



Making the Best Out of Immigration

RECOMMENDATIONS

- The authorities should move away from the current approach of viewing immigration merely as a matter of policing and immigration control, as handled by the DHA. Instead immigration should be dealt with at all levels of planning, whether schooling, healthcare, labour, agriculture, urban planning and foreign policy.
- A pragmatic rather than criminalising approach to immigration should recognise that migration is a global phenomenon, and one that individual states will not manage to stop, regardless how draconian the measures. Many of the social and political problems blamed on immigrants are exacerbated by the criminalising response of the DHA and police.
- Instead of treating them as 'ordinary' economic migrants, South Africa should recognise the particular political crisis that has caused so many Zimbabweans to flee. It should put in place a tailor-made migration regime for Zimbabweans that includes humanitarian considerations.
- A new Zimbabwe documentation project should be put in place, but this time after careful consultation with affected populations, including Zimbabwe diaspora groups.

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INTRODUCTION

Instead of criminalising a global human phenomenon, what can South Africa do to make the best out of immigration?

South Africa has long been a major immigration destination country, with migrants arriving from across the African continent and beyond. Some head to South Africa for reasons of conflict, insecurity or persecution at home, more make the journey to find work and improve their economic conditions. Whether fleeing from fear or drawn to opportunity, African migrants in South Africa have in common the belief that post-apartheid South Africa with its democratic constitution, open economy and relative riches, offers the possibility of a better life.

In the early 2000s, already substantial immigration into South Africa increased dramatically as a consequence of the political and economic crisis in neighbouring Zimbabwe. Around one to two million Zimbabweans now live in South Africa.² Some highly skilled workers have obtained work permits and legal residency. Several hundred thousand have applied for asylum, leading to South Africa becoming the world's number one asylum destination. Nevertheless, the vast majority of Zimbabweans in South Africa are undocumented migrants, with no legal papers to secure their position in the country. This is also the case for many other African migrants, since South Africa's immigration system offers hardly any route for legal immigration.

African immigration is a highly contentious issue in South Africa. The mass influx of Zimbabweans over the past decade has given fuel to a fearful and hostile attitude to immigrants from local communities, the police and immigration authorities. With a sense of 'immigration out of control', the Department of Home Affairs (DHA) has come to perceive immigration within a security paradigm rather than as a matter of managing and making the best out of migration into the country. Hostility to immigrants has been added to the brewing discontent of

South Africa's poor with the lack of service delivery and jobs despite almost two decades of democratic rule. There has not been a repeat of the xenophobic riots of 2008, but attacks on African foreigners – as well as perceived foreigners – remain common. The belief that immigrants are harbingers of South Africa's ills, bringing with them crime and disease, overloading the welfare system, and stealing jobs, is widespread. This belief is often affirmed by the actions of the police, treating immigrants as criminals by swooping on their settlements in paramilitary style raids, using crude versions of racial profiling (determining who 'looks like a migrant') for stop and search on the streets, arresting those not carrying papers, and so on.

A UNIQUELY SOUTH AFRICAN PROBLEM?

Due to its apartheid and post-apartheid transformation history, there is a tendency for South Africans to think of their country's opportunities and problems as unique – and in some cases as uniquely intractable. To some extent this is warranted, but carries the risk of hindering a deeper understanding of the problem and leading to a lack of policy innovation. If we instead put South Africa's immigration challenges in a global perspective, we see that the backlash against refugees and migrants has taken place across the world, fuelled by the global economic crisis and rising unemployment and social problems in many industrialised countries.

