Human Development Impacts of Migration: South Africa Case Study

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Abstract

Controls on human mobility and efforts to undermine them continue to shape South Africa's politics, economy, and society. Despite the need for improved policy responses to human mobility, reform is hindered by lack of capacity, misinformation, and anti-migrant sentiments within and outside of government. This report outlines these trends and tensions by providing a broad overview of the limited demographic and socio-economic data available on migration to and within South Africa. Doing so highlights the spatialised aspects of human mobility, trends centred on and around the country's towns and cities. It also finds significant development potential in international migrants' skills and entrepreneurialism. By enhancing remittances and trade, non-nationals may also expand markets for South African products and services. Despite these potential benefits, there are severe obstacles to immigration reform. These include a renewed South African populism; the influence of a strong anti-trafficking lobby; a European Union (EU) agenda promoting stricter border controls; poor implementation capacity; and endemic corruption among police and immigration officials. There are different, but equally significant problems in reforming frameworks governing domestic mobility including perceptions that in-migration is an inherent drain on municipal budgets. Recognising these limitations, the report concludes with three recommendations. (1) A conceptual reconsideration of the divisions between documented and undocumented migrants; between voluntary and forced migrants; and between international and domestic migration. (2) An analytical respatialisation in future planning and management scenarios involving regional and local bodies in evaluating, designing and implementing policy. (3) To situate migration and its management within global debates over governance and development and for 'migration mainstreaming' into all aspects of governance. The success of any of these initiatives will require better data, the skills to analyse that data, and the integration of data into planning processes.

Keywords: migration, urbanisation, governance, South Africa, policy reform, capabilities

The challenge for South Africa is to formulate policy that takes advantage of the positive aspects of globalization, including the unprecedented movement of people with skills, expertise, resources, entrepreneurship and capital, which will support the country's efforts at reconstruction, development and nation-building.

Republic of South Africa, *White Paper on International Migration* (1999)

Introduction

South Africa's current politics, economy, social formations have been shaped by the elaborate regulation of human mobility. From its foundation, the majority of its residents, citizens and non-nationals, faced stark limitations on where they could live and own land and when and how they could move. The system of control was never as absolute or incorruptible as many imagine, but those who disobeyed state regulation did so at considerable risk. As the apartheid state's power waned in the late 1980s, so too did formal restrictions on movement into and within South Africa. With the country's first democratic elections in 1994, South Africa's previously forbidden cities became primary destinations for migrants from around the country. Over time, they have become increasingly important nodes for migrants from around the continent and beyond seeking profit, protection, and the possibility of onward passage. Human mobility in all its forms continues to transform the country's population and economy as never before.

As the May 2008 violence against foreigners so starkly illustrates, domestic and international mobility are not without significant risks to human security and the country's developmental trajectory. However, the country will not meet its short and long-term development targets without significant migration of skilled and semi-skilled labour. Despite the evident need to build an effective system to monitor and address human migration, the South African government and civil society possess perilously limited capacity to improve migration management and ensure the peaceful integration of migrants into development processes. Moreover, the domestic and regional benefits of mobility are often hidden by concerns over fears—of uncontrollable cities and citizens' economic and physical security—and efforts to protect the human rights of relatively small number of refugees, asylum seekers, and trafficking

victims. Efforts to shift the terms of these discussions are further hindered by widespread anti-immigration sentiment in and outside of government.

This report proceeds through three phases in exploring these trends and tensions. It begins by providing a broad overview of the demographic and socio-economic data available, appraising the quality of knowledge it offers on contemporary migration flows to and within South Africa, and briefly assessing the limitations in methods and resources and identifying the gaps to be filled. It then offers an overview of the main policy transformations at both national and local levels, highlighting two sets of tensions: between the country's immigration and asylum regimes; and between regional integration and South Africa's nationalistic self-interests. The overview finishes by clarifying the main governance and human development challenges by looking at two core issues: the integration of international migrants into local communities and the local governance of migration in contexts of extreme vulnerability and resource competition.

The report ends by considering the viability of an approach to development drawn from Amartya Sen's pioneering work on capabilities and entitlements. Although convinced that South and Southern Africa would benefit from expanding migrants' choices and agency in the development process as his framework suggests, there are severe limitations on implementing such an approach. In the midst of global economic crisis and heightening domestic populism, there are acute obstacles to reforming the country's immigration system in ways that promote long-term *regional* development outcomes. The challenges are heightened by the influence of a strong anti-trafficking lobby and the European Union (EU). The anti-traffickers, led by the International Organisation for Migration, continue to frame migration management as a concern for law enforcement. Similarly, the recent EU-South Africa dialogue on migration is more likely to entrench a border control approach than one informed by regional development priorities. One must also recognise the limited influence of public policy on practice. With poor implementation capacity and endemic corruption within the police and border officials, state policy of any kind is unlikely to achieve its desired effects, whatever those may be.

Accepting these limitations, the report nevertheless makes three recommendations for improving migration policy and management. First, it calls for a reconsideration of the divisions between documented and undocumented migrants; between voluntary and forced migrants; and between international and domestic migration. Such divides have produced policy silos with little coordination among agencies charged with law enforcement, status determination,

documentation, social assistance, or local development. With South Africa's patterns of mixed migration, there is a need to develop bureaucratic and planning mechanisms to address human mobility more broadly.

Second, it calls for an analytical respatialisation in future planning and management scenarios. While recognizing national government's important role, there is a need to enhance the role of local governments and regional bodies in evaluating, designing and implementing an approach to human mobility. Migration and development vary across both space and time. Any policy approach that fails to disaggregate migration according to these variables is unlikely to fully realise its objectives.

Third, it argues that there is much to learn from situating discussion on migration and its management within the broader global debate over governance and development. With a move away from universally prescriptive approaches to governance, international actors like the UNDP and its pioneering Human Development concept in 1997, the European Commission's 2006 Strategic Paper on Governance and Development, the World Bank's 2007 Paper on *Strengthening World Bank Group (WBG) Engagement on Governance and Anti-Corruption* (GAC) and bi-lateral approaches suggest the need to develop migration and development frameworks based on a country's specificities. As of yet, few international actors (let alone the South African Government), have applied this approach to governance to migration, an area still dominated by security concerns ill adapted to development challenges. If nothing else, the report suggests that foreign assistance and domestic policy reforms push for 'migration mainstreaming' into all aspects of governance. In a country where international and domestic mobility remains so demographically and politically important, the success of any development initiative must overtly consider the country's population dynamics. As part of this process, the government should identify and understand the root causes of the negative by-products of human mobility–corruption, human rights abuses, labour competition—and begin developing ways to help reduce them rather than rely on the false premise that it can and should totally control mobility.

In concluding, the report notes that, should the political obstacles be removed, any effort to incorporate migration into long-term policy and governance systems will require better data and integration of data into planning processes. At present, there are few skills within or out of government for collecting, monitoring, and analysing migration data. This gap becomes ever more acute at the regional level. Without the ability to describe human mobility and evaluate

policy's current and potential impacts, policies are likely to fail in ways that help realise many planners' current fears about the effects of human mobility on prosperity, security, and development.

Data Sources and Approach

In an effort to move beyond the demographic and quantitative fixations of much of the migration and development literature, this study embeds demographic and economic trends within broader socio-political formations. In doing so, it draws on an ecumenical set of data in illustrating the intersections between human mobility and development in South Africa. This includes considerable participant observation in national, local, and regional migration-related discussions and new survey research together with formal and informal interviews with migrants, service providers, advocates, and local and national government representatives in Johannesburg, Pretoria, Cape Town and elsewhere. In a number of instances, it also calls on a survey the FMSP conducted with 847 respondents in seven central Johannesburg neighbourhoods (Berea; Bertrams, Bezuidenhout Valley, Fordsburg, Mayfair, Rosettenville, and Yeoville). Of these, 29.9% (253) were from the Democratic Republic of Congo (DRC); 24% (203) from Mozambique; 22% (186) from Somali; and 22.4% from South Africa (190) (the remaining 1.8% were from other countries mistakenly included in the sample.) The sample was 59.7% male, generally reflecting official estimates of the inner-cities demographic composition (SACN 2006). These data are by no means representative of South Africa's 'migrant stock' or of the host population. However, they do provide critical illustrations of trends and points where migration and development intersect. In order to make broader claims, we also draw on the 2001 South African Census and the 2007 National Community Survey, both conducted by Statistics South Africa (StatsSA). The latter generated a nationally representative sample of all South African residents but does not provide all of the spatial and demographic details afforded by the 2001 census.[1] In all instances, we work from the position that social and political understandings of human mobility are as important as actual movements in determining development outcomes.

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[1] More information on the 2001 census and the 2007 community survey are available from the Statistics South Africa website (http://www.statssa.gov.za/publications/populationstats.asp). The authors are grateful to Veronique Gindrey for her contributions to the statistical analysis included in this report.

Contemporary Migration to South Africa: Numbers that Matter

Scholars often explain migration with reference to the three 'D's': demography, development, and disparities. Indeed, all available evidence suggests that the primary reason for migration to and within South Africa is due to variations in economic opportunities within the country and the region. A more nuanced analysis of migration motivations and trends also points to the three 'P's. While the majority come seeking 'Profit', others come seeking 'Protection' from political or domestic persecution, natural disasters, or violence. A last group arrives in South Africa seeking 'Passage': onward movement to a final destination elsewhere. In many cases, their termini are outside Africa, typically Europe, North America, and Australia. A small number also use South Africa to transit to Mozambique and Swaziland.

No one knows how many international migrants are in South Africa, how long they have been there, how long they stay, or what they do while they are in the country. Despite rapid changes in migration patterns, the South African government has largely failed to establish data collection mechanisms that can inform pragmatic migration and development policies. Instead, current policies continue to render most international migration bureaucratically invisible. Rather than building mechanisms to plan for population movements, South African discussions around migration policy during the 1990s and early 2000s have struggled over the evidence needed to make sound choices and evaluate the impact of past decisions. In almost all instances, official figures on both domestic and international migration and its effects raise significant questions of data quality. Such weakness is tied to two factors: (1) the difficulty in accurately measuring migration given the country's extended borders, poor data on the South African population, and mixed migrations within, into, and out of the country; and (2) migration's association with highly politicized issues surrounding nation-building, citizenship and belonging.[2] Consequently, the information presented below provides only rough quantitative estimates of who is coming and where they are going. We complement these with a qualitative overview of migration patterns into, within, and through the country.

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[2] For more on these connections, see Landau 2006.

How Many Are Coming and Where Are They Going?

While cross border migration has undeniably increased over the last decade (see Figure 1), overall figures are far lower than most South African officials and citizens presume. Moreover, even in the most immigrant-rich parts of South Africa, the number of newly arrived non-nationals is dwarfed by the number of recently arrived citizens. The most recent South African census (2001) found only 477,201 foreign born residents out of a total of close to 45 million. Due to sampling errors, the state statistics agency (Statistics South Africa or Stats SA) later revised estimates to between 500,000 and 850,000. These numbers have climbed since the 2001 census because of relatively strong economic growth in South Africa, regional integration, and the ongoing crisis in Zimbabwe. According to the 2007 Community Survey, a national representative survey conducted by StatsSA, the total number of foreign-born residents is just over 1.2 million or 2.79% of the total population. It is unclear how much of the increase since 2001 is due to improved sampling or an actual increase. Although there are suggestions that StatsSA has again undercounted non-nationals—as they have undercounted the homeless and other marginalised groups—there have been no serious or scholarly challenges to findings from the Community Survey. Despite such evidence, there are regular claims by officials that 2-3 million Zimbabweans now live in South Africa. Empirical research in destination areas and elsewhere in the country suggest that these numbers are ill-informed exaggerations (see Makina 2007: 5). Claims that there are 8-10 million 'undocumented' migrants in the country are equally overstated.[3]

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[3] See Forced Migration Studies Programme and Musina Legal Advice Office (2007).

