



Addendum on the Recognition of Qualifications of Refugees and Asylum Seekers

Draft for public comment

15 November 2018

1. This Addendum adds to the *Policy and Criteria for Evaluating Foreign Qualifications within the South African NQF* that was amended and published in the Government Gazette in March 2017 (hereafter referred to as the *2017 Policy and Criteria*).
2. In particular, this Addendum gives context to Clause 11 of the *2017 Policy and Criteria* which states the following:

“Globally the recognition of foreign qualifications is guided by a number of legal instruments often led by the United Nations Educational, Scientific and Cultural Organization (UNESCO). South Africa notes the importance of the *Revised Convention on the Recognition of Studies, Certificates, Diplomas and Degrees and Other Academic Qualifications in Higher Education in African States*”.
3. The Revised Convention, commonly known as the Addis Convention, makes special provision for the recognition of qualifications of asylum seekers and refugees, and for Parties “to establish appropriate procedures to assess whether refugees and internally displaced persons respectfully fulfil relevant requirements to access higher education through recognition of prior learning and qualifications for employability and integration” (Article III.2, Clause 5).
4. The focus of this Addendum is on asylum seekers and refugees, and for its purpose, the following definitions as provided in the Refugees Act, No. 130 of 1998, as amended (hereafter referred to as the Refugees Act) will be used:
 - a. **“Asylum seeker”** means a person who is seeking recognition as a refugee in the Republic.
 - b. **“Refugee”** means any person who has been granted asylum in terms of the Refugees Act.

- c. Furthermore, according to the Refugees Act, “A person qualifies for refugee status for the purposes of this Act if that person:
 - i. owing to a well-founded fear of being persecuted by reason of his or her race, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself or herself of the protection of that country, or, not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it; or
 - ii. owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either a part or the whole of his or her country of origin or nationality, is compelled to leave his or her place of habitual residence in order to seek refuge elsewhere; or
 - iii. is a dependant of a person contemplated in paragraph (a) or (b)”.
 5. SAQA acknowledges the increasing mobility of migrants from various parts of the world into South Africa for work or study purposes. The qualifications of these migrants will be evaluated according to the *2017 Policy and Criteria* in line with SAQA’s normal cost structure.
 6. SAQA is conscious that refugees and asylum seekers do not migrate by choice and face unique challenges to meet all the application criteria for evaluation of their qualifications. SAQA is committed to assisting asylum seekers and refugees to overcome such challenges.
 7. SAQA will consider the obligations prescribed by the relevant legislation for refugees and asylum seekers in pursuit of the recognition of their qualifications for study and work purposes, at all levels, and in all Qualifications Sub-Frameworks, within South Africa. In order to do this SAQA will take the following aspects into account:
 - a. The relevant national legislation for the protection of these individuals;
 - b. The particular challenges faced by individuals and how these may be addressed in collaboration with relevant partner and stakeholder groups;
 - c. An appropriate model and procedures for the evaluation and recognition of the qualifications of asylum seekers. Lessons from the implementation of the model and procedures will be documented and shared with stakeholders. The experiences will inform policy review; and
 - d. The cost involved, with specific reference to the fact that SAQA undertakes the evaluation of foreign qualifications as a cost recovery service and may be able to identify appropriate funding.
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