THE NATIONAL SECURITY IMPLICATIONS OF ILLEGAL IMMIGRATION TO SOUTH AFRICA

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Mini-dissertation submitted in partial fulfilment of the requirements for the degree MASTER OF SECURITY STUDIES (MSS) in the Department of Political Sciences, Faculty of Humanities, University of Pretoria.

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September 2009

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CHAPTER 1

INTRODUCTION

1. **IDENTIFICATION OF THE RESEARCH THEME**

    The main objective of this study is to assess the national security implications of illegal immigration to South Africa. As such, the research will broadly focus on the links between illegal migration and national security. The research will not only focus on threats posed to the state, but also in the wider sense on threats to human security. Attention will be given to the political, social and economic implications of illegal immigration, which will include the involvement of foreigners in crime in South Africa.

    From a global perspective, illegal immigration is increasingly being viewed as one of the major threats to national security. Illegal immigration is a universal problem with increasing relevance for South Africa, especially following the period after 1994. In the post-1994 period, the increase in the number of illegal immigrants to South Africa primarily resulted from the democratisation process marked by the adoption of new laws and regulations, especially in terms of issues related to border control, the latter which are generally being viewed as facilitating the illegal entry of foreigners into South Africa. The deteriorating political situation in Zimbabwe also contributed to a significant increase in the number of illegal immigrants to the country.

    The study is deemed relevant given the conviction held by some that illegal immigrants pose several security-related problems to recipient countries. It is further argued that the additional pressures on the recipient country's socio-economic system contribute to the security-related problems associated with the phenomenon. To this South Africa is no exception. Waller (2006: 1) mentions a number of problems associated with the increased pressure in terms of service delivery by government, specifically relating to population planning, infrastructure development, governance and social services. These are in the broader sense human security issues at any rate.

There can be little doubt as to the negative impact of uncontrolled illegal immigration on the human security status of the poor and marginalised sectors of the recipient country's population. Poor South Africans are increasingly being forced to compete with illegal foreigners for employment opportunities and social benefits and services. The already dire situation is further exacerbated by traditional backlogs in terms of basic service delivery to large sections of the country's marginalised poor. In this regard, Venter (2005: 31) illustrates the threat posed by the substantial number of illegal immigrants in terms of overwhelming the resources of the country, in the process disrupting the government's critical development agenda.

This study will be conducted within the scope of the theory of national security. Consistent with the South African government's adherence to the broadened approach to national security is the focus on human security. Hough (2003: 10) notes that human security comprises two basic components namely "freedom from want and freedom from fear" and that the concept of human security subsumes a number of interdependent elements. These elements relate to political, economic, environmental, food, health, personal and community security. These elements are all interdependent and reliant on the existence of certain pre-conditions such as a basic income and economic as well as physical access to resources. The study will therefore also aim to address the security implications of illegal immigration in terms of its impact on the abovementioned rights of South Africans.

There is a general perception among South Africans of all walks of life that illegal immigrants are in large part responsible for the post-1994 crime wave in the country. The <u>South African Police Service *Annual Report 2006/2007*</u>, indicates that aggravated robbery and murder increased by 4.6 percent and 2.4 percent respectively while bank robbery increased by 118.6 percent and cash-in-transit robberies by 21.9 percent between 2006 and 2007 (SAPS, 2006/2007). Crime statistics for 2007/2008 indicate that aggravated robbery decreased with 7.4 percent and murder with 4.7 percent, however, bank robbery increased with 0.1 percent and cash-in-transit robberies with 0.3 percent (SAPS, Crime statistics for 2007/2008). In many instances, media reports link illegal immigrants with theses crimes, either as perpetrators or accomplices. According to Smith (2007: 3), the main problem with statistics relating to the involvement of foreigners in crime relates

to the fact that illegal immigrants are (obviously) not documented (posing problems in terms of fingerprinting and tracing illegals without a fixed abode) and as such their involvement in criminal activity cannot be accurately measured.

Within the ambit of the overall aim of the study namely to assess the impact of illegal immigration on South Africa's national security, the following specific objectives can be identified:

- To discuss the global phenomenon of illegal immigration with specific reference to the security implications thereof.
- To contextualise the research in terms of national security theory, more specifically as it applies to developing countries.
- To analyse the security implications of illegal immigration for South Africa, with specific reference to the involvement of foreigners in crime in South Africa and also focusing on the political implications, more especially the role of foreigners in fomenting political violence. It is accepted that the phenomenon is multi-dimensional and that it cannot be divorced from its socio-economic implications. Reference will be made to the political, social and economic dimensions.
- To refer to the official and public views on illegal immigration and to discuss measures adopted by the South African government to address the issue. Ultimately, the study will attempt to assess the extent to which the phenomenon may be regarded as a threat to national security.

2.   **LITERATURE SURVEY**

The phenomenon of illegal immigration is the subject of a growing body of literature, globally as well as in South Africa. Some opinions, *inter alia* reflected in the media, contend that the liberal laws adopted by the South African government coupled with the latter's perceived inability to properly secure the country's borders, are largely to blame for the influx of illegal immigrants into South Africa. In general, the issue of illegal immigration as it relates to national security, is also frequently covered in academic as well as other publications.

The many negative implications of illegal immigration for the recipient country, for instance the additional strain on limited resources and the negative impacts on the host community in terms of safety and security, are likewise widely covered in

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literature. Renowned international organisations such as the United Nations Commission on Human Rights (UNHCR) and the International Organisation for Migration (IOM) Organisation periodically publish on the topic of international migration. Examples of such publications are those of the UNHCR (2008) and the IOM (2008). Having said this however, the extent to which illegal immigrants are involved in criminal activities in South Africa remains the subject of much speculation and a source of disagreement among various observers. Recent research as conducted by Solomon (2003) and Kok (2005) provides what may be termed in certain respects a uniquely South African perspective on the problems associated with illegal immigration. A work by Kallen (2005) provides a global perspective on the phenomenon of illegal immigration, citing it as one of the most serious threats to national security.

The issue of the involvement of illegal immigrants in crime is further complicated by the fact that statistics to prove or disprove this contention are either not maintained or are not always readily available. The lack of clarity with regard to this issue is partially attributable to insufficient official data on this aspect of criminal activity as well as the generally negative media attention regarding the issue (Hough, 2004: 1-2).

Examples of literature dealing with the security implications of illegal immigration for South Africa include publications by institutions such as the South African International Affairs Institute (SAIIA), the Institute of Security Studies (ISS) as well as various non-governmental organisations and multilateral organisations such as the United Nations (UN). The Southern African Migration Project (SAMP) also published numerous papers on the subject. A study conducted by De Vries (2000:2) on the issue of illegal immigrants in South Africa focuses on the international dimension of the issue and the general problems associated with illegal immigration. The existing literature on the impact of the phenomenon on South Africa's national security status is however quite limited, hence the rationale for this study.

Previous research conducted on the phenomenon focused primarily on the socio-economic implications and did not specifically endeavour to discuss the threat to national security posed by the involvement of illegal immigrants in criminal acts in

South Africa. Existing research likewise largely fails to address the role of illegal immigrants in causing acts of political violence in South Africa.

3. **IDENTIFICATION AND DEMARCATION OF THE RESEARCH PROBLEM**

The principal research question to be addressed by this study is whether illegal immigration poses a threat to South Africa both in terms of state security and human security, and hence to broader national security.

The study will address the following research questions:

1. Has illegal immigration to South Africa reached a stage where it can be said to have national security implications?
   a. Does the involvement of foreigners in criminal activity in South Africa pose a potential threat to the safety of South Africans?
   b. Are illegal immigrants threatening the political stability of the country or are they further contributing to raising tensions and fomenting political violence?
   c. Is the problem with illegal immigrants being exacerbated by the inability of the South African government to address the issue through adequate policies and enforcement?

2. Does the South African government sufficiently acknowledge that illegal immigration has the potential to become a threat to national security?
   a. Does the South African government officially regard illegal immigration as a national security issue?
   b. Is the South African government actively working towards adopting adequate measures to curb the increase in illegal immigrants entering the country?

3. Is there evidence of increased public resentment towards illegal immigrants in South Africa?
   a. Is there any evidence of increasing political violence that could be directly linked to the presence of illegal immigrants in some communities?
   b. Are illegal immigrants contributing to an increase in xenophobic attitudes in some local communities?

Following from the research questions, the study is based on the following assumptions:

- Illegal immigration poses a growing threat to South Africa's national security. The latter is due to an increase in the number of illegal immigrants entering the country as well as their seemingly increasing involvement in especially violent crime.

- The South African government does not adequately acknowledge the threat potential of illegal immigration with regard to the country's national security status and as such adequate measures are not being taken to curb the influx of illegal immigrants.

- Violent attacks on foreigners in South Africa have been seen as xenophobia, however, specific factors exist that contributed to these attacks.

The study predominantly focuses on the period 1994 to 2008 in an effort to demonstrate the extent of the increase in the number of illegal immigrants to South Africa following the advent of the new dispensation. It further attempts to ascertain whether this increase could be linked to the rise in incidences of violent crime in South Africa during the period in question.

4.   **METHODOLOGY**

This study is predominantly of a qualitative nature. It will utilise description and analysis as research methods. Statistics regarding the estimated numbers of illegal immigrants in South Africa as well as available information regarding the involvement of foreigners in crime in South Africa will also be presented, although the latter is regarded as problematic. Hough (2004: 2) mentions that the problem mainly relates to the lack of adequate official data.

The theoretical framework will consist of two parts, one focusing on illegal immigration and the other on national security. The global dimension of illegal immigration will be discussed in order to highlight the universality of the problem in terms of the threats it poses to national security. Specific reference will then be

made to the threats posed by illegal immigration in terms of the national security status of Third World Countries in particular.

National security is defined from different perspectives. In the traditional sense it is defined as the condition of freedom from external physical threat as enjoyed by a nation-state. Under normal circumstances, national security policy is based on the existence of an external threat (Job, 1992: 10). However, national security is an ambiguous symbol which encompasses much more than threats of an external or military nature (Mathur, 1996: 309). With the decrease in military threats following the end of the Cold War, new threats (such as illegal immigration) have emerged, the latter which required a greater emphasis on individual (human) security. The sources of these new threats are varied and include political, economic, societal and environmental factors.

National security from a Third World perspective defines security from a political viewpoint and regards it as being state-centred. It is argued that the traditional view of security presents some serious concerns for the study of security in the Third World as threats to national security in Third World Countries predominantly have an internal dimension (Ayoob, 1995: 5).

It is debatable as to when a threat becomes a threat to national security. The argument is put forward that it can only be viewed as a threat to national security in certain instances, for example: when a specific condition or situation results in violence, unacceptable conflict or instability or when it has the potential to cause any of the aforementioned (Hough, 2003: 10).

An extensive body of literature regarding the South African case study has been identified, which includes both primary and secondary sources. Primary sources include policy papers prepared and/or presented by South African government departments, in particular the Department of Home Affairs (DHA) and the South African Police Services (SAPS). Other primary sources include speeches by politicians and Directors-General of the relevant government departments. Secondary sources include books, journals and other publications. Research conducted by both Solomon (2003) and Kok (2005) specifically focused on illegal immigration to South Africa and will be incorporated in the study. A number of

monographs published by the SAMP will also be consulted. Journals such as the Strategic Review for Southern Africa and the ISSUP Bulletin, a publication of the Institute for Strategic Studies of the University of Pretoria, will be consulted for specific articles on the involvement of foreigners in crime and its potential impact on national security.

5.   **THE STRUCTURE OF THE RESEARCH**

The research is structured as follows:

Chapter 1: Introduction

This chapter delineates the context, research problem, assumptions, methodology and structure of the study.

Chapter 2: The concept of illegal immigration and national security

This chapter is divided in two sections with the first dealing with the concept of illegal immigration. This section refers to the various categories of illegal immigrants, distinguishing them from refugees, and addresses the global context of the phenomenon. The second section discusses the concept of national security and the criteria for national security threats with specific reference to developing countries.

Chapter 3: The nature, extent and causes of illegal immigration to South Africa

Chapter three provides a historical overview of illegal immigration to South Africa, in the period prior to 1994, followed by the current nature, extent and causes of illegal immigration to South Africa.

Chapter 4: Official and public views on illegal immigration to the RSA as a security issue

This chapter deals with the views of the South African government regarding illegal immigration, as well as public reaction to the issue of illegal immigration, and indicates the extent to which this is viewed as a national security threat.

Chapter 5: The socio-economic, political and crime implications of illegal immigration to South Africa

In this chapter, the multi-dimensional nature of the threat posed by illegal immigration is discussed. This is preceded by a brief overview of the broad South African view of threats to national security. The socio-economic and political implications of illegal immigration are then addressed. Reference is made to the involvement of foreigners in criminal activities and how this serves to threaten the safety of South Africans.

Chapter 6: Evaluation

The final chapter comprises of a summary and evaluation of the study and tests the assumptions formulated in the Introduction.

CHAPTER 2

THE CONCEPT OF ILLEGAL IMMIGRATION AND NATIONAL SECURITY

This chapter is divided in two main sections with the first dealing with the concept of illegal immigration and more specifically a discussion of the global context of the phenomenon, a categorisation of illegal immigrants, as well as distinguishing between the latter and refugees. The second section addresses the concept of national security and its various applications.

1.   THE CONCEPT OF ILLEGAL IMMIGRATION

Prior to defining and categorising the concept of illegal immigration, it is essential to first, in general terms, define the concept of migration followed by an identification of the various categories of migration, of which illegal immigration is regarded as a sub-category.

1.1   Defining the concept of migration

The United Nations Educational Scientific and Cultural Organisation (UNESCO) defines a migrant as "any person who lives temporarily or permanently in a country where he or she was not born, and who has acquired some significant social ties to this country" (Background information on UNESCO, 14 March 2008).

The UN <u>Convention on the Rights of Migrants</u> defines a migrant worker as a "person who is to be engaged, is engaged or has been engaged in a remunerated activity in a state of which he or she is not a national". The term 'migrant' covers all instances where the decision to migrate is freely engaged in by the individual concerned, for reasons of 'personal convenience' and without the intervention of an external compelling factor (Background information on UNESCO, 14 March 2008).

The UNHCR considers the following persons to be migrants:

- Persons who find themselves outside the territory of the state of which they are nationals or citizens. As these persons are finding themselves within the territory of another state, their country of origin is no longer in a position to protect them;

- persons who do not enjoy the general legal recognition of rights which is dependent on the host state granting them the status of refugee, naturalised person or something similar;

- persons who do not enjoy general legal protection of their fundamental rights by virtue of diplomatic agreements, visas or any other agreements (Global displaced number 67 million, 18 June 2008).

The UN admits to the conceptual challenge posed in terms of the application of the concept of "migrant" in certain countries and most notably the fact that the term "migrant" might not be readily acceptable in certain countries. The UN also acknowledges that the existing definition may be too narrow in scope if one considers the fact that an individual may be considered a migrant even though they may have been born in the country in question. As a result, it is acknowledged that the various elements of the definition "migrant" may require further refinement in order to enhance its overall acceptability and applicability in all countries (United Nations, February 2007).

1.2   Categories of migrants

Various scholars have formulated different approaches to the categorising of migrants. What is however evident from the various classification systems is that there are more similarities than differences and that most systems regard illegal immigration as a sub-category of some or other form of migration. It also has to be noted that in terms of migration policies and statistics, the majority of countries distinguish among a number of categories of migrants. The existing variations among countries clearly indicate the lack of clear-cut and objective definitions of migration. Solomon (2003: 5) mentions the importance of identifying the various

types of migrants, but more importantly, of grasping the nature of the dynamic relationship among the various categories.

The most obvious point of departure would be the classification system developed by the UN, in particular UNESCO, the latter which distinguishes the dominant forms of migration according to the original motive for migration (economic, family reunion, refugees) or the legal status (irregular migration, controlled emigration/immigration, free emigration/immigration) of those involved. The following represents one of the more commonplace categorisations of international migrants (Classification of migrants, UNHCR).

- **Temporary labour migrants** (also known as **guest workers** or **overseas contract workers**): people who migrate for a limited period of time in order to take up employment and repatriate funds to their families in their countries of origin.

- **Highly skilled and business migrants**: people with particular qualifications including managers, executives, professionals, technicians or other similar occupations, who move within the internal labour market of trans-national corporations and international organisations, or who seek employment through international labour markets for scarce skills. Many countries welcome such migrants and have special 'skilled and business migration' programmes to encourage their immigration.

- **Irregular migrants** (or **undocumented / illegal migrants**): people who enter a country, usually in search of employment, but who do so without the necessary official documentation.

- **Forced migration**: in a broader sense, this includes not only refugees, but also people who are forced to move from their countries of origin due to external factors such as environmental catastrophes or large-scale displacement as a result of the impact of development projects. This form of migration is similar to displacement.

- **Family members** (or **family reunion / family reunification migrants**): people who join family members who have already entered a country under one of the above mentioned categories. Many countries, in principle, recognise the right of

legal migrants to seek reunion with their families. Others, especially those with contract labour systems, generally deny the right to family reunion.

- **Return migrants**: people who return to their countries of origin after having spent a period of time in another country.

Solomon's classification is along similar lines and includes the following categories: contract labour migrants, migration and temporary emigration, asylum-seekers, legal migrants, illegal immigrants and refugees. Solomon concurs that contract labour migration involves an undertaking by employers to remunerate foreign labourers in return for the latter providing their labour to the employer for a fixed period, after which they are supposed to return to their country of origin. Migration and temporary emigration frequently result in contract workers exceeding the (legal) period of stay, as was initially granted, thus effectively becoming illegal immigrants. The category of asylum-seekers refers to a quasi-legal process where one state grants protection to the nationals of another state (Solomon, 2003: 5 – 6).

Appleyard, as cited by Solomon, devised another approach to categorising migrants. He identified four main categories, the latter which were further classified into a number of sub-categories:

- Permanent settlers (settlers and naturalised);
- labour: temporary contract workers (labour, unskilled, semi-skilled); temporary professional transients (skilled, professional);
- refugees and asylum seekers; and
- clandestine/illegal migrants (various categories) (Solomon, 2003: 6).

1.3 The concept of illegal immigration as a sub-set of migration

In practice, as well as far as terminology is concerned, some confusion regarding various categories of migrants continues to exist.

1.3.1 Defining illegal immigration

There is no consensus on a single universally acceptable definition of the term "illegal immigration". The other concepts most frequently and interchangeably

referred to, are irregular immigration and undocumented immigration. In the South African context, reference is still made to "illegal immigration and illegal aliens" as opposed to the term "irregular migration", as preferred by international organisations.

During June 2008, the Media Monitoring Project (MMP) and the Consortium for Refugees and Migrants in South Africa (CORMSA) complained to the South African Press Ombudsman, as well as the Human Rights Commission about the media's use of the term "aliens" in the aftermath of the May 2008 attacks against foreigners in various parts of South Africa. The complaint centres on the continued use of the term "aliens" with reference to non-nationals, which the MMP deems inappropriate and discriminatory (The Sunday Independent, 1 June 2008).

The lack of a clear definition of illegal immigration coupled with the fact that it encompasses a number of divergent issues that are not always explicitly addressed in international law serve to further complicate migration studies (Crepeau & Nakache, 2006: 5). As a result, any analysis of illegal immigration is being hampered by a number of hurdles including obfuscating terminology, a lack of conceptual clarity and wholly inadequate data. In studying migration theory and/or any of the sub-categories involved, it is critically important to be both precise and consistent in terms of the use of language and the accurate presentation of figures (Koser, 2005: 4). Illegal immigration comes in a number of guises, as evidenced by the wide range of definitions, and as such, it is important that policy makers and practitioners remain cognisant of the similarities and distinctions among these definitions in order to forestall any confusion (Background information on Irregular Migration, IOM).

Crepeau and Nakache (2006: 5) define an illegal immigrant as any migrant who tries to enter or has already entered a destination country without the proper authorisation. This includes all those who entered the destination country illegally, those whose entry was facilitated by forged documentation as well as those whose stay in the destination country is illegal despite their initial legal entry. According to authors cited above, the term "irregular migrant" has the same meaning as "illegal migrant", "undocumented migrant" and "clandestine migrant", all of which describe migrants who clearly do not meet the criteria for legal entry, residence and work.

In general, definitions of illegal immigration, all include some or other reference to immigration across national borders in violation of the immigration laws of the destination country. In terms of such definitions, an illegal immigrant is a foreigner who has either illegally crossed an international political border of whatever nature and by whichever means (be it by land, water, or air) or a foreigner who has entered a country legally but then overstays the period of his/her visa (Background information on the concept of illegal immigration, 14 April 2008).

Oucho (2006: 52) describes illegal immigration (undocumented migration) as referring to immigrants who are not in possession of the required documentation authorising their stay or residence in the host country or those who have overstayed their authorised duration of stay and who are determined to evade law enforcement agencies. In addition, Oucho also includes defaulters in terms of amnesty arrangements or those who failed to pursue that opportunity as well as unsuccessful applicants in terms of formal refugee or asylum status, the latter who attempt to avoid discovery in one way or another.

Although preferring the concept of irregular migration, Koser's (2005: 6) definition of illegal immigration is very similar to that of Oucho. According to Koser's definition, illegal immigration refers to the entry of persons without the proper authorisation, for example clandestinely or with fraudulent documentation. Also included are people who contravene the conditions of their stay (for example by staying on past the expiry date of a visa or work permit or by means of sham marriages or fake adoptions as well as bogus students or the fraudulently self-employed), illegal migrants who move about with the assistance of migrant smugglers or human traffickers as well as those who deliberately abuse the asylum system.

The IOM defines illegal immigration (irregular migration) as migration that takes place outside the ambit of the norms and procedures established by states to manage the orderly flow of migrants into, from, and through their territories (Background information on Irregular Migration, IOM).

De Haas' (2007: 3) definition is similar to that of the IOM and refers, in broad terms, to illegal immigration (irregular migration) as "international movement or residency in conflict with migration laws". In a narrow sense, it is defined as "crossing borders without proper authority, or violating conditions for entering another country".

1.3.2 Conceptual difficulties

As alluded to earlier, the different concepts used to refer to illegal immigration pose some conceptual difficulty. Although there is some conceptual criticism against the terms "irregular" migration and "irregular" migrant, international organisations nevertheless consider the term "irregular" as preferable to "illegal", the other term most commonly used in this context. The term irregular migration is preferred by most organisations involved with migration, including the Council of Europe, the International Labour Organisation (ILO), the IOM, the Organisation for Security and Co-operation in Europe (OSCE), the UNHCR and the Global Commission on International Migration (GCIM). The European Union (EU) is the only significant international actor that persists in its usage of the term "illegal migration" (Koser, 2005: 5).