Figure 1

Numbers of Arrivals of Temporary Residents between 1990 and 2005[4]
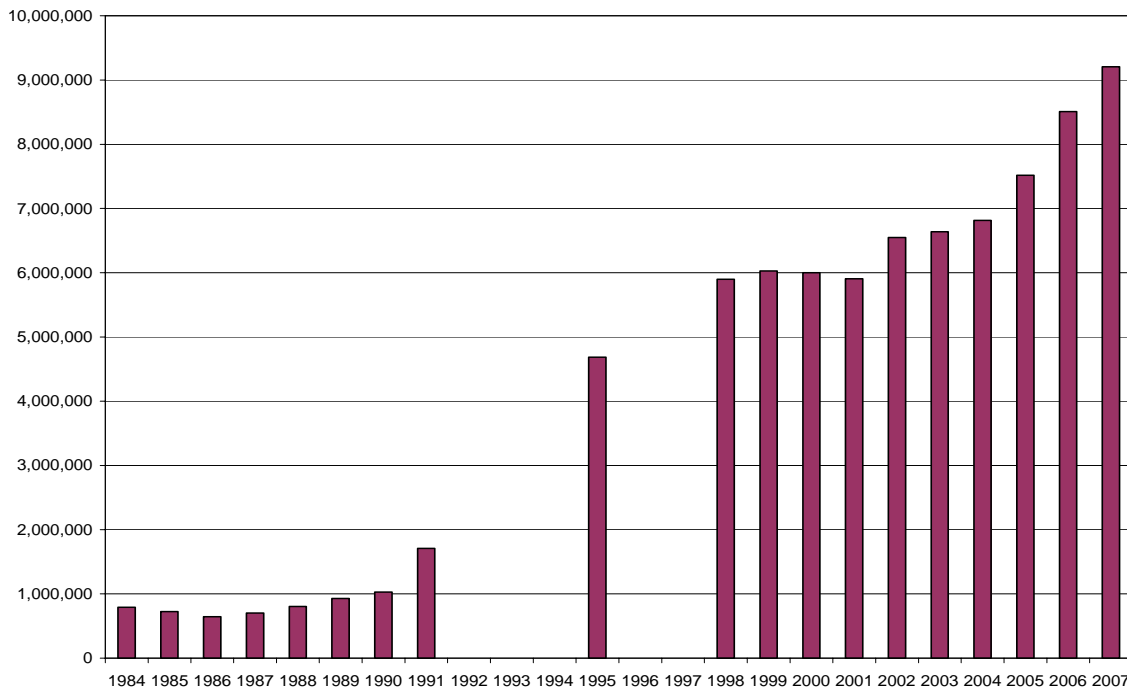
Source: Statistics South Africa, Tourism and Migration, 1984-2007. (Statistics unavailable for 1992-1994 and 1996-1997).

As in destination countries around the world, the total number of non-nationals living in South Africa is a mix of documented and undocumented migrants along with refugees and asylum seekers. As Figure 1 indicates, the number of temporary work, study, business, and tourist permits granted annually has consistently increased since the end of apartheid. (The overall number of temporary permits and visas thus went from 3.0 million to 9.9 million between 1992 and 1999.) During the same period, permanent immigration permits went from 14,000 a year in 1990, to 4,000 at the end of the 1990s. The number then rebounded to around 10,000 a year by 2004.[5] Temporary permits and visas are also increasingly granted to Africans. There has been an effort to increase the number of 'exceptionally skilled' migrants attracted to South Africa through the general work permit, a (skills) quota work permit, an intra company transfer work permit, treaty permits, as well as corporate permits. There are few statistics available on the

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[4] Temporary residents include entries for reasons of work, study, business, holiday, contract, border traffic, transit, and other unspecified categories.
[5] Department of Home Affairs, *Annual Reports*, 1990-2004.

numbers of people recruited under these schemes although it is clear that the numbers fall short of government set targets (see Table 12, far below).

There is also a relatively small, but expanding, number of refugees and asylum seekers among the non-nationals living in South Africa. For reasons discussed further below, the number of asylum seekers has grown far faster than that of refugees. According to the Department of Home Affairs, there were 170,865 asylum seekers at the end of 2007 compared to 36,736 people who had been recognised as refugees under the 1998 Refugees Act (implemented in 2001). Many of this latter category may have now left South Africa or regularised their stay through other means (including buying South African citizenship). Similarly, the number of asylum seekers undoubtedly includes people who have filed multiple applications (often because the DHA has misplaced their records) or who have left the country or applied for other permits. Despite these qualifications, the global figures would likely be far higher if the South African government had not effectively prohibited Zimbabweans from making asylum applications before 2006 or had provided a mechanism for Zimbabweans to apply for asylum without first travelling to Pretoria or Johannesburg. (Following the recognition that Zimbabweans had every right to apply for asylum, Zimbabweans immediately topped the asylum seeker table.) Many Zimbabweans continue to seek protection although the South African government has recognised few—including victims of torture—as refugees. Compared to 33,351 pending applications at the end of 2007, only 477 Zimbabweans were granted refugee status (see Tables 1-3).

Table 1

Cumulative Numbers of Numbers of Refugees and Asylum Seekers[6]

	2001	**2002**	**2003**	**2004**	**2005**	**2006**	**2007**
Refugees	18,605	23,344	26,558	27,683	29,714	35,086	36,736
Asylum Seekers	4,860	52,451	84,085	115,224	140,095	131,107	170,865
Total	23,465	75,795	110,643	142,907	169,809	167,193	207,601

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[6] Before the 2001 implementation of the Refugees Act (passed in 1998), there were officially no refugees or asylum seekers in South Africa.

Table 2

Asylum Numbers at a Glance (2007)

New Asylum Applications in 2007	45,673
Number of New Asylum Applications Decided in 2007	5,879
Percentage of Applicants Given Refugee Status	29%
New Backlog in Asylum Cases in 2007	39,758
Pre-2007 Backlog in Asylum Cases	49,275
Total Asylum Case Backlog	+89,000

Table 3

Asylum Applications from Selected Countries (2007)

Zimbabwe	17,667
Democratic Republic of the Congo	5,582
Ethiopia	3,413
Malawi	3,341
Somalia	2,041
Bangladesh	1,982
Pakistan	918

While smuggling remains an important, if exploitative and occasionally dangerous, part of the border economy, there is little evidence of widespread human trafficking into South Africa. Indeed, an in-depth two-year study by the Institute of Security Studies in Pretoria has found few non-nationals in precisely those sectors identified by the International Organisation for Migration (IOM) and others as primary destinations for victims of trafficking (Gould 2008). IOM's multi-million dollar, multi-year regional counter-trafficking programme has identified few victims (Private Communication with IOM employees 2007 and 2008). However, this has not stopped

the IOM from publicly claiming that there are thousands of people being trafficked into South Africa by organised crime (IRIN 2008b).[7]

Removals and Deportation

Understanding migration dynamics in South Africa also draws attention to the long-standing and elaborate (if expensive and ineffective) system of arrests and deportations. Under the 2002 Immigration Act, police or immigration officers may remand people to custody without a warrant if they have reasonable grounds to believe they are not entitled to be in the Republic of South Africa. Immigration officers are also empowered to arrest illegal foreigners and deport them. In theory, the Immigration Act provides a range of procedural limitations on enforcement activities. These include provision of adequate opportunity for suspects to claim asylum, rights to appeal administrative actions, and time limits on detention for the purposes of deportation. Research by Wits University and Lawyers for Human Rights has found that in many—if not most—cases, police detain and deport people without full respect for the rule of law. In some instances, this includes arresting people waiting to apply for asylum, who have recently crossed the border into South Africa from Zimbabwe, and, in at least one instance, who are seeking shelter in a police station after fleeing xenophobic violence. Consequently, the past years have seen a significant increase in the number of deportations from South Africa.

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[7] In preparing this report, the authors discovered that IOM has removed most of the documents ostensibly substantiating claims of widespread trafficking within the region from its South African website.

Figure 2:

Deportations from South Africa 1990-2006
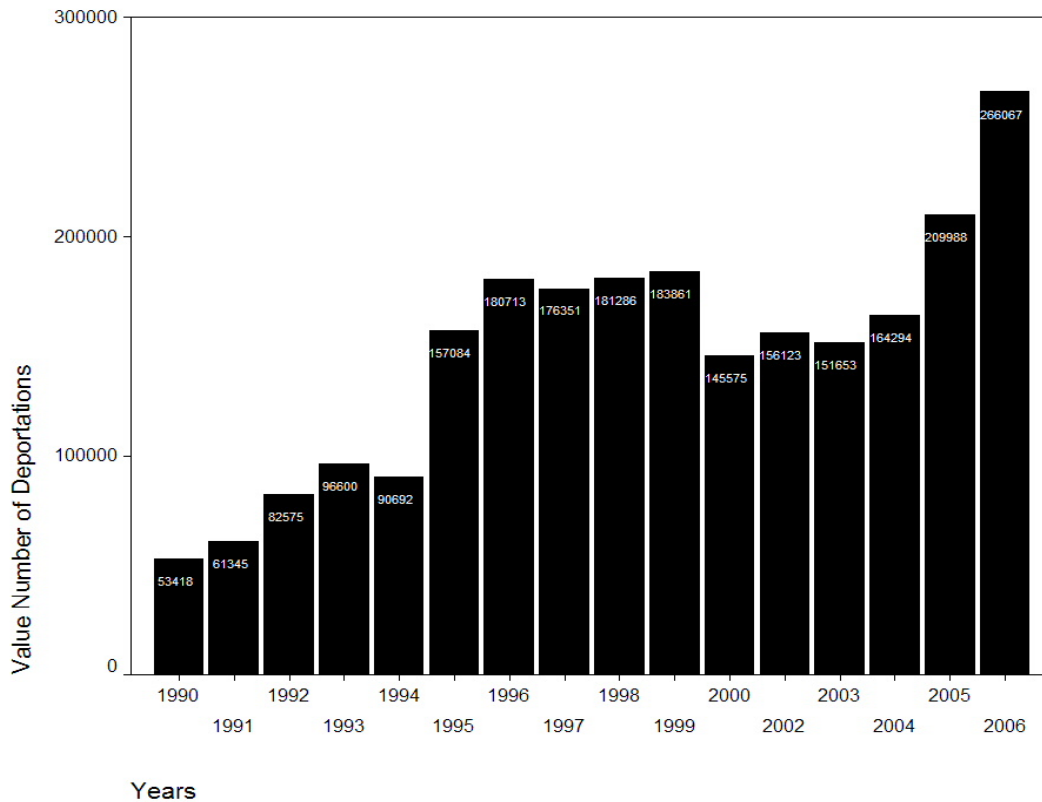
Source: Department of Home Affairs Data Reproduced in CORMSA 2008

The main reason for the rise in the number of deportations has been the heightened activity of the police in immigration enforcement. The majority of those deported in most recent years are people arrested soon after crossing the Zimbabwe-South Africa. These regularly include would-be asylum seekers and unaccompanied minors. Some are returned to an International Organisation for Migration centre in Musina, Zimbabwe. The majority are simply left on the Zimbabwean side of the border. The other primary groups being deported include those from Mozambique (the majority until 2004) and Lesotho.

Spatial Distribution

As discussed briefly earlier, there are distinct spatial dynamics to both international and domestic migration in South Africa. In previous decades, much of the international migration concentrated in agricultural and mining areas. Since the early 1990s, both international and domestic migrants are increasingly concentrated in the country's urban centres (see Figure 3 and Table 4).

Figure 3
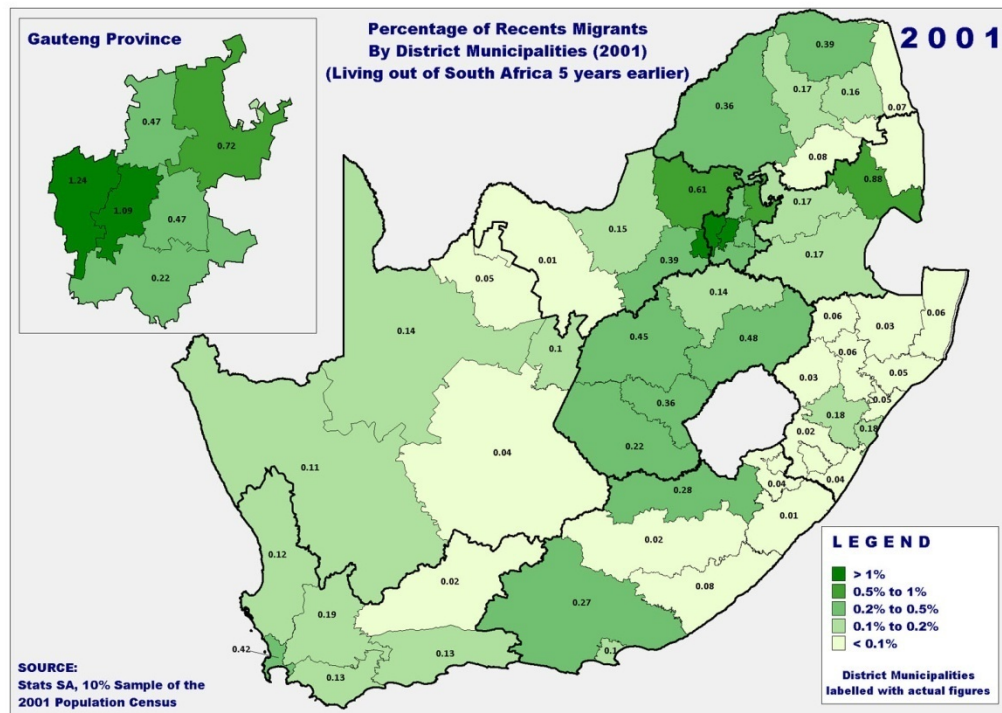
Note: Map developed by Forced Migration Studies at Wits with UNOCHA (Pretoria)

Province	Population	Foreign-born	Percentage of foreign-born	Non-Nationals	Percentage of non-Nationals
Western Cape	5,278,585	170,019	3.22	40,835	0.90
Eastern Cape	6,527,747	40,182	0.62	14,620	0.23
Northern Cape	1,058,060	19,406	1.83	1,895	0.23
Free State	2,773,059	83,088	3.00	27,995	1.03
KwaZulu-Natal	10,259,230	98,237	0.96	38,717	0.41
North West	3,271,948	116,929	3.57	50,773	1.39
Gauteng	10,451,713	578,387	5.53	212,715	2.41
Mpumalanga	3,643,435	101,534	2.79	35,822	1.15
Limpopo	5,238,286	60,541	1.16	41,074	0.78
South Africa	**48,502,063**	**1,268,324**	**2.61**	**464,446**	**1.04**

