



University of Pretoria

## ISSUP Bulletin

Instituut vir Strategiese Studies  
Institute for Strategic Studies  
ISSN 0257-1447

**6/2007**

# **SOUTH AFRICAN GOVERNMENT POLICY AND STRATEGY REGARDING THE INFLOW OF MIGRANTS AND/OR REFUGEES FROM ZIMBABWE\***

## **1. INTRODUCTION**

Bad governance and mismanagement of the concerns and resources of the state have led to political turmoil and an economic crisis in Zimbabwe. The poor employment and living conditions have caused an ever-increasing volume of economic migrants to move to the countries surrounding Zimbabwe. They enter South Africa on the assumption that food and employment are readily available.

Economic conditions in Zimbabwe have received considerable media attention. The official inflation rate has been reported as being higher than 7 000 per cent, the highest in the world. Unemployment stands at 80 per cent. The United Nations (UN) World Food Programme predicts that people affected by severe food shortages will

---

\*Article written by Brig Gen George Kruys (Ret), Research Associate, Institute for Strategic Studies, University of Pretoria.

peak at 4.1 million by the first quarter of 2008. That is more than one third of the total Zimbabwean population estimated at 11,8 million.<sup>1)</sup> The government policy to freeze prices, to punish firms not accepting price control, and the latest announcements to nationalise firms which do not continue to do business under the conditions set by government, will further damage the economy. A law enforcing Zimbabwean controlling interests in foreign firms doing business in Zimbabwe, has recently been introduced in the Zimbabwean parliament. Clearly such economic policies will not result in foreign investment. The ZANU-PF evidently regards foreign business activity as a continuation of colonialism. The result is that not only the poor and uneducated leave Zimbabwe. A large number of Zimbabwean migrants are active people between 21 and 40 years of age. About 40 per cent have tertiary qualifications and 60 per cent have had high school education.<sup>2)</sup> Media reports state that many of them have every intention of returning to Zimbabwe once the crisis is over.

South Africa has poverty and unemployment problems of its own, and it is commonly estimated to have as many as three million Zimbabweans living within its borders. The result is a national concern that further (illegal) migration from Zimbabwe will cause even greater hardship for many South Africans. It is often reported in the media that South Africans are becoming ever more xenophobic. The South African Government actively propagates against it, but with little result, since employment, or the lack thereof is a serious matter for the local population.

Neighbouring states can expect to continue to receive migrants from Zimbabwe for the foreseeable future, and as the economic conditions continue to worsen, migration may well escalate further. It could peak considerably before real change is forced upon the ZANU-PF supporters and the economy could at any rate take years to recover. In the mean time South African authorities will have to manage a morally, legally and economically sound immigration and refugee policy. The policies of states neighbouring Zimbabwe, other than South Africa, in regard to Zimbabwean migration are also briefly referred to below for purposes of comparison.

## **2. REFUGEES OR MIGRANTS – STATUS OF ZIMBABWEAN ENTRANTS INTO SOUTH AFRICA**

The way in which the South African authorities manage the Zimbabwean crisis, and the resultant temporary or long-term sojourn of Zimbabweans in South Africa, will obviously be influenced by South African legislation, attitudes and sympathies. It is reported from time-to-time that there is a common African attitude that xenophobia towards illegal migrants must be discouraged, since the citizens of African countries regard themselves as the natural inhabitants of all Africa, and as such they do not feel like aliens in other African countries.<sup>3)</sup>

The South African Minister of Home Affairs and the Director General of the Department of Home Affairs (DHA) have repeated many times, that Zimbabweans migrating to South Africa are not primarily refugees, and no refugee camps would be established to house them.<sup>4)</sup> A spokesperson for the Minister said that the migrants should be integrated into South African society,<sup>5)</sup> which means that they should be afforded the opportunity to look after themselves in the South African economy. The Director General is of the opinion that the Zimbabweans are in fact economic migrants.

