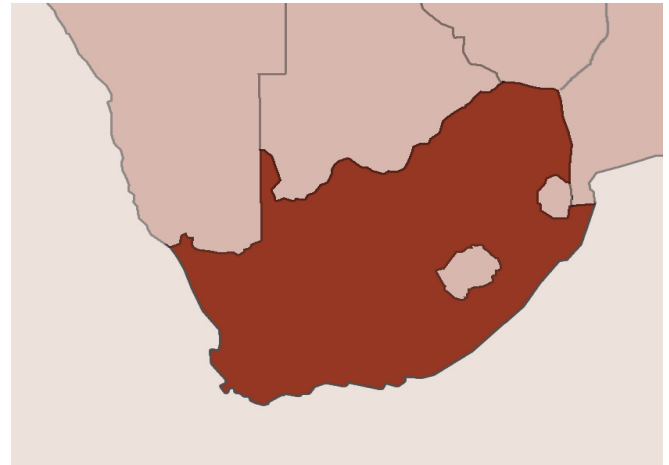# South Africa

Introduction

(by Malte Steinbrink)

The Republic of South Africa, referred to as the "Rainbow Nation" due to its multicultural population, is one of the BRICS countries and regarded as the economic motor in Africa's southern region. Since its colonization by the Netherlands and Britain in the 17th and 18th centuries, this country has attracted migrants from Europe and other parts of the world. Those moving to South Africa from neighboring

Background Information

Name[1]: Republic of South Africa

Capital: Pretoria (executive), Cape Town (legislative), and Bloemfontein (judicial)

Official languages: IsiZulu 22.7%, IsiXhosa 16%, Afrikaans 13.5%, English 9.6%, Sepedi 9.1%, Setswana 8%, Sesotho 7.6%, Xitsonga 4.5%, siSwati 2.5%, Tshivenda 2.4%, isiNdebele 2.1%

Area: 1,220,813 km²

Population (2014, est.): 54,002,000

Population density (2011): 42.4 inhabitants/km^2

Population growth (2014, est.): 1.58%

Population according to ethnic self-identification: 80,2% Black African, 8,8% Colored, 8,4% White, 2.5% Indian or Asian

Foreign population (2012): 1,692,242

Labor force (2012): 18,774,132

Unemployment rate (2013): 24,7%

Religions: Protestant 36.6%, Catholic 7.1%, other Christian 36%, Muslim 1.5%, other 2.3%, unknown 1.4%, no religion 15.1%

countries are usually labor migrants searching for better prospects for the future.

The state-organized racial segregation policy known as Apartheid (1948-1994) had a long-lasting impact on the movement of migrants within and to South Africa. Already before Apartheid, but especially during this era, migration policy was based on racist selection criteria. White immigrants were welcome, while Black people had only few possibilities to immigrate legally. They were only allowed to stay in the country temporarily, primarily to work in the gold and diamond mines.

This racist migration legislation was abrogated formally in 2002 with the passing of the Immigration Act, which is still the basis of South African migration policy. Nonetheless, the legacy of Apartheid still shapes life in South Africa to this day. Migration policy continues to focus its efforts on controlling and restricting migration. Especially immigrants from other African countries face social exclusion. Xenophobia is prevalent in the South African population. It pervades all social classes and is let loose time after time in the form of violent attacks against immigrants who are viewed as competitors for scarce resources such as employment, living space, and wealth. For this reason (labor) migrants are only recruited for those segments of the labor market which cannot be filled by native workers, and they are only given temporary residence permits.

At the same time, there is a significant shortage of skilled labor in South Africa. This is exacerbated by the emigration of qualified South Africans as well as by the spread of HIV/AIDS. Overall, the number of people who

leave the country is higher than the number immigrating. Furthermore, migration policy has not yet been able to use immigrants' potential to benefit the socio-economic development of the country.

History of Migration

(by Berenike Schauwinhold)

The Historical Development of Migration since the 18th Century

A decisive era in South Africa's history of migration was the systematic colonization of the present-day Republic of South Africa by the Dutch starting in 1652 and by the British starting in 1795. In 1652 the Cape of Good Hope was founded as a port for trade and provisions on the way to India and China. As trade increased, it developed into the first permanent European settlement (Cape Town). From the beginning of colonization, there was a shortage of labor to manage the newly settled area and further develop it for Europeans. The colonial powers Britain and the Netherlands both attempted to relieve this shortage by recruiting Europeans to settle in the colonies; however, only few followed this call. For this reason, they introduced slaves they had seized from other parts of Africa as well as Asia. The number of slaves soon exceeded that of European settlers. By 1833, when the British Empire prohibited slavery, the colonial powers had already brought approximately 65,000 slaves to South Africa. Of these, 26 percent were from the mainland of Africa (primarily from East Africa), 26 percent from India, 25 percent from Madagascar and 23 percent from Indonesia. Furthermore, also indigenous population groups were forced to work on European settlers' farms.

The Migrant Labor System and the South African Mining Industry in the 20th Century

The discovery of large diamond and gold deposits at the end of the 19th century triggered strong economic development in South Africa. The newly developed mining industry attracted not only gold prospectors from all over the world, but also thousands of Black[2] workers from the neighboring regions. Laborers coming to work in the South African mines came primarily from Malawi, Mozambique, Lesotho, Botswana, and Swaziland. Additional mineworkers were recruited at the turn of the century from China, while skilled labor was mainly recruited from Europe. In 1906, the people working in the mines included 94,000 people of African descent, 51,000 people of Chinese descent, and 18,000 people of European descent.[3]

May 31, 1910 marked the founding of the South African Union, which then became the Republic of South Africa in 1961. In order to control the migration movements within the South African Union, the White government instated a central recruiting system for labor migration. Starting in 1901 agents of the Witwatersrand Native Labor Association (WNLA) were sent out to communities throughout southern Africa to recruit mineworkers. In 1912, the Native Recruiting Corporation (NRC) began to recruit also Black indigenous people to work in the mines. In order to control Black laborers, the government began passing its first migration and immigration laws in 1913. According to this legislation, only male laborers were allowed to enter the country, and they were not allowed to bring their families. They were separated into isolated, barrack-like housing and were only allowed to stay up to one year in the country. Black laborers had no rights, and their residential status did not allow them a path to permanent settlement. Using so-called Passport Laws[4], the White minority in South Africa increasingly restricted the mobility of the Black population. This applied to the internal migration of native Black people, as well as to Black people from other countries who came to South Africa for work. The centrally organized recruitment system and legal regulation eliminated any competition among the mines in their search for workers and ensured that the laborers were paid extremely low wages. This practically blocked the development of a free labor market and helped the mining industry monopolize the labor market. This migrant labor system would shape South African migration history throughout the 20th century.

