

BREAKING BORDERS & BINARIES

#BREAKINGBORDERSANDBINARIES

WITH
NQABUTHO
NDEBELE

HE/HIM



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Lawyers for Human Rights



Gender Dynamix



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Nqabutho Ndebele is an asylum seeker from Zimbabwe who arrived in South Africa around 2018 after being persecuted due to his sexual orientation by the community and law enforcement agents in Zimbabwe. Nqabutho lodged an application for asylum which was rejected by the refugee status determination office on the account that “[P]eople are never born gay but develop this behaviour as they start to grow. Naturally, people are born either as female or male under normal circumstances.”

Nqabutho faces a number of challenges including access to health care, education, and banking services in South Africa despite being documented. Nqabutho is exposed to further discrimination and marginalisation every time he attends the Desmond Tutu Refugee Reception Office to extend the validity of his asylum seeker visa. Nqabutho hopes for reformation of the asylum system as it pertains to the adjudication of claims of people with claims based on their sexual orientation and gender identity. Nqabutho calls for an improved and lawful decision-making process that comprises of experts in gender studies.

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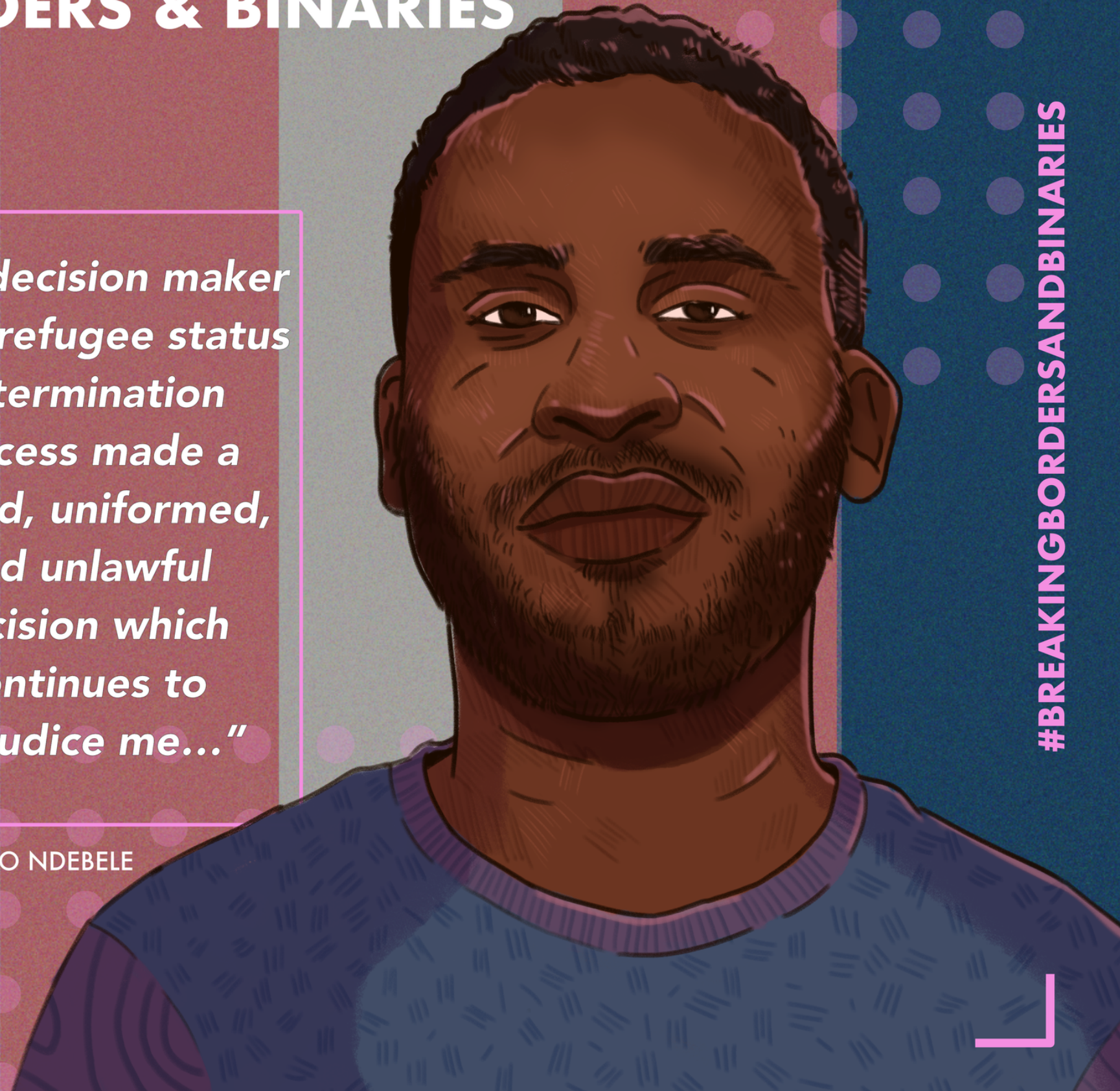
GENDER
DYNAMIX

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“The decision maker in my refugee status determination process made a biased, uniformed, and unlawful decision which continues to prejudice me...”

- NQABUTHO NDEBELE

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Focus: Transgender and gender non-confirming people have a right to claim asylum in South Africa.

In South Africa asylum seekers have the right to apply for refugee status, and to be protected from persecution in their home country in terms of section 21 of the Refugees Act. This right comes with a right to access basic services such as healthcare, education, and housing.

The Refugees Act allows refugees with claims based on their sexual orientation, gender identity, expression and sex characteristics to lodge an application for asylum under section 3(a) of the Act.

It is important to note that while asylum seekers have these legal entitlements, they often face significant challenges in accessing them. In practice, many asylum seekers struggle to access basic services and are excluded from formal employment and financial services. As a result, they often face significant social and economic hardship in South Africa.

We call on the financial services sector administers their services without discriminating on the basis of nationality.

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