Source: StatsSA (2007) Community Survey

Table 4

The Matrix of Origin of Migrants between Provinces 2001-2007

Destination Province	Percent from Province of Origin									All Regions
	WC	EC	N C	FS	KZ N	NW	GP	M P	LP	
Western Cape (WC)	0	54	5	3	7	1	25	2	3	100 (N=197,212)
Eastern Cape (EC)	29	0	5	8	19	2	31	3	3	100 (N=85,392)
Northern Cape (NC)	20	6	0	10	3	43	17	1	1	100 (N=46,054)
Free State (FS)	6	18	10	0	8	14	34	4	4	100 (N=67,832)
KwaZulu-Natal (KZN)	6	45	2	4	0	3	29	8	3	100 (N=124,276)
Northwest (NW)	3	16	4	15	4	0	40	6	12	100 (N=152,933)
Gauteng (GP)	6	11	2	7	17	16	0	15	27	100 (N=609,169)
Mpumalanga (MP)	2	7	1	6	13	5	27	0	39	100 (N=128,903)
Limpopo (LP)	3	5	1	5	3	11	45	26	0	100 (N=7,1269)

Source: Stats SA, Community Survey 2007

This is most evident in Gauteng Province. Although the smallest of South Africa's nine provinces (less than 2% of the landmass), it contributes close to 34% of its gross domestic product. This represents close to 10% of the GDP for sub-Saharan Africa.[8] By far the most urbanised population, it is also the most cosmopolitan. In Statistics South Africa's 2007 Community Survey, 5.6% of its population born was born outside South Africa, almost double the national average. In 2007, Gauteng Province hosted 46% of South Africa's population born outside South Africa. This is up from 42% in 2001 and is expected to increase in the years ahead. This is not surprising when one considers the net migration gain in the province, (i.e., the

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[8] Figures from the Gauteng Development Agency (http://www.geda.co.za/live/content.php?Category_ID=30).

difference between the arrivals and departures from the province): 418,000 between October 2001 and February 2007. Most of these are domestic migrants, but a significant proportion is from outside the country. Even within the Province, non-nationals are concentrated in certain cities (7.9% of Johannesburg is foreign born) and particular neighbourhoods. Whereas inner-city areas like Yeoville, Berea, and Hillbrow now are close to or above 50% foreign-born, the number of non-nationals is negligible elsewhere in the city.

It is also worth noting that international migrants' origins differ significantly among Provinces and cities. While Mpumalanga and Limpopo Provinces primarily host Mozambicans and Zimbabweans, there is a far greater diversity of foreigners living in Durban and Cape Town including many more Zimbabweans, Mozambicans, Congolese and Angolans. Somalians are also present in all major cities and smaller towns, but in much smaller numbers. As each of these groups is likely to have come to South Africa for different reasons, the social protection and developmental impacts also significantly differ.

Even if international migration attracts the most political attention and popular opprobrium, domestic mobility is far more significant in numeric terms. Fully explaining the dynamics of inter-community and inter-provincial migration would require another report far longer than this. Suffice it to raise a number of critical points. First, research by the South African Cities Network (2006:16) and others clearly illustrates the spatial dynamics of migration to particular urban centres. In Metsweding, a smaller municipality in Gauteng Province, more than 10% of the total population has recently moved there. In Durban, the figure is less than 1%. And while discussions of urbanisation typically focus on primary cities, the fastest growing parts of Gauteng are not Johannesburg and Pretoria but rather smaller communities beyond the 'urban edge' (See Table 5). The most notable and controversial effect of this growth has been the expansion of poorly serviced informal settlements (i.e., shantytowns) ringing more established and well-serviced formal settlements.

Table 5

Migration Figures for Selected Municipalities 2001-2006

Municipality	In-Migration as Percentage of Total Population (2006)
Metsweding (Gauteng)	10.13
Overberg (KwaZulu-Natal)	8.18
Tshwane (Pretoria)	7.15
West Coast (Western Cape)	6.71
Ekurhuleni (Johannesburg Suburb)	5.88
West Rand (Johannesburg Suburb)	5.82
Johannesburg (Gauteng)	4.38
Cape Town (Western Cape)	4.38
eThekwini (KwaZulu-Natal)	0.92
Nelson Mandela (Eastern Cape)	0.63

Source: Data produced by Statistics South Africa. Table reproduced from South African Cities Network 2006 p. 2.18[9]

As a result of these internal movements, out migration is also significantly shifting population profiles of a number of the country's smaller and less prosperous communities. For example, Chris Hani municipality in the Eastern Cape has lost more than 8.5% of its population over the past decade (Cities Network 2006:18). Many of those who left are young men heading for the Western Cape (Dorrington 2005). Consequently, there are significant distortions in population pyramids in both sending and receiving communities (see Collinson, *et al*, 2006).

In addition to sheer numbers—far outweighing the number of international migrants—shifts within and among Provinces are resulting in significant changes in skills level and social composition. In the Western Cape, the arrival of people from the Eastern Cape, traditionally an ANC stronghold, is not only transforming the Province's racial composition, but also threatens the viability of the Province's powerful opposition parties. In Gauteng, the enormous diversity

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[9] The municipalities represented in these tables were selected by the South African Cities Network, the organisation that originally published these data, to illustrate national trends. They are not necessarily representative of all South African cities.

fostered by migration has proven to be a politically exploitable resource in the past, particularly during the violence preceding the 1994 general elections. As South African politics again become more competitive, there are hints that ethnicity may re-emerge as a dangerous political divide.

South Africa is also seeing a great diversification in its population's migration trajectories. Whereas Apartheid-era South African migration policy promoted permanent White immigration and temporary Black migration, the post-apartheid period is characterised by a mix of circular, permanent, and transit migration. Indeed, such impermanence is encouraged by the current policy frameworks, the difficulties migrants have in accessing secure accommodation, and the rapid rate of deportations (see above).

As with many of the characteristics of migration, these trends are most visible in Gauteng Province. For reasons of location, infrastructure, intention and experience, the Province is as much a place of transit as destination. This transit takes multiple forms. The first is the continuation of long-standing patterns of circular migration from rural South Africa and elsewhere in the region, albeit now focused more around townships and urban centres. The second form of transit rests with traders and refugees who come to Gauteng seeking opportunities for profit or temporary protection. While often remaining for extended periods in the Province, their lives and interactions are typically conditioned by their interest in onward movement. The third type of transit migration is driven by those who see Gauteng as a stepping-stone or trampoline. The Province's wealth often attracts those who expect to accumulate the money needed for onward journeys. Many come hoping for contacts and social networks that will facilitate movement to other cities or countries. Still others hope to capitalise on the country's corrupt immigration regime that allows almost anyone with money to secure South African citizenship and documentation. With these documents in hand, travel to Europe and elsewhere becomes far easier.

The trend above is illustrated by FMSP research: in the 2006 Wits University survey in Johannesburg, 59% of migrants considered Johannesburg as their final destination. This proportion is higher for Mozambicans (78%) and for the internal migrants (84%). In many regards, the migrants born in Mozambique have the same migratory behaviour as the internal migrants in South Africa. When the Mozambicans had considered other destinations, it was essentially Swaziland or a European country. South Africans who migrated to Johannesburg also

considered other destinations in South Africa. People born in the DRC or in Somalia often considered South Africa a second choice and had considered moving to North America or Europe before coming. Interestingly, migrants born in the DRC tend to see Johannesburg as a point of transit more often than the other groups. Of those surveyed, 30% expected to live in a third country in two years time. By comparison, 11% of the migrants born in Somalia expected to be elsewhere. Again comparing those two groups, 32% of migrants from DRC and 22% of the migrants from Somalia consider that their children should grow up in a third country. Table 6 captures these figures.

Table 6

Expectations of the Migrants *after* Migrating to Inner City Johannesburg

Where respondent expects to live in two years	Place of birth (%)			
	DRC	Somalia	Mozambique	South Africa outside Johannesburg
South Africa	44	68	60	81
Country of origin	13	8	20	
Third country	30	11	4	5
Don't know	13	12	15	13
Total	100	100	100	100

Source: Wits University, African Cities Survey 2006

Linked to these trajectories and other factors, people regularly move *within* South Africa as well as into and out of it. According to the 2007 Community Survey, 18% of Gauteng's inhabitants had moved within the Province since 2001. According to FMSP data for the inner city of Johannesburg, the South African born population has, on average, moved twice since coming to the city, usually within the last decade. For foreigners, typically in the city for a shorter period, the average is slightly above three times.

Who Are They and What Do They Do?

Post-apartheid international migration movements towards South Africa have been characterised by three major demographic features that distinguish them from the situation in the late 1980s: the diversification of migrants' origins, younger migrants and feminisation. The great post-apartheid change is the massive influx of both permanent and temporary African and Asian migrants. Among these are significant numbers of refugees and asylum seekers. Although European permanent immigrants continued to dominate in absolute terms until 1998, since 2000, most migrants have come from Africa and Asian.

Qualitative studies confirm this tendency. Robert Mattes, *et al*. have demonstrated in a 1999 study that the profile of qualified migrants and immigrants is revealing of a divide between those who settled in South Africa before 1991 and those who arrived since. This study indicates that out of a sample of 400 people interviewed, 73% of qualified European migrants arrived before 1991 whereas 87% of qualified African migrants outside SADC countries had arrived after that, with SADC migrants equally distributed in the two groups. The study confirms this dichotomy in status and skills between migrants arrived before and after 1991. Thus, three quarters of the qualified migrants who entered South Africa before 1991 were permanent residents whereas a very large proportion of those arrived after 1991, essentially Africans, only held temporary permits (Mattes, *et al*, 2000). Tables 7-10 provide additional detail on the educational levels and professions of the country's migrants and their employment status.

Table 7

Levels of Education by South African or Foreign Citizenship (2001)

	Percent Nationals	Percent Non-Nationals
No schooling	15.9	16.0
Some primary	30.0	18.9
Complete primary	7.0	7.0
Some secondary	28.0	26.1
Grade 10/ Std 10	13.9	16.9
Tertiary	5.3	15.2
Total	100	100

Source: Stats SA, Population Census, 2001

Table 8

Professions of 16-65 Year Olds by Citizenship (2001)

	Percent Nationals	Percent Non-Nationals
Legislators; senior officials and managers	5.3	6.3
Professionals	6.9	8.7
Technicians and associate professionals	9.6	5.0
Clerks	11.1	4.6
Service workers; shop & market sales workers	10.2	9.1
Skilled agricultural & fishery workers	2.8	3.5
Craft and related trades workers	11.8	20.8
Plant and machine operators & assemblers	8.7	10.7
Elementary occupations	33.6	31.4
Total	100	100

Source: Stats SA, Population Census, 2001

Table 9

Employment Status of 16-65 Year Olds by Citizenship (2001)

	Percent Nationals	Percent Non-Nationals
Employed	33.4	60.1
Unemployed	24.1	14.9
Not economically active	42.5	25.0

Source: Stats SA, Population Census, 2001

Table 10

Work Status of 16-65 Year Olds by Citizenship (2001)

	Percent Nationals	Percent Non-nationals
Paid employee	89.1	82.0
Paid family worker	1.4	1.1
Self-employed	7.6	14.8
Employer	1.5	1.7
Unpaid family worker	0.5	0.4
Total	100	100

Source: Stats SA, Population Census, 2001

Apart from broadly outlining the economic behaviour of South Africa's international migrants, there are few existing data on their remittance or investment patterns. To some extent this reflects broader limits on knowledge about the poor, marginalised, and others who depend heavily on the informal sector/second economy for income. Piecing together data collected from a variety of sources, Table 11 nevertheless demonstrates that South Africa is at the centre of a Southern African remittance network. The Southern African Migration Project goes so far as to argue that for most migrant-sending households, migrant remittances form the main source of household income, although male migrants' remittances are more likely to be the primary or sole

source of income for their households. It is also worth noting that the women remit significantly lower amounts of money than male migrants (Dodson, *et al*, 2008).

Table 11

Estimated Intra-Regional Remittance Flows (ZAR)

Sending country	Receiving Country (ZAR Million)							
	Botswana	Lesotho	Malawi	Moz.	RSA	Swaziland	Other SADC	Total
Botswana	__	2.59	3.65		29.64	0.55	51.42	87.87
Lesotho	0.61	__						0.61
Malawi	0.18		__					0.18
Mozambique				__				
RSA	133.28	1,675.84	57.19	2,241.71	__	432.29	1,531.85	6,072.15
Swaziland	0.39					__		0.39
Total	134.46	1,678.43	60.84	2,241.71	29.64	432.84	1,583.27	

Source: Genesis Calculations from Various Sources. Table Reproduced from Pendelton, et al, 2006.