In the context of migration, three major points of criticism are levelled against the use of the term "illegal". Firstly, there is widespread criticism due to the term's connotation with criminality, especially given general acceptance of the fact that not all irregular migrants are criminals. Secondly, the criticism relates to the possible denial of illegal immigrants' human rights due to them being classified as "illegal". According to critics, universal human rights should be extended to such migrants, whatever their status. Thirdly, and of particular concern to the office of the UNHCR, is the possibility that the classification of migrants as "illegal" asylum seekers could result in their claims for asylum claims being jeopardised (Koser, 2005: 5).

Two other concepts often used in this context are "undocumented" and "unauthorised". Although the former is generally avoided due to its ambiguity, it is sometimes either used to denote migrants who have not been documented (or recorded) or those without official documentation such as passports. Although neither situation applies to all irregular migrants at all times, the concept "undocumented" is often used as a catchall phrase to describe all cases. Similarly,

not all irregular migrants are necessarily undocumented or unauthorised which yet again proves that this concept is also often used incorrectly. While acknowledging the conceptual problems associated with the term "irregular", it is nevertheless still considered to be preferable to the other terms commonly used in this context. (Koser, 2005: 5).

Another difficulty concerns the fact that data on irregular migration is scarce, often unreliable and usually difficult to compare in relation to the phenomenon's manifestation both in different locations (states) as well as over time. This situation is further complicated by the divergent definitions adopted by different states. Differences in conceptualisation and definitions pose additional challenges in terms of the collection and interpretation of statistics on migration, especially insofar as these statistics are not always generalisable or suited to drawing comparisons and inferences, both within and between countries (United Nations, February 2007).

The major problem relates to the process of recording irregular migration and it is widely accepted that in many instances, statistics represent mere estimates and guesswork. Most sources agree that the majority of irregular migrants are not recorded, and this is probably not surprising given the desire of many of these migrants to escape the attention of authorities for fear of prosecution or deportation. Another problem concerns access to the data that has been collected. In many states such data is collected by enforcement agencies and is not publicly available. Furthermore, data is usually dispersed among different agencies such as government departments, the police and employment offices, thus limiting access to data and hindering co-operation. International co-operation in terms of the collection and liaison of data is made even more problematic by the fact that there is no single authoritative and comprehensive source on global trends in irregular migration (Koser, 2005: 7 – 8).

It is clear that the existence of different concepts create confusion and that it also further complicates the managing of illegal immigration, especially in a regional and global context. The concept illegal immigration will be utilised throughout this study in order to limit further confusion. This confusion is further entrenched by the lack of an adequate distinction between the concepts of illegal immigrant and refugee, as is illustrated in the following section.

2. DISTINGUISHING ILLEGAL MIGRANTS FROM REFUGEES

It is important to separate the concept *asylum* from the broader debate on illegal migration. The line separating illegal immigrants from asylum seekers and refugees has become increasingly blurred in both the media and the public mind, as has the distinction between migration control and refugee protection (Koser, 2005: 6). In order to better illustrate this distinction the concept refugee and the different categories of refugees will first be addressed.

In the 1951 UN <u>Convention Relating to the Status of Refugees</u>, a refugee is defined as:

> *[Any person who]…. as a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of events, is unable or, owing to such fear, is unwilling to return to it* (United Nations, 1951).

According to statistics released in June 2008, the number of uprooted people globally, including refugees and internally displaced people under the care of the UNHCR, rose to 25.1 million in 2007. The number of refugees was estimated at 8.4 million in 2007. If refugees under the UN Palestinian Refugee Agency (UNPRA) and other people internally displaced by conflict and disasters were added to the UNHCR's numbers, the total number of uprooted people reached 67 million in 2007 (Global displaced number 67 million, 18 June 2008).

One of the important instruments in terms of protecting refugees, after the <u>Geneva Convention on Refugees</u>, is the 1967 <u>Protocol Relating to the Status of Refugees</u>., adopted by the erstwhile Organisation for African Unity (OAU) on 4 October 1967 (United Nations, 1996 A/AC.96/951).

Together, the <u>1951 Convention</u> and the <u>1967 Protocol</u> comprise the most comprehensive global instruments to have been adopted with the express aim of safeguarding the fundamental rights of refugees and regulating their status in countries of asylum. As such, both instruments remain fundamental to the international regime of refugee protection. To maximise adherence, the instruments were carefully framed to define minimum standards without imposing unreasonable obligations on states. The instruments have been consistently recognised as the "cornerstone" of international protection and the effective application of their principles are acknowledged to be of the utmost importance (United Nations, 1996 A/AC.96/951).

The erstwhile OAU accepted the definition as adopted in the 1951 Convention, but expanded on the definition by means of the <u>Convention Governing the Specific Aspects of Refugee Problems in Africa</u>, the latter which was adopted in Addis Ababa in 1969. The OAU added the following section to the existing 1951 <u>Geneva Convention</u>:

> *The term refugee shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either a part of or the whole of his or her country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality* (Organisation for African Unity, 10 September 1969).

The question as to what distinguishes a refugee from other immigrants is open to some interpretation and is subject to change.

Firstly, Kushner and Knox (2001: 13) regard the main difference between the concepts of illegal immigrant and refugee, as being the existence of either push or pull motivations for migration. While immigrants may be lured to migrate to another country by opportunities for a better life, refugees do not enjoy the same freedom of choice. Secondly, it is stated that immigrants continue cherishing the dream of returning to their home country and that they keep on believing that the final decision to return remains within their control. This option is far less realistic for

refugees. It is also accepted that the two concepts share some commonalities, notably: similar disadvantages in terms of the availability of housing, parity in terms of the general standard of living and educational opportunities. Finally, both illegal immigrants and refugees are subjected to racism, discrimination and hostility on the part of the host community.

Solomon (2003: 11-12) also refers to the value of analysing the push factors of migration in order to distinguish between illegal immigrants and refugees. It is possible to argue that there is a difference between refugees who have been driven from their own countries in large numbers as a result of a national crisis of some sort and illegal immigrants, the latter whose actions are primarily based on an individual decision to migrate. Unlike illegal immigrants, refugees are only in a position to return to their home country once the crisis in that country has been resolved and the situation has been normalised. Conversely, for illegal immigrants, the decision to return home would not depend on a political or military solution to some or other crisis in their country of origin.

In order to avoid conceptual confusion, it is necessary to provide a synthesised, stipulative definition of the concept of illegal immigration, which will serve as the working definition throughout this study. A working definition of the concept of illegal immigration will therefore include the following elements: Non-nationals entering or attempting to enter South Africa illegally (whether by utilising fraudulent documentation or by illegally crossing South African borders); non-nationals entering or attempting to enter South Africa legally but who then fail to depart upon the expiry of their travel documentation and non-nationals abusing the asylum process to enter South Africa or by failing to depart when asylum has not been granted to them. Finally, in all cases, illegal immigration refers to individuals violating South Africa's immigration laws.

3.   **A GLOBAL PERSPECTIVE ON ILLEGAL MIGRATION**

The contemporary world is being increasingly linked by expanding international trade and cultural linkages as well as international migration flows. While these elements of globalisation are inter-linked, their inter-relatedness does not always lead to social and political harmony. On the contrary, the process of global

integration typically produces tensions within economic, cultural and migratory trends (Simmons, 1996: 1).

Migration represents one of the best phenomena to illustrate the interconnectedness of the modern world. The diversity brought about by migration has enriched numerous societies and host countries have benefited immeasurably from the contributions made by immigrants and refugees (Crepeau & Nakache, 2006: 5). Even though the benefits of migration are globally acknowledged, the continuous flow of migrants in an irregular situation, their vulnerability to exploitation and the association of irregular migration with smuggling and trafficking networks remain persistent issues of universal concern (Background information on Irregular Migration, IOM).

The extent of illegal immigration is amply illustrated in estimates of the global scale of irregular migration between 2002 and 2004, with estimates ranging from three million to thirty million. Estimates of the scale of illegal immigration within the EU range anything from four hundred thousand to eight hundred and thirty thousand (Koser, 2005: 9).

Table 1 below reflects estimates of illegal international movements between 2002 and 2004.

Table 1: Estimates of illegal movement of people: 2002-2004

Source	Year	Scale	Region	Comments
International Centre for Migration policy Development (ICMPD)	2004	2-4 .5 million	Global	Estimates indicate that between one third and one half of the world's six to nine million migrants per year are irregular migrants.
Council of Europe	2002	30 million	Global	Estimates indicate that annually, up to 30 million people cross an international border illegally.
ICMPD	2004	830 000	EU15	Estimate of irregular entrants per year.

IOM	2003	500 000	EU15	Estimate of irregular entrants per year.
Council of Europe	2002	400 000 – 500 000	EU15	Estimate of irregular entrants per year.

Source: Koser,K, *Irregular migration, state security and human security*, Paper Prepared for the Global Commission on International Migration, University College, London, September 2005, p 9.

Koser (2005: 9) however notes that the numerical significance of irregular migration is by far outweighed by its political significance. According to him, irregular migration, in terms of the most extreme estimates, accounts for no more than fifty percent of global migration volumes. It is also noted that illegal immigration is not limited to a South-North issue. Although estimates of the extent of illegal immigration in the developing world are particularly limited, it is accepted that the majority of illegal immigration on an international scale occurs between countries in the developing world. According to some estimates, for example, there are several million irregular migrants in South and South East Asia and between three and five million in South Africa (Koser, 2005: 9). According to some estimates, sub-Saharan Africa houses half the world's international migrants although the region accounts for less than ten percent of the global population. According to Solomon (2003: 5) it is important to note that migration (illegal immigration in particular) into South Africa is primarily of the South-South variety.

From the above it is clear that illegal immigration is a global phenomenon which is gaining increasing prominence. It is noted that this phenomenon, mainly brought about by globalisation, results in tensions due to the diversification of communities. However, it is also noted that this diversification contains several advantages. In order to analyse the national security implications that illegal immigration holds for states and for South Africa as a case study in particular, the concept of national security and the criteria for national security threats need to be discussed first.

4. THE CONCEPT OF NATIONAL SECURITY

This section focuses on the concept of security, including a clarification of the differences between the Cold War and post-Cold War interpretations thereof, followed by a discussion on the application of the concept in a Third World context.

4.1 Defining the concept of national security

Security is a complex concept with varying application among political scientists. Wolfers characterises security as an ambiguous symbol and mentions that the concept of security might not have a precise meaning at all (Buzan, 1991: 5). A general notion of security stresses a feeling of being free from fear and the experience of a sense of safety. This general notion involves both the physical and psychological elements of security (Mandel, 1994: 16).

National security is defined from different perspectives including the traditional or so-called narrow approach as opposed to the broadened interpretation or so-called new thinking on security. It is also noted that different nations attach different meanings to the concept of national security (Job, 1992: 10).

From a traditional perspective and with particular reference to the nation state, national security refers to the experience of a condition of freedom from external physical threats such as war or occupation. Although moral and ideological threats should be included as part of the threat matrix, physical threats continue to be perceived as the ultimate threat. Under normal circumstances, a state would base its national security policy on the existence of an external threat coupled with its ability to withstand such a threat, the latter which will dictate the use of force (Job, 1992: 10-11).

Thus, from the broader perspective, national security encompasses much more than threats of an external or military nature (Mathur, 1996: 309). With the decrease in military threats following the end of the Cold War, the focus has increasingly shifted to new threats, the latter which require a greater emphasis on individual (human) security. The sources of these new threats are varied and include political, economic, societal and environmental factors (Buzan, 1991: 37).

Moten and Salam (2005: 137) define national security as freedom from care, and thus, in a political context, freedom from those anxieties which would, were they to dominate people's lives, prevent them from engaging in the normal government-regulated relationships intended to safeguard life and property. A condition of security is the necessary and indispensable basis for the achievement of any political end and as such represents the primary responsibility of government. It is the duty of the state to engage in sustained efforts to ensure a condition of security and to counter both external threats such as foreign aggression as well as internal threats such as insurgency and communal strife. The state is also obligated to maintain law and order by means of the legislative and judicial processes.

4.2 Cold War and post-Cold War interpretations of the concept of national security

Cold War thinking on national security policy, especially within the Western realm, tended to focus primarily on external military threats (Hough, 2006: 3). Traditionally, the study of security focused on the security of the state (Snyder, 1999: 77). According to the classical formulation, security is about how states use force to manage threats, primarily from other states, to their territorial integrity, autonomy and the domestic political order (Bajpai, 2000: 3).

The traditional or narrow concept of security, focused on the notion that threats are ultimately of an external nature and military in character, came to be increasingly challenged by a number of political scientists. Calls were made for the widening of the concept of security and a broadening of the focus taking into account the ever-increasing interdependence of state (Buzan, 1991: 6).

With the end of the Cold War, scholars and practitioners alike engaged in criticism of the classical formulation of the concept of national security on various grounds. Some regarded the classical formulation as too unilateralist with its emphasis on force in a world characterised by various states' possession of Weapons of Mass Destruction and fickle notions of interdependence. For others, the classical formulation's fundamental error lay in its restricting of the scope of security to the military threats posed by other states. According to the adherents of the broadened perspective, rival states could deploy all kinds of threats against one another's

territorial integrity and domestic political order, including threats of an environmental, economic and even cultural nature. In addition, the sources of threats to territorial integrity and political order needed to be expanded to include non-state actors and even natural catastrophes. This expanded notion of security which includes a broadened perspective on the sources and instruments of potential threat may be referred to as comprehensive security. A third and more fundamental critique of security in the traditional sense suggests that security cannot be restricted to a mere assessment of the well-being of the state. Whereas the welfare and protection of the state represented central tenets of the classical formulation of security, the protection and welfare of the individual citizen or human being (human security) represent the primary focus of the expanded notion of national security (Bajpai, 2000: 3).

Political scientists who supported the broadened concept increasingly started defining security not only in terms of the security of the state, but also in terms of other factors covered by Buzan. The broadened concept eventually evolved to include what was later termed human security (Mathur, 1996: 306).

Post-Cold War views on security therefore increasingly included non-military external threats as well as domestically generated and manifested threats. The individual was increasingly emphasised as a referent object of security, although not superseding the concept of national security (Hough, 2006: 3).

4.3   Third World perspectives of national security

Many political scientists continue to argue the applicability of the concept of national security to Third World countries. According to them, a clear grasp of the concept of national security in a Third World context requires a fundamental shift away from the traditional Western definition of national security with its external focus and military bias. According to Ayoob (1995: 11), the traditional understanding of national security which implies a relationship between a nation and its government, state institutions and officeholders and the capacity of the state to protect itself against external threats, is being challenged by the fundamental fact that the security dilemma for the typical Third World state relates to addressing internal rather than external threats (Ayoob, 1995: 11). With respect to Third World national

security, domestic threats to national security are a prominent feature with threats often being primarily of internal origin. A further characteristic is that citizens often have to resort to seeking protection from the actions of institutions within their own state (Hough, 2006: 5).

The Western or traditional definition of the concept security with its focus on external threats of a primarily military nature, is thus regarded as ineffective in terms of analysing security in the realm of the Third World (Ayoob, 1995: 12). Ayoob (1995: 19) further argues that given most ruling African elites' obsession with state and regime security, all efforts at explaining Third World state behaviour should, as a minimum requirement, take into account the centrality of the concept of security.

The concept of security as applied to the Third World tends to be state-centred with an emphasis on the political connotation of the term and the preoccupation with state-building. Security is defined from a political perspective and other factors such as socio-economic concerns are relegated to a secondary position in relation to political threats (Ayoob, 1995: 8). It is therefore not considered possible to define security without using the state as referent object as the state is deemed to be central to the concept security. Critics of this concept highlight the limitations of the state-centric approach, the latter which is regarded as being too restrictive in its application to ensure the achievement of a genuine state of national security (Job, 1992: 15). They argue that the protection of the state and its institutions/ apparatus from threats in terms of legitimacy, and survival becomes of paramount importance to the exclusion of issues that fall within the ambit of the broadened approach, for instance socio-economic concerns, the latter which are deemed to warrant attention only once they acquire an acutely political dimension or start to threaten state or regime security (Ayoob, 1995: 9).

4.4 Human security as a component of national security

As alluded to earlier, security traditionally tended to be equated with state security and as a result was viewed solely from a state-centric and military point of view with the state being regarded as the sole actor. However, new sources of threats which emerged in the last decade of the 20th century posed far greater dangers to human

survival than inter-state war and necessitated a fundamental re-think of the concept of security. This process served to broaden and deepen the concept to include people as referent objects in the security calculus. The UN Development Program (UNDP) maintains that threats to human security manifest in at least seven distinct areas of human existence, namely community security, economic security, environmental security, food security, health security, personal security and political security (United Nations, 1994).

Definitions as to the exact meaning of human security differ widely. Security Studies and International Relations scholars remain sceptical about the idea of human security, arguing that it is too broad a concept to be either analytically or practically useful. Decision-makers however increasingly recognise the importance of human security as an integral element of a holistic policy framework (Bajpai, 2000: 1). It needs to be noted that the concept of human security does not exclude elements of law enforcement and international action against crime and terrorism. The concept does however profess to take much greater account of the root causes of crime and political terrorism such as poverty, inequality and social exclusion (Blickman, 2005: 14).

The significance of the concept of human security is most evident when contrasted with the traditional concept of national security. In terms of the human security approach, the welfare of human beings around the world, rather than the military and strategic interests of a particular state, represents the issues of concern. The protection of human life is regarded as being infinitely more important than the defence of territory and personal integrity is rated as being supreme to territorial integrity (Blickman, 2005: 16). Human security is not about states and nations but about people and individuals. Simply stated, human security equates security with the security of individuals (Bajpai, 2000: 11).

Human security, as stated by the UNDP, is an "integrative" as opposed to a merely "defensive" concept, and includes security of individuals and communities as well as territories and states. Critics of the concept, however, point to the fact that it does not take into account the long-established principles of state sovereignty and may well encourage unwarranted interference in the internal affairs of other states,

thus in effect amounting to the issuing a "blank cheque for virtually limitless UN intervention" (Blickman, 2005: 18).

4.5   Criteria for identifying threats to national security

It is debatable as to when a threat actually becomes a threat to national security. What is abundantly clear from the literature is that there is still no consensus as to the criteria used to determine if and when an issue may be deemed a threat to national security.

A number of factors serve to complicate the identification of threats to national security, with the added complication of most factors being intangible as opposed to being concrete and readily measurable. There is also no authoritative answer as to which issues on the threat spectrum, the latter which ranges from the trivial and routine to the drastic and unprecedented, are to be classified as national security threats (Buzan, 1991: 115).

In order to assist with the identification of threats to national security, it is suggested that consideration be given to the *type of threat* as well as its *intensity*, the latter aspect which subsumes elements like proximity, probability of occurrence, specificity, consequences and historical setting. It is however recognised that these criteria could be difficult to measure and that their inclusion on the security agenda remains dependent upon political approval. Another possibility in identifying threats to national security is the adoption of indicator-based models for rating such threats. In this regard, one possible approach is to identify threats by multiplying capabilities with elements such as intensions, probability, consequences and time-span. Should any of the afore-mentioned elements be absent or the probability of their manifestation be judged to lie in the distant future, it could be accepted that there is no real threat (Hough, 2003: 7).

An additional and very useful approach is to classify the sources of threats in terms of sectors, for example military, political, societal, economic and environmental threats. As already noted, the sources of threats may be either domestic or external in origin or in some cases they may be attributable to a combination (Hough, 2003: 7).

One of the arguments put forward, holds that issues can only be viewed as a threat to national security in the following instances, namely when a specific condition or situation results in violence, unacceptable conflict or instability or when it has the potential to lead to the afore-mentioned (Hough, 2003: 10).

Hough (2003: 18-19) formulated the following additional criteria in identifying threats to national security:

- The existence of threats to state stability, sovereignty or territorial integrity;
- whether vital national values are being threatened;
- whether extraordinary measures are needed to deal with the issue;
- whether the threat is periodic or unremitting in nature;
- the existence of widespread manifestations (extent of the manifestation in terms of it being widespread or localised);
- the extent to which such threats involve illegal or unconstitutional activities; and
- the extent to which it transcends borders and the type of international reaction it evokes.

It is clear that the process of identifying threats to national security ultimately remains a political decision. The following section contains a discussion of some global views on the security threat posed by illegal immigration. The section clearly indicates that, in many instances, illegal immigration has become an issue of security relevance for governments and international organisations alike.

5. **GLOBAL VIEWS ON THE THREAT OF ILLEGAL IMMIGRATION TO SECURITY**

The issue of immigration increasingly preoccupies politicians, policy-makers and the general public. For the most part, the focus has been on the impact on domestic economies and the social integration of new migrants. However, irregular migration has also become a specific focus of the new global security paradigm, which has been used to legitimise many measures that would once have been considered inappropriate (Crepeau & Nakache, 2006: 42).

In recent times, the debate around national security resurfaced with states reiterating their traditional mission in terms of national security. In some measure, this was in response to the perceived threat to states' sovereignty which resulted from the effects of globalisation, especially in the economic and social spheres. Another phenomenon which rose to prominence during the past two decades is the so-called "securitisation" of the public sphere, defined as the overall process of transforming a policy issue, such as illegal immigration, into a security issue. This renewed emphasis resulted in the emergence of new fields of security-related government activity, including food security, environmental security, bio-security, transport security, industrial security, international security and migration security. As such, migration as an issue gained in importance and became an integral part of the securitisation agenda (Crepeau & Nakache, 2006: 4).

Irregular migration poses real dilemmas for states and migrants alike with the latter finding themselves increasingly exposed to situations of insecurity and vulnerability. Illegal immigration could lead to numerous social and political problems and more particularly, it has a potentially negative impact on the labour market due to the presence of large numbers of illegal immigrants willing and able to work for much less than the average legitimate worker. Another potential danger of illegal immigration is that it contributes to the establishment of a foreign underclass with the attendant potential for becoming embroiled in serious criminal activity like drug smuggling (James, 1991: 9-10). Despite the existence of these vulnerabilities, most states have nonetheless, failed to effectively or efficiently manage or control irregular migration. What is promising is that many states are increasingly willing to acknowledge that current approaches have had limited success and many are willing to at least consider alternatives policies (Koser, 2005: 2).