Economic migrants can be described as persons who cannot secure a livelihood in their homeland because of dire economic conditions present there. However, it has been stated that the difference between a refugee and an economic migrant is unclear when people escape from a country where poverty is caused by the political system as is the case in Zimbabwe.<sup>6)</sup> Nevertheless, a genuine refugee is someone who seeks refuge and safety in another country, and who is temporarily escaping from a situation which is physically threatening to his or her personal safety.<sup>7)</sup> To date this has not been the most common reason for Zimbabweans to leave their country.

Economic migrants include legal and illegal migrants. An illegal migrant is an undocumented person who has entered South Africa clandestinely or who has remained in the country after his or her visa or permit has expired. People who have obtained South African documents by false representation or who have forged documents in their possession, are also classified as illegal. Those people who have applied for asylum and have been successful in obtaining refugee

status are clearly not illegal migrants.<sup>8)</sup>

To enter South Africa legally a Zimbabwean visitor requires a Zimbabwean passport and a visa or permit obtained from South African Consular services in Zimbabwe. The chairperson of the Parliamentary Home Affairs Portfolio Committee, said that the Committee had learnt from a Zimbabwean counterpart that although most Zimbabweans wanted to come to South Africa legally, it could take up to four years to obtain a passport, and the visa cost R1 000 thereafter.<sup>9)</sup> This could obviously contribute to illegal entry rather than legal entry into South Africa, but making it too easy to enter legally, could again increase the number of overstayers or non-returnees.

### **3. SOUTH AFRICAN PROCESSES TO ADMINISTER, RECEIVE AND DEPORT MIGRANTS**

South African passports are according to media reports, falsified and issued to anyone who knows where and how to pay for them. The Director General of the department has been tasked, and is expected to make a dramatic change in these conditions well before the 2010 Soccer World Cup.

The DHA to its credit states unequivocally that "the prosecution and removal of illegal foreigners is a line function of the Department of Home Affairs".<sup>10)</sup> Since South Africa's land borders are so extensive, estimated at about 3 500 km, seen as ideally an open African border, and cover large undeveloped rural areas, the control of these borders is given a low priority by the state. The result coupled with the poor economic conditions in Africa south of the Sahara, is an influx of migrants leading to a massive workload for the DHA supported by other state departments, of which the South African Police Service (SAPS) has a major supporting role.

The official statistics representing the deportations from South Africa, given by the various ports of entry for 2006, show that a total of 245 294 people were deported during the year, of which 127 097 were Zimbabweans, and 96 663 were from Mozambique. From January to the end of July 2007 about 117 000 persons were deported to Zimbabwe alone. It is thus clear that the rate of illegal entry into South Africa has increased tremendously. In June 2007 about 17 000 illegal ent-

rants were deported and the current monthly average is calculated to be 16 000 with a peak so far of 21 421 in January 2007.<sup>11)</sup> However, the deportations are a small number of the total, since illegal entry to South Africa from Zimbabwe was estimated to involve 1 000 to 5 000 per day in mid-2007.<sup>12)</sup>

While there has been a recorded increase in the number of illegal entrants into South Africa, there has according to the DHA been no significant change in legal arrival and departure patterns from the beginning of March to end July 2007. During the five months a total of 351 372 Zimbabweans arrived and 291 621 left the country through the Beit Bridge border post. During the same period 102 099 South Africans went to Zimbabwe and 104 118 arrived back at Beit Bridge.<sup>13)</sup>

The above figures show that there is a considerable amount of movement between Zimbabwe and South Africa, and that economic related activity is still very evident. It is also reported that much of the Zimbabwean traffic in and out of South Africa, is undertaken to purchase foodstuffs and basic products not available there. The latter may well lead to more trade in the near future. Above all, these statistics show how extensive the task of the DHA and its supporting departments has become.