THE GLOBAL FINANCIAL CRISIS AND MIGRATION

In 2008, when the global financial crisis set in, it was widely predicted that international migration flows would shrink. On the assumption that most migration across sovereign borders takes place for the purpose of economic betterment for the migrants and their families, it was thought that growing unemployment and economic recession in traditional destination countries would reduce the incentive to relocate. However, the proportion of the world's population that are international migrants has remained steady at around 3%. Recession and debt crises have not, at least not in the short term,

made a dent in well-established migration patterns.³

While numbers of migrants have not changed, their reception in host countries has. Hostility against migrants, and aims at curbing both legal and undocumented migration have become the norm across the industrialised world. In crisis stricken southern Europe, Greece is building vast prison-like detention centres for the many undocumented migrants who use the country as a staging post on their way to less economically troubled parts of Europe. Rickety and overloaded vessels filled to the brim with migrants have been left to their own fate by European coast guards and even NATO ships, despite sending out distress signals.⁴ Hundreds of migrants die in the attempt to cross the Mediterranean every year in what is becoming a growing European human rights scandal. In the US, a state-of-the-art border fence and high-tech surveillance equipment aims to stop the influx of Mexican and other Central American migrants, while Australia interns undocumented migrants arriving by boat in detention centres on Christmas Island, Nauru and other off-shore islands. The South has also seen rising intolerance of migrants and refugees. In the Indian state of Assam, Assamese 'indigenes' and Bengali 'settlers' clashed in riots leaving dozens dead and almost 500 000 people displaced in July 2012. Meanwhile, in neighbouring Bangladesh, the government pushed back Rohingya refugees fleeing ethnic cleansing in Myanmar.

These examples of attempts at stopping migration have three things in common. First, they are draconian with little regard for humanitarian considerations or migrant and refugee rights. Second, they exemplify the criminalisation of migration: With most governments having closed down legal migration channels in an attempt at reducing immigration numbers, those who are determined to move whether for the sake of economic betterment or to seek refuge have sought out alternative, more dangerous, desperate and illegal ways to move across borders. Third, and crucially, these attempts at clamp-down have been generally unsuccessful in their aim of curbing immigration. If one channel is closed down, other channels quickly open up.

Migration research shows that migration is a global phenomenon, driven by global factors.

Individual states, or even regions such as the European Union, are not able to turn on and off migration flows according to the needs of their economies or the wishes of their citizens. International migration is a result of long-established migration patterns and networks and, most importantly, of global disparities in wealth and opportunity. The same conditions of vast economic inequality that encourage rural-to-urban migration within states are also pushing international migration from poorer to richer countries.

SOUTH AFRICA: A REGIONAL MIGRATION HUB

In a similar manner to southern Europe, the southern border of the United States, and India's north-eastern frontier, South Africa's border to the north is an international migration hub. South Africa is vastly richer and more developed than its neighbours. It also has, as many South Africans have forgotten, long established labour migration links with its poorer neighbours. Colonial and then apartheid South Africa used immigrant labour on a vast scale to man its mining and agricultural sector. As a closed and authoritarian state, apartheid South Africa was to an unusual degree able to control this migration according to its economic needs. With the creation of bantustans, it also turned the majority of its own population into migrant labourers.

There is little surprise, then, that post-apartheid South Africa has remained a major migration destination. It is perhaps not even surprising that many South Africans have received African immigrants with hostility and xenophobia, considering the divisiveness of the apartheid legacy and the continuing poverty, low school standards and high unemployment still troubling the country. However, given the lessons from global migration trends, it is surprising how little the authorities have done to make the best out of immigration – or at least to avoid the worst consequences. No country with an open economy and democratic polity is able to stop immigration – even though many have tried hard to do so. This pragmatic insight has had little effect on South African immigration policy which mainly has the aim of detection, detention and deportation.