Even today South Africa is one of the most important mining countries in the world. Since the mining industry is an important employer for the entire southern African region, the neighboring countries continue to be politically and economically dependent on South Africa, as well as on workers' remittances back to their countries of origin. This dependency strengthened South Africa's economic and political dominance in the region. Migrant labor in South African mining reached its climax in the 1970s, when approximately 30,000 of the mineworkers were foreigners – that is, more than 80 percent of all people employed in the mining industry at that time.[5]

Starting in the mid-1970s the South African government changed its policy due to the country's high unemployment. Instead of hiring foreigners to work in the mines, the focus shifted to mainly Black workers from the Homelands[6]. Due to the changed economic situation in the 1980s, the economic relevance of the mining industry subsided. During this time many mines closed, which led to a rapid decrease in the number of labor migrants in the mining industry. The proportion of foreign labor in the mining industry was never again as high as it was in the 1970s.[7] Between 1920 and 1990 each member of the present-day South African Development Community (SADC)[8] had sent migrant laborers to South Africa.

Forms of Migration during Apartheid

The state-organized and legally stipulated racial segregation policy between 1947 and 1994 known as Apartheid influenced all migration movements within and to South Africa. Between 1960 and 1980 alone, the Apartheid government authorized the forced resettlement of more than 3.4 million people, 2.7 million of them were Black people being relocated to their assigned Homelands. The political aim was the eradication of so-called "black spots", which

referred to the land owned by Black people in regions intended only for White people. Since the South African government viewed the Homelands as quasi-independent countries, the forced resettlement of the Black population led to their denaturalization out of the Republic of South Africa. Black South Africans thus lost all of their residence and civil rights, becoming foreigners in South Africa.

With civil wars and humanitarian crises in neighboring countries, South Africa became an attractive destination for refugees, especially starting in the 1980s. Due to their political ideology, the South African government attempted to keep refugees away by using stronger border controls and more rigorous restrictions on refugee status. However, they occasionally tolerated the acceptance of refugees in the Homelands near the borders.

In contrast to Black people, White people were allowed to settle in South Africa. Especially starting in the 1960s, with the end of colonial rule and with the independence of newly founded states, many people of European descent from Kenya, Zambia, Malawi, Angola, Mozambique, and Zimbabwe migrated to South Africa and were welcomed by the Apartheid regime. South Africa did not, however, only have immigration. Since the 1980s many skilled workers have been leaving the country. Since the end of Apartheid, this emigration has increased due to problematic economic developments, political instability, and inner conflicts (see the chapter on emigration).[9]

Current Developments

When Apartheid came to an end, so did South Africa's international isolation. Since then South Africa has gone through fundamental transformations and has experienced further economic and social development. It has an economically and politically dominant position in the SADC-region, due in particular to its relatively good economic conditions and its military strength. Since the end of the 20th century, the number of immigrants to South Africa has increased, migrating especially from neighboring African countries in search of better employment opportunities.[10] The country's migration policy does not, however, allow for the adequate use of the potential which immigration could mean for the overall economic development of South Africa. The migration policy reforms after the end of Apartheid are in no way comprehensive.

Migration Policy

(by Frauke Peisker)

The roots of the current South African migration policy go back to colonial times, even if the end of Apartheid (1994) was an important turning point in its historical development. Migration continues to be a central factor for the socio-economic development of South Africa, and migration policy is clearly an issue that touches a wide range of controversial social problems and should be discussed as such. Nonetheless, the African National Congress (ANC), which has governed South Africa since 1994, has generally failed to make migration a key focus of political reforms in the Post-Apartheid era.

Migration Policy before Apartheid

The early mining industry in South Africa regulated migration using a strictly regimented migrant labor system, which would then be influential for later legislation during the Apartheid regime. Even before Apartheid, South African migration policy was based on racial discrimination. One of the first nationwide laws on migration, the Immigration Act of 1913, had already aimed to regulate growing labor immigration from other African countries and to restrict the native Black population's freedom of movement.[11] This law marked the beginning of South Africa's repressive and racist migration policy.

### Migration Policy during Apartheid

The Apartheid regime's immigration legislation was based on racist selection criteria, aimed at economically exploiting labor migrants from neighboring countries, and it also lacked a refugee policy. The Aliens Control Act of 1937 established racial criteria for the entry of immigrants to South Africa. According to this law, White (especially Protestant) immigrants from Europe were to be favored over Black immigrants from neighboring countries, as well as over Jewish immigrants from Eastern Europe.

The immigration of labor migrants working in the mining industry was organized according to bilateral agreements with the respective countries of origin. The recruited workers had hardly any rights. With the Aliens Control Act of 1991, framework legislation consolidating all the previous laws, the immigration of White people was made even easier than before. It formalized the racist orientation of migration policy even further, in that it created a so-called "two-gates-policy", according to which a migrant would have to fulfill different conditions and would gain different rights, depending on whether he/she was White or Black. White immigrants were welcomed in hope that they would help stabilize the power of the ruling elite. For Black people there were hardly any opportunities to immigrate legally. They were only allowed to come temporarily to work in the mines. Employers who hired migrants without valid residence and work permits were not legally prosecuted, making it even easier to exploit these laborers.[12]

Migration Policy since the End of Apartheid

The legacy of Apartheid is still reflected in the migration policy of the "New South Africa". The Aliens Control Act of 1991 remained in effect until 2002. The new government's first priorities were focused instead on the domestic situation: as part of the nation-building process, its highest aim was to improve the living conditions of the Black population native to South Africa. Immigrants from the neighboring regions were seen as disruptive to the process of rebuilding the nation.

Figure 1: Temporary residence permits by category, 2011
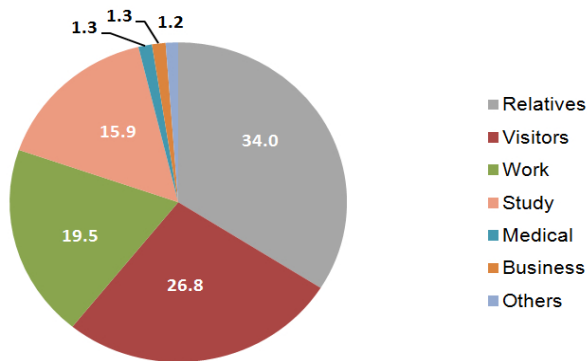
Source: Statistics South Africa (2012); own illustration.