### **3.1 The process to obtain refugee status**

Foreign nationals seeking asylum do so to gain temporary legal residence in South Africa. They apply for asylum at designated refugee reception offices. After an interview with a refugee reception officer the applicant is issued with an asylum seeker's permit. On receipt of such a permit the asylum seeker is allowed to sojourn temporarily in South Africa. The application for refugee status is then forwarded to a DHA Standing Committee for a final decision to award refugee status or not. Both the holders of the asylum seeker's permits and refugees must abide by the conditions under which their permits were issued.<sup>14)</sup>

A Home Affairs spokesperson stated that 3 074 Zimbabweans had applied for asylum in the first quarter of 2007. Of these only 79 had been granted. According to the Lawyers for Human Rights (LHR), a body which litigates on behalf of asylum seekers, many asylum seekers were already refused asylum transit permits, or were even arrested and deported at border posts.<sup>15)</sup>

As already mentioned the South African Government does not

regard the Zimbabwean economic migrants as refugees, and by definition rightly so. The Minister of Home Affairs stated that the current backlog of 144 000 asylum applications was due to the clogging of the system by economic migrants who were attempting to have themselves categorised as refugees.<sup>16)</sup>

### **3.2 The issue of temporary residence permits**

It has been reported that the Minister had further mentioned that the DHA was investigating whether Zimbabwean economic migrants should not be given temporary residence in South Africa, and that those who had specialised skills could in any case apply for work permits.<sup>17)</sup> According to the DHA's website there are as many as thirteen types of temporary residence permits, but simply having a visitor's permit or visa does not necessarily mean that the holder has a right to study or seek employment in South Africa.<sup>18)</sup> Unless the new temporary residence permit being investigated allows migrants to work, some will continue to apply for refugee status which does allow them to seek employment.

However, to include in the migrant receipt and administrative process, a policy and permit to allow migrants to stay, even if they are allowed to work, is problematical. The fact is that there are many migrants residing in South Africa illegally. Whether they are legal or illegal aliens, they are left without any assistance to seek employment, find suitable accommodation, and access critical services such as health care. In February 2007 the Home Affairs Director of Refugees was reported to have said that there were 34 000 recognised refugees in South Africa. The DHA had no idea where they were based since they were entitled to freedom of movement. This in a country where many of its inhabitants are moving to overcrowded cities to find employment, and to escape extreme poverty. Estimates of illegal migrants in South Africa compared to more limited refugee and asylum-seeker numbers, run into the millions.

## **4. THE INFRASTRUCTURE AND CONDITIONS IN WHICH MIGRANTS ARE RECEIVED**

Some illegal migrants who are apprehended in South Africa are held in a holding facility at Lindela/Krugersdorp, which can accommodate 4 004

people at a time. They are normally detained between and week to a month, but the *Immigration Act* allows the DHA to apply for an extension of detention for up to 90 days if necessary. The cost of such a facility is enormous, and experience has shown that deporting people is largely a waste of money, according to the Minister of Home Affairs, since the majority of them return within a few days to try to find work and the means to survive.<sup>19)</sup>

At the end of July 2007, a DHA spokesperson said that close to 15 000 illegal Zimbabwean migrants had been deported from the Lindela facility "in the past two weeks".<sup>20)</sup> In the first two weeks of July 2007, 5 000 illegal border crossers were arrested by the SAPS and the South African National Defence Force (SANDF). Of these, 2 000 illegal Zimbabwean entrants were deported from another holding facility at Musina, on the northern South African border, every week.<sup>21)</sup>

In spite of the large numbers of people, mostly Zimbabweans and Mozambicans, flocking to South Africa to seek work in an economy which simply cannot employ most of them, the South African Government has decided that no camps would be established to house them. The Directors General of the Departments in the Government's International Relations, Peace and Security Cluster, have been tasked to draft a plan which will deal holistically with economic migrants, which of course include those from Zimbabwe.<sup>22)</sup>

Reception offices for asylum seekers are situated at Marabastad (Pretoria), Cape Town, Rosettenville (Johannesburg — which is to be moved to an improved facility at Crown Mines), Durban and Port Elizabeth. Over and above the Standing Committee for Refugee Affairs which approves asylum requests, a Refugee Appeal Board exists to consider justifiable appeals for refugee status, not approved by the Committee. There would appear to be an adequate number of centres able to administer asylum seekers, but conditions in and around some of them are reported to be extremely bad, and the administrative processes very slow indeed. Evidently, the office in Marabastad was recently visited by the National Assembly's Home Affairs Committee, who found the conditions there 'inhumane' and a 'massive crisis'.<sup>23)</sup>