Although SAMP research confirms the importance of remittances, FMSP research provides additional dimensions to migrants' remitting behaviour. While remittances remain important, the 2006 survey in central Johannesburg found that just over 45% of international migrants sent money or goods to people outside the city. This compares broadly with the percentage of South Africans who also report regularly sending resources to friends and family elsewhere. However, this figure ranged widely among national groups. Among the Congolese, only 33% reported sending money, usually to parents (63% of those who send) or other close relatives (38%).The percentage rises to 56% among Somalis who send primarily to parents (89%) and siblings (24%). In almost all cases, the Somalis relied on community-based remittances systems; those from the

DRC depended most frequently on MoneyGram, while Mozambicans typically rely on friends of family members to transport remittances. There seems to be little evidence to suggest that legal status or income is closely connected to remittance rates. Given the short term many migrants remain in Johannesburg, the FMSP data are also inconclusive on whether time in the country is connected to increased or decreased remittances. However, the study did find that over a third of Congolese in the FMSP sample and almost a fifth of Somalis and South Africans report regularly receiving money from outside of the city. In the case of the Congolese, most of these transfers originated outside of Africa, suggesting a complex web of multi-sited families and livelihood strategies. Qualitative research suggests that these transnational or translocal transfers are often related to establishing or support migrants in the city in order to invest, get education, or take care of the financial and administrative needs in order to move elsewhere.

In addition to adult migration, FMSP research finds that children as young as seven are migrating alone form neighbouring countries due to the death of their parents, lack of money, or not being in school. There are no reliable estimates on the total numbers although an FMSP study planned for 2009 may provide some estimates. Even without a global figure, it is clear that the number of children migrating alone is significant and is almost certainly growing. Once in the country, children face exploitation by police who illegally send them back over the border and detain them in illegal conditions—such as with adults and for extended periods. Although many children in border towns may have legitimate asylum claims, they lack the resources needed to reach the urban centres where they could apply for asylum. Children as young as seven years old work in exploitative conditions. In a 2007 study by Save The Children near the Zimbabwean border, almost a quarter of those interviewed had no income, while a similar number made money by collecting items for recycling. Farm work (for boys) and domestic work (for girls) were common forms of work. Children who are living in urban centres, however, are more likely than those on the borders to be in school and have access to accommodation and limited NGO support that prevents them entering this kind of work. Although there has been a response from some non-governmental organisations, there has been little effort on the part of the Department of Social Development or other government agencies to address the concerns of unaccompanied minors.

Migration and Skills

A discussion of immigration and development in South Africa would be incomplete without some mention of 'brain drain' and efforts to recruit the skills needed to grow the South African economy. In this regard, South Africa's distinction lies in its specific position in African migratory systems. Unlike countries in the Maghreb or West Africa, South Africa is neither a major source nor transit country for low-skilled labour *en route* to the European Union or North America. However, it has increasingly become a source country for highly skilled professionals, most notably in the medical professions, mine and mechanical engineering, and information and communication technology. The initial flight of skilled professionals began in the 1980s, often for a mix of economic and political reasons. Today out-migration continues for an array of reasons including job opportunities, wage differentials, working conditions, crime, and as a side-effect of affirmative action policies that are perceived as limiting career prospects for the country's White minority.

The main difficulty of estimating the skills loss is linked to poor measures of the volume and nature of departures. Recent studies have shown an important gap between recorded departures and legal settlements of South Africans in the five first countries of immigration. Some have argued that figures provided by *Statistics South Africa* (relying on Home Affairs data) of people recorded as having left the country since 1994, represent less than half the number of South African immigrants legally recorded in host countries (mainly the United Kingdom, Australia, New Zealand, and the United States). The immigration policies of countries such as the UK or Canada have attracted many qualified South Africans, particularly those skilled in the medical professions. In 2003-2004, South Africa acknowledged a deficit of 57,574 nurses, 200 of them leaving the country every month. Since 2004, no figures are available for South African citizens' whereabouts. However, comparing stocks of South African migrants in receiving countries and self-declared emigrants, Statistics South Africa came to the conclusion that approximately 322,499 South Africans had emigrated between 1970 and 2001 (StatsSA, 2003; See also Southern African Migration Project Policy Brief 8). In addition to brain drain, South Africa suffers from an acute lack of skills due to a history of poor education under apartheid.

In 2006, the Mbeki government ended its long denial of the widespread loss of skills by publicly acknowledging the effects of brain drain and poor education on the South African economy. Foreseeing a 1.2 million person skills-gap by 2014, his administration gave birth to the Accelerated and Shared Growth Initiative for South Africa (ASGISA) and, subsequently, to the Joint Initiative on Priority Skills Acquisition (JIPSA). The latter initiative identified five areas where skills were in particularly short supply: engineering; city, urban, and regional planning; artisan and technical skills; management and planning skills in education and health; and math, science, and language teachers. A more recent survey by the Harvard Centre for International Development (Levinsohn 2008), advocates a proactive high-skill immigration policy as a remedy to high unemployment rate. Although one can question the empirics behind the assertion, the Harvard study suggests that South African economic growth is capped at far below the desired target by the lack of skills.

Recognising the need to attract skills back to South Africa, First National Bank has sponsored an initiative they call the 'Homecoming Revolution', an effort premised on South African patriotism. Although undoubtedly appealing to some, neither the Homecoming Revolution nor JIPSA have made much progress in addressing South Africa's skills gap. JIPSA reports from 2007, for example, suggests that there will continue to be severe skills shortfalls in all five of the high profile areas identified when JIPSA was founded in 2006. JIPSA's 2007 report predicted that by 2012, the country would be short of approximately 30,000 or more artisans, 22,000 engineers, and significant (but unspecified) numbers of town and regional planners (JIPSA Task team 2007).

To further address these gaps, the Department of Home Affairs has identified a number of 'Scarce and Critical' skills that, if possessed, should enable people to immigrate easily to South Africa (see Table 12). However, businesses regularly complain that inefficiencies within the Department of Home Affairs and the inflexibility and under capacity of a number of South African accreditation bodies (notably the South African Qualifications Authority) have limited the number of people they have been able to recruit. That employing non-nationals—even African non-nationals—does not help companies achieve Government-set Black Economic Empowerment targets further discourages the use of these options. Nonetheless, South Africa is today in a rather schizophrenic position in which it is one of the strongest voices against the

plundering of highly sought after skilled by developed countries while it stands accused of the very same sins by other African countries.

Table 12

**List of 'Scarce and Critical' Skills Published by the
Department of Home Affairs and Number of Individuals Required in Each Occupation
(2006)**

Science and Engineering. Professionals and Associate Professionals	
Aeronautical Engineers:	500
Aircraft maintenance Engineers:	500
Autotronics: Vehicle diagnostic technicians	500
Avionic Engineers	250
Chemical Engineers including Rubber & Plastic	100
Construction/ Civil Engineers	5,000
Design and Engineering: Piping and pipe laying	500
Electronic Radio Frequency and Signal Engineers Microwave and Satellite engineers	500
Geologists	100
Astronomers	200
Astrophysicists	200
Atmospheric physicist	200
Surface physicist	200
Space Scientist	200
Geophysicists	150
Industrial Engineers	5,000
Jewellery Designers	250
Mechanical Engineers including pressure vessel and stress analysis	1,000
Metallurgical Engineers including material processes and development; Metallurgists	250
Mining: Rock and Colliery Engineers	100
Aircraft maintenance technicians	1,000
Architectural Technicians	1,000
Aviations technicians (Aviation specific design and machining technologies)	1,000

Dimensional Controllers	100
Earth Sciences Technicians	250
Electrical Mechanical including instrumentation	1,000
Electronic technicians: Silicon and Microchip developers	1,000
Foundry metallurgists	500
Hydraulics and Pneumatics Technicians	1,000
Industrial/ Product development technologists	1,000
NDE Technicians	500
Tool designers including Millwrights, Melters, Coded Welders and Moulders.	3,000
Education Professionals	
Maths and Science Teachers	1,000
Information Technology Professionals	
Software Developers	1,500
Software Engineers	1,500
ICT Security Specialists including Dimensional Controllers	1,000
Health and Medical Sciences Professions	
Biological Science Technician	3,000
Bio-informatics	1,000
Biomedical Engineers	1,000
Combinatorial and Computational Chemistry	150
Research and Development: Pharmacologists	300
Agricultural Sciences	
Agricultural Economist (Econometrics)	500
Agricultural Engineers including Farm Irrigation System Engineers	1,000
Agricultural Extension Officers: Technology focused	1,000
Agricultural Statistics: Biometrician, Crop Modeller	1,000
Agricultural Biotechnologists, Genetic Markers and Promoters	1,000
Virologists	250
Oenologist/ Viticulture	350
Geneticist plant breeders	1,000
Pasture Scientists	500
Plant Pathologists	1,000
Food Safety Quality Assurance Specialists	500

Veterinarians	500
Management and Commerce Professions	
Actuaries	500
Financial Market Analysts	500
Risk Managers	500

Source: Department of Home Affairs (Government Gazette, 08 February 2006) in Daniels 2007

While South Africa struggles to fill its skills gaps through an approach reminiscent of (largely discredited) 1970s era 'manpower planning,' it has increasing numbers of semi to highly skilled immigrants moving spontaneously to the country from the rest of the continent (in particular from Zimbabwe, the Democratic Republic of Congo, Kenya, Uganda, Nigeria, Ghana). The first wave of these came early and was composed of intermediate or highly skilled professionals from highly unstable countries (such as Zairian / Congolese doctors or mine engineers, or Rhodesian / Zimbabwean teachers) who found employment in the former homelands. In the mid 1990s, the globalised African elites (academics, bankers, consultants, journalists, etc) also began applying for positions in South African firms or for postings in South Africa from within their organisations/firms. Many of these were absorbed but many others experienced severe downgrading in their skills when coming to South Africa. SADC prohibitions on recruiting medical professionals from within the region have further limited the number of professionals in South Africa who are able to work in their desired position. A 2008 effort to regularise Zimbabwean teachers may help to address part of the gap in the education sector, but there are thousands of other skilled professionals who have arrived in the country who are unable to work or are underemployed due to lack of documents or certification.

National Policy Frameworks

Beginning in 1990, South Africa has gone through a period of unprecedented political changes. Foremost among these are constitutional reforms and an opening of space for political debate. This has helped generate a paradox regarding the position of migrants in South African society: despite a legal framework guaranteeing international migrants more rights than ever before,

migrants remain remarkably vulnerable to socio-economic exclusion, harassment from police, and violence at the hands of state agents and citizens. In official and public deliberation, migration often seems caught between complaints about the state's inability to control the border and protect South African job and its incapacity to attract and retain foreign skilled labour and investors.

These tensions in migration policy are rooted in the striking historical absence of immigration on the ruling African National Congress' policy platform. Whether it was the party's initial social-democratic framework with the Redistribution and Development Programme (RDP) or the pro-market Growth, Employment and Redistribution plan in 1996, politicians have rarely seen migration as a political or economic tool or linked it to the country's socio-economic transformation. Instead, migration policy is the product of a triple process: the legacy of apartheid administrations, the constraints created by transition rules (the famous Sunset Clauses) and the introduction into the game of new actors and groups carrying with them new and often competing models of migration management. Only with the creation of JIPSA (described above) has the government explicitly begun linking migration to broader development concerns. However, this has taken place without a full review of the country's migration policies that are only likely to be reconsidered by a new post-election government in 2009 or 2010.

The immigration policy inherited by the de Klerk administration in 1989 bore three characteristics. It was initially based on a classical colonial settlement policy focusing on the almost exclusive development of the needs of the European minority and its corollary, a cheap African labour maintained in a precarious position. Secondly, the management of migration and foreigners was discretionary by nature and often based on opaque practices. Finally, the development mode through which this policy was meant to evolve was incremental, very rarely providing enough space for assessment or even public debate. It was thus largely disconnected from ongoing migration trends and dynamics as well as from actual assessments of skills' needs in the various sectors of the South African economy.

The *1991 Aliens Control Act*, nicknamed 'Apartheid's last act', became the cornerstone of South African immigration policy throughout the 1990s. Drafted in order to unify and simplify all previous immigration laws since 1937, the Act generated fundamental tensions from the advent of the 1994 democratic regime. In contradiction with the 1993 Interim Constitution and the 1996 Constitution, the 1991 *Aliens Control Act* was ultimately declared unconstitutional.

Following this decision, the ANC decided to substantially reform its immigration legislation. To this end, the party began an official consultation process in 1996. This ultimately resulted in a new *Immigration Act* in 2002 and the *Immigration Amendment Act* in 2004.

The new immigration legislation—still in place today—reflects the policy priorities that informed its writing. To some extent, the act continues to favour highly skilled labour and investors, providing a number of ways for such people to enter and stay within the country, although even these often have to put up with gross bureaucratic incompetence. For everyone else, the act retains a strong security and sovereignty-centred agenda reflecting a narrowly defined notion of national interest that bears strong resemblance to positions held by the previous regime.