However, the contemporary developments also demanded active changes in migration policy. Some of the most urgent challenges for the new government included the growing number of asylum-seekers, the legal status of migrants without valid residence permits (irregular migrants), the emigration of highly skilled labor (brain drain), and the demand for skilled immigration. After recognizing particular international agreements, the government granted amnesty to the respective migrant groups, thus legalizing their residence in the country. Especially labor migrants from Mozambique, Zimbabwe, Malawi, Lesotho, Botswana, and Swaziland were granted a permanent status. Seven years of political negotiations followed, finally resulting in new framework legislation: the Immigration Act of 2002. This was the first legislation in South African history to recognize migration as a useful instrument for social and economic development, and it granted migrants specific rights. In contrast to previous migration policies, which only focused on cheap (low-skilled) labor, this new

law gave special attention to the recruitment of skilled labor. However, this policy was not to put the South African population at a disadvantage: to date foreign laborers are only recruited in sectors where the labor demand cannot already be fulfilled by native workers. The recruited workers are also usually only given a temporary residence permit. Existing minimum standards, for instance employment law, are not to be undermined by immigration.[13] In 2011, a total of 106,173 temporary residence permits were granted. Usually these were given either to relatives of people already living in South Africa, to tourists, or to those starting a job (cf. Figure 1). Most of the temporary residence permits were handed out to immigrants from Zimbabwe, Nigeria, and India; with 2,805 granted visas, immigrants from Germany make up the eighth largest group to gain temporary residence permits (cf. Figure 2).

The 2002 Immigration Act, including some amendments, constitutes the basis for the current South African migration policy. An extension in 2014 made visa regulations more restrictive, primarily with the intention of curtailing irregular immigration.

Despite some far-reaching migration policy changes, there remains the policy of prevention, selection, and control of migration, and the social exclusion of migrants continues. There are no coherent strategies for integrating immigrants. Foreign certifications and degrees are often not recognized, labor immigrants do not have the same workers' rights as South African citizens, and the issuance of residence permits depends upon the economic desirability of the migrant.

Not only party conflicts, but also influential interest groups hinder the quick implementation of a modern migration policy. For instance, the mining lobby is still interested in being able to recruit cheap, disenfranchised foreign laborers. Private sector actors held a strong influence on South African immigration policy throughout the 20th century and still influence agenda-setting in South African migration policy today.[14]

Figure 2: Number of recipients of temporary residence permits from the eight leading countries, 2011
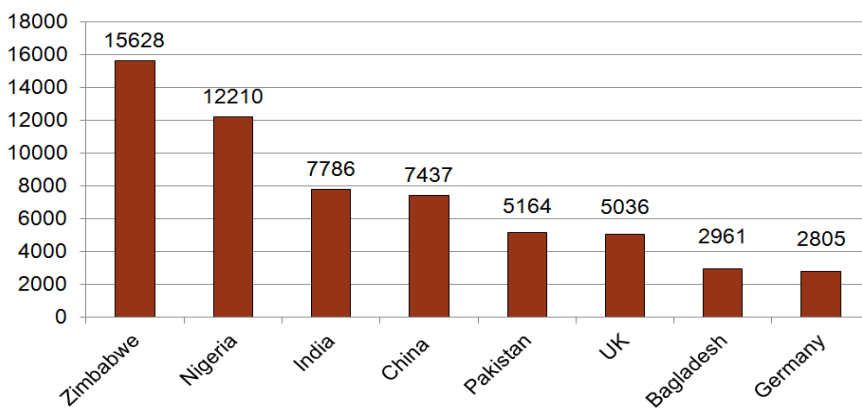
Source: Statistics South Africa (2012); own illustration.

Citizenship

Before the democratic turn in South Africa, citizenship and civil rights were reserved for White population groups. Full citizenship rights were granted to White people born in South Africa, as well as to White skilled immigrants from neighboring countries, who were able to receive South African citizenship relatively easily. This is how the White minority secured its power for so long during Apartheid. In contrast, the many Black labor migrants who were necessary for mining, industry, and agriculture, as well as the Black South Africans in the Homelands had no right to gain South African citizenship. This did not change until Apartheid ended.

Citizenship laws were reformed in 1995 with the South African Citizenship Act, which established three possible ways to become a South African: first, by birth on South African territory (*jus soli*); second, by birth to at least one South African citizen parent outside of the country (*jus sanguinis*); third, by naturalization. It is possible to apply for naturalization if one has lived for five consecutive years in South Africa with a permanent visa. Especially for skilled migrants and their families, the new citizenship law provides a motivating factor to immigrate permanently. However, the many labor migrants who spend long stretches of their lives in the mines or on the fields of South Africa only rarely receive a permanent residence permit. They have hardly any opportunities to become a South African citizen and to gain their full rights. The residential status has become a central instrument of migration policy. It regulates migrants' opportunities to participate in society as potential new citizens, depending on their economic utility, wealth, and skills.[15] In 2011, permanent residence visas were granted to 10,011 people. Most were handed to relatives of people living in South Africa, foreign employees, and refugees (cf. Figure 3). Most people who received a permanent residence visa were from Zimbabwe, Congo, and China (cf. Figure 4).

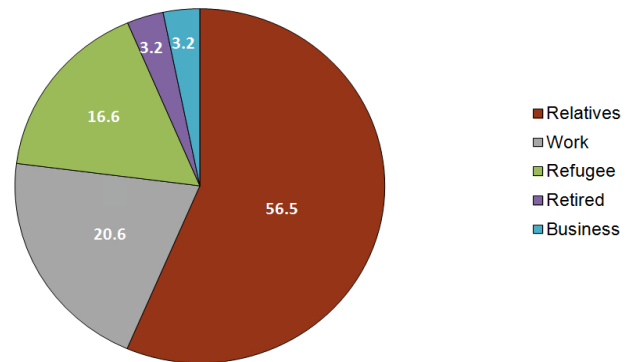# Immigration

(by Kim Katharina Runge)

Until 1995 the long-term immigration of Black migrants to South Africa was regulated differently than that of White migrants; these regulations granted permission to immigrate primarily to White people (cf. the section on "Migration Policy"). The White immigrant population rose from approximately 18,000 in 1960 to over 160,000 in 1991.

The end of Apartheid did not lead to the feared mass emigration of the White population, nor did it lead to an uncontrollable influx of Black migrants. In the decade between 1990 and 2000 there was actually less migration to South Africa than before. However, the proportion of migrants of African descent steadily increased.