It is acknowledged that irregular migration represents an area of concern for most if not all governments. However, the focus on irregular migration may serve to obscure the broader picture in terms of migration, especially in terms of overlooking the numerous benefits offered by properly managed migration, not only to the migrants themselves but also to the societies in which they find themselves. Part of a state's response to irregular immigration usually includes a tightening of immigration controls but the imposition of stricter controls could have the unintended consequence of increasing the number of immigrants who, out of

desperation, are forced to turn to smugglers and traffickers. The latter gives rise to an increased incidence of people smuggling which in turn leads to an increase in exploitation and trafficking. This situation serves to further undermine security due to the connection with organised crime, violence and corruption. Measures to effectively combat irregular migration should therefore combine law enforcement with education and prevention, both nationally and internationally (Background information on Irregular Migration, IOM).

The 2001 terrorist attacks on the United States (US) served to highlight the linkages between illegal immigration and national security. An analysis by the Centre for Immigration Studies with respect to the immigration histories of the forty-eight foreign-born al-Qaeda operatives who committed crimes in the US from 1993 to 2001 (including the 9/11 hijackers) found that nearly every element of the US immigration system had been penetrated by the enemy. Of the forty-eight suspects, one third were legal US residents or naturalised citizens, yet another third entered the US by means of various temporary visas while the remainder were comprised of illegal immigrants and individuals with pending asylum applications. Nearly half of the total had, at some point or another, violated existing immigration laws (Kikorian, 2005: 83 – 84).

In recent years, the issue of illegal immigration was placed high on the policy agenda of the EU and its member states. Since the 1990's, European states' main response to persistent irregular immigration has been the intensification of border controls (De Haas, 2007: 1).

6.   **CONCLUSION**

It is evident that illegal immigration is a multifaceted issue, complicated by some confusion regarding terminology. Some confusion regarding the distinction between illegal immigrants and refugees also continues to exist, despite the 1951 UN Convention on the Status of Refugees and the 1967 Protocol, which are regarded as the two fundamental instruments for protecting refugees.

It is noted that migration issues increasingly feature on security agendas globally. Events such as the terror attacks in the US in 2001, again highlighted the

importance of subscribing to the broadened concept of national security and indicated that states could no longer view security from the narrow perspective, focusing merely on external (military) threats. It became evident that many of the most serious "new threats" have an internal dimension. The interconnectedness between these threats is also noteworthy, for example the link that exists between porous borders, terrorism and illegal immigration. Globally, national security strategies also include the notion of human security, where people are the referent object of security, particularly given the prescriptions of the UN regarding the rights of refugees and asylum-seekers.

The main causes of illegal immigration include globalisation, political instability and economic opportunities. Of relevance to this study is the notion that migration, and illegal immigration in particular, also occur between developing nations (South-South). Chapter three will provide an overview of the history and extent of illegal immigration to South Africa, and will also discuss the causes (push and pull factors) motivating illegal immigration to South Africa.

CHAPTER 3

THE NATURE, EXTENT AND CAUSES OF ILLEGAL IMMIGRATION TO SOUTH AFRICA

Chapter three provides a historical overview of illegal immigration to South Africa, in the period prior to 1994, followed by an exposition of the post-1994 nature, extent and causes of illegal immigration to South Africa.

1.   **HISTORICAL OVERVIEW OF ILLEGAL IMMIGRATION PRIOR TO 1994**

This section will seek to indicate that illegal immigration to South Africa is not a new phenomenon and that it was, in the pre-1994 period, mainly associated with the demand for foreign labour in various sectors of the South African economy; the failure of the South African government to grant refugee status to some immigrants; and the political situation in the region which was characterised by civil wars and other related socio-economic factors such as drought, poverty and hunger.

From 1980 to 1990 the majority of illegal immigrants that entered South Africa, crossed the borders without any documentation. The fact that South Africa's borders are vast and characterised by ineffective border control contributed to illegal immigrants entering with relative ease. In an attempt to curb the influx of illegal immigrants the South African government in 1985 erected an electric fence, also known as the Norex fence, along its border with Zimbabwe which was extended to the border with Mozambique in 1987. However, the South African government acknowledged the inefficiency of the electric fence in the late 1980's with illegal immigrants continuing to enter South Africa illegally by damaging the fence. Large numbers of South African Defence Force (SADF) personnel had to be assigned to patrol and repair the fence on a permanent basis (De Vries, 2000: 116).

During the 1980's some confusion existed regarding the presence of illegal immigrants in South Africa, partly created by the historical position of refugees from Mozambique in particular and the refusal of the South African government to recognise these individuals as refugees. Since 1985 Mozambican refugees entered

South Africa, motivated mainly by the civil war that raged in Mozambique at that time (De Vries, 2000: 99-100). Given the aforementioned situation, in the 1980's South Africa became a destination for about 350 000 Mozambicans fleeing the civil war in that country (Crush, 2008: 4). The majority of these individuals entered South Africa through the Kruger National Park where they were subjected to danger at both sides of the border, facing landmines on the Mozambican side, patrols by the SADF and threats posed by the wildlife in the Kruger National Park, on the other side. Mozambican "refugees", once caught, were deported to Mozambique within five days. However, the majority almost immediately returned to South Africa with some having been caught up to ten times. At that time, Mozambican "refugees" were accused of being involved in poaching, weapons smuggling as well as of smuggling diamonds and ivory (Hough & Minnaar, 1996: 106-107).

It became a trend for Mozambicans to, once through the Kruger National Park, seek sanctuary in nearby homelands such as Gazankulu and Kangwane. Both homelands had agreements with the South African government, according to which the homelands could grant asylum status to these refugees, on the condition that these individuals do not cross over into South African territory. Subsequently these homelands issued the Mozambican refugees with renewable temporary residence permits, valid for six months. According to the arrangement with the South African authorities the refugees were further allowed to work on white owned farms outside the homelands on condition that they registered legally as contract farm workers (Hough & Minnaar, 1996: 107-108). Despite the attempts by the South African authorities to prevent these refugees from entering South Africa, many illegally migrated to South Africa in search of better opportunities due to worsening economic conditions in both homelands by January 1990 (De Vries, 2000: 100-101).

According to the White Paper on International Migration, South Africa has since 1990 faced increases in tourists entering, refugee flows, business immigration and especially an increase in illegal immigration in general (RSA, 31 March 1999). This was especially true in the case of Mozambique, as the number of illegal immigrants from Mozambique continued to increase during 1990, when the number of Mozambicans that sought refuge in South Africa to escape the civil war was estimated at 250 000. The numbers continued to increase further given the

continued attacks on Mozambican villages by RENAMO between 1990 and 1991 (Hough & Minnaar, 1996: 108-109). According to the South African Police Service (SAPS) Annual Report of 1993 the influx of illegal immigrants to South Africa continued even after the signing of a peace deal between RENAMO and FRELIMO in October 1992 (SAPS, 1993).

By 1992 civil society and non-governmental organisations increasingly put pressure on the South African government to grant refugee status to Mozambicans in South Africa. However, the South African government refused this and regarded them as illegal immigrants. According to the South African government, these individuals did not flee the civil war in their country, but migrated to South Africa driven by economic considerations (De Vries, 2000: 109). As such, these refugees remained illegally in South Africa. South Africa at that time was not a signatory to either the UN Convention on Refugees or the OAU Convention, and as such was not obliged to grant Mozambican fugitives refugee status, although the broad principles of granting refugee status were adhered to (Hough & Minnaar, 1996: 112-113).

On 6 September 1993 the South African government signed an agreement with the Mozambican government and the UNHCR, according to which the South African government undertook to grant refugee status to the estimated 300 000 Mozambicans which resided in South Africa at that time. This however only applied to Mozambican citizens that entered South Africa between 1985 and 1992 (De Vries, 2000: 110).

During the late 1980's and early 1990's, illegal immigration from Zimbabwe also started to increase. The main motive behind the influx of Zimbabweans to South Africa was increasing unemployment in Zimbabwe, coupled with poverty, drought and food shortages. In 1991 an estimated number of 600 Zimbabweans were deported back to Zimbabwe each month. With the continued drought in 1993, even scholars started to cross into South Africa to work as labourers on farms in the Transvaal Province (Limpopo). The number of illegal crossings into South Africa increased to 1000 a month by October 1994. In December 1994 farmers in the Transvaal Province were allowed to employ Zimbabwean labourers with special agricultural permits. In many instances farmers failed to register the foreign labourers they intended to employ on their farms with the DHA and the Department

of Labour, as was legally required. This also resulted in further increases in illegal immigrants crossing into South Africa to seek employment on farms (Hough & Minnaar, 1996: 120-121).

Information supplied by the DHA during 1991 confirms the fact that Mozambique and Zimbabwe were the main contributors of illegal immigrants to South Africa at the time. In 1991 the DHA deported a total of 61 384 people, the majority of which entered South Africa illegally, while others entered legally but later became illegal immigrants by overstaying their visas and/or temporary residence permits. Statistics for 1991 indicate that, of the 61 384 individuals deported, 47 074 originated from Mozambique, 7 174 from Zimbabwe and 4 440 from Lesotho. The remainder originated from Botswana, Swaziland and Angola, among others (Cooper & Hamilton, 1992/1993: 261).

According to the Annual Report of the DHA of 1992, 82 575 illegal immigrants were deported to their countries of origin in 1992, compared to the 61 384 in 1991. The main countries of origin remained Mozambique, Zimbabwe and Lesotho, in that specific order (DHA, 1992).

Illegal immigration patterns in the pre-1994 era indicate that the main origin of illegal immigrants at the time was mainly from Mozambique and to a lesser extent from Zimbabwe. The former is in direct contrast to the post-1994 pattern which is dominated by illegal immigrants from Zimbabwe as will be indicated in the subsequent section.

2. **THE POST-1994 NATURE AND EXTENT OF ILLEGAL IMMIGRATION TO SOUTH AFRICA**

It is important to determine both the origin as well as the extent of illegal immigration in South Africa. As will be indicated however, there is currently no method to accurately determine the number of illegal immigrants in South Africa. This section will conclude with a discussion of the various methods used by illegal immigrants to enter South Africa.

2.1   Origin of illegal immigrants

The majority of illegal immigrants to South Africa still originate from South Africa's immediate neighbours including Lesotho, Swaziland, Botswana, Malawi, Mozambique and Zimbabwe (Crush & Williams, 2003: 2). Mawadza (2008: 1) notes that illegal immigrants from Zimbabwe formed the largest group in South Africa in 2008. Migrant flows from Angola, the Democratic Republic of the Congo (DRC), Ghana, the Ivory Coast, Nigeria and Senegal are also on the rise. The numbers of illegal immigrants originating from the rest of Africa, Europe, North America, Asia and the Indian sub-continent are likewise increasing (Crush & Williams, 2003: 10). The main countries from which illegal immigrants originated between 2000 and 2004, apart from Africa, included Pakistan, India, China, the United Kingdom (UK), Bangladesh, Turkey and Thailand. South Africa has also been on the receiving end of illegal migration from affluent countries such as the US, Canada and Switzerland (Waller, 2006: 2-3).

In 2004, official statistics indicated that the top three countries in terms of deportations from South Africa were Mozambique (81 619 deportees), Zimbabwe (72 112) and Lesotho (7 468) (Waller, 2006: 2-3). Deportation statistics dating back to 2005, indicate that the majority of deportees (207 811 of 209 988) were citizens of Southern African Development Community (SADC) countries (Beeld, 6 June 2008).

As far as 2006 and 2007 is concerned, the main counties of origin of deportees were as follows:

Table 2: Origin of illegal immigrants as illustrated by deportations statistics for 2006

Country	Deportees
Lesotho	6 600
Mozambique	69 500
Swaziland	2 300
Zambia	90
Zimbabwe	81 200
Botswana	20

Source: Mawadza, A, "The nexus between migration and human security: Zimbabwean migrants in South Africa", *ISS Paper,* Number 162, May 2008, p 4.

Table 3: Origin of illegal immigrants as illustrated by deportation statistics for 2007

Country	Deportees
Angola	76
Bangladesh	270
Botswana	41
China	332
Ghana	155
India	158
Lesotho	15 527
Malawi	6 513
Mozambique	85 826
Nigeria	546
Pakistan	205
Swaziland	2 951
Tanzania	738
Uganda	178
Zambia	192
Zimbabwe	197 508

Source: Statistics obtained from the Department of Home Affairs: *Deportations from South Africa as given by the various ports of entry*, 2007.

Statistics from 2007 confirmed the trend of the majority of deportees originating from SADC countries, with 309 546 out of 312 280 deportees having been SADC citizens (Beeld, 6 June 2008). Deportation statistics for both 2006 and 2007 display a drastic change when compared to figures from 2004, indicating that the majority of deportees were from Zimbabwe (Kruys, 2007: 4).

The number of applications for asylum also represents a guideline in terms of the origin of migrants, given the close association that sometimes exists between asylum-seekers and illegal immigration. The top five countries in 2007 in terms of applications for asylum are Zimbabwe (17 667 applicants), DRC (5 582), Ethiopia (3 413), Malawi (3 341) and Somalia (2 041) (Pretoria News, 28 February 2008).

As illustrated by the deportation statistics, it is clear that Zimbabweans seem to currently form the largest group of illegal immigrants to South Africa. It is further evident that deportations to Mozambique remain significant.

2.2   Estimations of the number of illegal immigrants in South Africa

In general, statistics regarding the extent of illegal immigration are unreliable and can only be regarded as a rough estimate (Solomon, 2003: 20). Given the very nature of illegal immigration, any attempt to accurately calculate the numbers of illegal immigrants will at best, produce speculative results (Solomon, 2003: 90). The number of illegal immigrants currently living in South Africa continues to be one of the most contentious issues in the migration debate in South Africa. Despite the ready availability of official statistics with respect to legal migration to South Africa, there is still no reliable method for accurately determining the number of illegal immigrants in South Africa (Wentzel & Tlabela , 2006: 80).

This view was also expressed by Crush and Williams (2001: 1), who noted that officials, politicians and the media continue to quote figures totalling somewhere in the millions. According to these authors, the study informing the often quoted estimates was discredited by sceptics, this despite their inability to come up with alternative numbers. In reply to this criticism, the sceptics merely reply that the extent of undocumented immigration is, by definition, unknowable.

The difficulties experienced in measuring the extent of illegal immigration is however not limited to South Africa. In many, if not most countries, it remains virtually impossible to, at any given time, accurately determine the precise number of illegal migrants (Crush & Williams, 2001: 11).

As already noted, deportation statistics remain a guideline for estimating the origin and number of illegal immigrants entering South Africa alike. In contrast to Table 2 and 3, which focused on the origin of deportees, the following table presents statistics for the period 2001-2005, indicating the number of persons deported from South Africa:

Table 4: Number of illegal immigrants deported by the DHA in the period 2001 to 2005
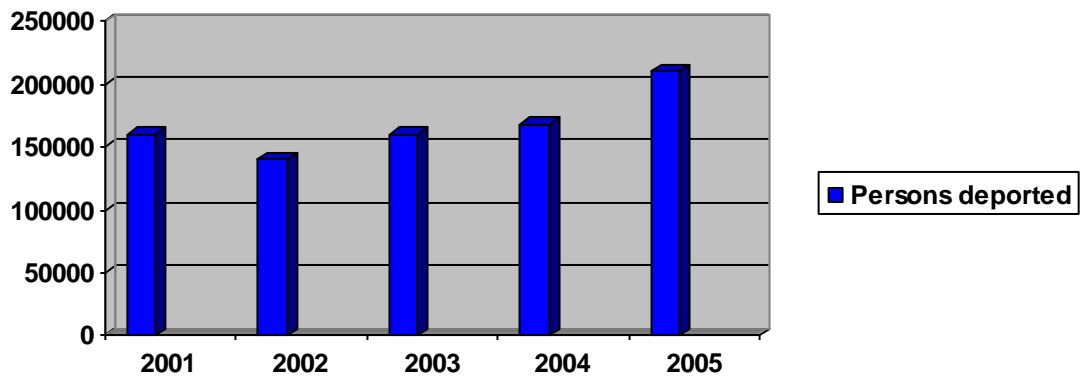
Source: *Report of the Auditor General on a Performance Audit of the Immigration Process at the Department of Home Affairs*, Pretoria, February 2007, p 3.

In addition to the statistics provided in Table 4, indicating a steady increase in the number of illegal immigrants being deported since 2001, more recent statistics signify that the total number of illegal foreigners having been deported in 2006/2007 further increased to 266 067 (DHA, 2006/2007). The number of deportations again increased to 312 733 in 2008. In addition, the Annual Report of the DHA of 2007/2008 also indicates that deportations have increased with an average of 18 percent over the past five years, with an increase of 25 percent in the 2007/2008 financial year alone (DHA, 2007/2008). This clearly indicates that deportation statistics are on the increase and are expected to even increase further. It should be noted that deportation statistics have a limited value in estimating the number of illegal immigrants as these statistics further include illegal immigrants that have been deported more than once, counting each deportation as a new deportation (Human Rights Watch: South Africa country report, 2008).

In terms of official estimates of the number of illegal immigrants in South Africa, the SAPS estimate the number to be between three and six million. According to statistics of the SAPS a number of 44 409 illegal immigrants were arrested by them between 1 April 2007 and 31 March 2008 (SAPS, 2007/2008).

The following represents some of the estimates with regard to the number of illegal immigrants in South Africa as carried by the media and local as well as international research organisations in particular:

- Most local media reports indicate that the number of illegal immigrants in South Africa increased dramatically during the past decade. Some media reports estimated the number of illegal immigrants in South Africa at five million of which up to three million are believed to be Zimbabweans who have entered South Africa to escape the economic meltdown in their country under Robert Mugabe's rule (Heleta, 2008: 7). Another media report estimates the number of illegal immigrants in South Africa at between three and five million people (Sowetan, 23 May 2008).

- In 2005, research conducted by the Geneva-based GCIM concluded that there were serious methodological flaws in the estimation of the number of migrants in South Africa. According to the GCIM the actual number of foreigners living in South Africa differs sharply from widely held perceptions. The research indicated that South Africans are of the opinion that as much as twenty-five percent of the total population is composed of foreigners. This is being disputed by GCIM which estimates the number to be closer to three to five percent, with around 500 000 illegal immigrants. The GCIM again highlighted the need for the South African government to conduct an accurate analysis with respect to the number of illegal immigrants and their respective countries of origin (Immigrant numbers a misperception: new report, 14 October 2005).

- According to the South African Institute of Race Relations (SAIRR), illegal immigrants had become a permanent feature of South Africa's population. The SAIRR, during May 2008, estimated illegal immigrants to total anything between three and five million and indicated that this makes them equal in number to South Africa's entire white population. The SAIRR furthermore expresses the belief that it is not in South Africa's interest to have such a large illegal population (Cronje, 2008: 1).

During 2008, the debate regarding illegal immigration to South Africa has been extended to specifically focus on illegal immigrants entering South Africa from Zimbabwe. Estimates on the number of illegal immigrants from Zimbabwe vary quite distinctly:

- In a statement towards the end of 2007, the then Minister of Home Affairs, Nosiviwe Mapisa-Nqakula, announced that between 1 000 and 3 000 Zimbabweans were entering South Africa on a daily basis (The Star, 29 May 2009).

- Human Rights Watch (HRW), which espouses a more modest estimate as to the number of Zimbabweans living in South Africa, put the number of Zimbabweans in South Africa at the start of 2008, at between one and one and-a-half million. According to HRW almost all of these people entered and remained in South Africa without visas or documentation of any kind (Neighbours in need: Zimbabweans seeking refuge in South Africa, Human Rights Watch).

- According to the Forced Migration Studies Programme, the most serious flaw in discussions relating to Zimbabwean migration relates to the wide ranging estimations of the numbers of illegal immigrants in South Africa. Between 2006 and 2007, commentators' speculations as to the number of Zimbabweans in South Africa, ranged anywhere between 1.2 to three million persons. The Programme notes that the South African government, even prior to the mass influx of Zimbabweans, had no reliable estimate of the number of Zimbabweans in South Africa, making it almost impossible either to accurately reflect on the number of new arrivals or to compare new figures with previous estimates (Forced Migration Studies Programme, 4 September 2007).

- A Pretoria News report indicated that 15 000 Zimbabweans arrive in South Africa on a monthly basis in 2008. According to this report, an average of 95 000 Zimbabweans still enter South Africa compared to the 80 000 who are said to have been leaving since the May 2008 outbreak of violence against foreigners in South Africa. An official of the Border

Control Operations Co-ordinating Committee (BCOCC) was quoted as having said that despite the violence, the movement of people in and out of South Africa remained much the same as it was previously. According to locals in the Musina area, xenophobic attacks and promises of assistance with repatriation by the Zimbabwean government have not affected the pace of the influx of illegal immigrants to South Africa (Pretoria News, 3 June 2008). This view is also being heralded by the IOM who warned that the exodus of immigrants from South Africa is temporary and that the influx of foreigners to South Africa from neighbouring countries will soon resume. The IOM mentioned that the reasons for these immigrants having come to South Africa remained valid (Mail and Guardian, 30 May - 5 June 2008).

- According to <u>Beeld</u> newspaper (24 April 2008), the period immediately following the March 2008 elections in Zimbabwe, saw a clear increase in the number of illegal immigrants entering South Africa. According to a spokesperson of the SANDF the number of Zimbabweans arrested at the Limpopo border during March 2008 totaled 2 143 which amounted to an increase of roughly forty percent as compared to 1286 in 2007. These figures only represent those illegal immigrants arrested by the SANDF and do not include those who managed to enter the country undetected.

- Another article by <u>Beeld</u> (1 April 2008) indicated that there are currently between three and five million illegal Zimbabwean immigrants in South Africa and that illegal immigration from that country displayed a rising trend.

- Kruys (2007: 2) mentions that it is commonly estimated that as many as three million Zimbabweans are living in South Africa and that a further increase in illegal immigration could contribute to greater hardships for South Africans.

It is clear that there is no consensus regarding the number of illegal immigrants in South Africa and that estimates vary substantially. It however remains clear that illegal immigration from Zimbabwe in particular is of concern given the large

numbers of illegal immigrants entering South Africa and the potential it has to further escalate given the precarious situation in Zimbabwe.

