave Eswatini if the appeal is rejected or to seek redress with the High Court.

Annex II – List of Key Informants

Meetings with refugees

Refugee School Director and business owner in Mbabane
Refugee doctor in Mbabane
39 asylum seekers and refugees at the MRRC

Business Eswatini

Nelisiwe Mtshali, Head, Industrial Relations and Company
Nozipho Msibi, Head of Legal

Centre for Financial Inclusion

Prudence Mnisi, Programme Manager

Eswatini Qualifications Authority

Mboni Dlamini, Executive Secretary

IOM

Ndumiso Mkhali, Project Support Assistant
Lindiwe Simelane, Project Development and Reporting Officer

Ministry of Commerce, Industry and Trade

Sonto Hlophe, Chief Commercial Officer

Ministry of Education

Richard Dlamini, Acting Director of Education
Charles Hlatshwako, Principal Assistant Secretary
Lungelo Nhlengetfwa, Under Secretary Schools Manager
Nanikie Mnisi, Under Secretary
Thabsile Dlamini, Acting Chief Inspector Primary

Ministry of Foreign Affairs

Zanele Keke Bhembé, Acting Under Secretary Political
Silindile Mabila, Assistant Socio-Political Analyst, International Cooperation Section
Zandile Dhlamini, Legal Advisor

Ministry of Home Affairs

Nhlanhla Nxumalo, Permanent Secretary
Zanele Mlambo, Commissioner for Refugee
Wandile Bhombe, Deputy Commissioner
Nhlanhla Dlamini, Legal Advisor
Phumlani Zwane, Assistant Regional Registrar
Brian Mohamed, Immigration Officer
Sikhanyiso Gombi, RSDO
Lucky Masuku, Assistant Estate Officer at the MRRC
Sifiso Mgabhi, Grounds Manager at the MRRC

Ministry of Labour and Social Security

Nomsa Silenge, Senior Labour Inspector

Gcina Nxumalo, Acting Assistant Commissioner of Labour

Royal Eswatini Police

Wendy Hleta, Director General Community Safety

Tibonisile Mdziniso, Director Operations

Happiness Shongwe, Post Commander

Siboniso Gama, Airport police sergeant

Sipho Ndlangamandla, Airport police Inspector

Vusi Mkhabela, Deputy Director

December Fakuotwe, Post Commander

Trade Union Congress of Swaziland

Musawenkhusi Sifundza

World Vision

Mbongeni Nkabinde, Project Manager

UNHCR

Mbali Mushatama, Protection Associate

Tapiwa Nkhoma, Durable Solutions Officer

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