As Table 1 shows, immigration did not increase significantly again until 2000. On the whole, among all people residing in South Africa, the proportion of those who were born outside of the country grew from 3.8 percent in 1990 to 4.5 percent in 2013.[16]

It is not surprising that South Africa is referred to as the "Rainbow Nation" because the population is very heterogeneous, bringing together people with diverse cultural backgrounds. According to the census from the year 2011, 80 percent

Figure 3: Permanent residence permits by category, 2011

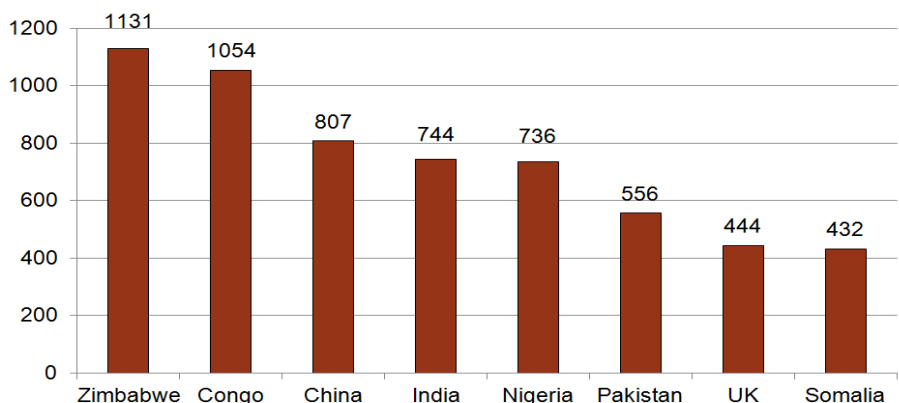Source: Statistics South Africa (2012); own illustration.

of the population refers to him-/herself as African, about 9 percent as White or Person of Color, respectively, and 2.5 percent as Asian.

Labor Migration

In the early years of Dutch and British settlement, people were violently seized from the rest of Africa, India, Indonesia, and Madagascar and brought to South Africa. These people were forced to work as slaves for the South African labor market. The employment of labor migrants became more significant at the end of the 19th century. In 1880 only 1,400 migrants were employed in South Africa; only 19 years later, this population grew to 97,000, 60 percent of them from Mozambique.

Even after the end of Apartheid, the system of recruiting foreign labor was largely maintained. The importance of the mining sector and the total number of employees in this industry sank initially between 1990 and 2000, while the proportion of foreign mining workers grew. Since 2000 this

Figure 4: Number of recipients of permanent residence permits from the eight leading countries, 2011

Source: Statistics South Africa (2012); own illustration.

Table 1: Legal migration to South Africa, 1990-2004

Year	Legal immigrants	Percentage of African migrants
1990	14,499	11.2
1992	8,686	14.6
1994	6,398	25.4
1996	5,407	29.6
1998	4,371	26.7
2000	3,053	27.2
2002	6,545	37.8
2004	10,714	48.9
Total (1990-2004)	110,121	27

Source: Crush (2008); own illustration.

trend has turned again. With the Immigration Act of 2002 it became more difficult to recruit foreign labor instead of South African citizens. At the same time, the gold price rose, driving up the demand for labor, which is now cov-ered more often by the existing domestic labor market. As before, most foreign workers in the mining industry come form Lesotho and Mozambique.

Because many skilled laborers are emigrating from South Africa, the 2002 Immigration Act created quota reg-ulations establishing which economic sectors need skilled foreign workers. Especially in the health sector there is an extreme shortage of skilled labor, which cannot currently be filled completely, even with foreign labor. Nonetheless, South Africa's policy remains restrictive; aside from the strict quota, migration to South Africa is difficult, even for skilled workers.

Since 2000 there has been an exceptionally high in-crease in migration from Zimbabwe. In 2011, 15 percent of all temporary residence permits and 25 percent of all temporary work permits were issued to Zimbabweans (cf. Table 3). Overall, Zimbabweans received almost half of the temporary permits issued to migrants from the southern African region, followed by immigrants from Lesotho (8.5 percent) and the Democratic Republic of the Congo (8.2 percent).

Zimbabwe is in an economically and politically desolate situation. The unemployment is estimated to be 80 per-cent. The Immigration Act of 2002 eased the employment of highly skilled migrants from Zimbabwe. Unlike the ma-jority of migrants from southern Africa, many Zimbabweans are highly skilled and thus do not work in the South African mines, but mainly in the health sector – with devastating consequences for Zimbabwe, itself. While in 1995 Zimba-bwe still had an average of 7,000 patients per doctor, by 2004 it had almost reached 18,000 patients per doctor. A

Table 2: Origin of workers in South African gold mines, 1990-2006

Year	South Africa	Botswana	Lesotho	Mosam-bique	Swaziland	Percentage of foreign labor	Total
1990	199,810	14,609	99,707	44,590	17,757	47	376,473
1992	166,261	12,781	93,519	50,651	16,273	51	339,485
1994	142,839	11,099	89,237	56,197	15,892	55	315,264
1996	122,104	10,477	81,357	55,741	14,371	58	284,050
1998	97,620	7,752	60,450	51,913	10,336	57	228,071
2000	99,575	6,494	58,224	57,034	9,360	57	230,687
2002	116,554	4,227	54,157	51,355	8,698	50	234,991
2004	121,369	3,924	48,962	48,918	7,598	47	230,771
2006	164,989	2,992	46,082	46,707	7,124	38	267,894

Source: Crush (2008); own illustration.

Table 3: Temporary residence and work permits, 2011

Origin of temporary residence and work permit holders	Total	Thereof work permits	Origin of work permit holders (in %)
All countries	106,173	20,673	100
Overseas	48,631	11,885	57
Africa	57,460	8,765	42
SADC	31,796	6,329	31
Zimbabwe	15,628	5,069	25
Lesotho	2,706	107	1
Dem. Rep. of the Congo	2,601	214	1

Source: Changwe Nshimbi/Fioramonti, L. (2014); own illustration.

survey from 2002 showed that 68 percent of medical personnel are considering leaving Zimbabwe. Already in 2000 the largest group of doctors who had emigrated (38.7 percent) had moved to South Africa.[17]

Irregular Migration

There is a long tradition of irregular migration to South Africa. The labor migrants from the different countries in the southern African region, who often entered the country and worked without appropriate permits, were necessary for the economic development of South Africa. Stable migration relations arose in particular with Zambia, Mozambique, Zimbabwe, Lesotho, and Malawi. Migrants from these countries used existing family and community migration networks in order to find work in South Africa.

After decades of tolerating irregular migration the laws were made more restrictive in the 1960s. The Apartheid government then regarded any immigration of Black population groups as irregular if they did not arrive within the state-regulated migrant labor system, and the government began instating very strict border controls. Nevertheless, irregular migration continued due to the existing networks and the demand for cheap labor.