2.3 Current methods used by illegal immigrants to enter South Africa

One of the most common methods utilised by illegal immigrants is to initially enter South Africa *via* legal means and then remain in the country illegally after the expiry of valid travel documentation and or permits (Crush, 2008: 4). Various factors contribute to illegal immigration, such as the long waiting period to obtain a valid passport, for example in the case of Zimbabwe, it can take anything up to four years for individuals to obtain a Zimbabwean passport. Another factor contributing to illegal immigration is the hefty cost, for example one thousand South African Rand for a visa (Kruys, 2007: 4). The fact that civil servants from Zimbabwe do not always require visas to visit South Africa has created a loophole in that it is being exploited by desperate migrants, frequently students, buying pay slips from civil servants for as little as R 30 in order to enter South Africa. Students and other prospective migrants mostly resort to this practice due to their inability to afford the abovementioned visa fees (Mawadza, 2008: 4).

Although the easing of requirements and streamlining of arrangements could contribute to more effective immigration control, there is the potential for an increase in the number of overstays or individuals choosing to settle in South Africa illegally on a more permanent basis (Kruys, 2007: 4). This is especially relevant in instances of countries that no longer require visas to enter South Africa, such as that provided for in the visa-free arrangement between South Africa and Mozambique. The South African government also signed an agreement with Lesotho in 2007 which facilitates cross-border movement by downgrading border controls between the two countries (Crush, 2008: 4).

Although the South African government deports large numbers of illegal immigrants, the effectiveness of this strategy is being increasingly questioned in the South African context. This is being evidenced by the trend for many illegal immigrants, once deported, to return to South Africa within a short space of time, a phenomenon which has been termed the "revolving door syndrome" (Waller, 2006: 2-3). It has been noted that because of the deteriorating situation in Zimbabwe, those deported

to their country of origin return almost immediately (Sowetan, 23 May 2008). In the case of Zimbabweans some are being deported as many as three times a month, at great cost to the South African government (Pretoria News, 1 March 2008).

One of the biggest challenges in respect of attempts to limit illegal entry into South Africa is to combat corruption by immigration officials and law enforcement officers alike. Corrupt practices engaged in by certain DHA officials who regard illegal immigrants as an easy source of additional income via the acceptance of bribes have been highlighted (Sowetan, 23 May 2008). In 2003, the then Director-General of the DHA, Barry Gilder, acknowledged that fraudulent entry into the country was facilitated by the complicity of corrupt officials and conceded that the Department suffered from "widespread and endemic corruption" (Waller 2006: 4). In March 2008, Beeld cited a case of thirteen SAPS reservists who appeared in court on charges of corruption after attempting to smuggle twenty-six deported illegal immigrants from Mozambique back into South Africa through the Lebombo border crossing. The deportees mentioned that they had to pay bribes to the reservists to facilitate them being smuggled back into South Africa (Beeld, 26 March 2008).

Another increasing tendency is for illegal migrants wishing to avoid detection and obtain legal residency and ultimately citizenship, to bribe economically vulnerable South Africans to enter into marriages of convenience (Malatji, 2004: 5). A related tendency is for illegal migrants to try and obtain fraudulent citizenship by means of the late registration of births, a practice which is once again facilitated by corruption within the DHA (Waller, 2006: 5).

Apart from cases involving foreigners being assisted by corrupt DHA officials, foreigners are also involved in falsifying South African passports which are then issued to anyone with the necessary financial means and relevant contacts (Kruys, 2007: 4). Foreigners also engage in the falsification of South African identity documents (ID's) by substituting the original photographs in stolen identity documents with their own (Pretoria News, 26 May 2008). The network involved in the sale of stolen and falsified South African passports extends throughout Africa. At one point in time, it was estimated that more than 10 000 blank passports were stolen from the offices of the DHA (Beeld, 8 March 2008).

South Africa's lax border security is another significant contributing factor to the influx of illegal immigrants into South Africa. The problem is being exacerbated by corruption among officials like police officers engaged in border duties, clearing agents and customs officials all of whom facilitate the illegal entry of foreigners into South Africa (Business Day, 29 May 2008). South Africa's border with Zimbabwe is particularly vulnerable as evidenced by the ever-increasing number of border jumpers (Pretoria News, 1 March 2008).

Since 2004, the SAPS assumed the responsibility of border patrol, formerly a function of the SANDF. The SANDF continued to disengage from borderline control, with the responsibility to secure borders with Namibia, Botswana and Lesotho handed over to the SAPS during the 2006/2007 financial year (SANDF, 2006/2007). During the 2007/2008 financial year the SAPS finalized the taking over of the Mpumalanga border with Swaziland, the KwaZulu-Natal border with Mozambique and the KwaZulu-Natal border with Swaziland. In the course of the 2007/2008 financial year, the SAPS deployed members jointly with the SANDF along the Limpopo border with Zimbabwe (SAPS, 2007/2008). A report by the Auditor General to Parliament in March 2008 indicated that the SAPS have thus far had little success in terms of patrolling the borders since it took over from the SANDF. According to the report there are only 19 SAPS members available to patrol 3 600km of South Africa's coastline while in actual fact, 448 officials would be required to effectively fulfill this function (Rapport, 23 March 2008). The number of SAPS members responsible for protecting sea borders meanwhile (between 2007 and 2008) increased to 33 members (SAPS 2007/2008). According to the report by the Auditor General to Parliament in March 2008, 970 SAPS members are required to patrol South Africa's land borders (Rapport, 23 March 2008). It is evident from the SAPS Annual Report of 2007/2008 that the situation regarding personnel shortages at land borders meanwhile improved to a number of 684 members deployed, compared to 303 in 2006/2007. In terms of SAPS officers manning South Africa's ports of entry (which include the 53 land ports, 10 airports, seven sea ports and one dry port), a total of 4671 officers were deployed by March 2008, as compared to 700 in March 2007 (SAPS, 2007/2008).

Another tendency is for illegal migrants to attempt to gain entry to the country *via* the abuse of transit arrangements at South Africa's major international airports. In this regard, the would-be illegal migrants first obtain legal visas for travel to some of South Africa's neighbours. Being in possession of legal travel documentation and meeting all requirements in terms of transiting passengers these individuals normally escape any undue attention from officials. Syndicates then facilitate the illegal entry of these transiting passengers into South Africa. These syndicates sometimes secure the assistance of corrupt DHA officials to circumvent immigration procedures (Malatji, 2004: 4).

A related development concerns the increase in the number of passengers who arrive at South Africa's international airports from countries like Nigeria, India, Pakistan, China and Bangladesh who are in possession of fraudulent documentation. OR Tambo International Airport has the dubious honour of having been listed as one for the world's foremost ports of entry being used by migrants attempting to enter Western countries with fraudulent documentation (Malatji, 2004: 4).

It is evident that porous borders and corruption remain the two major weaknesses to be consistently exploited by illegal immigrants. Officials of the DHA together with other law enforcement officials likewise remain the weakest link in the fight to curb illegal immigration. The aforementioned deficiencies further also act as pull factors in terms of attracting illegal immigrants to South Africa, as will be indicated in the following section, which seeks to examine both the push and pull factors that contribute to illegal immigration to South Africa.

3.   **THE CAUSES OF ILLEGAL IMMIGRATION TO SOUTH AFRICA**

Prior to discussing the causes of illegal immigration to South Africa it would be useful to first distinguish between the push and pull factors that attract illegal immigrants to South Africa. The push factors refer to those factors that are beyond the control of individuals and which ultimately force them to migrate in search of a better life. The pull factors in turn deal with issues that serve to attract migrants and are mostly linked to economic gain.

3.1   Push factors

During the past fifteen years, migration trends changed significantly with the emergence of the South as a destination of choice for migrants from other African countries. Migrants to South Africa come from all corners of Africa and range from professionals to traders and job seekers (Mafukidze, 2006: 117).

In general terms, migration is essentially a response to a structural disequilibrium between and within sectors of an economy, or between countries. Economic disparities between and within countries is a strong motivation for migration. Inequality in terms of income and opportunity and a significant increase in terms of the numbers of people living in conditions of extreme poverty also contribute to the decision to migrate. The search for greater economic well-being is one of the overriding driving factors for migration and people tend to consider migrating when they are no longer able to fulfil their aspirations within their country of current residence (Adepoju, 2006: 26-27).

Solomon (2003: 58) mentions the impact of demographic settings and interestingly states that population growth in itself does not necessarily result in people migrating. However, when coupled with other factors, such as economic decline, it could increasingly become a motivation for people to migrate elsewhere in search of a better life.

Lekogo (2006: 219-220) argues along similar lines, indicating that a combination of factors is at play in stimulating the urge to migrate including political, economic and social factors. Political factors include variables such as a condition where a state is no longer able to provide conditions of safety and security, infrastructure and basic services or in case of it degenerating to the extent that it is regarded as a weak, failed or collapsed state. Economic factors include drastic increases in inflation, increased corruption and critical food shortages. In addition to the impact of economic and political turmoil, environmental disasters such as floods and earthquakes also impact on individuals' decisions to migrate. Illegal immigration has increasingly become an alternative for those caught up in such dire situations. Adepoju (2006: 40) also argues that demographic, economic, ecological and political factors interact to prompt migration. Factors such as political unrest, hunger

and poverty in Africa could result in a mass influx of illegal immigrants to South Africa in the near future (Pretoria News, 28 February 2008).

Traditionally, migration resulted from the desire to escape civil war or political repression in the migrants' country of origin. Related push factors include persecution (religious and otherwise), frequent abuse, bullying, oppression and genocide (Background information on the concept of illegal immigration, 14 April 2008).

In the case of Zimbabwe, the worsening political and economic situation in that country facilitated a significant influx of illegal immigrants to South Africa. The biggest wave of immigration to South Africa occurred in the year 2000 with significant numbers of Zimbabweans fleeing to South Africa. Ever since 2000, increasing numbers of Zimbabweans were forced to leave their country, the vast majority of which entered South Africa illegally by means of informal border crossings. The rate of illegal immigration from Zimbabwe again increased after 2005, when the Zimbabwean government, during Operation Murambatsvina, destroyed the homes and businesses of 700 000 people. The persecution of Zimbabweans in the form of arbitrary arrests and detention, torture, and beatings by government officials particularly reached alarming proportions in the aftermath of the 29 March 2008 elections (Human Rights Watch: South Africa country report, 2008). Mawadza (2008: 3) also recognises these circumstances as significant push factors driving ordinary Zimbabweans to extra-ordinary measures to enter South Africa. Should the situation in Zimbabwe deteriorate any further, South Africa and neighbouring countries would in all likelihood have to contend with a renewed influx of migrants both legal and illegal, including asylum seekers (Kruys, 2007: 2).

In terms of push factors of relevance for facilitating illegal immigration from Zimbabwe, the SAIRR cites former President Mbeki's policy of quiet diplomacy with respect to the Zimbabwe crisis a significant contributing factor. The SAIRR states that the situation is further compounded by South Africa's porous borders, which serve to facilitate the influx of illegal immigrants (South Africa: the Army is called in, 21 May 2008).

3.2   Pull factors

As already noted, the post-1994 restructuring of the South African economy created new opportunities for both skilled and unskilled migrants (Crush & Williams, 2003: 14). Due to the country's political stability and strong economy, South Africa is regarded as a leading destination for both legal and illegal migrants from SADC countries and the wider African continent (Illegal immigration in South Africa, IOM).

The reigning perceptions among African migrants with respect to the state of the South African economy *vis-à-vis* those of other African countries, has been the driving force behind most illegal migration (Maharaj, 2004: 2). The South African economy has proven especially prosperous during the past decade, achieving 4, 7 percent growth in 2007 (The Star, 26 May 2008). The relative strength of the South African currency coupled with its favourable position in comparison with other currencies on the continent also represents major pull factors (Lekogo, 2006: 212).

The South African economic setting allures people from poorer countries such as Mozambique and Lesotho. In general, South Africa tends to attract those seeking employment, a higher standard of living and brighter economic prospects. Illegal immigrants have traditionally sought to enter South Africa in search of higher wages than those offered in their country of origin (Solomon, 2003: 59-60).

Since 1994, the traditional cross-border movement of organised labour expanded to include traders crossing the border in search of economic opportunities in South Africa. Illegal immigrants started to take increasing advantage of South Africa's porous borders to flee economic hardship or conflict at home (Illegal immigration in South Africa, IOM). The SADC Free Trade Area (FTA), launched in August 2008, is expected to further stimulate cross-border trade in the Southern African region and is regarded as a milestone in terms of achieving the goal of regional integration (SADC, August 2008).

South Africa's favourable position in terms of economic and developmental indicators contributes to the country's status as a preferred destination for migration on the continent. The country's academic and health infrastructure also represent significant pull factors for migration and in this regard it is noteworthy that South

Africa's health sector compares well with those of countries in Europe. In terms of political stability, South Africa has several post-1994 elections to its credit, all of which were regarded as free and fair (Lekogo, 2006: 211).

In addition to the economic and political pull factors, the UNHCR cites South Africa's liberal policy position with respect to asylum as a further contributing pull factor for illegal immigration. According to the UNHRC this situation could result in a continued increase in the number of applications for asylum in coming years (Beeld, 1 April 2008). The <u>White Paper on International Migration</u> mentions that the liberal policy approach mainly refers to its acknowledgement of human rights principles and the shift from immigration policies rooted in the past, thereby taking advantage of the positive aspects of migration (RSA, 1999). Illegal immigrants in South Africa have a wide range of basic human rights under the South African Constitution's <u>Bill of Rights</u>, including the right to equality, dignity and the right not to be subjected to violence or to be arbitrarily arrested or detained (Act 108 of 1996, Section 7 (1)).

South Africa's hosting of the 2010 Soccer World Cup has been identified as another pull factor for illegal immigrants. According to the ISS, large numbers of illegal immigrants could be expected to enter South Africa from Mozambique, Swaziland and Zimbabwe, especially in the period immediately prior to and during the event. This situation could be markedly exacerbated should South Africa fail in attempts to significantly upgrade and improve border control measures and procedures (Beeld, 13 February 2008).

It is clear that South Africa will continue to attract migrants, both legal and illegal, and asylum seekers from especially the SADC region. South Africa's economic attraction, coupled with political instability in parts of the surrounding region will ensure the continued influx of illegal immigrants specifically. It is also clear that illegal immigrants from Zimbabwe will continue to account for a significant share of these migrants as most sources agree that this influx will not be halted any time soon given the magnitude of the problems besetting Zimbabwe.

4.   CONCLUSION

It is noted that illegal immigration to South Africa is not a new phenomenon and that it formed an integral part of regional migration trends to South Africa for decades. The democratisation of South Africa contributed significantly to the country being regarded as a destination of choice by many migrants. The influx of immigrants also resulted in South Africa becoming dependent on unskilled labour from outside its borders, a situation that continued well beyond 1994. Although the contract labour system provided for legal employment, this arrangement was abused in practice by especially farmers who for example employed foreigners illegally. South Africa became increasingly attractive to illegal immigrants, especially from Zimbabwe with push and pull factors alike continuing to contribute to migration flows.

As indicated earlier, illegal immigrants still originate mainly from the SADC countries, a trend which is confirmed by deportation statistics. An analysis of these statistics clearly indicates that Zimbabwe and Mozambique continue to be the biggest contributors to illegal immigration to South Africa.

It is noted that complexities exist in terms of providing reliable and credible statistics on illegal immigration and that the situation is further compounded by the fact that there is no universally accepted methodology for estimating the number of illegal immigrants in the country. As such, various estimates ranging from anything between three to eleven million are used by government officials, the media and researchers alike. It is acknowledged that statistics remain speculative but that this situation is not unique to South Africa but rather forms part of a global trend. More realistic estimates as to the number of illegal immigrants in South Africa range from three to five million. Statistics with respect to illegal immigration from Zimbabwe are especially contentious and also vary significantly. What is abundantly clear however is that illegal immigration from Zimbabwe increased significantly since the March 2008 elections held in that country. It is interesting to note that the South African governments' current process with respect to asylum seekers could be a contributing factor to illegal immigration, especially in view of the slow pace at which applications are processed.

It is also noted that various methods exist whereby illegal immigrants enter South Africa. Of particular concern to many South Africans are the vast amounts being spent on the deportation of illegal immigrants while some after being deported almost immediately make their way back to South Africa. Corruption and fraud by customs and law enforcement officials also remain a huge concern. Finally, the lack of proper border control, *inter alia* attributable to the SAPS' inability to effectively control the country's extensive and porous borders, is a factor which is expected to be increasingly exploited by illegal immigrants, especially in the absence of significant improvements to the situation. The situation is expected to be exacerbated by the various push factors for illegal immigration which persist in the region. As indicated, the 2010 Soccer World Cup could act as an additional factor attracting illegal immigration to South Africa.

The subsequent chapter will deal with the South African governments' point of view on illegal immigration and will seek to indicate to what extent the government regards illegal immigration as a national security issue. It will also focus on public perceptions relating to the issue of illegal immigration.

CHAPTER 4

OFFICIAL AND PUBLIC VIEWS ON ILLEGAL IMMIGRATION TO THE RSA AS A SECURITY ISSUE

This chapter deals with the policies and views of the South African government with respect to illegal immigration and the problems associated with the phenomenon. Similarly, it deals with public reaction to illegal immigration and indicates the extent to which it is viewed as a security issue.

1. THE POLICIES AND VIEWS OF THE SOUTH AFRICAN GOVERNMENT REGARDING ILLEGAL IMMIGRATION

The first section of this chapter seeks to discuss the policies and views of the South African government with respect to illegal immigration. The discussion will centre on migration-related legislation adopted by government and a distinction will be drawn between the concepts of "refugees" and "illegal immigrants", which have proven to be somewhat confusing and problematic in the case of South Africa. Finally, reference will be made to selective views of the South African government on the issue of illegal immigration since 1995.

1.1 Legislation adopted by the South African government with respect to illegal immigrants

An extensive policy framework comprises the mainstay of the South African government's efforts to regulate immigration to the country. The subsequent section serves to provide an overview of legislation of relevance to the issue of illegal immigration, focusing mainly on the White Paper on International Migration (1999) and the Immigration Act (2002). Reference will be made to specific provisions of the aforementioned as it relates to government's attempts to control illegal immigration to South Africa. Given the confusion that sometimes exists in terms of distinguishing refugees from illegal immigrants, reference is also made to the Refugees Act (1998).

1.1.1 *The White Paper on International Migration*

The approval of the <u>White Paper on International Migration</u> by the South African government in 1999 was *inter alia* the result of a realisation that illegal immigration to South Africa displayed an increasing trend and that existing policies proved inadequate to effectively address the issue. A recurrent complaint during public hearings on the <u>White Paper</u>, dealt with government's inability to regulate the influx of illegal immigrants. Public input highlighted the urgent need for a system able to deter and prevent illegal immigrants from entering South Africa (RSA, 31 March 1999).

The <u>White Paper</u> seeks to allow government to capitalise on globalisation by facilitating the entry of immigrants that add value to the South African economy and society and likewise denying entry to those deemed to be a liability to the state (RSA, 31 March 1999).

The <u>White Paper</u> identified the following limitations of the <u>Aliens Control Act</u> of 1991 (RSA, 31 March 1999):

- The Act proved ineffective in preventing large numbers of illegal immigrants from entering South Africa;
- the Act placed too much emphasis on border control;
- the Act placed too hefty an administrative burden on immigration officers, resulting in the former being unable to engage in adequate policing;
- the Act contributed to illegal immigration by providing illegal immigrants with Section 41 permits (regulating the appointment of foreign workers) merely for the purpose of keeping track of them.

The <u>White Paper</u> highlights government's obligations in terms of preventing illegal immigration (RSA, 31 March 1999):

- To reduce both the pull and push factors of illegal immigration;
- to effectively secure South Africa's borders and ports of entry as well as to engage in internal policing actions that could prevent illegal immigrants from

entering South Africa or to effect their removal from South African territory should they already be inside the country;

- to create an environment that will deny illegal immigrants the opportunity for employment and to refuse illegal immigrants access to free public services, the latter which may, in all likelihood also not be available to them in their country of origin.

The White Paper identified the following priorities for the South African government in terms of preventing illegal immigration to South Africa (RSA, 31 March 1999):

- Ensuring that illegal immigrants do not compete with South Africans for jobs and social services;
- preventing illegal immigrants from becoming involved in crime in South Africa;
- providing education at community level to prevent xenophobia;
- ensuring that refugees are resettled and that they are not treated as illegal immigrants.

It is clear from the above that the South African government recognises the potential impact of illegal immigration as a security threat, hence the White Paper's extensive references to the negative impact of a large presence of illegal immigrants (RSA, 31 March 1999). These concerns will be discussed in greater detail in the next chapter of this study.

1.1.2 *The Immigration Act of 2002*

South Africa's official policy towards illegal immigration is in major part reflected in the Immigration Act of 2002, which was twice amended, namely in 2004 and 2007. The Immigration Act of 2002 served to repeal the Aliens Control Act of 1991 (Act 13 of 2002, Preamble).

A number of provisions are specifically intended by the Act to assist in the control of immigration to South Africa and as such, are deemed to be of particular relevance to the study of illegal immigration to South Africa. Provision is *inter alia* made for:

- State control of immigration to South Africa and due consideration of all aspects related to security;

- efficient facilitating, administering and managing of arrivals and departures of all persons at all ports of entry, essential to the promotion of tourism;

- reduction of the pull factors of illegal immigration *via* effective enforcement of immigration laws;

- addressing of the push factors of illegal immigration in co-operation with other domestic government departments as well as the country of origin of immigrants;

- ensuring that immigration policies promote economic growth by facilitating the employment of foreign labour, promoting foreign investment, facilitating the entry of exceptionally skilled or qualified people, thus expanding the pool of skilled labour;

- ensuring that the involvement of foreigners in the South African labour market does not negatively impact on the rights and expectations of South African workers;

- ensuring that human rights principles are consistently applied during immigration control procedures;

- ensuring that South Africa complies with the international prescriptions in terms of dealing with immigration and refugee-related issues (Act 13 of 2002, Preamble).

The Immigration Act provides for the establishment of an Immigration Advisory Board with the responsibility of advising the Minister of Home Affairs with respect to any regulations issued in terms of the Act as well as the formulation of immigration policies. The Board is also to serve as the inter-departmental forum responsible for facilitating co-operation on matters of immigration (Act 13 of 2002, Section 4).