The Director of the Centre reported that more than 1 000 people visited the office daily, but since he had only a staff of 15 persons and unreliable equipment, a mere 50 to 75 people were processed each day. Some asylum seekers had been attempting to apply for asylum

since January 2006. It is estimated that 500 to 1 000 people usually slept outside the steel fence surrounding the centre. The majority of the people are Zimbabweans hoping to get official refugee documents. After the visit by the parliamentarians the reception office is likely to be upgraded. However, the fact that there were even people who had already received their official papers, who still remained in the area since they felt they had no place to go, illustrates the extent of the problem.<sup>24)</sup> South Africa, unlike most of its neighbouring countries, has no refugee camps, but having successfully applied for asylum does not guarantee any employment or shelter at any rate.

A Pretoria High Court Judge, Pierre Rabie, is reported to have said that the hundreds of thousands of unemployed foreigners present in South Africa was a national crisis. Many of them were waiting for their asylum applications to be processed by the DHA. The judge could not imagine how the asylum seekers could survive without turning to crime. He concluded that the cost to ensure that their applications were processed without delay, was nothing compared to the price the country was paying for crime.<sup>25)</sup>

## **5. THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES POLICY REGARDING ZIMBABWEAN MIGRANTS**

The United Nations High Commissioner for Refugees (UNHCR) mission statement, reads that it is mandated by the UN to lead and co-ordinate international action for the worldwide protection of refugees, and the resolution of their problems. The UNHCR's policy regarding the Zimbabwean migrants is consequently of importance to the South African authorities.

During a visit to South Africa, the UN High Commissioner for Refugees, António Guterres, stated that he agreed with the South African Government's policy that the Zimbabweans coming to South Africa to escape the economic crisis in their country were not entitled to refugee status, and that border refugee camps should not be established to house them.<sup>26)</sup> He further commended the Government's progressive policy on refugees and asylum seekers, including the commitment to ensure their access to basic services. He said that South African policy



and legislation allowed refugees to enjoy one of the most advanced and progressive systems of protection of refugees in the world. The UNHCR's role in South Africa, he said, was to try to help the Government by facilitating the improved protection and assistance given to refugees. The DHA with the UNHCR's assistance had launched a major effort to clear the asylum applications backlog, and it had to be appreciated that South Africa had received 53 000 asylum applications in 2006, which was more than any other country in the world had received.<sup>27)</sup>

The Commissioner's message is clear. The UNHCR's regional information officer added that the organisation would only become directly involved in the case of a total collapse of the Zimbabwean state, and that the only migrants that were being dealt with by the UNHCR were asylum seekers. What had to be taken into account was that the UN World Food Programme is busy implementing a large feeding programme within Zimbabwe itself, which would hopefully reduce the need to migrate. Evidently the US alone is sending 47 400 metric tons of food to help the Zimbabwean population.<sup>28)</sup>

From the UNHCR's viewpoint their approach is probably the organisation's best option. It encourages the South African Government to do its best for the Zimbabwean economic migrants, while the UNHCR involves itself as little as possible. Given the fact that the UN is already involved with refugees all over the world, and that finances are not unlimited, it is an attractive option. It does, however, do little to alleviate South Africa's problem of the pressure on infrastructure caused by a large number of illegal migrants, who increase the ranks of the unemployed, and the frequency of crime.

## **6. ACTIVITIES AND POLICIES OF COUNTRIES, OTHER THAN SOUTH AFRICA, WHICH BORDER ZIMBABWE, REGARDING ZIMBABWEAN ECONOMIC MIGRANTS AND REFUGEES**

Other than South Africa, Zimbabwe's neighbouring countries are Zambia, Botswana and Mozambique. Each of these countries can ill-afford to spend much in financial terms to host refugees. To add to their problems they receive economic migrants from states other than Zim-

babwe, particularly Zambia, which hosts many migrants who are not Zimbabwean citizens.