After the end of Apartheid, the scope of irregular migration and the irregular migrants' countries of origin changed. Although most of the migrants continued to arrive from Mozambique, Zimbabwe, Malawi, or Lesotho, immigration from other African states, as well as from Asia, is also on the rise. Most of these irregular migrants are so-called "overstayers": they first arrive legally with a tourist visa and then remain in the country after their visas have expired. The actual number of irregular migrants is very difficult to estimate. In a report of the South African Police Service

from 2008/09, it was assumed that up to six million people could be living in South Africa without a valid visa. However, another report from 2003 by the agency Statistics South Africa estimated between 500,000 and one million irregular migrants.

In any case the number of deportations has risen: since 1994 the Republic of South Africa has deported more than 1.7 million irregular migrants. While 90,000 migrants were deported in 1994, this number rose to 150,000 in 2004 and to over 300,000 in 2007. The largest group sent back was from Mozambique.

These numbers do not necessarily indicate a growth in irregular immigration to South Africa. They could be a result of the government taking more rigorous courses of action. Despite large numbers of deportations, since 1995 the government also repeatedly created extensive legalization programs. These are mainly a consequence of the failed restrictive policies, because deported migrants often return to the country within a short time.

Due to the restrictive policies, which offer almost no legal routes to immigrate, irregular migration is the only way many migrants can enter South Africa. The South African economy and its relative wealth is a strong pull factor, especially in the neighboring countries. For instance, for migrants from Zimbabwe, a country offering its population almost no employment opportunities, South Africa is a chance to escape economic despair.

Thanks to the migration networks which have grown over the last decades as well as a flourishing informal labor market, irregular migration is often successful. Especially migrant networks have a great influence on the decision to migrate. In a 2002 survey, 70 percent of the interviewed irregular migrants from Nigeria said that they knew someone in South Africa before they moved there.

South African employers often exploit irregular migrants, who mostly work in agriculture, but also in the service industry or in construction. Since they evade the regulations on labor rights and pay wages under the minimum wage, they profit from irregular migration. Large parts of the population see irregular migrants as competitors for jobs and as the cause of economic problems and crime.[18]

Refugee Migration and Asylum

Before and during Apartheid

In the 17th century, long before the term refugee had become part of international law, there were already refugee migration movements to South Africa. The first refugees were the Huguenots from France, and later other European refugees came, including Jews from Russia and Lithuania before and during the Second World War. Even during the Apartheid regime, refugees were accepted if they were of European descent. These included, for instance, Belgians and Portuguese people fleeing from other African colonies (e.g. Congo, Angola, Mozambique), which had just gained independence.

However, Black African refugees were rejected by the Apartheid regime. In the 1980s, 350,000 Mozambicans fled to South Africa due to the civil war raging in their country of origin. Since the state refused to recognize their status as refugees, referring to them instead as irregular migrants, many of them were arrested and deported. Mozambicans were only able to find refuge in Gazankulu and Kangwane, two Homelands near the border. About 200 refugees lost their lives every year due to electrified border fences during the Apartheid era.[19]

After Apartheid

In 1995, South Africa recognized the definition of refugees applied by the Organization of African Unity (OAU). In the following year the government also signed the Geneva Convention on Refugees as well as its Additional Protocol from 1967. Nonetheless, until 1998 refugees and asylum-seekers were still treated as irregular immigrants according to the Aliens Control Act of 1991. This law authorized the arrest of irregular migrants for up to five years. This led to a very insecure legal status for many people, especially for those who had fled to South Africa from Mozambique in the 1980s. The 1998 Refugee Act was the first refugee legislation to be passed in South Africa. Implemented in 2000, this law and the Immigration Act of 2002 are the foundation for the current treatment of refugees and asylum-seekers. In August 2011 the Amendment Bill and the Refugee Amendment Act were also passed with the aim of structuring the asylum system more efficiently and effectively.

And yet, since the early democratic South Africa first focused on domestic priorities and perceived immigrants and refugees from the rest of Africa as a threat, only a low level of financial resources was provided for developing this asylum system. To this day, the weak asylum system cannot deal appropriately with the challenges associated with the high number of asylum-seekers. In 2009 alone, 172,302 of the 223,324 asylum applications could not be processed due to lacking resources; the number of applications yet to be processed is therefore high.[20]

This problem is also the result of the growing number of asylum-seekers. While the number of asylum-seekers in 1996 was 14,360, South Africa registered 106,600 new asylum-seekers in 2011, more than any other country in the world. Although the number of asylum applications has gone down slightly since its climax in 2009 (over 222,000 asylum applications), the UNHCR estimates that a total of over 350,000 refugees and asylum-seekers will be living in South Africa by the end of 2014. At the end of 2012 over 230,000 asylum-seekers and 65,000 recognized refugees were residing in South Africa.[21]

Most asylum-seekers come from African countries such as Congo, Somalia, Angola, Ethiopia, or Zimbabwe. The reasons for applying for asylum vary considerably. In Congo and Angola, there have been repeated armed conflicts. Numerous civil wars have driven already many millions of people to flee from these two countries, for instance to South Africa. A large number of refugees also arrived from Somalia in an attempt to escape sustained turmoil and the consequences of the civil war that lasted until 2012.

South Africa is surrounded by some of the poorest countries in the world. Sixty-eight percent of the population residing in Zimbabwe in 2012 lived under the poverty line, in the Democratic Republic of Congo this group makes up 71 percent of the population. Many Africans are thus fleeing not only from political persecution or civil wars, but also from economic despair and absolute poverty in their countries of origin.

The restrictive South African migration policy compounds the problem. Labor migrants who do not see any chances to enter the country legally, use the asylum application process to enter South Africa. Since there is also high unemployment, poverty, and immense inequality within South African society, refugees and asylum-seekers often stand in direct competition with large parts of the South African population. Especially the socially disadvantaged classes feel that refugees' presence provokes a struggle over scarce resources such as employment and living space. This is often held to be a reason for the xenophobic attitudes in large parts of the South African population (see the section on Xenophobia).[22]

The Department of Home Affairs only recognized 15.5 percent of the processed asylum applications in 2011, much less than the average international recognition rate of 28 percent. Despite the weaknesses of South Africa's asylum system named above, it is nonetheless a liberal asylum system, including all of the fundamental principles of refugee protection. Refugees' rights include the right to choose freely where they live, to have a job, and to have access to health care services and basic education. Even if these rights are legally binding, in reality refugees often have problems claiming them. Due to widespread xenophobia in the population it is not only difficult for refugees to find an apartment or a job; public institutions also sometimes do not recognize refugees' papers.[23]