The Act serves to regulate the admission and departure of foreigners to and from South Africa, clearly stating that:

- All persons shall enter and depart South Africa *via* official ports of entry, except in instances where express permission is granted to allow persons to enter/depart at locations other than an official port of entry;

- all persons are compelled to identify themselves to immigration officers upon arrival or departure;

- persons should at all times during entry/departure be in possession of a valid passport;

- foreigners without permanent residence status will only be allowed to enter if his/her passport's validity extends for a period of 30 days past the termination date of the intended stay and if he/she is issued with a valid temporary residence permit (Act 13 of 2002, Section 9).

In terms of enforcement and monitoring, the Act requires illegal immigrants to depart South African territory pending a decision regarding their status and further states that all illegal immigrants will be deported. It proceeds to note that an immigration officer may arrest illegal immigrants without a warrant and that those arrested could then be detained and deported in accordance with prescriptions of the Act. Illegal immigrants could request that their subsequent detention or deportation be confirmed by a warrant of a competent court. Failure to provide such a warrant within forty-eight hours could result in the immediate release of such an individual (Act 13 of 2002, Section 32-36).

The Act also attempts to regulate the employment of illegal immigrants by South African businesses by stating that no illegal immigrants are to be employed by any employer. The responsibility to determine the status of citizenship of prospective job seekers or existing employees rests with potential employers (Act 13 of 2002, Section 38).

The Act categorically prohibits the aiding and abetting of illegal immigrants and contains exhaustive criteria to this effect (Act 13 of 2002, Section 42). According to the Immigration Act of 2002, as amended in 2004, any person who enters, stays in or departs South Africa in contravention of the Act is guilty of an offence. It further states that any illegal immigrant who fails do depart when ordered to do so could be liable for a fine or imprisonment for a period of up to nine months. The Act also mentions that any individual who assists illegal immigrants to enter, remain in, or depart South Africa, could be imprisoned for a period of up to one year (Act 13 of 2002, Section 49).

The Immigration Amendment Act of 2007 serves to amend the Immigration Amendment Act of 2002 insofar as it is intended to clarify and review the procedures and permits which regulate admission to, residence in and departure from South Africa. It also makes provision for cross-border and transit permits, the latter which is to serve as acceptable temporary residence permits and increases the time period for which an intra-company transfer work permit may be issued (DHA, 2007/2008).

In January 2009, the DHA announced a review of the Immigration Act, focusing on addressing the problem of large numbers of illegal immigrants entering South Africa with particular reference to the case of Zimbabwe. The DHA is investigating the possibility of granting "special status" to those Zimbabweans who fail to qualify for refugee status (Independent Online, Department reviews Immigration Act, 13 January 2009).

1.1.3 *The Refugees Act of 1998*

Legislation governing the management of refugees is contained in the Refugees Act of 1998 (Act 130 of 1998, Section 1). This legislation remains in force until such time that the Refugees Amendment Bill of 2008 is approved by Cabinet (Bill 11 of 2008, Section 1A). The main objective of the proposed Refugees Amendment Bill (B11 of 2008) is to align certain wording in the Refugees Act with the wording of the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 1951 UN Convention relating to the Status of Refugees (DHA, 2007/2008).

In terms of managing refugees, South Africa ratified the UN Convention relating to the Status of Refugees on 12 January 1996 (Human Rights Watch: South Africa country report, 2008) and the African Union (AU) Refugee Convention on 15 December 1995 (African Union, List of countries which have signed/ratified AU Conventions). The UN Convention stipulates that refugees may not be deported to their country of origin and that they should enjoy the same basic human rights as citizens of the country to which they have fled (Beeld, 1 April 2008).

It is important to note the conceptual difference between the terms *refugees* and *illegal immigrants*. A *refugee* is a person who is not a South African citizen or lawful permanent resident of South Africa and who:

- Owing to a well-founded fear of being persecuted for reasons of his or her race, tribe, 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
- Owing to external aggression, occupation, foreign domination or events seriously disturbing or disrupting public order in either part or the whole of his or her country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge elsewhere; or
- Is a dependent of a person contemplated in either bullets above (Act 130 of 1998, Chapter 3).

An *illegal immigrant*, in contrast, is regarded as an undocumented person who has entered South Africa illegally or a person who has remained in the country upon expiry of his/her visa or permit. The category of *illegal immigrant* also includes those people who may have fraudulently obtained South African documents or who are in possession of counterfeit documentation. This definition excludes those individuals who have applied for asylum and who have been granted refugee status (Hough & Minnaar, 1996: 15-16).

According to the UHCR, South Africa has a liberal refugee policy, allowing refugees freedom of movement and the right to seek employment. The former is in contrast to many other African countries where refugees are housed in permanent refugee camps. Asylum seekers in South Africa are granted asylum (upon successfully applying) on a temporary basis pending the processing of the application for refugee status. Once refugee status has been officially granted, such person would be entitled to ultimately become a South African citizen (Beeld, 1 April 2008).

Despite numerous legal provisions intended to regulate and control illegal immigration to South Africa (as cited above), it remains clear that legislation alone cannot address the range of issues associated with the phenomenon. This situation is further complicated by the fact that senior government officials hold contending views regarding illegal immigration to South Africa, as will be indicated in the next section.

1.2 **South African official views regarding illegal immigration**

This section seeks to discuss the varying official views on the issue of illegal immigration to South Africa in the period post-1995, focusing mainly on the views of ministers and in particular the respective Ministers of Home Affairs. Reference is also made to official views on illegal immigration as contained in departmental papers and as expressed during various public debates. A discussion of the contrasting official views on illegal immigration to South Africa serves to provide a broad understanding as to what informed government policy as well as legislative and other initiatives to address the issue.

In 1996, the then Minister of Home Affairs, Mangosuthu Buthelezi, summarised the view of the South African government regarding illegal immigration as follows:

> "I just want to say that it is a known fact that the presence of illegal aliens in this country has become a very serious issue. For this reason Parliament approved the Aliens Control Amendment Act in 1995, which provides for a stricter immigration policy and the integration of visa fees and other measures which will shortly come into operation in an attempt to control illegal immigration. The matter of illegal aliens remains high on the agenda of my Department" (RSA, 15 February 1996).

In 1997, Buthelezi again pronounced the intention of the DHA to deal harshly with the issue of illegal immigration and noted that the DHA was eager to arrest illegal immigrants in South Africa and to deport them to their countries of origin (RSA, 20 June 1997).

In August 2002, Buthelezi and his Australian counterpart signed a Joint Ministerial Statement, expressing mutual understanding on issues of migration, refugees, illegal immigration and people smuggling. *Via* the statement, the two countries acknowledged the opportunities and challenges facing national governments in terms of managing the effects of globalisation, particularly in relation to the migration of people. The Ministers committed themselves to taking all the necessary steps to combat illegal immigration and people smuggling and to facilitate the quick, safe and humane repatriation of their respective citizens should these be found to be illegally in the country of the other (RSA, 2003).

In 2004, the Minister of Home Affairs, Mapisa-Nqakula, highlighted illegal immigration, and more specifically, border control measures, as priority policy issues for the DHA. She stressed the commitment of the DHA in terms of upgrading the ports of entry and facilitating co-operation with other departments involved in administering border posts. She also used the opportunity to reiterate the need for urgently addressing issues of illegal immigration and border control (RSA, 30 July 2004).

The DHA, in its 2005 *Strategic Plan*, indicated that immigration is considered to be a critical element in maintaining the integrity of the Republic of South Africa as a sovereign state and identified immigration issues as its number one critical intervention area. According to the DHA, its immigration policies and enforcement activities strive to strike a balance between the socio-economic imperatives of growth and development on the one hand, and security imperatives on the other (DHA, 2005/2006-2009/2010).

Specific reference to illegal immigration as a threat to national security is made in Government's Ten Year Review notes, along with other "new" security threats such as terrorism, increasing refugee flows, activities of international crime syndicates (trans-national crime), illicit small and light arms trade, money laundering schemes, narcotics trafficking, environmental degradation and the spread of communicable diseases (Van Nieuwkerk, 2004: 4).

More recently, in 2008, Mapisa-Nqakula, acknowledged that illegal immigration to South Africa has reached such proportions that it now increasingly presents a challenge to the fulfilment of certain objectives of the South African government. She noted that illegal immigration is expected to further increase in the face of continued difficulties experienced by foreigners in terms of legally entering the country. According to the former Minister, the situation will also increasingly contribute to an inability to accurately determine the number of illegal immigrants in South Africa as well as document their true identities (Beeld, 10 December 2008).

Mapisa-Nqakula mentioned that the South African government is examining various options on how to deal with illegal immigrants but however added that government policy towards illegal immigration would not be subject to review any time soon (Business Day, 27 May 2008). This view was espoused by former President Thabo Mbeki who held that South Africa's immigration legislation would not be revisited and that the government's position on refugees in particular is regarded as being effective given the need for the peaceful integration of foreigners into society (The Sunday Independent, 8 June 2008).

According to Mapisa-Nqakula there is an increasing tendency for states to view immigration, whether legal or illegal, as a burden to their economies or, at worst, a security risk that requires urgent intervention. She acknowledged that South Africa's immigration policy not only serves to shape internal security controls but also impacts on the country's foreign policy objectives as well as its local and regional economic development. According to her, South Africa's immigration policy should therefore seek to balance security and development (RSA, 20 June 2008).

In June 2008, the Deputy Minister of Home Affairs, Malusi Gigaba, noted the universality of the phenomenon of migration and added that illegal immigration is a global problem. With respect to South Africa, Gigaba mentioned that an overly conservative and draconian approach to migration issues would not be in the country's interest and that the focus should rather be on effectively managing migration as opposed to trying to combating it. Gigaba holds a view similar to that of Mapisa-Nqakula, arguing that migration policies should be reviewed to better manage the process with respect to applicants wishing to legally enter the country (Beeld, 6 June 2008).

Gigaba further acknowledges that a definite link exists between illegal immigration and national security. He argued that immigration should be effectively managed rather than being controlled and that managing immigration included balancing national security concerns with harnessing the development potential migrants bring to the country (Beeld, 6 June 2008).

At a Symposium on Global Migration hosted by the South African Secret Service (SASS) in February 2009, the South African Minister for Intelligence, Siyabonga Cwele, noted the challenges facing South Africa in terms of illegal immigration and acknowledges that the issue is becoming increasingly important from a security perspective. The Minister also stressed the fact that the South African government's approach to migration be balanced between border security and facilitating domestic and regional integration, which is fundamental in achieving the objectives of national security. These sentiments were echoed by the Director-General of the DHA, Mendi Msimang, who also stated that the DHA in particular faces increasing challenges in terms of addressing the issue. The purpose of the symposium was, among other things, to increase an awareness of the security threat posed by illegal immigration and to produce a study of migration which may constitute the intelligence input to the shaping of a RSA policy response to the phenomenon (RSA, 19 February 2009).

It is clear that the South African government, especially in the past few years, increasingly started viewing illegal immigration as a security threat. As a result, the South African government adopted various initiatives to address illegal immigration to the country. Such initiatives refer to all steps and measures taken by government to address the influx of illegal immigrants into South Africa, including addressing loopholes in legislation and immigration procedures. However, it is to be noted that government often falls short in respect of implementation and that official views on illegal immigration to South Africa sometimes even contradict official policy. The aforementioned contention is particularly valid in terms of border control, as will be shown in the next section.

2. **SOME SOUTH AFRICAN GOVERNMENT INITIATIVES TO ADDRESS ILLEGAL IMMIGRATION**

Aside from the policies and legislation adopted by the South African government to deal with illegal immigration, various other initiatives were also launched to deal with the issue. One of the most pertinent problems associated with efforts to curb illegal immigration concerns border control measures, the latter which will be discussed in order to attempt to determine the seriousness with which government views illegal immigration. In addition, reference will be made to initiatives of the DHA, aimed at improving the management of illegal immigration and finally, the SADC Protocol on the Facilitation of Movement of Persons is discussed.

2.1 **Border Control**

Border control remains central to the problems associated with illegal immigration in South Africa. In 2008, Mapisa-Nqakula acknowledged the porosity of South Africa's borders. The Minister however mentioned that stricter border control is not an option to prevent people from illegally entering the country. According to her, the free movement of people and goods remains a priority and that the latter is to be facilitated rather than impeded by border control measures. The Minister is of the opinion that stricter control will not have the desired effect and that people, especially when driven by economic considerations, will always find a way to enter the country without the necessary documentation. Given the fact that one cannot hope to altogether prevent illegal cross-border flows, the Minister proposed that the South African government should rather facilitate controlled movement as opposed to practising stricter border control (Beeld, 10 December 2008). Similarly, in May 2008, Mapisa-Nqakula informed a meeting of Parliament's Home Affairs Committee that the mandate of the DHA was to regulate the visits of people to South Africa and not to exercise control over its borders (Business Day, 30 May 2008).

Since 2004, in a phased approach, the SANDF, commenced with the transfer of the responsibility for the safeguarding/ patrolling of South Africa's borders to the SAPS. However, a lack of technology and basic information capability serve to inhibit the SAPS' ability to track illegal immigrants (Mawadza, 2008: 7).

In March 2008, the SAPS and the BCOCC being the entities entrusted with the responsibility of controlling South Africa's borders, conceded to Parliament that border security is poor and that corruption among officials is a serious problem (Business Day, 30 May 2008). Over the next three years, the BCOCC plans to direct its resources and efforts in order to achieve the development of a single National Integrated Border Management Strategy (NIBMS), the latter which is expected to provide for a high level of strategic direction for border control in compliance with international norms. The envisaged NIBMS is also expected to expedite legitimate cross-border trade and people migration, whilst deterring, detecting, identifying, preventing and where necessary, interdicting illegal border movements. This initiative will be supported by an integrated and responsive border control system and by the establishment of a National Border Management Coordination Centre (NBMCC) (RSA, 19 February 2008). Criticism against this initiative is raised in that both the BCOCC and the NIBMS mainly focus on measures to protect South Africa's ports of entry and that little attention is given to border-line control (Hough, 2009: 7).

South Africa ratified both the <u>UN Convention against Transnational Organised Crime</u> (which came into force in September 2003) and its supplementary protocols, namely: the <u>Protocol against the Smuggling of Migrants by Land, Air and Sea</u> and the <u>Protocol to Prevent, Suppress and Punish Trafficking in Persons</u> on 20 February 2004 (United Nations, Signatories to the UN Convention against Transnational Organised Crime and its Protocols). However the capacity of the criminal justice system to curb the smuggling and trafficking of persons remains limited. In order to assist the BCOCC in meeting these challenges, the UN Office on Drugs and Crime (UNODC) proposed the establishment of a collaborative project with the BCOCC. The UNODC identified the following deficiencies (United Nations, January 2009).

- Limited capacity at borders and ports of entry. The UNODC mentions that trafficking in persons, smuggling of migrants and related crimes constitute a major security threat to the South African government;
- lack of effective bilateral and multilateral mechanisms for sharing and coordination of information among law enforcement agencies;

- limited technical resources, equipment and inadequately trained national border agencies (immigration, customs and law enforcement personnel) hampering the effective prevention, investigation and prosecution process;
- limited co-operation among border management agencies;
- criminal networks making increasing use of fraudulent or fraudulently obtained travel documents for the smuggling of migrants;
- general lack of awareness and information regarding the risks of illegal immigration and human trafficking (United Nations, ZAFT54: January 2009).

In terms of border control, the DHA plan to revise its staff complement at border posts in order to strengthen capacity at ports of entry mainly to deal with the large volume of travellers expected to enter South Africa during the 2010 FIFA Soccer World Cup Tournament and beyond (DHA, 2007/2008).

2.2 Initiatives by the Department of Home Affairs to address the situation regarding foreigners (legal and illegal)

In May 2007, the DHA commenced with its Turnaround Project in an effort to transform Home Affairs into a focused, efficient and skilled organisation. The Turnaround Project involves private and public sector experts from diverse fields such as IT, Finance and Business Process Re-engineering and provides for substantial revamping of systems and an increase in resources (DHA, 2007/2008). In line with this initiative, the DHA initiated a project to modernise and integrate its systems, including the Movement Control system (MCS), utilised at ports of entry. In the 2008/2009-2010/2011 Strategic Plan, Mapisa-Nqakula reaffirmed that all programmes of the Department will be intensified with a view to effecting the radical transformation of the Department. The DHA formulated six strategic objectives of which the second one deals specifically with the effective management of migration and ensuring the effective and secure entry, stay and departure of visitors. The Minister mentioned that the second phase of the Turnaround Project was launched in January 2008 and that the focus would remain on implementation (DHA, 2008/2009-2010/2011).

In terms of its responsibility to control illegal immigration to South Africa, the primary strategic goal of the Chief Directorate Inspectorate of the DHA is to reduce both the

extent and annual growth experienced in terms of illegal migration. To this end, and in preparation for 2010, the Chief Directorate is in the process of developing a Law Enforcement strategy that will focus on the identification and removal of illegal immigrants, disrupting organised smuggling operations, dealing with fraud and other abuses involving official documentation and making a concerted effort to prevent the employment of illegal immigrants (DHA, 2007/2008).

Recently, Mapisa-Nqakula, announced that, in April 2009, the DHA will introduce new passports incorporating improved safety features. Although she did not elaborate on the new security features, she expressed confidence that the new passports would be more resistant to forgery. The initiative forms part of the process to combat corruption within the DHA, the latter which remains one of the biggest challenges facing the department as evidenced by the most recent announcement of the Minister for Safety and Security, Nathi Mthetwa, that 66 DHA officials were arrested and 18 suspended on allegations of fraud in the 2008/2009 financial year (New SA passports on the cards, 5 March 2009).

In terms of managing refugees, Mapisa-Nqakula mentioned that the government has made significant progress, including the implementation of a new system to improve the refugee determination process. This system, called the Asylum Registration System, links all offices electronically to prevent duplication of applications and to improve turn-around time. She also mentioned that capacity had been increased at all five asylum determination offices. The facilities used to administer the process of registration of asylum seekers and refugees were also being improved. Of specific importance, the Minister noted that the DHA successfully completed the work of the Refugee Backlog Project and that the only remaining cases were those of applicants who appealed the decisions on their respective cases (RSA, 20 June 2008).

Despite proposals to enhance effectiveness, the DHA remains vulnerable and continues to experience serious challenges with respect to human resource and administrative capacity, all of which hamper efforts to stem the tide of illegal immigration. The major challenges include corruption, slow turn-around time for processing of documentation and inadequate systems checks (Mawadza, 2008: 7).

2.3 Protocol on the Facilitation of Movement of Persons in the Southern African Development Community

In 2005, members of the SADC adopted the Protocol on the Facilitation of Movement of Persons in the SADC, which has been drafted in 1997 (SADC, August 2005). Following this, the South African Home Affairs Portfolio Committee adopted the Protocol in May 2007 (RSA, 22 May 2008).

The Protocol has the following specific objectives, namely (SADC, August 2005: Articles 2 and3):

- To facilitate the provision of access to the territory of another State Party, for a maximum duration of ninety days per year, for a *bona fide* visit (a visit that does not contravene any legislation and without applying for a visa) on condition that the visit is conducted in accordance with the laws of the State Party concerned;
- to provide for the granting of permanent and temporary residence status in the territory of another State Party; and
- to grant the right to establishing oneself and seeking employment in the territory of another State Party.

The Protocol makes it clear that all parties to the Protocol will agree to prevent illegal immigration in the region and that the movement of people will continue to be restricted by allowing them entry for a limited period only. Countries party to the Protocol would still be required to approve applications for residence permits individually and independently (SADC, August 2005: Article 11 (2) (d)).

In accordance with the provisions of the Protocol, the South African government entered into a number of bilateral agreements with certain SADC member countries in terms of which visa-free entry is provided for tourists from such countries, for a maximum period of 30 days (Hough 2009: 6). This initiative is aimed at facilitating the movement of residents from certain SADC countries and hopefully reducing illegal entry into South Africa by those who could not afford visas or accept the long delays associated with visa applications (Business Day, 27 May 2008).

It is clear that, despite the fact that the South African government initiated an array of steps to address the issue of illegal immigration, implementation thereof remains a challenge. The ineffectiveness of the DHA, as indicated in particular, hinders the effective implementation of government policy to control illegal immigration. This to a great extent influenced public views on the issue of illegal immigration, as will be indicated below.

3.   **SELECTED PUBLIC VIEWS ON THE ISSUE OF ILLEGAL IMMIGRATION**

This section aims to address some public perceptions regarding illegal immigration to South Africa in the period post-1995. Reference will also be made to views of some civil society organisations, trade unions and political parties. Many of the recent points of view were raised in the media during and for some time after the spate of attacks on foreigners that occurred in South Africa during 2008.

3.1   **The views of civil society organisations**

During the violence against foreigners in 2008, civil rights groups, such as the Centre for the Study of Violence and Reconciliation (CSVR) and CORMSA, criticised government for creating the impression that foreigners were invading the country and for failing to properly manage the influx of people into the country. According to these groups, government departments and the SAPS reinforced the wrong message, indirectly contributing to a further worsening of the situation and perpetuating the prevalent negative perception of foreigners in South Africa. This situation also served to reinforce the existing notion that the majority of foreigners in South Africa are illegal immigrants (Business Day, 27 May 2008).

The South African Human Rights Commission (SAHRC) criticised the government for not adequately protecting the rights of immigrants and suggested that South Africa sign and ratify the <u>International Convention on the Protection of the Rights of Migrant Workers</u> (The Citizen, 31 March 2008).

The Forced Migration Studies Programme at the University of the Witwatersrand criticised government for allowing more than four million illegal foreigners, mostly comprising economic migrants from Zimbabwe and Mozambique, to enter South

Africa with essentially no policy or plan in place to deal with this influx. In its report, "Responding to Zimbabwean Migration to South Africa", it was stated that the scale of the impact is just as much the result of inadequate responses to migration flows as to the migration itself (The Sunday Times, 18 May 2008).

3.2 The views of trade unions

In the early 1990's, the Congress of South African Trade Unions (COSATU) noted that the problem of illegal immigration could only be effectively addressed by means of the adoption of a co-ordinated regional and international strategy to deal with illegal immigration. The organisation's views on illegal immigration focused on the employment of illegal immigrants in South Africa, arguing that such employment should be regulated and that employers who are guilty of employing and exploiting illegal immigrants and disregarding their rights, should be subjected to heavy fines. COSATU's view focused strongly on the treatment of illegal immigrants, which they believed should be closely aligned to international humanitarian principles (Hough & Minnaar, 1996: 202).