THE WAY FORWARD: MAKING THE BEST OUT OF IMMIGRATION

There is little doubt that immigrants are adding to South Africa's economic vitality in many ways, including infusing the labour market with much-needed skilled and motivated workers, often willing to take on the country's least attractive jobs. But there is also little doubt that many South Africans view their arrival as a serious problem rather than an opportunity. While large-scale immigration certainly throws up many challenges for host countries, how serious these challenges are depend on the policies and perceptions of host governments and populations. In the case of South Africa, the immigration regime is far from making the best out of immigration. The approach of criminalisation and clamp-down is denialist in its assumption that immigration can somehow be stopped. It is harmful in its effect on community relations, and it is ineffective in harnessing the skills and energy of migrants to the benefit of South African society. There are no easy solutions to South Africa's immigration challenges, but the key to a more effective, rewarding and humane immigration approach lies in the pragmatic acknowledgment that international migration is here to stay. The question is how to manage it best for both host society and migrants.

South Africa's immigration approach needs a major overhaul. Immigration should not merely be treated as a matter of policing and immigration control, as handled by the DHA, but needs to be taken into account at all levels of planning, whether schooling, healthcare, labour, agriculture, urban planning – and indeed foreign policy (especially in the case of Zimbabwean immigrants). Only then can South Africa make the best out of immigration: tap into its economic potential while remaining true to its post-apartheid goal of African solidarity and integration with the rest of the continent.

There is a need to consider more avenues for legal immigration and work permits. It is much more costly, both in economic and societal terms, to harbour an unknown number of undocumented 'illegals' than an above-board immigrant population, who pay taxes and can contribute freely and without fear to the society in which they live.

A better prepared and long-term Zimbabwe documentation project should be launched, after careful consultation with affected groups, including Zimbabwean diaspora groups. The limited attempt at regularising Zimbabwean immigration in 2011, promising student, work or business permits to those registering their presence in South Africa, could have had a positive effect. However, it was too hastily executed and entailed too many doubts for Zimbabwean migrants to risk taking up the offer.

South Africa's asylum regime is in tatters. Asylum applications should be assessed promptly to avoid the abuse of the asylum system by economic migrants as a way to remain in the country. But the current approach of rejecting almost all applications after a cursory and faulty review undermines South Africa's hard-fought for image as a democratic country that cares about international law and human rights.

Finally, there is a strong case for abandoning the current approach of treating Zimbabweans in South Africa as 'immigration as usual'. Zimbabweans make up a large percentage of South Africa's undocumented immigrants. But they are clearly not ordinary economic migrants, considering the very political nature of Zimbabwe's economic meltdown. Instead of treating them within the general migration control system, there is a strong case for giving Zimbabweans in South Africa humanitarian leave to remain (a status short of asylum, but that takes into consideration the political as well as economic conditions in Zimbabwe that have led them to leave). This may help build a sense among South Africans of solidarity and brotherhood with some very unfortunate neighbours and thus counteract xenophobic violence and vigilantism – a scourge that is harming more than the migrants.

An immigration regime that takes the stance that immigration can be stopped as long as enough control measures are put in place, is doomed to fail

at several levels. First, it fails to stop immigration. At most it can hope to somewhat reduce it, but at a considerable cost to the civil liberties both of migrants and citizens (especially those who somehow look or sound 'foreign'). Second, since clamp-down only affects legal immigration, South Africa's clamp-down on legal migration routes has driven immigration underground and made it 'illegal' (a situation also seen in many other countries). This means it is harder to count migrants; harder to know their characteristics (and thus what their needs are and what they have to offer); and as a result harder to manage immigration to the best for both host society and migrants. Third, the current criminalisation of migrants – portraying them solely through the prism of threats and problems – is fuelling societal unrest and tension, which is not affecting just migrants but society as a whole.

ENDNOTES

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- 2 This estimate is a conservative extrapolation from the number of 'missing' Zimbabweans according to the leaked Zimbabwe 2002 census. See *The Economist (Bulawayo)* 'Where Have All the People Gone?', 25 November 2004.
- 3 See International Organisation for Migration, *World Migration 2011: Communicating Effectively about Migration*, Geneva, 2011.
- 4 Council of Europe, *Lives Lost in the Mediterranean Sea: Who is Responsible? Report by the Committee on Migration, Refugees and Displaced Persons*. Strasbourg, 29 March 2012.

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