Xenophobia

Xenophobia is defined here as a hostile attitude toward foreigners. In contrast to racism, this hate or fear is not mainly based on someone's skin color or "race", but rather the country of origin. South Africa is seen as one of the most xenophobic countries in the world. Xenophobia does not only remain at the level of latent hostility toward foreigners, but rather explodes time after time in sometimes excessive violence.[24]

Already during the colonial period, racism shaped South African society and found its climax in the Apartheid regime in the 20th century. Twenty years after the end of Apartheid's institutionalized racism, one can still see traces of it, however in new forms. This xenophobia is not only a consequence of South Africa's many years of isolation from the rest of the world, but also of the partially unconscious (ethno-national) exclusiveness as part of the "nation-building" process in democratic South Africa. This country was divided for so many decades and is trying to grow into one nation. A negative consequence of these efforts is the construction of the "national foreigner". In addition, Apartheid also created dramatic social and economic inequality in South African society as well as poverty among South Africa's Black majority. For decades this regime repressed any efforts Black people made to move up economically and socially and also failed to invest in their education and job qualifications. In the South African population there is therefore an over-supply of unskilled labor. These workers migrated in high numbers to South Africa's urban centers after Apartheid, resulting in a bitter struggle over jobs in those sectors which also hire many (irregular) migrants. However, xenophobia in South Africa is not limited to socially disadvantaged groups; it pervades all classes, independent of skin color.

Time and time again there are violent outbreaks for this reason. Since 2006 there have been numerous reports of native traders attacking their Somalian counterparts in the townships[25] of larger cities such as Cape Town and Johannesburg. The worst case to date took place in May 2008, when 63 migrants were killed, hundreds injured, and thousands driven out of the country as a result of organized xenophobic attacks.[26] After these massacres there was hope that politicians would rethink their policies; however, the many discussions on the causes for this violence hardly led to any concrete measures or programs dealing directly with the problem of xenophobia. Although the Immigration Act of 2002 took a clear position against xenophobia, some measures made it worse, such as "community policing", where residents were called upon to report suspicious people to the police.

South Africa is among those countries with the most negative views of foreigners. A survey from 2006 clearly shows the extent of this xenophobia. Eighty-four percent of the people interviewed believed that South Africa took in too many foreigners. Over 60 percent held that irregular migrants should not have any rights or protections, and half of the people interviewed spoke in favor of deporting even those migrants living in South Africa legally. Many South Africans assume that immigrants take away their living space, jobs, and wealth and threaten their safety, bringing crime, diseases, and cultural infiltration. These stereotypes are especially associated with African migrants from the neighboring states and East Africa.[27]

There is no one or definitive explanation for the widespread xenophobia in South African society. The causes arise from the interplay between different factors. This makes it difficult to deal with the problem appropriately and end xenophobia. The first step, however, must be a different, more complex, and more positive presentation of migrants in the media and in politics, in order to counter xenophobic rhetoric and to contribute to a more open society.

Emigration

(by Katharina Schilling)

For the last 20 years, the net migration in South Africa has been negative. That means that more people have been leaving South Africa than are entering it. Especially the emigration of highly skilled labor is an enormous problem. Historically, significant emigration movements in South Africa were usually triggered by political and societal crises. The first emigration movement took place after the victory of the Afrikaner Party at the parliamentary elections in 1948; many people of British descent – referred to as Anglos – saw the British domination of the country threatened, and they emigrated. In the 1960s and 1970s there was a rise in protests against the White population and the discriminating Apartheid policies. The violent repression of these protests and the increasingly civil-war-like conditions led many people to leave South Africa (cf. Figure 5). One high point of emigration was in 1977, when more than 25,000 people left the country. Among them were many Black political activists, who worked in exile against the South African government. Also many Anglos left the country to avoid the military draft. From 1989 to 1997 an estimated 233,000 South Africans emigrated to Australia, Canada, New Zealand, Great Britain, and the USA.[28]

More emigration arose as the optimism at the end of Apartheid quickly became overshadowed by the realization that the effects of the inhumane system would continue to divide the country. For the first time a significant number of these emigrants included Afrikaner, the descendants of the Dutch who settled the colonial Cape of Good Hope. Since the end of Apartheid emigration has continued to increase – especially in the form of labor migration. This can be seen in the negative net migration in South Africa. Between 2000 and 2003 it was -18,982. The exact number is, however, difficult to determine because there is no legal obligation to register your move with the local authorities. At the airport one is asked to give information as to the reason for his/her flight out of the country, but answering is only voluntary. For this reason Figure 5 only includes those people who actually declared that they were emigrating. It is estimated that one and a half to two percent of the South African population live outside the country.[29]

Figure 5: Immigration and emigration, 1965-2003
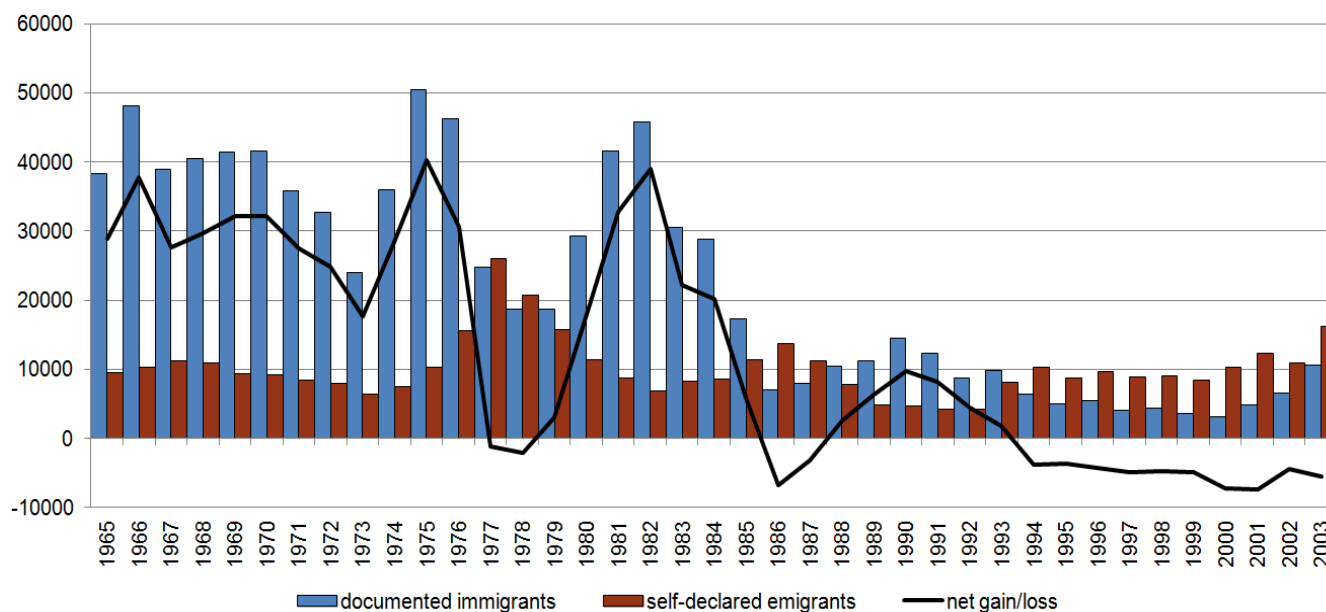
Source: Statistics South Africa (2014); own illustration.