This policy itself is the source of tension. Like many social-democratic governments, the ANC and its migration policy are caught between the acceptance of market rules that include the free circulation of labour and the consequences of South Africa's limited weight in the global economy. Yet, as opposed to Western social-democratic regimes, South Africa, as an African state, faces up to a more complex situation in which elites often seem very remote from perceptions of migration on the ground, especially in an urban environment as rapidly changing as post-apartheid South African cities. Whatever the reason, the 2002 Immigration Act (as amended in 2004) enjoys very little support from all sides, government, business and civil society. The current (likely to be outgoing) Minister, Nosiviwe Mapisa Nqakula, appointed in 2004 and reappointed in October 2008, promised a policy review process that is only materialising as she completes her term.

While the act remains both unpopular and unchanged, there have been some significant shifts in South Africa's migration regime. First, after a decade opposing the Southern African Development Community Protocol on the Facilitation of Movement of Persons, South Africa was among the first member states to sign the amended protocol in 2005. Even if the 2005 SADC Protocol was largely devoid of its substance compared to the original proposal made by the SADC Secretariat in 1995, this shows a will to open up to a regional approach. This has also materialised in new agreements with Mozambique (2004) and Lesotho (2007), aiming at progressively lifting border control with these immediate neighbours. While hinting at regionalism, policy changes continue to be dominated by South Africa's short-term national interests and regionalism moves forward at South Africa's discretion.

A second interesting move incorporates the language of the migration and development nexus. This was most visible in Home Affairs Minister Mapisa-Nqakula's appearance at the UN High Level Dialogue in September 2006 where she spoke boldly on the issue on behalf of the G77 plus China (Crush 2008). South Africa has also endorsed both the African Union (AU) Strategic Framework on Migration and the AU Common Position on Migration and Development. More recently (September 2008), South Africa hosted a delegation of the European Union for the first EU-South Africa Dialogue that was part of the EU-South Africa bilateral agreement. New encounters between the EU and South Africa on the issue of migration are planned in 2009 but without any official intention to include SADC so far, a position that contradicts the regional stance that Mapisa-Nqakula has otherwise tended to promote. On migration as on other issues such as trade, the EU interventionism, if not channelled to better fit the regional agenda, might on the contrary exacerbate already existing gaps in policy views between the richest member states, South Africa, Botswana and Namibia, and the others.

The tragic May 2008 events may awaken political leaders who seem to be largely in denial. Far from being an isolated bout of criminal violence, as then President Thabo Mbeki stated, the attacks reflected deeply entrenched xenophobic attitudes and behaviours regularly documented since the mid-1990s (see, for example, Southern African Migration Project 1998 & 2006). The absence of a strong response to address the root causes or any immediate official investigation suggests an unwillingness to address violent, anti-foreigner sentiments. Even the South African Human Rights Commission, a body Constitutionally empowered to protect the rights of all of South Africa's residents, had to be publicly cajoled into holding hearings. These are now tentatively scheduled for almost a year after the attacks.

Although the ruling party has yet to address the deeply troubling social and political consequences of migration, there is a slow recognition that immigration and emigration are critical to the country's developmental trajectory. However, the stumbling blocks remain numerous and characterised by high levels of intolerance among the most deprived constituencies of the South African population, poor interdepartmental coordination, the absence of data production mechanisms on migration flows and their impact and the lack of capacity and corruption among Home Affairs staff in particular (see Chesang 2005).

There are also uncomfortable, if predictable, intersections between the country's immigration and asylum policy. In many instances, their inadequacies interact in ways that

produce vicious synergies, exaggerating the shortcomings of both policy areas. The asylum policy, outlined in the Refugees Act (1998) and subsequent regulations, is South Africa's first domestic refugee legislation. Incorporating both the UNHCR 1951 Refugee Convention and the OAU (now AU) Refugee Protocol, the policy offers every individual the right to apply for asylum at any of the country's five refugee reception offices (RROs). On application, asylum seekers are to be issued with a 'Section 22' permit that, in almost all instances, gives the applicant the right to work and study but does not provide access to anything other than emergency social services. According to the law, asylum seekers are to receive a decision within six months. At this time, they are provided refugee status (usually for a period of two years) or asked to leave the country or apply for another immigration status. Throughout, asylum seekers and refugees are provided freedom of movement within the country.

Due to job seekers lack of options for obtaining immigration documents, many use the asylum system as a 'backdoor' to South Africa. The prevalence of Malawians, Tanzanians, and citizens from other peaceful countries attests to this tendency. Due to a combination of these applications and poor management by the Department of Home Affairs (which is responsible for Refugee Status Determination), the backlog of asylum claims is now over 100,000 (refer to Table 1 for additional statistics on asylum seekers and refugees in South Africa). Few people receive decisions within the expected six months and many wait years before being summarily rejected (many then appeal, creating yet another backlog). This has the dual effect of denying protection to many of those who need it while attracting yet more job seekers who benefit from the interim status. The lasting consequence is that the asylum system has been delegitimised, with few institutions, social services and employers recognising refugee or asylum papers. (For more, see Handmaker, *et al, 2008* and CORMSA 2008). The lack of an effective response to tens of thousands of Zimbabweans fleeing that country's crisis has also fed into popular perceptions that the country is being overrun and that citizens will be burdened with supporting their needy neighbours.

There are no easy answers to either the ever growing backlog or current patterns of Zimbabwean migration. On two attempts, the Department of Home Affairs, with support from the United Nations High Commissioner for Refugees and others, have attempted to address the backlog. However, they evidently lacked the skills, information, will, and resources to do so. Other improvements include the creation of an information unit within the DHA that can provide

support to status determination officers. However, basic administrative procedures and supervision—to say nothing of poorly equipped offices, corruption, and poor information management—continue to work against reform. Recommendations by a DHA hired private consulting company, Fever Tree, may help to address these challenges. However, doing so will require significant changes to human resource management within the status determination process. While these may result in critical improvements, the fastest way of reducing the backlog would be to open other avenues for migration into South Africa. Without such opportunities, asylum will continue to be an attractive option for migrants attempting to regularise their stay in South Africa.

Addressing concerns over Zimbabwean migration means first overcoming the denialism that has surrounded South Africa's response to Zimbabwe. For the better part of this decade, South Africa has proclaimed its solidarity with Zimbabwe's leadership by refusing to admit there is a crisis despite skyrocketing inflation, political violence, and public health emergencies. Accordingly, South African government leaders have categorically labelled Zimbabweans as economic migrants. While many Zimbabweans have long sought work in the country, such a position denies the political sources of economic deprivation and the well-documented incidents of torture and persecution in Zimbabwe. Until 2007, there were regular reports that Refugee Reception Offices were refusing all asylum applicants from Zimbabwe. Although Zimbabweans are now able to apply for asylum, few have been granted legal protection. Apart from granting asylum or some sort of temporary protection to all Zimbabweans in South Africa, South Africa has a number of policy options. The first is to relax entry requirements for Zimbabweans in line with existing bi-lateral and SADC agreements. There are also options for exploiting other status options within the 2002 Immigration Act. Whatever option is selected, it should allow repeated entry into South Africa and the option to trade or work (in order to support families in Zimbabwe), provide legal status while in South Africa, and provide needs-based access to humanitarian assistance.[10]

Migration and Local Governance

Population movements–some predictable, some spontaneous; some voluntary, some forced–are

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[10] For more on responding to Zimbabweans in South Africa, see Polzer 2007.

now perennial features of South African Cities (South African Cities Network 2004:36; Balbo and Marconi 2005; Bekker 2002; Dorrington 2005). As elsewhere in the world, urban centres are increasingly central nodes in international and domestic migration. Constitutionally empowered to be a leading force for development, local governments have nevertheless been wary of addressing migration concerns. This partially stems from a belief among many policy makers (local and national), that immigration is exclusively a matter of national policy concern. Some have yet to realise the degree to which migration is transforming their cities. Others naively hope that heightened human mobility is simply a temporary outgrowth of the country's democratic transition. In almost all instances, budgeting and planning exercises have largely excluded extended population projections. Consequently, city leaders continue to plan for a slowly growing and largely stable population.

This section explores local government's role in responding to migration; some of the challenges associated with developing such a response; and the political hazards associated with current approaches. The discussion includes national trends with particular attention to the country's two primary cities: Cape Town and Johannesburg. Doing so highlights similarities and critical differences in the political calculus of migration management. We also pay considerable attention to non and semi-official responses to migration in the form of violence, discrimination, and economic exclusion. Whereas South Africa has taken conscious steps to institutionalise a human rights culture and the rule of law, these sharply contrast with these social and semi-official responses. These include the privatisation of violence and the spreading economies of corruption that are such unfortunate characteristics of countries across the continent.

Local Government Responsibilities and Responses[11]

Some within local government have seen increasing migration and diversity as a hugely positive sign of South African cities' emergence as trading and cultural centres. In response, city planners in both Johannesburg and Cape Town have begun outlining strategies for recruiting and incorporating highly skilled migrants and refugees into the city's socio-economic networks.[12] However, it is also evident that many of the cities' leaders and citizens feel overwhelmed – if not

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[11] The introductory paragraphs of this section draw heavily from Götz and Landau 2004 and Götz 2004.

[12] In 2005, Cape Town conducted a skills audit of its refugee population so as to better develop policies to capitalise on their presence in the city. Johannesburg has yet to follow suit but has recently officially recognised the potential contributions migrants make to the city.

threatened – by migration, and especially, the movement of people south from the rest of the continent. In other places, the out-migration of the cities' skilled and affluent is raising the spectre of economic decline and an ever-expanding underclass (SACN 2006). For many, migration is tied to the expansion of drug syndicates, prostitution, and human trafficking, unemployment, crime, and a range of other social and economic ills. Apart from a few exceptional cases, elected officials sense that urbanisation and international migration raise the spectre of economic and political fragmentation and urban degeneration (see Beal, *et al*, 2003).

Most of South Africa's Metros are now accepting that new arrivals are part of their populations. Part of the shift in policy comes from the slow recognition among *some* officials in local government that without apartheid-style measures to control movements—measures that for reasons of intention and incapacity never achieved 100% effectiveness—cities can do little to alter regional migration dynamics (Kok and Collinson 2006; Johannesburg Strategic Development Strategy 2006). In the words of one Johannesburg city councillor, 'as much as we might not want them here, we cannot simply wish these people away' (Personal Communication, 13 July 2005). FMSP research reveals similar perspectives among planners and planning documents in Cape Town and elsewhere.[13]

However, this recognition does not come without considerable trepidation and most local governments have thus far failed to develop empirically informed and proactive policy responses to international migration. Rather than replacing existing divisions with shared rules of economic and social engagement, discrimination against non-citizens threatens further fragmentation and social marginalization. There is a real possibility that exclusion based on nationality or community of origin effects initiatives, 'to achieve a shared vision, amongst all sectors of our society, for the achievement of our goal of improving the quality of life for all citizens' (Gauteng Province 2005:3). Although there are slow changes in government, many officials continue to react to the presence of foreign migrants by implicitly denying their presence, excluding them from developmental plans, or allowing discrimination throughout the government bureaucracy and police. In both Cape Town and Johannesburg, internal and domestic migrants continue to be seen largely as a drain on public resources (see Provincial Government of Western Cape 2002) rather than as potential resources or, more neutrally, as the people government is dedicated to

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[13] Johannesburg metropolitan government has slowly begun to consider migrants as a vulnerable group although it is unclear whether any efforts to include migrants in local decision-making priorities are being made.

serve. Even those who wish to more proactively absorb new, often poor and vulnerable populations, face considerable challenges in determining how to do so.

Challenges of Developing Effective Local Government Responses to Migration

Recognising the imperative to address migration in building inclusive, safe, and prosperous cities does not necessarily mean that officials have the information or tools to do this effectively. Perhaps the most fundamental challenge to local governments charged with creating inclusive cities is the elusive *meaning of inclusion* for South Africa's highly diverse and fragmented urban communities (see Tomlinson, *et al*, 2003). With the end of apartheid era pass-laws and the country's full reintegration into regional politics and trade, previously 'forbidden' cities have become the destination—if not the terminus—for peoples from throughout South Africa and the African continent. In many instances, these inward movements have been accompanied by the flight of affluent residents from the inner cities. As a result, the population of Cape Town, Durban, and especially Johannesburg is a new population and in many neighbourhoods, it is difficult to speak of an indigenous community or dominant culture or ethos. This is most visible in central Johannesburg, an area almost completely comprised of new arrivals (See Table 13).

Table 13

Time in South Africa or Johannesburg[14]

	Citizens	Non-Citizens
Less than 1 year	5.2	13.0
1-2 Years	3.6	12.8
2-3 years	8.9	10.6
3-4 years	6.3	10.6
4-5 years	3.6	8.4
5-6 years	5.2	8.1
6-7 years	7.3	5.8

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[14] Citizens were asked how long they had been in Johannesburg. Foreigners were asked how long they had been in the Republic of South Africa. As most foreigners come quickly to Johannesburg, this may be a good indication of how long they have been in the city.

7-8 years	3.6	5.6
8-9 years	2.6	3.1
9-10 years	7.8	4.8
Greater than 10	43.8	13.9
N	192	640

For cities that have experienced rapid rates of urbanization, it is almost impossible to speak about integration or creating unified urban communities. Multi-culturalism is a fact, but without the guarantees that interactions will be peaceful, productive, or characterised by mutual respect. In many instances, the opposite has been true (see the discussion of xenophobia and conflict below). The atomisation and fragmentation of South African cities stands in sharp contrast with the vision of a self-identified urban population invested in cities' futures.