## **6.1 Zambia**

The Permanent Secretary of Internal Affairs in Zambia stated that Zambia would definitely not give Zimbabweans who fled their country refugee status, since conditions in Zimbabwe were normal, and no one was being persecuted there. He said that demands from the UN and the Zimbabwean opposition, the Movement for Democratic Change (MDC), for Zimbabwean requests for asylum to be treated in a fair and humanitarian manner, were not justifiable. Zimbabweans, he said, had no reason to request asylum.<sup>29)</sup>

There are as many as five refugee camps along the western and northern borders between Zambia, Angola and the Democratic Republic of Congo (DRC). While a large segment of the Zambian population are dependent on food relief at present, the country shelters more than 200 000 refugees, mainly from Angola and the DRC. Evidently 82 000 of them live in camps, and the World Food Programme is desperately seeking US\$8.5 million to feed them, since pledges for food aid have been slow in coming. The result is that refugees housed in camps have begun to desert the camps to search for food. This is seen by Zambian officials to be a security risk for nearby villages.<sup>30)</sup>

To alleviate the problem the Zambian Government stipulated in 2006 that the refugees from Angola should leave the country by December, or lose their refugee status. An agreement has since been reached with the UNHCR that the repatriation programme is to be extended to 31 December 2007. Evidently 48 000 Angolans still live in the refugee camps and about 22 000 are settled in other parts of Zambia. It is reported by the UNHCR that 63 324 Angolans have already returned to their home country since the end of 2002.<sup>31)</sup>

In view of the poor economic conditions in Zambia, and the large number of refugees and economic migrants from Zimbabwe in the country, the Zambian Government's policy is certainly understandable. The UNHCR, however, is of the opinion that although voluntary repatriation is the preferred solution for most refugees, there is a need to pursue other options, including local integration.<sup>32)</sup>

## **6.2 Botswana**

The Botswana Defence Force (BDF) patrols its border with Zimbabwe to prevent illegal migration and to counter other illegal cross-border activities.<sup>33)</sup> It is reported that 38 000 Zimbabweans were deported from Botswana to Zimbabwe in 2006.<sup>34)</sup>

Botswana allows Zimbabweans who possess valid Zimbabwean passports to reside in the country for ninety days per annum. Evidently Botswana is seldom the final destination for Zimbabwean migrants who use the country as a conduit to South Africa.<sup>35)</sup> The Botswana/South African border lies largely in open country, and is accorded a very low border control priority by South Africa, consequently the Zimbabwean migrant's route to South Africa *via* Botswana should come as no surprise.

## **6.3 Mozambique**

As in Botswana where xenophobia is on the increase, an increase in xenophobia resulted in a number of attacks on refugees in Mozambique's northern province of Nampula. This happened partially as a result of the Mozambique Government's policy of encouraging refugees to be self-reliant. The refugees who were targeted were affluent business people from the Great Lakes region, while most of Mozambique's population is extremely poor.<sup>36)</sup>

The UNHCR regards Mozambique as an exemplary country in terms of its treatment of refugees. The Mozambican Institute for Support of Refugees (INAR) reports that Mozambique hosts 7 034 refugees and asylum seekers. Of them 5 148 are in the Maratane Refugee Centre, the biggest in the country. The INAR states further that out of the total number of refugees which Mozambique hosts 4 563 are from the DRC and 1 317 from Burundi. The remainder come from eleven other countries one of which is Zimbabwe.<sup>37)</sup>

## **7. CONCLUSION**

To allow unchecked movement into South Africa is damaging to South African interests, and will disadvantage the large number of South African poor who struggle to make ends meet. It is also having a very

negative effect on farmers in the border areas. To allow Zimbabweans to enter South Africa to purchase foodstuffs and other basic needs is sound policy, but as the situation in Zimbabwe worsens, as it is likely to do, they will lose the means to buy anything.

