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MIGRATION GOVERNANCE IN SOUTH AFRICA

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MIGRA

Migration Governance Reform in Africa

- Program of research based on Africa migration policy case-studies
- Objective—to understand successful pathways to freer, regular migration
- Two overview papers—a framework paper and a migration trends paper
- Three country studies
- Four regional studies
- Synthesis paper
- Also outreach through op-eds, interviews etc, especially at the conclusion of the project

South Africa: the original sin

- Original colonial settlement soon encouraged the immigration of white Europeans, Dutch and Huguenots, later Brits
- Black people imported as slaves—the Cape was a slave economy from 1653 till the 1830s...
- Mines drew on foreign migrants from the 1870s
- Formalisation of temporary migrant workers in 1901—treaty with Portugal
- Codified by the Admissions of Persons to the Union Act of 1913
- Same law used to block Catholic and Jewish immigrants in the 1930s
- By 1970 370k black miners, 265k from outside SA (all temporary)
- Starting in 1970s, accelerating in 2000s, decline in foreign migrant mine workers (from the poorest countries in the region)

South African immigration trends

DESTINATION: South Africa

YEAR 2020

Total Migrants(Destination)

2 860 495

From Africa

1 850 417

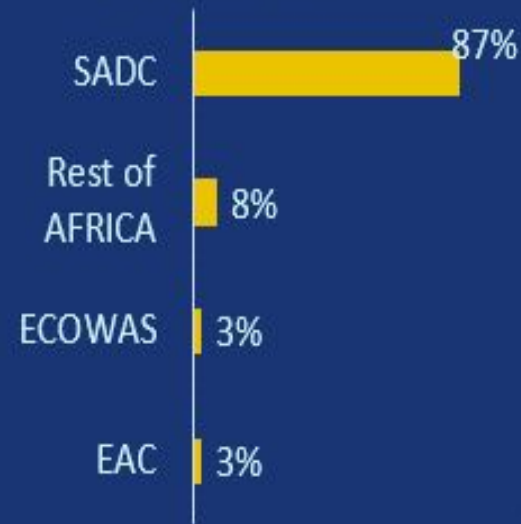
65%

Rest of World

1 010 078

35%

Distribution of Regional
Origins-2020



Top 10 African Country Origins



Percentage foreign born in SA rises from 1m in 2000 to 2.9m in 2020, nearly 200%

Post-1994 policy reforms—opening and closing borders

- No provisions for refugees till 1993—recognised status of Mozambicans
- Regularisation of Mozambicans and others from SADC in 1997
- White papers □ Refugee Act in 1998; Immigration Act 2002 (international human rights commitment + sovereignty & growth)
- Corporate permits for foreign migrants (Bilateral Labour Agreements remain)
- Failure of 1995 SADC protocol and 2005 protocol, but bilaterals
- Zimbabwe and Lesotho Exemption Permits
- 2014 Critical Skills list
- 2017 and 2023 White Papers on Immigration (DHA)

Degeneration of the DHA

- As the rules tightened, the capacity of key institutions did not
- High profile cases, withdrawal of visa free access to SA'ns abroad showed corruption and incompetence
- Even introduction of VFS did not stop bribery and corruption
- The DHA was beyond the control of the Minister viz. petition & court case
- Operation Vulindlela: slow processes, unnecessary requirements, huge backlogs
 - *Fix visas for key staff for*
- Lubisi Committee findings:
 - *>36k fraudulent applications*
 - *> 5k accepted*
 - *Manual systems (electronic not used)*
 - *No integrated database (□forum shopping)*
 - *Population and naturalization databases did not match*
 - *V-list 'fatally flawed' etc, etc*
- Recommendations
 - *Criminal investigations & prosecution*
 - *Build an integrated system with common database*

2024—from xenophobic election to GNU reform initiatives

Leon Schreiber, 35, PhD —'dignity for all'—criticised hostility of DHA to applicants, committed to fixing work permit system, engage business

- *Blanket visa waiver extension to end 2024*
- *Extension of trusted employer program*
- *Committed to eliminate visa backlog (306k in May)*
- *Simplifies application for visas of ZEP holders (SAQA certificate waived)*
- *responses to ZEP visa applications to be sent digitally*
- *Urgent commitment to radical 'digital transformation' (but needs funding)*
- *Enforcement of immigration rules (spaza shops, restaurants, farms & mines)*
- *Introduced a points system for skilled immigrants and 'remote working' visa*
- *One stop border post bill introduced (and praised implementation in EAC)*
- *Simplification of process for ordinary tourist visas (blocking visa officials*

What policies and programs still need to be fixed?

Bilateral Labour Agreements need major reforms

SADC free movement protocol should be revisited

Quotas? Are they necessary and how would they be managed?

Prosecution/removal of corrupt officials—will it be extended?

Human and IT resources—is the budget too tight to fix the organisation or can the funds be found?

What have we learned from the South African case?

- South African migration policy labours under the weight of history (viz. the BLAs)
- The gap between rhetoric and policy is large (but rhetoric affects attitudes)
- Changing circumstances and policy—GFC and Zimbabwean crisis
- Removal of political shackles in the GNU
- On migration policy, as on many African issues, South Africa remains an inward-looking regional hegemon
- This is reinforced by poor economic growth and high levels of inequality