Reasons for Emigration and Countries of Destination

People emigrate for numerous reasons and with many different motivations. A lack of economic, societal and political stability, especially after the end of Apartheid, motivates many to leave. Additional reasons include the unfavorable labor market, the growing unemployment rates and poverty, an increase in violence and crime, but also a general worsening of the living conditions, for instance due to higher costs of living and taxes, the miserable state of health care services and the education system, as well as increased xenophobia.

Many South Africans emigrate with the hope that they will find better prospects for the future as well as more security and stability. Pull factors in other countries also include better employment conditions and higher wages. Another factor in this decision may be particular other countries' recruitment programs aiming to deal with their own sector-specific labor shortages.[30]

The majority (75 percent) of South African emigrants live in five destination countries: Great Britain, Australia, New Zealand, Canada, and the USA. These so-called *Big Five* hold long migration relationships with South Africa and all have significant South African migrant communities. The choice for a particular destination country is influenced by many different factors. Similarities in language and culture are obvious for the *Big Five*. Another important consideration is the contact that potentially emigrating people have to those who have already emigrated, since this is helpful, for instance, for gaining information about a country or searching for a job. But also legal regulations in the respective countries sway migration flows, because they can make immigration easier or more difficult.

Brain Drain

Like many countries in the Global South, South Africa is increasingly affected by the emigration of highly skilled labor. This is especially the case for the health care sector, which has been going through a tremendous transformation process since the end of Apartheid. Aside from the already named reasons for emigrating, other factors may be, for instance, especially difficult working conditions, lower pay than abroad, and the prevalent confrontation with diseases such as HIV/AIDS. In Great Britain alone, 5,305 (that is, two percent) of the 267,323 doctors registered there in October 2014 had been trained in South Africa.[32]

The emigration of skilled workers is referred to as a brain drain. In the short term, this leads to the loss of human capital as well as financial resources, which had been invested in the training of emigrated skilled labor. In the long term, this trend endangers the economic and social development of the country. South African employers react to this brain drain by recruiting skilled labor from other countries (see above). Since these workers usually come from the neighboring countries, the brain drain phenomenon extends to the entire South African region. The brain drain problem in South Africa was underestimated for a long time, but now three political strategies are being taken to confront it: first, developing incentives to stay, for instance with better working conditions; second, easing the recruitment of foreign skilled labor; third, motivating emigrants to return to the country.[33]

Emigration – especially of highly skilled labor – will be an important challenge in South Africa's future. For this reason it is important to ask how South Africa can counteract the shortage of skilled labor, use its existing human resources better, and invest in the development of the country.

Internal Migration

(by Rita Schmidt)

The South African population is very mobile, and internal migration processes shape almost all facets of society. According to official estimates, between 2001 and 2011 about 5.4 million[34] people moved their place of residence across administrative borders, but still within South Africa. However, since people usually do not register their change of address, the actual amount of internal migration is surely much higher. The processes of internal migration also continue to be impacted by the history of Apartheid. The current migration patterns and the distribution of internal migration movements are the legacy of racial segregation, homeland policies, and the migrant labor system. The largest group of internal migrants in South Africa are people who leave their place of residence in search of employment opportunities. A minority of these internal migrants is from the urban, well-educated, (White) middle and upper classes and moves with the entire family, usually to a higher status job.[35] However, the large majority of internal migrants in South Africa comes from the most structurally disadvantaged (rural) areas in the former Homelands. In these peripheral regions, characterized by poverty and unemployment, many people still face existential precariousness, even after 20 years of democracy. Labor migrants usually try to find employment in South Africa's various urban-industrial centers, especially the affluent provinces Western Cape and Gauteng. This migration from the former Homelands rarely leads to long-term migration or to the resettlement of the rest of the family. In many cases the rest of the family stays in the region of origin because they lack the financial resources and want to minimize the economic risk of migration. Circular and temporary migration are characteristic for these migration movements.

A considerable proportion of the poorest population groups in South Africa organizes and secures its livelihood these days in social contexts which stretch across large distances. These ways of life, based upon informal, long-distance social networks, remittances, and the multi-local distribution of tasks are referred to as *translocal livelihoods*.[36] These migration movements create demographic problems which negatively affect growth in rural regions. A majority of the employable population emigrates. Especially young, innovative people go to the cities with the hope of finding more favorable conditions to make the most of their labor power. Those who stay are usually children, women, and old people. The consequences are a severe loss of productivity in small-farmer agriculture as well as a complete dependence upon remittances, which are mainly used for everyday consumption. This clearly hinders independent economic growth in the regions of the former Homelands, such that the existing social and economic disparities are not mitigated, but rather continuously reproduced or intensified.[37]

Internal migration movements between the peripheral, rural regions and the urban centers reveal that in the "New South Africa" a migrant labor system continues to exist. What has changed is the way it is organized. The system is no longer based upon direct state influence and racist repression, but rather a political-economic context within which old inequalities are reproduced. The formal system of recruiting labor has been replaced by an informal system, in which access to jobs, living space, and essential areas of social security is organized through social networks of internal migration. This system is no longer run by the institutional force of the state, but rather by the self-organization and rational action of free actors, at least in the juridical sense, even if their real opportunities are limited in many ways.