COSATU's current position on illegal immigration does not differ much from that of earlier, as evidenced by the statement that "The demon is not illegal immigration but xenophobia and racism. Home Affairs persists in the use of the term 'aliens' to describe people from our neighbouring states, people who are intricately bound with the destiny of South Africa, people who are, if anything, owed reparation for apartheid crimes" (Mail and Guardian, 23 September 2008). COSATU in part blamed the government and business sector for the violence against foreigners in 2008. COSATU accused the business sector of fomenting tensions by deliberately employing foreigners and illegal ones at that. According to COSATU, illegal immigrants have little recourse in cases of abuse as they are faced with deportation in case of their reporting the abuse. COSATU also criticised the DHA and regards it as an "utterly inefficient and corrupt department with officials accepting bribes *en masse* to issue identity documents to foreigners" (Business Day, 29 May 2008). The President of COSATU, Sdumo Dlamini, called on the DHA to improve its levels of efficiency and to start registering all foreigners in South Africa. Dlamini also criticized government for not adequately protecting South Africa's borders (The Citizen, 3 June 2008).

3.3 The views of political parties

The following represents the views of some South African political parties regarding illegal immigration into South Africa and dates back to 1995, shortly after the establishment of the democratic dispensation in South Africa:

- The National Party (NP) stated that the "uncontrolled influx of people can become a very serious threat to the well-being of South African citizens. The apparent inability or unwillingness of the government to protect South Africa's territorial integrity against the increasing inflow of unrecorded aliens is a great cause for concern to people across the entire part-political spectrum" (RSA, 17 April 1997, Number 5, Column 1264).

- The Freedom Front (FF) viewed illegal immigration as "one of those invisible burdens on the economy and the infrastructure of South Africa". The FF regarded it as a factor that results in many South Africans not having access to services such as health, housing, education and employment (RSA, 17 April 1997, Number 5, Column 1296).

- The Inkatha Freedom Party (IFP) displayed a more sympathetic approach towards illegal immigrants and stressed the importance of treating such individuals in a humane manner (RSA, 17 April 1997, Number 5, Column 1301).

- The African National Congress (ANC) expressed an altogether more positive view towards illegal immigrants, regarding the cause of illegal immigration as the poor socio-economic and political situation in the Southern African region. As a result, the ANC endeavoured to address illegal immigration through maintaining and promoting peace, stability and economic growth in the region (RSA, 17 April 1997, Number 5, Column 1308).

In terms of more recent views of political parties regarding illegal immigration, the following represent the issues reflected on during parliamentary debates in 2008:

- The ANC voiced its concern about the state of security at South Africa's borders. The party referred to an Auditor-General's report on border security which indicates that between three and five million breaches of South Africa's borders were recorded in recent years, with the result that millions of illegal immigrants continue unabatedly to enter South Africa (RSA, 23 March 2008);

- The Freedom Front Plus (FF+) blames the government and the failure of government policy for the influx of illegal immigrants, particularly from Zimbabwe (RSA, 17 May 2008);

- The Independent Democrats (ID) blamed the influx of illegal immigrants on the AU and that organisation's failure to address the issue of irresponsible leadership in Africa, resulting in citizens from these countries having to resort to illegal measures to escape the dire situation in their countries of origin, for instance by illegally entering South Africa. The ID also blames the government for not maintaining stricter controls over the country's borders (RSA, 17 May 2008);

- The Democratic Alliance (DA) raised concerns regarding the security vacuum at South Africa's borders and criticised the BCOCC for doing little to improve the situation. According to the DA, the undetected flow of illegal immigrants into South Africa places enormous strain on the state system and further exacerbates social conditions that breed crime, unemployment and lack of access to basic services (RSA, 17 May 2008).

It is clear that vast differences of opinion exist in certain cases regarding the issue of illegal immigration to South Africa. These differences also extend to the degree to which the issue is viewed as a threat to national security in South Africa.

4.   **CONCLUSION**

South African legislation contains clear and extensive provisions aimed at controlling illegal immigration to South Africa. However, despite the adoption of a wide-ranging legislative framework and a range of measures to assist in combating illegal immigration, a wide sector of South African society still blames government for failing to address the uncontrolled influx of illegal immigrants. To a large degree, the ineffectiveness of policy and other initiatives is being attributed to ineffective implementation as is illustrated by the fact that, in the White Paper on Immigration, government identified various limitations of the Aliens Control Act, which ironically still remain to be addressed.

The ineptness of the DHA also continues to contribute to the issue of illegal immigration to South Africa. It is to be noted that the Department continues to experience a range of deficiencies in terms of personnel and logistics, all of which is exacerbated by the well publicised scourge of corruption which continues to plague the DHA. Politics continue playing a contributing role as *inter alia* evidenced by a lack of compliance with legislative requirements. The DHA is mandated by law as the principal institution of implementation of government policy on immigration and should thus be the vanguard in terms of providing policy guidance on the issue. The deployment of under-qualified and inexperienced DHA personnel also negatively impacts on the handling of refugees in South Africa.

Official views on illegal immigration to South Africa vary considerably and are often contradictory, sometimes even being in opposition to existing policy and legislation. An example in this regard concerns Mapisa-Nqakula's June 2008 statement that government policy on immigration in general would not be reviewed any time soon. However, as recently as January 2009, the Minister and senior DHA officials have indicated that government could be reviewing its policy, especially in respect of granting special status to Zimbabwean nationals in South Africa. This situation begs the question as to what signal such an initiative would send to nationals of other countries and whether this move would, in turn, not contribute to an increase of illegal immigration to South Africa. Also, despite South African policy on refugees making no provision for the establishment of permanent refugee camps, it has since

become clear that the South African government is seriously considering establishing more "temporary" camps to cater for Zimbabwean nationals.

As indicated earlier, border control remains one of the biggest challenges facing government in terms of combating illegal immigration to South Africa. It is clear that the South African government, although realising the importance of adequate border control, is increasingly shifting its focus from controlling illegal immigration *via* imposing stricter border control to a system focusing on managing the influx of foreigners from SADC especially, by facilitating legal entry into the country. Similarly, the government has however also adopted measures to discourage illegal immigration to South Africa. Initiatives such as those proposed by the BCOCC and the DHA, although laudable, will not amount to much in the absence of appropriate action. An example in this regard concerns DHA's planned introduction of new passports, as it is unclear how the mere introduction of new passports, without stamping out corruption in the DHA, will serve to prevent illegal immigrants from obtaining fraudulent documentation. Although the establishment of the BCOCC is heralded as a positive step in this direction, the BCOCC reportedly remains ineffective in many ways, and also only coordinates points of entry and not the borderline.

The Minister of Defence and Military Veterans, Lindiwe Sisulu, in July 2009 indicated that she agreed in principle to the continuation of the SANDF's deployment at South Africa's borders. Sisulu mentioned that, apart from improving security at the borders, this step would further allow the SAPS to concentrate on their primary mandate, namely to combat crime in South Africa (RSA, 3 July 2009). The aforementioned could be interpreted as an acceptance by government that the withdrawal of the SANDF from the borders was not in the best interest of the country.

Although various government ministers and the Minister of Home Affairs in particular regard illegal immigration as a security issue, having on many occasions voiced their concern about the issue and having taken certain steps to counter the phenomenon, government efforts at both the policy and implementation levels continue to suffer from severe deficiencies. This situation has resulted in various groups, mainly opposition political parties and civil society organisations,

increasingly voicing their opposition to government's approach to controlling illegal immigration to South Africa. It is evident that political parties, mostly from the ranks of the opposition, likewise blame government for the escalation of the problem of illegal immigration.

The next chapter will focus on the socio-economic, political and crime impact of illegal immigration to South Africa. This will be preceded by a brief overview of current South African national security policy, as the aim is also to establish whether the impact of illegal immigration in the different spheres referred to above, also has relevance for national security in South Africa.   South Africa's national security policy will be outlined, linking it to the broadened view of national security and to reflect specific references to illegal immigration. The aforementioned will be amply illustrated by references to the socio-economic, environmental and security impact of illegal immigration to South Africa.

CHAPTER 5

THE SOCIO-ECONOMIC, POLITICAL AND CRIME IMPLICATIONS OF ILLEGAL IMMIGRATION TO SOUTH AFRICA

In this chapter, the multi-dimensional nature of the implications of, and threats posed by illegal immigration to South Africa are addressed. A brief overview of the national security policy of South Africa will be presented first, followed by a discussion of the implications of illegal immigration with specific reference to the implications for security.

1.   **SOUTH AFRICA'S NATIONAL SECURITY POLICY**

This section will provide a brief account of the current South African government's views on national security in general, in view of the absence of a specific and integrated national security policy document. It is evident that a broad view of national security issues is adopted, including a range of threats to human security. However, crime is only referred to as a threat to South Africans in general terms and there is no specific reference to illegal immigration in the main national security documents discussed. The emphasis on human security by definition broadens the scope of the implications of a phenomenon such as illegal immigration to South Africa, and hence lays the foundation for discussing not only the political and economic threats posed by illegal immigration for state security, but also the social implications for human security. Hence the need to provide a broad policy overview.

The South African White Paper on Defence (1996: 6-8) makes reference to the fact that, in the new South Africa, the concept of national security has been broadened to include matters other than those of a mere military nature. The broadened approach to national security thus expands its scope to include political, economic, social and environmental matters. Significantly, the broadened approach regards human security (focusing on the security of the people) as being a central tenet. It acknowledges that socio-economic threats, including poverty, unemployment, poor education, lack of housing, an absence of adequate social services and high levels

of crime and violence, constitute the most pertinent threats facing South Africans (RSA, 1996).

The White Paper on Defence further states that security is an all-encompassing condition with the implication that all citizens have the right to live in a free, peaceful and safe environment. It proceeds to note that all citizens are protected by virtue of the recognition of fundamental human rights for all and they should be able to participate in government processes. Citizens should also be in a position to maintain access to resources and basic necessities in order to live a decent life in a safe environment conducive to their well-being (RSA, 1996).

The White Paper on Intelligence (1994) states that national security should be the primary objective of any government and that intelligence comprises the ideal instrument to achieve the overarching goals of maintaining and promoting peace, stability, development and progress. The White Paper on Intelligence also focuses on the shift from the narrow, almost exclusively military approach to national security, to the broadened approach which is regarded as being more suited to the new post- Cold War reality. In the White Paper the broadened approach is characterised as incorporating and reflecting on the non-military elements of security and accepting the complex nature of threats to stability and development. The broadened approach seeks to ensure that security policy will be able to effectively deal with the increasingly complex issues affecting society in general. The White Paper subsequently argues that the objectives of national security should reflect on the basic principles and core values associated with a better quality of life, freedom, social justice, prosperity and development (RSA, October 1994).

It is clear that the drafting of a single and all-encompassing national security policy document remains a critical requirement in order to effectively address the various threats posed to South Africa. Included among these threats is illegal immigration, which is especially relevant given its role in increasing the pressure on available resources and the government in terms of service delivery. The subsequent section will briefly address the socio-economic impact of illegal immigration to South Africa.

2. **THE SOCIO-ECONOMIC IMPLICATIONS OF ILLEGAL IMMIGRATION TO SOUTH AFRICA**

The socio-economic implications of illegal migration are varied and impact on both the local population as well as the immigrants themselves. The following section will however be largely focused on the implications for South Africa. The impact will firstly be discussed in general terms followed by a more focused discussion of the social and economic impacts of illegal immigration to South Africa. Particular reference will be made to the cost of deportation and detention in order to highlight the economic impact of illegal immigration to South Africa.

In the case of South Africa, many authors concur with the traditional view regarding illegal immigration, especially insofar as the socio-economic and political costs for the country are concerned (Solomon, 2003: 99).

In addressing the socio-economic impact of illegal immigration in general, Venter notes that illegal immigration from within the region threatens South Africa's resources, which in turn negatively impacts on the country's economic and social welfare capacity (Venter, 2005: 31).

Studies have indicated that receiving countries generally perceive large-scale international migration as a threat to their economic well-being, social order, political stability as well as cultural and religious values. It was also shown to negatively affect inter-state relations as uncontrolled immigration is likely to create political tensions which might impact on bilateral relations. As will be indicated in this study, illegal immigration can also serve to put pressure on social service delivery in the recipient country, through increased use of health and educational facilities and greater demand for government sponsored-housing (Mawadza, 2008: 4).

The White Paper on International Migration of 1999 provides a useful reference in respect of the socio-economic impact of illegal immigrants in South Africa, in terms of highlighting the following concerns (RSA, 1999 Section 3.1):

- Illegal immigrants compete for scarce resources with millions of impoverished South Africans;

- illegal immigrants compete for land, housing, infrastructure, public services such as education and medical care as well as informal trading opportunities;

- illegal immigrants compete for job opportunities and serve as a source of cheap labour to employers;

- illegal immigrants have been and continue to be involved in criminal activities in South Africa;

- illegal immigrants contribute to weakening the state and its institutions by means of corrupting officials, fraudulently obtaining official documentation and undeserved rights and privileges and tarnishing South Africa's image locally and abroad.

Having highlighted the overwhelming negative impact of illegal immigration, it should be noted that the phenomenon is to some extent off-set by the positive contribution made by many immigrants (both legal and illegal) to all the economies in the region, including South Africa. In the case of Zimbabwe, the exodus of highly skilled people from Zimbabwe served to contribute to various sectors of the South African economy (Hawkins, 2003: 17). Given that these Zimbabweans (and others) contributed toward the growth and development of the South Africa economy, they should be regarded as human resource capital. Mawadza (2008: 5) mentions that this positive aspect is often overlooked, especially amid a high unemployment rate in the host country, such as is currently the case in South Africa.

2.1 The social impact of illegal immigration to South Africa

Central to a discussion on the social impact of illegal immigration is the issue of the rights of non-citizens to access local health care and education, while millions of South Africans still do not enjoy access to these services. The latter argument is particularly compelling given the general perception among South Africans that illegal immigrants serve to increase the pressure on already overburdened health, welfare and other social services as well as departments tasked with issues of safety and security, correctional services and justice (Maharaj, 2004: 7).

Broadly stated, the South African Bill of Rights bestows a set of rights on everyone "residing" in South Africa, regardless of their status. In terms of detail however, the situation is less than clear. Included among civil and political rights contained in the Bill, is the right to be free from all forms of violence and not being arbitrarily detained, these unequivocally apply to everyone. In relation to economic and social rights, the Bill of Rights grants rights such as access to emergency and basic health care as well as basic education to everyone, regardless of their legal status in South Africa. In the cases of other similar rights including access to adequate housing, food, water and social security, as stipulated in the Bill of Rights, South African courts have yet to unequivocally pronounce on the universality of these rights (Neighbours in need: Zimbabweans seeking refuge in South Africa, Human Rights Watch).

In the case of refugees, legislation provides them with full legal protection and allows them to seek employment in South Africa. It further grants them the right to access the same basic health services and basic primary education as that South African citizens are entitled to (Act 130 of 1998, Section 27). However, the fact that refugees do not enjoy representation at any level in government renders them particularly vulnerable, which also contributes to their increased vulnerability to crime. (The Sunday Independent, 1 June 2008). In addition to the above it also needs to be stated that services are fairly easily accessible *via* the acquisition of fraudulent or illegally obtained South African documentation (Malatji, 2004: 5).

Numerous "speculative assessments" have been published with regard to the impact of illegal immigration on South Africa's education, health care and social welfare systems (Waller, 2006: 1). Despite the unavailability of any specific data, many authors agree that the large numbers of illegal immigrants who continue to enter the country represent a real threat to South Africa because of the potential to overwhelm already limited resources. Already in 2005, illegal immigration from Zimbabwe was highlighted as a particularly serious threat, the latter which increased in severity as the socio-economic circumstances in Zimbabwe deteriorated (Venter, 2005: 31).

Amid rising domestic unemployment and poverty and the large numbers of illegal immigrants already living in South Africa, further illegal immigration, especially from Zimbabwe, will lead to even greater hardship for many South Africans (Kruys, 2007: 2). According to Kruys (2007: 11), the continued and unhindered movement of illegal immigrants into South Africa is detrimental to South Africa's national interests and will serve to further disadvantage the large number of South African poor who struggle to survive.

The increasing number of illegal immigrants from Zimbabwe in particular, contributes to a range of socio-economic problems such as urban overcrowding, unemployment and increased pressure on inadequate resources. These problems, given their association with increased levels of crime and other social ills like prostitution, will inevitably exacerbate intra- and inter-community tensions (Hawkins, 2003: 16).

In discussing the socio-economic implications of large numbers of illegal immigrants entering South Africa, Hough (2009: 5) cites particular impacts in terms of additional pressure on infrastructure, competition for urban space and employment in both the formal sector (usually illegal) and the informal sector. Malatji (2004: 5) largely concurs, highlighting the negative social impact associated with illegal immigrants' exploitation of welfare provisions, medical, educational and other services intended for the citizens and legal residents of the country.

Illegal immigration's impact on health services is further compounded by its potential contribution to the spread of diseases (Hawkins, 2003: 16). It is a matter of concern that illegal immigrants are potential bearers of epidemic diseases. Many illegal immigrants arrive in a poor state of health with an increased susceptibility to diseases such as yellow fever, cholera, tuberculoses and HIV/AIDS. Their generally impoverished condition serves to further exacerbate the situation. In seeking medical assistance from local hospitals and clinics they thus contribute to the spreading of diseases, further taxing South Africa's overburdened health infrastructure (Solomon, 2003: .107).

2.2 The impact of increasing numbers of illegal immigrants on the South African economy

The South African economy's dependence on migrant labour represents one of the primary contributing factors to the economic impact of illegal immigration. This dependency is especially prevalent in the agriculture, mining and construction sectors amid considerable demand for cheap labour provided by illegal immigrants who mostly hail from Mozambique, Lesotho, Zimbabwe and Swaziland (Human Rights Watch, 11 July 2009). The use of migrant labour is however not without its problems and it is to be expected that the labour market of the receiving country will be impacted on by the influx of large numbers of illegal immigrants (Malatji, 2004: 5).

In terms of overall profile, illegal immigrants comprise mostly young, single males with little or no formal education and as a result they are predominantly being assimilated in a number of distinct sectors like agriculture, domestic and garden services and to some extent the hawking industry within the informal trading sector (Malatji, 2004: 5). Unskilled illegal immigrants also target the construction sector in search for employment while the better skilled or educated illegal immigrants focus mainly on the educational sector where they seek to secure employment in remote private schools to escape undue attention from police and immigration officials (Mawadza, 2008: 5).

Employment of foreigners, including legal and illegal immigrants, is often done on an informal basis with no formal employment contracts involved. This, coupled with their perceived or actual illegal status, results in them being exploited and subjected to unfair labour practices. The latter situation affects both illegal immigrants and South African citizens, with the latter having to compete with immigrants for employment opportunities in the informal sector. Competition also exists in the formal labour market, as many illegal immigrants have the financial means, educational background and training as well as certain specialised skills which are in demand in the local marketplace. Illegal immigrants, once in possession of fraudulent South African documentation, may be able to secure lucrative positions in government and the private sector, ultimately at the expense of South African citizens (Malatji, 2004: 5).

A widely-held belief among South Africans contends that illegal immigrants manage to secure jobs at the expense of citizens, hence the hostility to immigrants among many South African communities. This notion was confirmed by a SAPS representative who confirmed the feelings of unhappiness and hostility among members of local communities who believe that they are losing out to immigrants who are prepared to work for lower wages. Migrant communities noted that host communities often call the police to report on immigrants trading or working in their area (Mawadza, 2008: 5).

The afore-mentioned is particularly true of illegal Zimbabweans in South Africa, in which case unskilled individuals are willing to accept menial jobs, often for lower wages than locals would be willing to consider. As a result of them lacking proper documentation, illegal immigrants find it easier to obtain work in unprotected and/or poorly regulated sectors, often to the disadvantage of South Africans. In the case of Zimbabweans, many professionals enter South Africa illegally and are thus forced to seek employment in lower or unskilled positions given their illegal status and the unavailability of suitable positions (Mawadza, 2008: 5). Some employers frequently hire illegal immigrants, given the added flexibility and lower wage bill associated with their hiring. This situation has to a large extent contributed to the emergence of a fragmented labour market with South African workers' wages being constantly undercut by the existence of an insecure and exploitable immigrant population who are willing to work for far less than the locals (Landau, 2008: 9). Landau (2005: 12) argues that, in order to protect the rights of citizens, South African immigration policy has *de facto* promoted the illegal hiring of non-nationals in ways that continued to undermine the unions and suppress the wages paid to all workers.

In April 2008, a Labour Court judge ruled that illegal immigrants would henceforth enjoy the same rights as South African citizens in the workplace. In accordance with this ruling, illegal immigrants working in South Africa, while retaining their illegal status in accordance with immigration laws, nonetheless enjoy certain rights in accordance with the labour laws of the country. This ruling is expected to go a long way towards curbing employers' exploitation of illegal immigrants by paying them unacceptably low wages and threatening them with deportation (Beeld, 8 April 2008).

In June 2008, both COSATU and the South African Communist Party (SACP) criticized business and employers for exploiting illegal immigrants. Randall Howard, General-Secretary of COSATU noted that employers and more particularly those in the road, freight and security sectors should, with immediate effect, refrain from employing illegal immigrants as cheap labour. The SACP indicated that the rapid regionalisation of South Africa's labour force allowed business to exploit workers from the region at the direct expense of South African workers by paying them "slave wages" and subjecting them to working conditions inconsistent with South Africa's labour market regime (The Weekender, 31 May-1 June 2008).

2.3 **The financial cost associated with the deportation and detention of illegal immigrants**

It is acknowledged that the deportation and/or detention of illegal immigrants is a costly exercise and that it is in many ways counter-productive given that some deportees return to South Africa almost immediately after having been deported. According to a 2007 Auditor General report, as from 1 October 2005, the cost to the state, as payable to service providers by the DHA amounted to R79, 90 per detainee (held at a holding facility such as a repatriation centre) per day. Since then, the cost per detainee per day increased significantly, exceeding R100 for all months and reaching a maximum of R251 in February 2006. One major contributing factor relates to the delay experienced in terms of deporting illegal immigrants. In many instances detainees are not deported within the shortest possible time, with many spending up to 157 days in the holding facility before being deported (RSA, February 2007).

The inability to correctly calculate the potential number of illegal immigrants to be deported at any given time has a significant impact on the budgeting process. This is illustrated by the fact that the amount of R38 million, as allocated for the 2006-2007 financial year, fell way short as 34 per cent thereof (R13 million) had already been spent in the first two months of that financial year (RSA, February 2007).