Negotiating a common basis of belonging is made all the more difficult by the nature of the cities' new populations. Many who come to the city do not expect to stay there for long. According to Statistics South Africa, 'the temporary nature of rural-to-urban migration in South Africa may add insight into the persistence of overcrowding and poor living conditions in urban townships. Migrants may employ a calculated strategy to maximise the benefits to their household of origin, rather than for their own benefit or the benefit of residential units in the urban setting' (in Johannesburg Development Strategy 2006: 28). Critically, journeys home or onwards often remain practically elusive for reasons of money, safety, or social status. This leaves almost two-thirds of Johannesburg's non-national population effectively marooned in the city, but not wishing to take root or invest in it. We also see evidence of this extra-local orientation in the levels of remittances being sent out of the city to both rural communities and other countries.

A further challenge of responding to migration comes from the little local governments know about the people living in their cities. Whereas national governments have the relative luxury of developing generalised policy frameworks, local governments and service providers are responsible for more focused and context specific interventions. For many of the reasons discussed above, in almost no instances are city governments able to draw on a nuanced and dynamic understanding of their constituencies. This is generally true regarding the urban poor and all the more so with geographically mobile people. Efforts to map 'poverty pockets' (Cross,

et al, 2005) and review both national and localised migration data (Dorrington 2005; Bekker 2002; Kok and Collinson 2006; SACN 2006; Landau and Gindrey 2008) represent some of the first concerted effort to understand South Africa's urban population dynamics. However, many of these studies are based on admittedly incomplete census data—particularly inaccurate regarding foreign-born populations—and are often purely descriptive. While the Department of Provincial and Local Government now recognises that there is a need for improving cross-border and multi-nodal planning—including a greater consideration of population mobility—planners are effectively unable to understand the 'functional economic geography of the city and its region [and] how the different components relate to each other' (SACN 2006: Section 2-7). In this context, local planners continue to be influenced by stereotypes and misreading or incomplete readings of data.

The inability to effectively understand and predict urban populations poses significant risks to local governments' ability to meet their obligations and developmental objectives. Perhaps most obviously, the invisibility of large segments of the urban population can result in much greater demand for services than predicted, reducing service quality and outstripping budgetary allocations. In many instances, these are hidden costs—to public and private infrastructure, water, and other services that are not accessed individually. The degradation to building stock due to high-population densities—a consequence of new migrants minimizing costs while maximizing centrality—also has long-term cost implications for cities that collect taxes on the bases of building values. Higher populations do not, however, necessarily result in higher costs to local government in receiving areas. Because many of South Africa's internal migrants are young men, they may remain relatively healthy, autonomous, and productive in urban areas – and hence levy few costs. Moreover, while they may not invest in property, much of their consumption—of food and consumer goods—is in urban areas. In such instance, sending communities may lose the benefits of their labour while being saddled with the costs of educating their children and providing for them in their old age. Many of these costs are paid centrally or via the provinces, but others are the responsibility of local government.

While both sending and receiving communities are influenced by the significant costs and benefits associated with migration, these calculations have rarely figured into the distribution of national resources by the South African Treasury. Since the promulgation of the new constitution in 1996, the Treasury has distributed money to the Provinces (and subsequently to the Metros)

based almost exclusively on current population estimates. Such practices are problematic for at least three reasons. First, the population estimates often significantly misrepresent where people actually live. Someone may own a house and vote in a rural community but live elsewhere for eleven months of the year (Department of Housing 2006). Secondly, peoples' presence in a particular locality is not necessarily a good predictor of their costs to local or provincial government. Third, infrastructure and social service planning requires long-term investments based on predictions of population in five to fifteen years time. Without reliable estimates, cities are unable to prepare for their population's future needs. In late September 2006, the South African Fiscal Commission convened a seminar to try to come to grips with these issues in order to better advise the treasury on resource distribution. In 2008, the Treasury again met—with World Bank support—to discuss resource allocation. However, planning continues to be based on current rather than projected population distributions and all but ignores undocumented migrants. Perhaps most worrying is that many planners' remain unaware of such an approach's frailty in a country with such high rates of mobility. This is likely to become particularly problematic as South Africa begins implementing its national spatial development framework.[15]

The lack of coordination among government departments further exaggerates the partial and often ill-informed responses to human mobility. In discussions with planners in both Johannesburg and Cape Town, they repeatedly expressed frustration regarding their efforts to foster collaboration within local government departments and, more importantly, between local government and South Africa's other two governmental 'spheres' (Provincial and National). However, due to migration's spatial dynamics, effectively responding to human mobility is not something that any single governmental body or sphere can singly address as it requires co-ordination and planning that transcends the boundaries of metropolitan areas and encompasses a wider area connected by commuter flows, economic linkages and shared facilities.

The paucity of collaboration is visible in a variety of potentially critical areas. Perhaps most obviously, the Department of Home Affairs (DHA) has been either reluctant or unable to share its data with city planners. These not only include the number of foreigners legally entering the country, but registered moves, deaths, and births. The most probable cause is lack of capacity within the DHA, although there is undoubtedly also a general reluctance to freely share information. It is, of course, not only the DHA that has shown a reluctance to work with local

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[15] For more on the country's spatial development perspective, visit
http://www.thepresidency.gov.za/main.asp?include=docs/pcsa/planning/nsdp/main.html

government, but the lack of coordination between DHA and local government is probably the most significant gap.

Exclusions and Fragmentation: Responses to Migration

The challenges outlined above, together with widespread xenophobia and ignorance over migrants' rights, are promoting fragmentation and unhealthy competition in the South African cities that have become primary migration destinations and points of transit. This is evident in a range of areas critical to human development including (but not limited to), access to social services, markets, and financial services; and interactions with the police and other regulatory bodies. The consequences—discussed in more detail below—include economic losses, threats to security and health, low degrees of social capital, and less liveable communities.

Markets and Financial Services

Ready access to informal and formal markets for exchanging goods and services is critical to successful urban economies. Unfortunately, non-nationals are often systematically excluded from employment and income generating opportunities through both formal and informal mechanisms. Many foreign citizens without the right to work—but with the skills and a willingness to do so—accept positions where they are paid below the minimum wage or work in inhumane conditions. Even those with employment rights report being turned away by employers who do not recognise their papers or their professional qualifications. Without money to have their qualifications recognised by the South African Qualifications Agency (SAQA), they have little choice but to seek other ways to generate income. A recent court decision now allows undocumented migrants to seek recourse for labour abuses through the Labour Court and other arbitration mechanisms. However, it is unclear whether this will have any substantive impact on improving labour conditions.

Patterns of exclusion are also evident in private sector industries where poor foreigners are typically unable to access even the most rudimentary banking services. Although current banking legislation technically prevents anyone except permanent residents and citizens from opening bank accounts, this policy may be waived on a discretionary level (see Jacobsen &

Bailey 2004). Under pressure from lobbying groups, some banks have now begun extending services to refugees, but are still unwilling to open accounts for other African immigrants who do not have the requisite thirteen-digit identity number or foreign passport. New anti-money laundering measures have also made it necessary to have proof of residential address in South Africa in order to get or maintain an account, something that *de facto,* excludes many domestic and international migrants. Absurdly high bank charges exclude even more. Elsewhere in the world, banks have recognised the profits to be made from providing foreigners access to financial services; not only because they typically save at a higher rate than more secure local populations, but also because they frequently transfer money to and from other countries. At present, only wire-transfer services and informal moneychangers are collecting the considerable profits from such transactions.

Social Services

A cocktail of inadequate documentation, ignorance, and outright discrimination, prevents many non-nationals who are legally in South Africa from accessing critical social services. Those in the country without documents face even greater obstacles. Section 5(1) of the South African Schools Act 84 of 1996, for example, declares that, 'a public school must admit learners and serve their educational requirements without unfairly discriminating in any way.' Moreover, Article 27(g) of the Refugees Act (130 of 1998) states that, 'Refugees as well as refugee children are entitled to the same basic health services and basic primary education which the inhabitants of the republic receive from time to time' (cited in Stone and Winterstein 2003). Despite these provisions, asylum seekers and refugees—to say nothing of other foreigners—face significant obstacles in accessing the educational services to which they are entitled. Recent Wits University research found that close to one third of school age non-national children are currently not enrolled in schools due to an inability to pay fees, the costs of transport, uniforms and books, or explicit exclusion by school administrators. Even those in school report regularly being subjected to xenophobic comments by teachers or other students.

Similar forms of exclusion are reflected in access to health service. Section 27(1) of The Constitution states that everyone has the right to health care services, including reproductive health care. This clause is followed by Section 27(2) binding the state to make reasonable

measures towards realising these rights. Under law, refugees are entitled to have access to the same basic health care as South African citizens, although other migrants are required to pay additional fees.[16] Section 27(3) of the South African Constitution clearly states, however, that no one—regardless of nationality, documentation, or residency status—may be refused emergency medical treatment.

The inability or unwillingness of many hospital staff members to distinguish between different classes of migrants (coupled with xenophobia) often means that migrants, including refugees, are denied access to basic and emergency health services or are charged inappropriate fees. Many non-nationals report not being able to access Anti-Retroviral Treatment, for example, because they do not have green, bar-coded ID documents. Non-nationals may not only be refused services outright, but foreigners report being made to wait longer than South Africans before being seen and are subject to other forms of discrimination. While waiting, one refugee overheard nurses talking about 'foreigners taking government money and having too many babies,' and another reports a hospital staff member describing the hospital as 'infested' with foreigners. There are also accounts indicating that non-nationals are often denied full courses of prescribed medicines (see Nkosi 2004; Pursell 2005).

Failure to overcome these obstacles can have dire consequences. A 2003 national study of refugees and asylum seekers found that 17 percent of refugees and asylum seekers had been denied emergency medical care, often because of improper documentation or ignorance on the part of the admitting nurses (Belvedere 2003). If one could calculate this as a percentage of those who had sought such care, the figure would be much higher. In one particularly dramatic incident reported in Johannesburg, an expecting Somali woman was refused service on the grounds that (a) delivery, unless problematic, did not constitute an emergency and (b) she could not pay the additional fee levied on foreigners (which as a refugee she was not required to pay). As a result, she ultimately delivered the child on the pavement outside the hospital, only to have it die a few weeks later. This is an extreme example, but speaks to broader patterns of exclusion from effective protection. Given their tenuous status in the country, often aggravated by a lack of proper identification and their relative ignorance of their rights, many foreigners simply accept these violations. Indeed, only 1 percent of refugees who were refused health services lodged a

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[16] Section 27 (g) of the Refugees Act 130 of 1998 (see also s 27 (b)). For more on refugee access to health care, see Pursell 2005.

complaint and 24 percent report doing nothing, largely because they did not know what to do (Belvedere 2003).

Accommodation

Providing access to dignified and healthy housing is a key policy challenge for South Africa in relation to all its residents. However, non-citizens are comprehensively excluded from subsidized housing programmes for low-income groups, including the National Housing Subsidy Scheme,[17] the National Housing Programme for the Upgrading of Informal Settlements,[18] the Emergency Housing Programme[19] and subsidised rental in Council properties. In all cases, no specific mention is made of refugees or asylum seekers, let alone other migrants.

Due to these exclusions and a general shortage of public housing, FMSP research in urban areas suggests that 70% of urban migrants live in privately rented inner-city flats, of which 36% are main tenants and 64% are in sub-tenancy arrangements (Greenburg and Polzer 2008; also Peberdy and Majodina 2000).Housing insecurity is most strikingly illustrated by migrants' experience of overcrowding through sub-tenancy. Of survey respondents, 40% stated this as their main housing concern. Overcrowding impacts negatively on both physical and mental health, on the ability to build a sustainable livelihood, and on child development. Since overcrowding also contributes to the degeneration of buildings and urban infrastructure, it is in the interest of metropolitan councils to reduce housing insecurity.

Research also reveals that rental agencies and landlords are often not aware of the differences between legal migrants (such as asylum seekers and refugees) and undocumented migrants, believing that it is illegal to engage in a contract with refugees and asylum seekers (see quote above);[20] Those that do rent to foreigners often take advantage of their status by extracting higher rents,[21] refusing to maintain property,[22] and failing to return security deposits. In FMSP research, almost one quarter of foreign residents reported having been evicted.

[23] Interview with Cecil van Schalwyk, Director of Midrand office of *Mapogo a Mathamaga,* 25 July 2003.
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<u>Investigations, Detention, and Arrests</u>

Throughout the country, police officers are exploiting poor oversight, xenophobic discourses, and immigrants' vulnerabilities to supplement their income and address what many incorrectly assume to be the root cause of crime. Non-South Africans living or working in Johannesburg, for example, report having been stopped by the police far more frequently than South Africans despite having generally lived in the city for shorter periods (See Landau 2005).

Although legally mandated to respect non-nationals' rights, police often refuse to recognise work permits or refugee identity cards. Some respondents even report having their identity papers confiscated or destroyed in order to justify an arrest. Furthermore, there are numerous assertions that police elicit bribes from apprehended persons (documented and undocumented) in exchange for freedom (see Palmary, *et al.* 2003:113). In 2005, a national investigative television programme broadcast footage of such bribes and an interview with a woman who was still bleeding from wounds she received as a result of not paying them.