Until the situation in Zimbabwe improves, South Africa will most probably be forced to 'muddle through', and employ a somewhat flexible approach to day-to-day migration problems. Some would of course argue that this problem could have been foreseen long ago, given the continued economic deterioration in Zimbabwe.

## REFERENCES

1. *Irinnews.org*, "BOTSWANA: IOM to open centre for undocumented Zim migrants", 4 September 2007. (<http://www.irinnews.org/Report.aspx?ReportID=74108>, accessed 11 September 2007).
2. *Beeld* (Pretoria), 9 September 2007.
3. Minnaar, A and M Hough, *Who Goes There? Perspectives on Clandestine Migration and Illegal Aliens in Southern Africa*, HSRC Publishers, Pretoria, 1996, p 35.
4. SABC 2 News Bulletin, 1 August 2007; and *Mail&Guardian Online*, "Zimbabweans not refugees in South Africa", 24 August 2007.
5. *Independent Online*, "DA turns its attention to Home Affairs", 31 July 2007.
6. Minnaar, A and M Hough, *op cit*, p 10.
7. *Ibid*, p 6.
8. *Ibid*, pp 15-16.
9. *Parliamentary Monitoring Group*, "Home Affairs Portfolio Committee, Department Briefing", 24 August 2007, p 12.
10. Republic of South Africa, Department of Home Affairs, "Directorate: Admissions and Aliens Control". ([http://www.home-affairs.gov.za/aliens\\_control.asp](http://www.home-affairs.gov.za/aliens_control.asp), accessed 21 August 2007)
11. *Beeld* (Pretoria), 6 August 2007.
12. *Independent Online*, "Camps planned for Zim refugees-report", 10 August 2007.
13. *Independent Online*, "SAHRC to visit Beit Bridge", 8 August 2007.
14. Republic of South Africa, Department of Home Affairs, "Directorate: Refugee Affairs". ([http://www.home-affairs.gov.za/refugee\\_affairs.asp](http://www.home-affairs.gov.za/refugee_affairs.asp), accessed 21 August 2007)
15. *Mail&Guardian Online*, "SA's Zim exodus plan", 9 August 2007.
16. *Business Day* (Johannesburg), 7 September 2007.
17. *Beeld* (Pretoria), 7 August 2007.

18. *Business Day* (Johannesburg), 7 September 2007.
19. *Mail&Guardian Online*, "Temporary SA residence fro Zim refugees?", 29 August 2007.
20. *Independent Online*, "Zim refugees flood SA's inner cities", 29 July 2007.
21. *Ibid.*
22. *Independent Online*, "No camps for Zim refugees: Cabinet", 8 August 2007.
23. *Pretoria News* (Pretoria), 2 August 2007.
24. *Ibid.*
25. *Pretoria News* (Pretoria), 18 October 2007.
26. *Independent Online*, "UN backs Mbeki on refugee stance", 24 August 2007.
27. *allAfrica.com*, "Top UN Official Lauds Country's 'Progressive' Refugee Policy", 27 August 2007.
28. *Business Day* (Johannesburg), 18 July 2007.
29. *Beeld* (Pretoria), 22 August 2007.
30. *News24.com*, "Zambia warns of security threat", 2 February 2007.
31. *Independent Online*, "Angolan refugees must return home soon", 14 March 2006.
32. *allAfrica.com*, "Refugees Will Receive Continued Assistance, UN Official Pledges", 21 August 2007.
33. *Independent Online*, "Zim refugees flood SA's inner cities", 29 July 2007.
34. *Irinnews.org*, "BOTSWANA: ...", *op cit.*
35. *Ibid.*
36. *News24.com*, "Moz worried about xenophobia", 6 April 2007.
37. *allAfrica.com*, "Country Sets an Example of Treatment to Refugees", 21 August 2007.

**(Views and attitudes expressed by contributors in the *ISSUP Bulletin* should not necessarily be construed as reflecting the policy or opinions of the Institute.)**

**ISSUED BY THE INSTITUTE FOR STRATEGIC STUDIES  
E-mail: wilma.martin@up.ac.za**

**November 2007**

**Price: R5,50**

**Copyright reserved**