The DHA mentions that, annually, an average of R35 million is spent on repatriations (refugees returning to their country of origin) and deportations (the process whereby illegal immigrants are eventually being returned to their countries

of origin). This figure does not include salaries and accommodation costs of personnel. There are considerable variations in the cost of deportations depending on the country of origin and compared to deportations by air, deportations by rail, to Zimbabwe and Mozambique, are considerably cheaper at R29.00 and R35.00 respectively (DHA, June 2009).

The cost of incarceration in prisons provides a further indication as to the economic implications of illegal immigration to South Africa. The average cost of incarceration is estimated at R123.37 per inmate per day. Given that the number of foreigners (including illegal immigrants) in South African prisons are estimated at about 7 892, an amount of R 973 636.04 is thus spent annually on imprisoning foreigners (RSA, January 2009).

It should be noted that the phenomenon of illegal immigration is multi-faceted and as such its social and economic impact is varied and widespread end even extends to the domain of politics. The subsequent section will deal specifically with the political impact of illegal immigration to South Africa.

3.   **POLITICAL IMPLICATIONS OF ILLEGAL IMMIGRATION INTO SOUTH AFRICA**

In commenting on the political consequences of illegal immigration to South Africa, some commentators and authors identified the attacks against foreigners as one of the most serious security threats facing South Africa. The situation is particularly grave given the acknowledgement that attacks against foreigners have the potential to destabilise the South African political climate and to, in turn, negatively affect the security status of South African citizens. Closely linked to this is the extent to which foreigners are either responsible for and/ or affected by political tensions in South Africa.

3.1   **Violence against foreigners**

This section addresses the extent of violence against foreigners in South Africa and particularly highlights the link between increased attacks against foreigners and increased illegal immigration into South Africa. It also addresses the causes of the

attacks against foreigners in South Africa and finally discusses the role of the attacks against foreigners in contributing to political tension in South Africa.

3.1.1 The extent of violence against foreigners

Many, if not most analysts regard South Africa as being mainly secure from external threats. Having said this however, many analysts also accept that unchecked illegal immigration to South Africa represents one of the most serious threats facing the country. The political implications of this phenomenon are varied and the situation is further aggravated by the socio-economic fallout. As already stated, illegal immigrants threaten to overwhelm the limited resources of the country and to disrupt the government's critical development agenda. This threat is a cause for concern not only for government but also citizens, especially the poor, with the latter becoming increasingly xenophobic in their attitudes towards foreigners in general and illegal immigrants in particular (Venter, 2005: 31).

Attacks on foreigners are not new to South Africa and recorded incidents date as far back as 1990. Other recent evidence of the phenomenon concerns Operation Buyelekhaya, loosely translated as "go back home" which lasted from December 1994 to January 1995 and was intended to remove all illegal immigrants from Alexandra township (Solomon, 2003: 35).

With the advent of democracy in South Africa, nation building was identified as one of the biggest challenges facing the new government. Ironically, one of the unintended results of government's approach towards meeting this challenge was an increase in intolerance towards foreigners. Since 1994, intolerance, bordering on xenophobia, has shown a dramatic rise with violence against foreign nationals becoming increasingly common, serving to divide communities with hostility and suspicion. A 1997 survey by the SAMP confirmed these findings (Crush & Pendleton, 2004: 4).

In 2003, Crush mentioned that South Africa had become an increasingly hostile place for non-nationals, particularly those from African countries. As already noted, the climate of hostility is at least in part sustained by a discourse on illegality involving both government officials and the media. He also cited the definite political

implications of intolerance towards foreigners, especially insofar as it relates to the foreign policy dimension and more particularly the potential impact on South Africa's relations with its neighbours within the SADC and further afield on the African Continent (Crush & Williams, 2003: 13).

The most recent spate of attacks against foreigners occurred on 11 May 2008, starting in Alexandra before spreading rapidly across Gauteng and then to elsewhere in the country. The attacks resulted in at least 62 people, two-thirds of whom were non-nationals, losing their lives. In addition, 670 were wounded, dozens raped and thousands verbally assaulted (Landau, 2008: 2).

Landau cites the 2008 attacks against foreigners as evidence of an alarming rise in xenophobia in South Africa. He expresses particular concern with regard to the increasing incidence of South Africans taking the law into their own hands in expelling immigrants from township areas. The vigilante behaviour against immigrants is viewed as characteristic of a high level of frustration among South Africans (Beeld, 1 April 2008).

3.1.2 Causes of the violence against foreigners

Certain politicians and academics attributed the 2008 attacks on foreigners to issues of poverty and poor service delivery, in the process ignoring possible political undertones. Conversely, CORMSA expressed its disappointment about government's position, describing it as being tantamount to "sanctioning" xenophobia. CORMSA also regards the authorities' obvious lack of control over the influx of foreigners/ illegal immigrants into South Africa as an aggravating factor which serves to strengthen the cause of instigators of xenophobic attitudes and violence. The latter position stems from the perceived lack of immediate and decisive action by government to curb the violence as well as statements by government officials seeking to downplay the seriousness of the attacks. Some commentators blamed government's failure to exercise proper control over illegal immigration into South Africa (The Sunday Independent, 8 June 2008).

Landau is of the opinion that the 2008 violence against foreigners cannot simply be attributed to an increase in the numbers of Zimbabweans, Mozambicans, Somalis and others who enter South Africa illegally as foreigners had for decades formed an integral part of South African society. He also rejects the notion that the violence is in large part attributable to the locals' perception of foreigners infringing on their employment opportunities. He instead believes that foreigners are generally an asset to the South African economy and in certain instances even generate job opportunities for South Africans (The Times, 26 May 2008). He further argues that the attacks were in part the result of an extended series of actions by government that resulted in a section of the population being institutionally and socially excluded from legal protection (Landau, 2008: 3).

The then Minister for Intelligence, Ronnie Kasrils, blamed the 2008 attacks on foreigners on a lack of progress in eradicating poverty and the slow pace of delivery of housing and other services. He also stressed the need to educate South Africans in order to dispel any erroneous perceptions about foreign nationals, the latter which are fueled in circumstances of relative socio-economic disadvantage (RSA, 23 May 2008). The previous Minister of Home Affairs, Mapisa-Nqakula attributed the attacks to erroneously-held beliefs and attitudes as well as a range of other issues like poverty, challenges with service delivery, failure to effectively control the country's borders and documentation challenges (RSA, 29 May 2008).

3.1.3 **Violence against foreigners as a contributing factor to political tension in South Africa**

Closely linked to the incidence of violence against foreigners and the phenomenon of xenophobia, is the culmination thereof in acts of political violence. Malatji (2004: 2) notes that the rising incidence of attacks against foreigners, attributable to increased resistance to immigrants, have the potential to heighten political tension in South Africa. In turn, such tension increases the potential for inter-group conflict within local communities. The above represent some of the most serious security consequences of uncontrolled immigration.

Another issue concerns the participation of foreigners, including illegal immigrants, in the political process in South Africa. Should these immigrants, particularly through fraud, obtain the right to vote in South African elections, they could potentially alter the political landscape *via* their influence on traditional voting patterns and ultimately the outcome of elections. These immigrants could consequently become a considerable political force, especially in closely contested areas. This scenario has the potential to fuel political tension in South Africa (Beeld, 1 June 2008).

Concern has been expressed that the violence against foreigners may in future become directed at other sections of South African society to also target the White, Coloured and Indian communities. As long as national and local government fails to ensure the safety of immigrants, increased violence, not only against foreign nationals, but among South Africans in general, remains a distinct possibility (The Citizen, 23 May 2008). Landau agrees with the above statement, noting that there is nothing to prevent the category of "alien" from being reconsidered or expanded to include members of other communities (Landau, 2008: 17). This sentiment was also expressed by ANC Treasurer, Matthews Phosa, who warned that the attacks against foreigners could spark ethnic conflicts in South Africa (The Times, 26 May 2008).

Solomon (2003: 108) indicates that the political cost associated with illegal immigration is not limited to issues of domestic political stability but that it also includes international and foreign policy considerations. He also highlights the severe political risks associated with illegal immigration, both domestic and international, as posed by a lack of an effective immigration policy.

Primary among the political implications of illegal immigration is the increasing prevalence of intolerance towards foreigners and the espousing of these sentiments in the South African media. The latter is especially true insofar as the presence of large numbers of illegal migrants is being frequently cited as one of the main reasons for the increase in crime in South Africa, as will be indicated in the next section.

4.   **THE INVOLVEMENT OF ILLEGAL IMMIGRANTS IN CRIME IN SOUTH AFRICA**

The following section addresses the involvement of illegal immigrants in crime in South Africa. Although there is no statistical evidence to indicate exact links between illegal immigration and crime, some illegal immigrants are involved in serious crime in South Africa.

4.1   **The extent of the involvement of illegal immigrants in crime in South Africa**

The various negative implications of illegal immigration to South Africa are well-known. However, the extent to which illegal immigrants become involved in criminal activities in South Africa largely remains unclear. The matter is further obscured by the fact that statistics regarding this alleged involvement are either not maintained or not always readily available (Hough, 2004: 1).

The difficulties in this regard are highlighted by Hough (2009: 4), who maintains that even should   statistics on foreigners' involvement in crime become more readily available, it would still be subject to certain constraints. Included among these constraints is the fact that only reported crimes are captured on the data system, of which only a certain percentage result in arrests and convictions. Another factor contributing to the lack of clarity is the media hype surrounding the issue which to a great extent distorts the picture (Hough, 2004: 2).

Available statistics pertaining to convicted foreigners (including illegal immigrants) are limited to the number of foreigners currently serving prison sentences in South Africa and deportation figures for criminal offences specifically. According to 2009 statistics of the Department of Correctional Services (DCS), a number of 7 892 foreign nationals are currently in prisons in South Africa of which 4 635 have already been sentenced (RSA, 1 April 2009). These figures represent the only indication as to the extent of the involvement of foreigners in crime in South Africa. There are no official police or other statistics on the number of foreign nationals arrested or charged for serious crimes. The dearth of verifiable statistics makes it difficult to evaluate claims that foreigners are responsible for the majority of serious and organised criminal activities in South Africa (Mawadza, 2008: 6).

The notion that foreigners are extensively involved in crime in South Africa is not new and ever since 1994 there have been numerous references to their alleged involvement in crime in South Africa. At the official level, a causal relationship is often assumed to exist between migration and criminality. Crime incidents as reported by the SAPS frequently cite the apprehension of illegal immigrants concomitantly with arrests for armed robbery, car-jacking and rape. Officials and politicians from across the political spectrum likewise subscribe to a discourse in which foreignness and criminality are assumed to be closely correlated. Illegal immigrants are thus not only considered to be criminals by virtue of their unauthorised presence in the country but are by definition also engaged in other forms of crime (Crush & Williams, 2003: 1).

The aforementioned is borne out by the SAPS Quarterly Report 2/96 which states that "the entry of illegal migrants into South Africa has contributed to organised crime, including the people smuggling to South Africa" (Hough, 2004: 2). Already in 1997, the then Minister of Defence, Joe Modise, remarked: "as for crime, the army is helping the police get rid of crime and violence in the country. However, what can we do? We have one million illegal immigrants in the country who commit crimes and who are mistaken by some people for South African citizens. That is the real problem" (Landau, 2008: 11).

In a similar vein, a National Operational Police policy document of 2000, notes that illegal immigrants contribute to 14 per cent of all crimes committed in South Africa. In the period between 1 January and 31 March 1999, the SANDF arrested a total of 18 628 illegal immigrants on a range of criminal charges including narcotics trafficking (93 461 kilograms of dagga and 1 875 Mandrax tablets), vehicle (255) and stock theft (859). Also in 2000, the SAPS Organised Crime Unit estimated 90 per cent of the local cocaine trade to have been controlled by illegal immigrants (Solomon, 2003: 105 – 106).

Masuku (2006: 22) mentions the role of perceptions with regard to the alleged involvement of foreigners in criminal activity in South Africa. He also notes the lack of statistical evidence to substantiate claims regarding the extensive involvement of illegal immigrants in acts of crime. Hough (2009: 6) argues that, notwithstanding the lack of clarity on the issue, it would be equally naïve to either dismiss the

involvement of foreigners (and especially illegal immigrants) in crime as being insignificant or to assign the bulk of the blame for crime in South Africa to foreign nationals.

In terms of perceptions, it is acknowledged that South Africans generally regard immigrants as being largely responsible for the post-1994 crime wave in South Africa. A national survey conducted by SAMP in 2000 found that almost half of the respondents (48 per cent) felt that immigrants posed a criminal threat, 37 per cent considered them to be a threat to job security and the general state of the economy while 29 per cent regarded them as a health threat. These perceptions were also mirrored at the official level as evidenced by the general assumption that the causal relationship between immigration and criminality is self-evident. Yet again however, the statistical evidence to either support or contest the association between immigration and criminality is simply not available (Crush & Williams, 2003: 1).

In a 2002 statement, then Director-General of Home Affairs, Billy Masetlha, mentioned that: "Approximately 90 per cent of foreign persons who are in RSA with fraudulent documents, for instance either citizenship or migration documents, are involved in other crimes as well ... It is quicker to charge these criminals for their false documentation and then to deport them than to pursue the long route in respect of the other crimes that are committed" (Landau, 2008: 13).

A 2003 survey by the University of the Witwatersrand revealed that 85 per cent of respondents attributed increases in criminal activity in recent years primarily to illegal immigrants (Landau, 2005: 5-6).

In a 2006 survey, the SAPS established that 87 per cent of its members in Johannesburg held the opinion that the majority of illegal immigrants are involved in criminal activities in South Africa. The general view among these SAPS members is aptly summarised by one member who stated that "We do not want illegal immigrants in this country because they cause a lot of serious crimes, don't pay tax and it is often difficult to solve a crime caused by illegal immigrants because of lack of their fingerprints" (Masuku, 2006: 21).

In terms of perceptions regarding the involvement of illegal Zimbabwean immigrants in criminal activities in South Africa, a Forced Migration Studies Programme as well as a Musina Legal Advice Office study of 2007 found little evidence that the influx of Zimbabwean immigrants had indeed led to an increase in crime in the border region. Given the general tendency to associate the presence of foreigners with increases in the crime rate, it is not surprising that South Africans responded with feelings of apprehension at the recent increase in Zimbabwean immigration. The feelings of unease are in large part based on the common assumption that all Zimbabweans are "desperate" and, even if not criminally inclined, may resort to criminal acts in order to survive (Vigneswaran, 2007: 1-10).

Media reports do not necessarily indicate whether the foreigners reportedly involved in crime are legal or illegal residents in South Africa. In terms of the commission of crimes, foreigners may either act independently or alternatively act in co-operation with South African citizens (Hough, 2009: 4-5).

As indicated by Van Niekerk (1995: 1), the impact of illegal immigration to South Africa is not only socio-economic in nature, but also negatively affects the safety and security status of South Africans. The following sub-section addresses the types of crimes generally associated with illegal immigrants in South Africa.

4.2 **Types of crimes associated with illegal immigrants in South Africa.**

As stated by Hough (2004: 1), the study of foreigners' involvement in crime should not be limited to the extent of their involvement but should also focus on the gravity of the types of crime committed. As is amply illustrated by the following examples, illegal immigrants are associated with a wide variety of criminal acts.

- In 1996, the SAPS noted that illegal immigrants tended to be generally associated with crimes involving the smuggling of firearms and/or drugs into the country. The former was done to obtain funds in order to facilitate them to later settle in the country (Hough, 2004: 2).

- In a 2002 publication, Solomon (2003: 105) cited illegal immigrants as being involved in a wide range of crimes including diamond smuggling, small arms proliferation, drug trafficking, car hijacking, taxi violence, burglaries, stock-theft and involvement in political killings by hiring themselves out as assassins.

- The harsh living conditions in the mining compounds and the surrounding impoverished settlements contributed to the miners, many of whom were illegal immigrants, engaging in a range of criminal acts including illicit liquor production and sales, drug-dealing, illegal sex work and gang activity (Kynoch, 2000: 92).

- Illegal immigrants, particularly those hailing from Zimbabwe, are frequently associated with bank robberies. It was reported that highly trained criminal gangs from Zimbabwe were allegedly responsible for approximately eighty percent of bank robberies that occurred in South Africa. This notion was confirmed in a SAPS statement released in February 2004, the latter which expressly noted the involvement of foreigners and Zimbabweans in particular in bank robberies in South Africa (Hough, 2004: 9). There are also continued reports about incidents involving former Zimbabwean army personnel in specialised crimes such as cash-in-transit heists and bank robberies (Mawadza, 2008: 6).

- Illegal immigrants' involvement in crime is not limited to the commission of direct acts but sometimes also involves the facilitation of other criminal acts. In this regard, they might be involved in syndicates that smuggle immigrants across the border and provide fraudulent travel and other official documentation (Hough, 2004: 8). South Africa continues to experience an increase in the illicit movement of persons, migrant smuggling and human trafficking and the country is a known destination for many illegal immigrants wishing to use it as a transit country on their way to the US, Australia, the UK and other European countries. Trafficking in Chinese women destined for sex clubs and restaurants in South Africa is yet another well-known practice, illustrating the fact that the country is no longer merely a transit point but has

become a destination for human smuggling and trafficking (Malatji, 2004: 1-4).

- The need for adequate border policing is illustrated by the extent of cross-border or transnational crimes, the spill-over effect of organised crime and the impact of drug smuggling, human trafficking and small arms proliferation in the Southern Africa region (Hough, 2009: 3-4).

- Agriculture South Africa (AgriSA) highlighted ineffective border control as one of the principal factors to be blamed for crimes against the farming community. The farmers requested that the influx of illegal immigrants be better controlled and that border control be upgraded to protect the agricultural sector. Ineffective border control also holds serious implications for the agricultural industry because of the potential spread of animal and plant diseases (Hough, 2009: 7).

- Mawadza (2008: 6) mentions that systemic deficiencies, such as the delays experienced in terms of the issuing of documents by the DHA, could create a market for the crime of identity theft. The involvement of criminal gangs associated with illegal immigrants from Zimbabwe and Tanzania in the falsification of documents is frequently reported. These illegal immigrants are mainly assisted by corrupt DHA officials who source biographical details of South African citizens from the DHA database. Another common trend involves the switching of photographs on ID documents, by replacing the photo of the valid holder with that of another person, usually an illegal immigrant. All of these activities serve to compromise the integrity of the South African identity issuance system.

- Illegal immigration also contributes to the incidence of corruption among members of the police. In this regard, it is a known fact that illegal immigrants from Zimbabwe in particular bribe police officers to affect their release (Mawadza, 2008: 6-7).

The following table, comprising 2009 incarceration statistics of the DCS, also serves to indicate the type of crimes involving foreigners (RSA, April 2009):

Table 5: Incarceration statistics indicating the categories of crime involving foreigners in South Africa: April 2009

Crime categories	Unsentenced	Sentenced	Total
Economic crimes	1121	1781	2902
Aggressive crimes	1356	1632	2988
Sexual crimes	206	208	414
Narcotics	282	507	789
Other	292	507	799
Total	3257	4635	7892

(Source: *Foreign national crime categories composition as in April 2009*, available at http://www.dcs.gov.za/WebStatistics/foreigncrime.aspx).

It is clear from the above that foreigners are mostly involved in violent crimes. It is further to be noted that the second highest category comprises economic crimes, confirming the contention that foreigners' involvement in crime is in large part attributable to their peculiar socio-economic situation and in the case of illegal immigrants, their illegal status in South Africa.

5.   **CONCLUSION**

It is clear that illegal immigration has multi-dimensional implications for South Africa. The South African government's acceptance of the broadened concept of national security serves to place an additional premium on human security. In this regard, it is acknowledged that socio-economic threats including poverty, unemployment, poor education, lack of housing, absence of adequate social services and high levels of crime are among the most pertinent threats facing South Africans. In the case of all these threats, illegal immigration has the potential to serve as an aggravating factor/ multiplier as a direct result of the fact that it places increased pressure on all available resources.

South Africans perceive the ever-growing number of illegal immigrants entering the country as a threat to their very existence. In the absence of any statistics, the general perception is that illegal immigrants have a huge socio-economic impact insofar as they compete with locals for the exact rights and privileges as enshrined in the Constitution. Illegal immigrants resort to various illegal measures in an effort to obtain certain privileges, for instance *via* obtaining fraudulent or illegal documentation which in turn provides them with access to services such as health care, education, employment and other services. Large sections of South African communities cited the perceived competition for jobs by illegal immigrants as one of the contributing factors to the 2008 violence against foreigners. It is noted that the substantial cost involved in detaining and/or deporting illegal immigrants is incurred at the expense of the South African tax payer, thus diverting funds which could have been allocated to improve service delivery programmes in South Africa.

The political impact of illegal immigration and its potential as a catalyst for heightening political tension was clearly illustrated with the 2008 outbreak of violence against foreigners. It is accepted that attacks on foreigners are not a new phenomenon in South Africa, as examples of its earlier manifestations indicate. Some of the consequences of these developments include the potential for similar violence against other sectors of South African society and an increase in ethnically-based conflict. The former represents some of the gravest security consequences of uncontrolled immigration.

Given the lack of specific statistics, the true nature and extent of illegal immigrants' involvement in crime in South Africa remains unclear. However, as noted, there are indications that illegal immigrants are responsible for various types of crimes in South Africa, in particular violent crimes, which significantly threatens the safety and security of South Africans.

CHAPTER 6

EVALUATION

This chapter contains a summary of the results of the analysis presented in this study regarding the national security implications of illegal immigration to South Africa, particularly in the post-1994 period. Following this, the assumptions, as stated in the Introduction, will be tested taking into account the criteria used in classifying an issue as a threat to national security. The conclusion of the study will serve to incorporate a number of recommendations.

1. **SUMMARY OF THE TEXT**

The study commenced with a number of definitions of illegal immigration, as reflected in Chapter 2. The persistent conceptual contention in terms of definitions is primarily attributable to the wide-ranging views among various entities dealing with the issue of illegal immigration. Given the general confusion with regard to concepts and terminology, to which South Africa is no exception, the study briefly focused on clarifying and distinguishing the concepts of illegal immigration (illegal immigrant) and refugee. The study reaffirmed the complex nature of the overall phenomenon of migration and highlighted its multiple guises, of which illegal immigration is but one component.

The second part of Chapter 2 focused on the theory of national security and juxtaposed the First World and Third World approaches to the issue. Events such as the 2001 terror attacks in the US again highlighted the need for harmonising different approaches to national security. It also served to underscore the limitations of the narrow perspective almost singularly focused on threats of an external (military) nature and underscored the need for a broadened and more inclusive approach.