Beyond xenophobia, there are structural reasons why the police often target foreigners. Denied access to almost all formal banking service, poor immigrants must either stash cash in their residences or carry it on their bodies (Jacobsen & Bailey 2004). Combined with their tenuous legal status, (often) poor documentation, and tendency to trade on the street (hawking or informal business), some police officers have come to see foreigners as 'mobile-ATMs' (Private Communication: 7 May 2004). In the words of one Eritrean living in South Africa, 'as foreign students we are not required to pay taxes to the government. But when we walk down these streets, we pay.' A study conducted in late 2000 indicates that the frustrations outlined above reflect systematic patterns of bias where asylum seekers are arrested and detained for failure to carry identity documents; based on a particular physical appearance; for the inability to speak any of the main national languages; or simply for fitting an undocumented migrant 'profile' (Algotsson 2000). Statements by senior police officials admit that this is a common practice, but the burden of proof nevertheless remains with non-nationals to establish their legal status in the country or buy their way into freedom.

It is, of course, not only violence and extortion from the police that worries international migrants. As Crush and Williams (2003) argue, many South Africans are ill content to leave the regulation of migration and, particularly, immigration in State hands. Soon after South Africa's

first democratic election, Alexandra Township north of the city centre organised a campaign entitled 'Operation Buyelekhaya' (Operation Go Back Home) in an effort to rid the township of all foreigners (Palmary, et al 2003: 112). Nor are these efforts limited to Johannesburg. In 2002, Du Noon Township outside Cape Town also passed a resolution expelling all foreigners and prohibiting them from returning (Palmary, et al, 112; Southwell 2002). Despite this long history of violence against non-nationals by South African citizens, no effective steps have been taken by any of the government departments to address these conflicts.

Such attacks are fuelled by numerous factors including disaffection and anger by South Africans at worsening economic conditions and lack of service delivery; perceived competition with non-nationals for jobs and scarce business opportunities; as well as incitement by organised criminal elements. The failure to regularise the large number of foreign nationals in South Africa and the absence of a humanitarian programme for Zimbabweans has also heightened anti-foreigner sentiments and tensions. The heavy handed way in which police have conducted immigration raids has also led to a perception by perpetrators of violence that they are assisting in removing 'illegals' from the country. Indeed, previous responses to xenophobic violence include arresting and deporting the undocumented non-national victims of violence who had sought refuge at police stations. This amounted to a tacit condoning of the violence in that government action was assisting residents to remove forcibly non-nationals from particular areas. With national elections coming on the horizon, there are good reasons to believe that South Africa will see a resurgence of anti-foreigner violence.

Consequences for Urban Governance and Development

If not addressed, the challenges outlined above will have significant impacts on South Africa's ability to improve the welfare of foreigners and citizens. As noted earlier, South Africa has a substantial skills gap that the government hopes to fill by spending millions of Rand on skills training (Department of Labour 2005; See also Ellis 2008). However, few employers (including the government) capitalise on the economic potential of those already in their cities or who are likely to come in the near future including international migrants. While South Africa faces an acute nursing shortage, for example, there are certified refugee nurses in South Africa who can not find work. Instead of positively exploiting the presence of foreigners who are often well

educated and experienced, current policy criminalises migrants and drives processes of informalisation and illegality. In efforts to protect the rights and livelihoods of citizens, immigration policy has *de facto* promoted the illegal hiring of non-nationals in ways that continue to undermine the unions and suppress the wages paid to all workers. Moreover, by encouraging non-nationals (and those who hire them) to work in the informal sector or shadow economy, the government deprives itself of an important source of revenue and helps create networks of corruption and illegality that will be difficult to eradicate.

Migrants' inability to access secure banking also has manifold consequences that extend beyond those excluded from service. Perhaps most obviously, inaccess to financial services (particularly credit) discourages migrants from investing in the cities in which they live (see Leggett 2003; Jacobsen & Bailey 2004; Simone 2004: 10). (Although those included in our Johannesburg survey are still more likely to hire people to work for them—often South Africans—than South African entrepreneurs are (See also Hunter and Skinner 2003) Such obstacles can only aggravate infrastructural decay, limit job creation, and prevent a kind of 'rooting' through investment that can help stabilise communities and promote long-term planning. Given the migrants' general entrepreneurialism, their exclusion from business will have disproportionate effects. Keeping migrants and those they hire from moving into the informal economy also denies the government a source of direct revenues (from taxes and licensing fees) and means that much of the business that takes place is, to a greater or lesser degree, illegal. This, in turn, weakens the law's (and the state's) legitimacy and regulatory power.

Education and health care are central to any population's economic and physical health (See Annan 1999:4). In transforming urban settings, education serves a dual role. The first is to provide children and youth with the technical and analytical training they need to compete and contribute to a specialised, skills-based economy. Obstacles to any group acquiring those skills will, consequently, project existing inequalities into future generations and limit the country's ability to adapt to new economic opportunities. Education serves a second, but no less critical role: forging communities from strangers. Through the sustained interactions within the classroom, diverse groups learn common sets of rules, how to exercise civil rights, and mutual respect. Exclusion from education, therefore, can create a subset of the population without the

knowledge or skills to interact productively within the city. Given the extraordinary degree to which South African cities are fragmented and transient, this role is especially critical.

While the inability to access education may have delayed effects, denying migrants access to health services has both immediate and long-term consequences. In the short term, it puts them at physical risk and endangers the welfare of those who depend on them. Denying basic health services also raises the spectre of public health crises as recent cholera outbreaks in Musina and elsewhere in South Africa illustrate (IRIN 2008a). While medical staff may discriminate between citizens and non-nationals, infectious agents are far less discerning. As long as migrants and South Africans continue to share space—often living in close proximity— those unable to access treatment become a danger to all those around them. A work force already weakened by the scourge of HIV/AIDS, is in no position to accept such an additional threat.

Informal responses and arbitrary policing are also developing their own dynamics and momentum that limit leaders' ability to retain the power of law. Citizens and non-nationals alike now face threats to the legal protections the law ostensibly guarantees. However, if the police can not be trusted, they have little choice but to develop alternative mechanisms to ensure their safety. Although many South Africans support the police's strategy of targeting foreigners on assumptions that they are behind most of the country's criminal activity, such actions are largely ineffective in establishing order or security. For one, there is no evidence showing foreigners are disproportionately prone to criminal activity (Harris 2001). An obsession with them consequently distracts police from where they are needed (Palmary 2002). Moreover, the general ineffectiveness of such policing strategies is leading citizens to accept criminal activity as part of their social landscape. Many South Africans we have interviewed, for example, no longer classify mugging as crime unless it involved the use of a firearm. In this context, people are seeking alternative means to manage crime. In cases, this includes turning to groups like *Mapogo a Mathamaga*, a national investigation and 'goods recovery' company that works largely outside the law, but regularly draws on police information and backup.[23] These linkages 'delegalise' the criminal justice system, robbing the state of one of its most primitive functions and placing all of urbanites at risk.

The arrest of people trading on the street—whether South African or foreign—or conducting other small business also affects the livelihoods of those arrested and their

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[23] Interview with Cecil van Schalwyk, Director of Midrand office of *Mapogo a Mathamaga,* 25 July 2003.

dependents. Cities must promote entry into trading markets rather than close this avenue to those who have few other options, a category of people well represented in inner-city Johannesburg. For migrants who lack the documentation or capital to find work in the formal sector—despite many having skills to make contributions in this area—regularly targeting this subset of the population for by-law infractions only drives trade further underground and increases the likelihood that they will turn to irregular, illegal, or dangerous economic activities. The kind of corruption and informal vigilantism seen against migrants in Cape Town, Johannesburg, and elsewhere across the country also presents a fundamental challenge to South Africa's legitimacy and risk institutionalizing patterns of violence and corruption in essential state agencies and departments.

South Africa's economic and political success hinges on accountable institutions that foster a set of overlapping goals among city residents. Discrimination based on national or community origins, like other arbitrary forms of exclusion, undermines this objective in two primary ways. First, for reasons discussed above, people who do not feel welcome in South Africa's urban society are less likely to respect the rules and institutions dedicated to governing it. This may become visible in efforts to dodge taxes regulations, avoid census takers, or actively subvert regulatory agencies they feel are more likely to prey on than promote their interests. When not given the rights to work or documents needed to secure housing, it may also result in building hijackings, criminal activity, or other anti-social behaviours. Those who feel excluded are also unlikely to participate in participatory planning exercises (e.g., the integrated development planning process (IDP)). Such self-exclusion makes government policies all the less likely to address city residents' priorities and needs and may, in time, harm public institutions' efficacy and legitimacy (see Winkler 2006).

There are also broader issues at stake regarding the relationships among residents and both local and national government. As a senior strategist for the City of Johannesburg noted in an informal discussion with us, 'The legitimacy of the South African government is founded on overturning past patterns of discrimination and exclusion. We have a proactive responsibility to absorb the poor and promote social mobility.' For him, and a few others at elite levels of local government, refugees, immigrants, and migrants are simply another category of the vulnerable and poor. Indeed, it is just such a position taken by Johannesburg's Human Development Strategy. The ability of Johannesburg to implement such a programme is, in the words of the

same official, critical to the 'integrity of the city.' As the Mayor of Johannesburg recently stated, 'It's an issue that you can't ignore' (Reuters 2006).

However, continued anti-foreigner sentiments and scapegoating risk challenging cities' legitimacy and their ability to establish accountable, socially embedded institutions. In the words of one immigrant now living in Johannesburg:

> ...Rumours are continuously spread by everyone that foreigners are responsible for whatever is wrong. It is like, 'Thank you, foreigners, that you are here, now we can blame you for everything. South Africans do not look at their own – they just ignore their own problems and pretend that foreigners cause all their problems.[24]

Although such attitudes are not universal, the presence of a convenient scapegoat prevents South Africans from holding their public institutions responsible for their shortcomings and failed promises. Although there have only been few instances in which local politicians have overtly manipulated an immigrant or migrant presence for electoral gain, there is a spectre of the kind of public political scapegoating seen in Europe and elsewhere in a context where recourse to political violence is much more common.

The Strengths and Limits of a Policy Based on Expanding Capabilities

Reflecting its ambiguous position as a relatively liberal, middle-income country in close proximity to some of the world's poorest states, South African responses to migration and displacement represent an uneasy and unsustainable hybrid of rights and restrictions. On one hand, the country grants refugees the freedom to move within the country but the quest to control undocumented migrants means they can not do so without constant fear of harassment, arrest, and deportation. More importantly, by developing an approach that aims to improve the entitlements and capabilities of all residents, regardless of their origin, South Africa will be better equipped to address unemployment, insecurity, and inequality. The failure to do so—and

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[24] Quotation from Beal, Crankshaw, and Parnell 2002: 124.

the benefits of a successful policy—will be most evident in the country's urban centres, where the majority of refugees, asylum seekers, and immigrants reside.

The remainder of this report considers how South Africa's approach to migration and asylum can draw guidance from the capability approach, a framework most notably and articulately promoted by Amartya Sen and Martha Nussbaum. This approach—discussed in more detail below—is at once universalistic and highly contextualized. In all instances, it is dedicated to expanding agency—the ability to choose different ways of living—while ensuring that fundamental prerequisites for survival are never compromised.

If effectively implemented, such a policy would help move discussions of migration policy beyond dominant security and welfarist frameworks. By focusing on individual agency and welfare, it should also draw attention to heterogeneity and spatial dynamics described in the previous pages. Perhaps most importantly, the language of capability expansion avoids pitting migrants' rights and entitlements against those of host communities. By emphasizing that improving migrant welfare is coterminous with expanding choices and control for all residents avoids the implication that migrants are getting something that rightfully belongs to others. It also helps to naturalise their presence rather than conceptually alienate them through legal action or welfarism.

So what would a capabilities approach to migration policy look like? We can begin with Article 4(2) of the International Covenant on Civil and Political Rights (ICPR) that argues all people have the right to recognition as a person before the law. From the UNHCR's discussion of basic legal protection, we can add, *inter alia,* physical security; avoidance of torture or refoulement; and an adequate and dignified means of subsistence. Not only are these basic capabilities central to human survival, but key to the exercise of agency. The latter point—a focus on livelihoods—is both critical and controversial. In the highly dynamic South African cities, a dignified means of subsistence is more than simple handouts or meeting basic nutritional needs, but also includes the flexibility to move, change employment, and invest in ways that can lead to a dignified life; or, at least, a life of comparable dignity to those around you. This flexibility also requires that we develop intervention strategies premised on individuals' skills and ambitions not only on the narrow definition of skills defined by the Government or business. It is here that we are drawn to Nussbaum and Sen's work on capabilities.

In the opening sentence of *Development as Freedom*, Sen (1999:3) writes that,

'Development can be seen [. . .] as a process of expanding the real freedoms that people enjoy.' As such, we should measure policy success by the ability to progressively expand the opportunities (i.e., capabilities) they have for people to achieve their heterogeneous objectives. This will not guarantee prosperity for migrants, but provides them with the opportunities to maximise their values (See Sen 1985: 18-20). Such a policy imagines migrants as effective agents in their own welfare who—like other potentially vulnerable groups—may require assistance to overcome internal and external obstacles limiting their capabilities.