As opposed to assumptions commonly held by the public and presented in the media, there is much more internal migration than international migration. However, there is no exact data to demonstrate this. The strong influx of people and the high frequency of internal migration mobility are enormous challenges for many local authorities which need to provide their residents with public infrastructure and living space. Due to the lack of data, local administrations scarcely have an overview of the living conditions and needs of a large proportion of their residents. Without state assistance, migrants have difficulties accessing social, political, and cultural institutions, and this leads to recurrent spells of strong public dissatisfaction. In order to improve the situation, it would be necessary, for instance, to strengthen the cooperation between the administrative offices within and between different regions.[38]

Future Challenges

(by Jan-Berent Schmidt)

Skilled Labor Migration and Cooperation with the Member States of the South African Development Community (SADC)

One of the main future challenges for migration policy in South Africa will be the emigration of highly skilled labor. The causes for this emigration arise primarily from dissatisfaction with the social and economic situation in this country.[39] This clearly underlines the necessity of improving the economic and societal development of South Africa. This is one of the intended aims of easing the free movement of people within the SADC-region. First steps were introduced in 2005 with the Protocol on the Facilitation of Movement of Persons. This is part of an SADC-initiative to develop and introduce strategies which lower the hurdles for the cross-border mobility of goods and labor between the states in the region. This would make it easier

for people residing in the region to work in other member states and move there permanently. Until now, however, only South Africa has ratified the Protocol. It is believed that easing the movement of labor would strengthen the migration processes and economic interdependencies between South Africa and the other SADC-states. However, this could potentially lead to new conflicts, for instance when South Africa's neighboring countries become weakened by the emigration of their own skilled labor.[40]

The Orientation of Migration Policy and Xenophobia

South Africa's migration policy continues to be shaped by its very restrictive basic understanding of migration. However, not only the shortage of skilled labor in this country demonstrates the clear necessity to open up politically. Migration policy must also put more consideration into the economic development and social inequality in South Africa. At the same time, it is important to take into account the effects of immigration upon the countries sending migrants, especially the neighboring countries. Furthermore, there need to be efforts to change the image of migrants, so they are no longer seen as a threat. It is also essential to combat xenophobia in the South African population. The widespread xenophobia is a result of the political failures and socio-economic injustices of the post-Apartheid-era.[41]

Integration, the Asylum System, Data Availability

Migration movements, which in South Africa also constitute processes of urbanization, bring about great challenges especially for the local authorities who have to deal with them. Some communities have already recognized that migration can be an important factor for their economic development.[42] However, there is still no coherent strategy at the national level to socially integrate migrants, whether they are internal migrants or international immigrants.

The asylum system also needs to be reformed. Until now the State's position toward asylum-seekers has been ambivalent. On the one hand South Africa is obligated to fulfill international human rights agreements. On the other hand, refugees and asylum-seekers are granted no or limited rights in this respect. Migration policy has also failed to ensure the collection of data on migration movements in, out of, and to South Africa. Statistics are often lacking, out-of-date, or contradictory, which makes a clear overview of the developments in this area more difficult.[43]

Notes

[1] Sources of background information: Statistics South Africa, CIA.

[2] For this text we differentiate between White and Black, because it is unavoidable in the analysis of migrant movements in South Africa. Belonging to a particular group is still marked by one's skin colour, and this still has an influence upon one's life and opportunities. Moreover, in order to improve the readability of the text, we have decided not to differentiate between the feminine and masculine forms. If we are not able to use a neutral form, we use the masculine form.

[3] Wellmer (1976).

[4] The Passport Laws included different laws. All of these required that people residing in South Africa must always be able to show their passport verifying their "race", their place of birth, and their residential status.

[5] Crush (2000); Wentzel/Tlabela (2005).

[6] *Homelands* refer to the isolated regions set aside for the population of African descent by the Native Land Act of 1913. Some of these areas were regarded by South Africa as separate states.

[7] Crush/McDonald (2000); Wentzel/Tlabela (2005).

[8] The South African Development Community (SADC) is a regional development community aiming to improve development, peace, security, and economic growth. Moreover, this community attempts to decrease poverty and improve the quality of life. Member states are Angola, Botswana, Democratic Republic of the Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, the Seychelles, South Africa, Swaziland, Tanzania, Zambia, and Zimbabwe (see SADC 2012).

[9] Crush (2006).

[10] Segatti (2011a).

[11] Trimikliniotis et al. (2008).

[12] Crush/McDonald (2001); Segatti (2011b).

[13] Crush/McDonald (2001); Segatti (2011b); Dodson/Crush (2004).

[14] Netzwerk Migration in Europa (2014); Kalule-Sabiti et al. (2012); Crush/Dodson (2007).

[15] Kalule-Sabiti et al. (2012); Ramphele (2001); Kalule-Sabiti et al. (2012); Peberdy (2001).

[16] Crush (2000), UN Department of Economic and Social Affairs (2013).

[17] Curtin (1994); Trimikliniotis et al. (2008); CIA World Factbook (2009); Chikanda (2010); Crush (2004).

[18] Crush (2008); Crush (2007); Waller (2006); Crush (2011).

[19] De la Hunt (1997); Crush/Mojapelo (1998).

[20] Crush/Mojapelo (1998); Hofmeyr et al. (2011).

[21] UNHCR (2012); UNHCR (2014b).

[22] CIA World Fact Book (2012); Maharaj (2004); UNHCR (2014b).

[23] IRIN Humanitarian News and Analysis (2013); UNHCR (2014a).

[24] Harris (2002).

[25] Townships are defined here as the planned city districts for Black residents outside the city centre, as created by the Group Areas Act during Apartheid. Only the White population was allowed to live in the city centres.

[26] Neocosmos (2008).

[27] Crush (2011b).

[28] Myburgh (2004): 141; Segatti/Landau (2011): 72.

[29] Lucas et al. (2006); Segatti/Landau (2011): 72; Louw/Mersham (2001).

[30] Myburgh (2004); Lucas (2006); Adepoju (2003).

[31] Bhorat et al. (2002); Brown et al. (2001); Lucas et al. (2006); Bhorat et al. (2002).

[32] General Medical Council (2014).

[33] Crush et al. (2005); Bezuidenhout et al. (2009); Grant (2006); Ellis/Segatti (2011); OECD (2004).

[34] Statistics South Africa (2012), Note: measurement R.S. according to Table 3.4, p. 26.

[35] Kok et al. (2003); Collinson et al. (2006).

[36] Steinbrink (2009).

[37] Steinbrink (2010).

[38] National Planning Commission (2011); Forced Migration Studies Programme (2010); Landau/Segatti/Misago (2013).

[39] Pendleton et al. (2007).

[40]SADC (2014); Crush/Dodson (2007); Arnold (2012); Segatti (2011a).
[41]Crush (2008); Crush et al. (2005).
[42]Landau et al. (2011b).
[43]Also this country profile has to contend with this faulty statistical base. The data available was often no more current than the data presented here.

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Internet Resources

Statistics South Africa: http://beta2.statssa.gov.za/
Immigration Services: www.dha.gov.za/index.php/immigration-services
Southern African Migration Project: www.queensu.ca/samp/

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