Illegal immigration was identified as a growing security concern with global ramifications necessitating decisive action by both governments and relevant organisations at all levels. Not surprisingly, migration issues (especially illegal immigration) increasingly feature on security agendas, ranging from the regional to the global.

In Chapter 3, it is indicated that the phenomenon of illegal immigration is not new to South Africa and that it displays an ever-growing trend in the post-1994 period. In the absence of accurate, reliable and/or official statistics, some estimates of the number of illegal immigrants in South Africa were presented. It was noted that these estimates tend to differ quite dramatically. Deportation statistics were included to highlight the extent of the problem with respect to illegal immigrants originating from Zimbabwe, Mozambique and Lesotho. Brief reference was made to the various methods used to illegally enter South Africa, ranging across the spectrum from border-jumpers to the utilisation of fraudulent documentation. In assessing the push and pull factors of illegal immigration into South Africa, it became clear that South Africa holds dual appeal to immigrants in terms of the country's favourable economic status *vis-à-vis* its neighbours, coupled with the desire to escape political tensions in the countries of origin. The former is especially relevant with respect to Zimbabwe.

In Chapter 4, the study provides an exposition of the policies and views of the South African government with respect to illegal immigration and the problems associated with the phenomenon. It similarly focuses on public reaction to illegal immigration and provides an indication of the extent to which it is being viewed as a security issue. As was illustrated, South African legislation contains extensive and clear provisions aimed at controlling illegal immigration. However, despite the adoption of a comprehensive legislative framework and a range of measures to facilitate the combating of illegal immigration, a large sector of South African society continues to blame government for failing to address the uncontrolled influx of illegal immigrants. The ineffectiveness of policy and other initiatives is being largely attributed to ineffective implementation. Official views on illegal immigration to South Africa vary considerably, are often contradictory and sometimes even in direct opposition to existing policy and legislation. Although various government ministers, on many occasions voiced their concern about illegal immigration and even went as far as

labelling it a security issue, government efforts at both the policy and implementation levels continue to suffer from severe deficiencies.

Chapter 5 provides an overview of the multi-dimensional implications of illegal immigration for the country. It notes that the South African government's adherence to the broadened concept of national security places an additional premium on human security. As was stated previously, illegal immigration has the potential to serve as an aggravating factor or multiplier insofar as the influx of people places additional pressure on all available resources. This aspect is especially pertinent given the fact that South Africans perceive the ever-growing number of illegal immigrants entering the country as a threat to their very existence. The political impact of illegal immigration and its potential as a catalyst for heightening political tension was clearly illustrated during the 2008 and earlier episodes of violence directed at foreigners. Given the lack of specific statistics, the true nature and extent of illegal immigrants' involvement in crime in South Africa remain unclear. Indications are however that illegal immigrants' involvement in a range of crimes significantly threaten the safety and security of South Africans.

2.   **TESTING OF THE ASSUMPTIONS OF THE STUDY**

The assumptions that were identified for exploration examination in this study are:

- Illegal immigration poses a growing threat to South Africa's national security. The latter is due to an increase in the number of illegal immigrants entering the country as well as their seemingly increasing involvement in especially violent crime.

- The South African government does not adequately acknowledge the threat potential of illegal immigration with regard to the country's national security status, and as such adequate measures are not being taken to curb the influx of illegal immigrants.

- Violent attacks on foreigners in South Africa have been seen as xenophobia, however, specific factors exist that contributed to these attacks.

2.1 Illegal immigration poses a growing threat to South Africa's national security. The latter is due to an increase in the number of illegal immigrants entering the country as well as their seemingly increased involvement in especially violent crime.

In order to determine the extent to which illegal immigration poses a threat to South Africa's national security, it is necessary, once again, to refer to the criteria developed to identify such threats. Following this, reference will be made to specific instances where illegal immigration meets these criteria as a threat to South Africa's national security. In brief, these include:

- When a specific condition or situation results in violence, unacceptable conflict or instability or when it has the potential to lead to the afore-mentioned;
- the existence of threats to state stability, sovereignty or territorial integrity;
- whether vital national values are being threatened;
- whether extraordinary measures are needed to deal with the issue;
- whether the threat is periodic or continuous in nature;
- the existence of widespread manifestations (extent of the manifestation in terms of it being widespread or localised);
- the extent to which such threats involve illegal or unconstitutional activities; and
- the extent to which it transcends borders and the type of international reaction it evokes (Hough, 2003: 10-19)

The relaxation of visa regulations by the South African government, in particular that between South Africa and Zimbabwe, as cited in this study, further contributes to the influx of foreigners to South Africa, further contributing to putting additional pressure on service delivery in South Africa, the latter which already resulted in widespread protest action and violence. The marked increase in the numbers of illegal immigrants entering South Africa as well as the ease with which this is accomplished, aggravates the situation. The aforementioned, as indicated in the study, has the potential of impacting on South Africa's political stability (posing a threat to state stability).

Also in terms of illegal immigrants threatening political stability, the study indicated that the increase in the number of illegal immigrants in South Africa can be linked to a significant rise in xenophobic attitudes and behaviour among certain sections of the South African population. The increase in the number of illegal immigrants leads to them being increasingly regarded as a threat to South Africans' job security and an extra burden which serves to negatively impact on service delivery. Any or all of these factors have the potential to trigger or heighten political tension, which could in turn negatively impact on political stability in South Africa. The former is evidenced by Malatji (2004: 2) who noted that the rising incidence of attacks against foreigners have the potential to heighten political tension in South Africa. He further argues that such tension increases the potential for inter-group conflict within local communities. The attacks against foreigners served to highlight this aspect and the possibility of such tensions again erupting should the causes not be adequately and speedily addressed. The opinions expressed in terms of the potential for such tension to spread, spill-over and affect other sectors of the population, serve to further highlight the serious implications associated with uncontrolled illegal immigration.

South Africa's porous and generally ineffectively controlled borders, in large part, contribute to the increased threat posed by illegal immigration to South Africa. The former statement is evidenced by feedback given to Parliament in March 2008 by the SAPS and the BCOCC that border security is poor and that corruption among officials is a serious problem (Business Day, 30 May 2008). The situation is also contributed to the transferring of the SANDF's responsibility for safeguarding/ patrolling South Africa's borders to the SAPS (Mawadza, 2008: 7). The aforementioned serves to illustrate the extent to which extraordinary measures are required to deal with the issue, which include measures to curb the endemic corruption which facilitates the process of illegal immigrants entering South Africa, as well as measures to control the borders.

The fact that poor border control is also cited as a major contributor to crimes against the farming community (affecting the safety of farmers and farm workers alike) serves as further evidence in terms of illegal immigration becoming an issue of national security concern. This serves to illustrate the extent to which illegal

migration has become a threat to national security, in this instance by threatening a vital national value, the safety of South African citizens.

Given the lack of reliable statistics on the involvement of illegal immigrants in crime in South Africa, this study was unable to confirm the assumption, based on public opinion, that illegal immigrants are mostly responsible for crime in South Africa. The study did however determine, with reference to the latest incarceration statistics, that a relatively large percentage of foreigners in South African prisons are serving sentences for violent crimes. Although their seemingly increasing involvement, especially in violent crimes, is yet to be proved beyond doubt, the afore-mentioned serves as evidence that such a contention might not be altogether implausible. The violent nature of the crimes mostly associated with illegal immigrants serves to further exacerbate their impact. The fact that foreigners are generally associated with incidences of violent crime serves to further entrench and perpetuate the perceptions fostered by extensive media coverage (as alluded to in the study) regarding the nature and extent of illegal immigrants' involvement in criminal acts in South Africa. The background and examples provided in the study aim to highlight the threat posed by the involvement of foreigners in criminal activity in South Africa and especially the risk to the personal security of the country's citizens, which is enshrined as a vital national value in the <u>Constitution</u>. Likewise, the extent to which illegal immigration involves illegal or unconstitutional activities has been amply illustrated in this study.

As noted in the study, illegal immigration to South Africa is largely a remitting phenomenon, which is mainly attributed to the various pull factors which attract migrants to South Africa as cited in the study. Some increases, such as in the case of Zimbabweans entering South Africa, could be attributed to the deteriorating political situation in that country. The phenomenon is furthermore not limited to any specific location and its manifestation is widespread.

The evidence presented in this study indicates that illegal immigration has indeed reached a stage where it could be regarded as a threat to South Africa's national security. Illegal immigration meets a number of the criteria developed to identify threats to national security, especially regarding its potential to result in violent conflict and linkages with crime. This assumption has been partly verified.

2.2 **The South African government does not adequately acknowledge the threat potential of illegal immigration with regard to the country's national security status, and as such adequate measures are not being taken to curb the influx of illegal immigrants**

This study indicated that, during the past few months in particular, the South African government has come to increasingly acknowledge the potential of illegal immigration to become a national security threat. As such, this assumption could only be partially confirmed. Statements by Ministers of the Justice, Crime Prevention and Security Cluster (JCPS), which cite the importance of viewing illegal immigration as a security issue, provide some indications of this. The most recent testimony to this is contained in an acknowledgement by the then Minister of Home Affairs, Mapisa-Nqakula, in 2008 that illegal immigration to South Africa has reached such proportions that it now increasingly presents a challenge to the fulfilment of certain objectives of the South African government (Beeld, 10 December 2008).

The above opinion is further reflected in policies and legislation intended to deal with the issue of illegal immigration, such as the White Paper on Migration, the Immigration Act and others. These documents contain numerous references to the negative impact attributable to the large presence of illegal immigrants in South Africa and make provision for measures to address the issue. The White Paper on International Migration in particular was *inter alia* the result of a realisation that illegal immigration to South Africa displayed an increasing trend and that existing policies proved inadequate to effectively address the issue (RSA, 31 March 1999).

It is therefore clear that, on the one hand, the South African government increasingly seems to regard illegal immigration as a security threat. Having said this however, it needs to be reiterated that on the other hand, government often falls short in terms of implementation and that official views on illegal immigration sometimes even serve to contradict policy. Although acknowledged, the South African government's attempt to improve security on the country's borders *via* the establishment of the BCOCC, is deemed as a failure given the fact that borderline control has virtually collapsed.

In the case of Zimbabwe, the South African government's involvement in the negotiation process in that country is believed to have contributed to its silence on the issue of the influx of illegal immigrants from Zimbabwe. This contention is further supported by the possibility of a "special status" afforded to illegal immigrants from Zimbabwe and the accompanying relaxed visa restrictions. The special "permits" to be provided to illegal Zimbabweans created further confusion, even leaving the SAPS in the dark. The DHA also seemed to be sceptical of this arrangement with the new Minister calling for a review of it.

The South African government's response to the attacks against foreigners was seen by many as indicative of the administration's failure to grasp the complexity of the phenomenon of uncontrolled illegal immigration and the difficulties related to the management thereof. As noted in this study, the problem does not appear to be limited to the policy and legislative domains but to a large extent also relates to a lack of political will and widespread failures in terms of implementation. The state of affairs at the DHA represents a case in point inasmuch as the systemic problems and corruption in the Department, coupled with poor management and a high turnover in strategic management severely hampered efforts at implementing a successful turnaround strategy for the department. The extent of the former is illustrated in the announcement by the Minister for Safety and Security, Mthetwa that 66 DHA officials were arrested and 18 suspended on allegations of fraud in the 2008/2009 financial year (New SA passport on the cards, 5 March 2009). Thus, as indicated, immigration legislation and policies are by no means perfect and some aspects are in need of urgent review. The South African government's apparent inability to address problems of both policymaking and implementation definitely serves to aggravate the problem of illegal immigration.

This assumption is partly verified. The South African government, during the past few months only seems to acknowledge the potential of illegal immigration as a threat to national security. As noted, measures taken by government to curb illegal immigration so far proved to be ineffective and/or inadequate.

2.3 Violent attacks on foreigners in South Africa have been seen as xenophobia, however, specific factors exist that contributed to these attacks.

This study contains various views and research findings attesting to the increasing resentment of illegal immigrants among certain sectors of the South African population. Since 1994, intolerance, bordering on xenophobia, has shown a dramatic rise with violence against foreign nationals becoming increasingly common, serving to divide communities with hostility and suspicion (Crush & Pendleton, 2004: 4). The former statement has been confirmed through a number of surveys conducted on the issue.

The spate of violent attacks against foreigners (legal and illegal) highlighted the existence of increasing tensions linked to the presence of illegal immigrants in some communities. However, official and other reports alike indicate that the 2008 violence against foreigners could not simply be termed xenophobic and that it was largely attributable to socio-economic and service-delivery issues. Some organisations, such as CORMSA regarded the authorities' obvious lack of control over the influx of foreigners/ illegal immigrants into South Africa as an aggravating factor which serves to strengthen the cause of instigators of xenophobic attitudes and violence (The Sunday Independent, 8 June 2008).

The attacks against foreigners and the portrayal thereof in the media also served to reveal increased levels of xenophobic sentiment among certain sections of South African society. Within these communities, foreigners (including illegal immigrants) are being singled out for blame for the rise in crime and arrange of socio-economic challenges such as job losses. The issue of job losses is aggravated by the fact that, in some instances, foreigners manage to secure employment at the cost of South Africans. Information obtained by researchers and journalists during interviews with locals during the time of the attacks against foreigners provides clear support for the above statement.

The study confirmed the assumption that the attacks against foreigners could not be solely contributed to xenophobic attitudes and that it was mainly motivated by a number of socio-economic factors, as cited in the study. The contributing impact of

government's migration policies, often blamed for the influx of foreigners into the country, is also noted.

3.   **CONCLUSION**

It is evident that illegal immigration will continue to feature on the security agenda of the South African government and that the prevalence of the phenomenon, for reasons cited in this study, is not likely to subside in the near future. In addressing the threat posed by illegal immigration, the South African government faces numerous challenges, the most pressing of which is the improvement of border security and the implementation of enhanced security features and measures to ensure the integrity of South African official documents such as identity documents, and passports. Apart from the country's porous borders, corruption remains a major weakness which is consistently exploited by illegal immigrants. Likewise, officials of the DHA and other law enforcement bodies constitute the weakest link in the curbing of illegal immigration. Overall, these deficiencies act as pull factors in terms of enhancing the attractiveness of South Africa as a destination for illegal immigrants.

In the main, South African legislation is deemed adequate in terms of controlling illegal immigration to the country. However, despite the adoption of a wide-ranging legislative framework and an array of measures to assist in combating the phenomenon of illegal immigration, a large part of South African society still blames government for failing to address the uncontrolled influx of illegal immigrants. Although various government ministers and the Minister of Home Affairs in particular, appear to regard illegal immigration as a security issue, having on many occasions voiced their concern and having instituted certain measures to counter the phenomenon, government efforts at both the policy and implementation levels continue to suffer from severe deficiencies. The confusion created by the announced granting of permits to Zimbabweans in South Africa is evidence of this and highlights the generally held opinion that the DHA did not consult with other departments, such as those belonging to the security cluster, on the possible security implications of such a step.

Finally, the deficiencies in terms of available statistics need to be addressed by the South African government as a matter of urgency. This dearth of statistics is not limited to more accurate estimates on the number of illegal immigrants in the country but also extends to other categories of information such as their countries of origin and the reason for their presence in South Africa. For the purpose of maintaining comprehensive and reliable crime statistics, databases need to also reflect detailed information regarding the involvement of foreigners in crime in South Africa.

The following recommendations are presented:

- Multiple policy solutions will need to be developed in order to ensure that the successful management of migration forms part of the overall effort to stem the tide of illegal migration. It often happens that uncoordinated policies of the government agencies/departments represented at Ports of Entry, for instance the DHA, the South African Revenue Services (SARS) and the SAPS, result in certain omissions, which in turn facilitate the illegal entry of both people and goods into the country. As far as borderline control is concerned, a case for again deploying the SANDF to the border is increasingly being made.

- As far as ensuring national security is concerned, effective Inter-departmental coordination of policy initiatives relating to migration issues is pivotal in order to ensure that such policies do not negatively impact on South Africa's national security. The role of the National Intelligence Coordinating Committee (NICOC) as the coordinating body for national security related issues in South Africa should be enhanced.

- There is an urgent need for synchronisation of domestic and international border control policies and legal instruments. In this regard, it is critically important for South Africa to ensure that it harmonises its approach with that of predominant countries of both origin and destination of migration flows, in order to ensure a co-ordinated approach and a sharing of the burden of responsibility in terms of managing these flows.

- Internal controls will need to be systematically and periodically reviewed with a view to reducing opportunities for illegal immigrants to gain a foothold in the domestic economy with all the attendant negative consequences related to an increase in illegal activities involving illegal immigrants. In order to achieve this goal, government will need to expand its co-operation with the private sector.

- Cognisance needs to be taken of the impact of illegal immigration on the already fragile social fabric in the country as well as the impact of large-scale legal and illegal immigration on human/individual security. In this regard, public education will need to play a major role as an integral part of efforts to sensitise the broader public with respect to the benefits of properly managed migration and to prevent attacks against foreigners.

- In dealing with certain issues related to illegal immigration, for instance the employment of illegal immigrants in the local economy, government will have to contend with certain domestic political challenges, for instance vested economic interests that rely on cheap, illegal labour. Addressing the issue will require government to carefully weigh the potential consequences of acting against this practice, both from the perspective of the employers reliant on this kind of labour, but also taking into account those whose livelihoods depend on this source of income.

- The ease with which falsified/ fraudulent documentation can be obtained requires urgent attention. Judging from the numbers of arrests following ongoing internal investigations, corruption appears to be rampant in the DHA. In order to both contain and reverse the situation, serious consideration should be given to fast-tracking the Department's 2004 turn-around strategy focused on drastically improving the capacity and performance of the DHA.

ABSTRACT

Title: The national security implications of illegal immigration to South Africa

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Degree: Master of Security Studies

The aim of this study is to confirm whether illegal immigration to South Africa is being regarded as a threat to national security and to analyse the implications thereof. The dissertation presents three assumptions to be explored and tested, namely:

- Illegal immigration poses a growing threat to South Africa's national security. The latter is due to an increase in the number of illegal immigrants entering the country as well as their seemingly increasing involvement in especially violent crime.
- The South African government does not adequately acknowledge the threat potential of illegal immigration with regard to the country's national security status and as such adequate measures are not being taken to curb the influx of illegal immigrants.
- Violent attacks on foreigners in South Africa have been seen as xenophobia, however, specific factors exist that contributed to these attacks.

The study is conducted and contextualised in terms of the theory of national security, more specifically as it applies to developing countries. It aims to analyse the security implications of illegal immigration for South Africa, with specific reference to the involvement of foreigners in crime in South Africa and also focus on the political implications, more especially the role of foreigners in fomenting political violence. The study accepts the notion that the phenomenon is multi-dimensional and that it cannot be divorced from its socio-economic implications. Reference is therefore made to the political, social, economic and crime dimensions.

The dissertation also focuses on the official and public views on illegal immigration and analyse measures adopted by the South African government to address the issue.

The study predominantly focuses on the period 1994 to 2008 in an effort to demonstrate the extent of the increase in the number of illegal immigrants to South Africa following the advent of the new dispensation. It further attempts to ascertain whether this increase could be linked to the rise in incidences of violent crime in South Africa during the period in question.

OPSOMMING

Onderwerp:	Die nasionale veiligheidsimplikasies van onwettige immigrasie na Suid Afrika.
Opsteller:	CGB Vermaak
Studie leier:	Prof M Hough
Departement:	Politieke Wetenskappe, Universiteit van Pretoria
Graad:	Magister in Veiligheidstudies

Die doel van die studie is om te bepaal of onwettige immigrasie na Suid Afrika toenemend beskou word as 'n bedreiging vir nasionale veiligheid en, tweedens, om die implikasies daarvan te analiseer. Die studie stel drie aannames voor vir toetsing en verdere bespreking, naamlik:

- Onwettige immigrasie bedreig Suid Afrika se nasionale veiligheid toenemend. Laasgenoemde stelling is gebaseer op die toename in die getal onwettige immigrante wat Suid Afrika binnekom, sowel as aan die betrokkenheid van onwettige immigrante in misdaad (veral geweldadige misdade) in Suid Afrika.

- Die Suid Afrikaanse regering beskou die potensiële bedreiging van onwettige immigrasie vir nasionale veiligheid nie met die nodige erns nie en gevolglik word die nodige maatreëls nie ingestel om die toenemende instroming van omwettige immigrante na Suid Afrika te bekamp nie.

- Geweld teenoor vreemdelinge in Suid Afrika word alom gesien as xenofobies van aard, alhoewel spesifieke faktore teenwoordig is wat bydra tot sulke aanvalle.

Die studie is gebaseer op die teoretiese beginsels van nasionale veiligheid en meer spesifiek soos dit van toepassing is op ontwikkelende lande. Die studie poog om die veiligheidsimplikasies van onwettige immigrasie na Suid Afrika te analiseer, met spesifieke verwysing na die betrokkenheid van onwettige immigrante by misdaad in Suid Afrika. Daar word ook gefokus op die politieke gevolge, insluitend die opvatting dat vreemdelinge betrokke is by, of bydra tot politieke spanning in sekere gemeenskappe. Die studie aanvaar die beginsel dat onwettige immigrasie multi-dimensioneel is en dat dit onlosmaaklik verbonde is aan die sosio-ekonomiese

impak daarvan. Gevolglik word verwys na die politieke, sosiale, ekonomiese en misdaad impak van onwettige immigrasie.

Die studie fokus verder ook op die amptelike en nie-amptelike standpunte oor onwettige immigrasie en analiseer die maatrëels deur die Suid Afrikaanse regering ingestel ten einde die vraagstuk aan te spreek.

Die studie fokus oorwegend op die periode 1994 tot 2008 ten einde die toename in die getal omwettige immigrante wat die land sedert 1994 binnegekom het, aan te dui. Verder poog die studie om vas te stel of daar 'n verband bestaan tussen die toename in onwettige immigrante en 'n toename in geweldadige misdaad in Suid Afrika in die periode onder bespreking.

KEY TERMS

Asylum seekers / asiel soekers

Border control / grensbeheer

Deportation / deportasie

Illegal immigration / onwettige immigrasie

Immigration / immigrasie

Migration/ migrasie

National security / nasionale veiligheid

Political violence / politieke geweld

Refugees / vlugtelinge

Violence against foreigners / geweld teenoor vreemdelinge

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