The first step in implementing such a policy is finding ways of improving documentation and legal status. In the first instance this should be about creating new mechanism for people to migrate legally to South Africa. This could include a range of options such as job-seeker permits or a more comprehensive SADC free movement protocol. Ideally, the government should eventually expand this initiative to regularise all people currently within South Africa. Although not a guarantee of capability expansion, legal status and documentation are critical to welfare and security: theoretically enabling access to employment and protecting against abuse at the hands of police. Almost five years ago, Durban was among the first municipalities to register street traders regardless of national or legal status. This provided a modicum of protection but the provision of documents is not enough. To promote migrants' full economic participation, any intervention must also include training relevant officials to recognize and respect these forms of documentation and supporting disciplinary action against those who do not. Even when such documentation provides only limited protection or access to services, documentation can help promote an objective and consistent regulatory system that may ultimately enhance opportunities for all residents. Certainly, increased reliance on documentation can help fight corruption within the state and private bureaucracy.

The second phase should focus on qualifications and skills training. As noted earlier, many migrants to South Africa have professional credentials and qualifications that are not recognized by national authorities or professional associations in asylum countries. For example, while South Africa faces an acute nursing shortage, thousands of refugee nurses remain unemployed because they cannot prove their qualifications. In other instances, a minimal degree of special training can be provided that will allow migrants to upgrade or adapt their existing qualifications in ways that will contribute to South Africa's overall welfare.

The success of the priorities outlined above depends on a level of awareness and compliance within the public and private sectors. As described elsewhere, there are significant knowledge gaps among officials, employers, and landlords regarding the rights of non-nationals within South Africa. Much as 'fair play' is a critical component of administrative justice and capability expansion, efforts must be made to limit the discrimination non-nationals face in accessing services, jobs, and accommodation.

Perhaps the most controversial recommendation for enacting a capabilities approach is the requirement for political participation. Political participation is not only a value in its own right, but is critical to the universal expansion of capabilities (see Sen 1999). If we accept that migrants' intentions and actions affect the communities in which they live, then we should also facilitate a role in influencing official policymaking. Policies formed without accurately assessing the interests and capabilities of all affected are unlikely to achieve their intended outcomes. More fundamentally, opportunities for participation are also critical in fostering the sense of community needed to expand economic opportunities across communities. Formal exclusion from participatory processes only encourages socio-political divides between citizens and non-nationals (see Amisi and Ballard 2005; Mang'ana 2004). Certain forms of political participation should probably be reserved for citizens (e.g., the right to elect leaders), but migrants may nonetheless be provided substantive opportunities to influence the policies directly affecting them. If the goal of government is to expand the capabilities of all people—to provide services, promote health, security, and prosperity—policies must be formulated with a comprehensive understanding of all residents.

Although largely convinced by its principles, there are at least four reasons to question its practicality in contemporary South Africa. First, given the current political climate, it will be difficult to garner support for any effort seen as promoting foreigners' welfare or socio-political incorporation. Even where migrants are technically able to participate in public planning mechanisms–chambers of commerce, community policing forums, or government run integrated planning processes (IDPs)—they are often overtly excluded or marginalised by South African participants. Second, a capabilities approach depends heavily on institutions to ensure and promote basic rights. Without access to even basic legal protections or physical security, such strategies are unlikely to succeed. Third, and more fundamentally, we must explicitly recognise the limited impact of official policymaking. As described in the pages above, many of the factors

affecting migrants' lives and livelihoods take place outside the state. These include the denial of housing, labour exploitation, and violence. While the state ostensibly has a role in countering these trends, officials have been either unwilling or unable to do so. In many instances, they play an active role in corrupt or extra-legal practices. Lastly, South Africa faces what is often termed mixed flows of migrants. While a developmental approach may effectively assist voluntary or labour migrants, a more interventionist and welfarist approach may be needed for those fleeing violence, persecution, or natural disasters. With no effective way of distinguishing these populations, the latter group's vulnerabilities are likely to go unaddressed.

An approach premised on gradually expanding capabilities through engagement with host communities' economic and social process also presumes migrants' desire for such integration. As discussed above, many migrants (international and migrants) see their current place of residence as a site of profit and passage. For those displaced by war or conflict, they may only be seeking temporary protection. Rather than make social or economic investments, they instead try to extract and accumulate with the idea of quickly moving on or remitting money to family and friends elsewhere. Indeed, many migrants actively position themselves on margins of host communities' where they can benefit from economic opportunities without being bound by social or political obligation (see Landau and Monson 2008). Undoubtedly, a friendlier policy framework would encourage many people to invest in the areas in which they live. However, such interests cannot be presumed.

Conclusions and Steps Forward

There is little definite or final to say about migration and development in South and Southern Africa. Population movements and their consequences are equally the result of long-term global and local political transformations and unpredictable natural and political crises. With elections around the corner, policy responses to migration are equally uncertain. However, in the midst of global economic crisis and populist pressures on whatever government is elected in 2009, it is unlikely that policy reforms will achieve positive, long-term, and regional development outcomes. If they do, it will be a result of good fortune instead of good planning.

In such a context, a report of this kind can only end by raising issues that will—or should-- shape population and political dynamics and responses to them. To that end, there is a

need to rethink three divisions: between documented and undocumented migrants; between voluntary and forced migrants; and between international and domestic migration. As elsewhere in the world, these are analytical categories that are closely tied with specific legislations and implementing bodies. This has tended to produce policy silos with little coordination among agencies charged with law enforcement, status determination, documentation, social assistance, or local development. In almost no instances do such firm distinctions make logical sense. This is all the more so in South Africa where there are mixed migration flows and few bureaucratic mechanisms to distinguish among the various migrant categories. If there is to be substantive and effective reform in any one of these areas – asylum, migration, border management, or urban development– all must be considered together as part of a national and regional policy framework to address human mobility. In January 2009, Gauteng Province's Department of Local Government convened a special seminar on 'migration mainstreaming' that seeks to address just these concerns. While innovative and the first such initiative for the country's most migrant rich province, many of the proposed measures rely on highly sophisticated collection, dissemination, and use of statistics that are yet unavailable. A more immediately feasible proposal includes regular coordination meetings that would bring together senior officials from across local government to review broad migration trends, identify information paucities, and consider potential mechanisms for incorporating migration into their annual and long-term plans.

There is also a need to introduce a spatial component in considering future policy directions. Perhaps more than many policy areas, national governments are automatically assigned comprehensive responsibility for matters affecting immigration and emigration. While national government has an important role, there is a need to move beyond the nation state framework. Migration's most immediate effects are felt locally in both sending and receiving communities. Local government must necessarily be involved to ensure that these effects are developmentally positive. Moreover, because migration involves at least two distinct geographic locales, the developmental effects are, by definition, regional. As such, both analysis and policy debates must work towards a regional approach. What we must now begin is a new spatial analysis of migration that breaks from a long-standing epistemological nationalism. Any discussion of migration and development should hereafter consider local, national, and regional impacts and policy options.

In considering the possibility for positive policy reform, we must also consider the policy climate and institutional frameworks present in South and Southern Africa. As detailed above, the South African Department of Home Affairs has shown little interest or ability in developing and implementing sound and effective migration policy. Elsewhere in government, there has been little planning or consideration of human mobility both domestic and international. As such, there is little reason to believe that South Africa will independently shift its current security and control based policies towards ones that are more developmentally oriented. At the local and regional levels, the capacity to evaluate, monitor, and address migration is almost totally absent. A small number of municipalities have begun to recognize human mobility as a significant issue but few have undertaken substantive initiatives to address it. While the Southern African Development Community's secretariat is ostensibly responsible for developing a regional approach to migration, there is no one in the secretariat specifically charged with migration matters. Even were these bodies to develop effective policy, the inability to implement them will also mean that the effects may be more negative than positive.

We must also question the role that non-African actors are playing in pushing particular policy agendas. Although the International Organisation for Migration has played a positive role in training officials and assisting in the repatriation of refugees, their hyperbolic anti-trafficking agenda has helped ensure that migration continues to be framed as a humanitarian or law-enforcement—and not development—concern. Despite the relatively few people affected by the horrors of human trafficking, the IOM and its partners have managed to push for policy reform while the faulty asylum system remains relatively untouched.

The European Union is also playing an important if more sophisticated role in South Africa's immigration regime. Through political dialogues and 'capacity-building', they are gradually winning allies in their ongoing campaign to legitimise tightened border controls. This has both immediate and long-term benefits to the European Union. In the short-term, it helps prevent people from using South Africa as a springboard into the European Union. Although the numbers following this route are relatively small, corruption within South Africa's Department of Home Affairs and relatively lax visa requirements for South Africans travelling to Europe (particularly those heading towards the United Kingdom), mean that South Africa is a frequent point of transit for Africans and Asians with intentions of onward travel. Over time, the

European Union's hope might be to strengthen South Africa's border control ethos so as to ensure support for its restrictive immigration measures within international policy fora.

Third, this paper argues that global debates over governance and development have much to offer South Africa as it grapples with future migration policy directions. With a move away from singularly prescriptive approach to governance, the UNDP's 1997 Human Development concept, the European Commission's 2006 Strategic Paper on Governance, and even the World Bank Group's *Engagement on Governance and Anti-Corruption (GAC)* suggest the need to develop policies based on a country's specificities. This suggests the need for a South (and Southern) Africa migration management system that considers the region's population dynamics, economic needs, and institutional capacities. But as domestic and international support grows for supporting the governance of service delivery, migration continues to be governed largely as a security concern divorced from the broader social and economic issues with which it intersects. If nothing else, this report suggests that foreign assistance and domestic policy reforms push for 'migration mainstreaming' into all aspects of governance. In a country where international and domestic mobility remains so demographically and politically important, the success of any development initiative must overtly consider the country's population dynamics. As part of this process, the government should identify and understand the root causes of the negative by-products of human mobility–corruption, human rights abuses, labour competition—and begin developing ways to help reduce them rather than rely on the fantasy that it should and can totally control mobility itself.

Lastly, any effort to incorporate migration into long-term policy and governance process will require better data and integration of data into planning processes. This will become particularly important as South Africa embraces a spatial development model. As this report demonstrates, foreigners' presence and responses to outsiders may be driven by global processes but must be understood within specific, highly localized contexts. While it is useful to develop aggregated trends, reactions and attitudes may be shaped by the particular racial, economic, and political history of a single neighbourhood. All this will require heightening capacity for statistical, institutional, and social analyses. While this is critical at the national level, all spheres of government should be encouraged to collaborate and develop the capacity for data collection and analysis at all levels. Lastly, mechanisms should be created to ensure that these analyses—if they eventually become available—are fed into decision-making processes. Doing otherwise will

ensure policy failure and may help realize many planners' current fears about the effects of human mobility on prosperity, security, and development.

References

Amisi, B. and Ballard, R. 2005. *In the Absence of Citizenship: Congolese Refugee Struggle and Organisation in South Africa.* Forced Migration Working Paper #16 (April 2005). http://migration.wits.ac.za/AmisiBallardwp.pdf Accessed 1 May 2005.

Annan, K. 1999. Foreword. In *UNICEF-Education: The State of the World's Children*. New York: UNICEF.

Balbo, M. and Marconi, G. 2005. 'Governing International Migration in the City of the South'. Global Migration Perspectives #38. Geneva: Global Commission for International Migration.

Beal, J, Crankshaw, O, and Parnell, S. 2002. *Uniting a Divided City: Governance and Social Exclusion in Johannesburg.* London: Earthscan.

Belvedere. F. 2003. *National Refugee Baseline Survey: Final Report*. Johannesburg: Community Agency for Social Enquiry (CASE), Japan International Cooperation, and United Nations High Commissioner for Refugees.

Chesang, G. 2005. *The Law Does Not Matter: Corruption and the Politics of Refugee Protection in Post-1994 South Africa.* Paper presented to the 9th Conference of the International Association of Forced Migration, 9-11 January 2005, Sao Paolo, Brazil.

Collinson, M., P. Kok, and M. Garenne. 2006. 'Migration and Changing Settlement Patterns: Multilevel Data for Policy.' Report 03-04-01. Pretoria: Human Sciences Research Council.

Consortium for Refugees and Migrants in South Africa (CORMSA). 2008. *Protecting Refugees, Asylum Seekers, and Immigrants in South Africa – 2008*. Johannesburg: CORMSA

Cross, C., P. Kok, M. Wentzel, K. Tlabela, G. Weir-Smith, and J. Mafukidze. 2005. *Poverty Pockets in Gauteng: How Migration Impacts Poverty.* Report to the Gauteng Intersectoral Development Unit. Pretoria: Human Sciences Research Council.

Crush, J., 2008, 'South Africa: Policy in the Face of Xenophobia', Migration Information Source, Migration Policy Institute (July 2008). Available at http://www.migrationinformation.org.

Crush, J and Williams, V. 2003. *Criminal Tendencies: Immigrants and Illegality in South Africa.* Migration Policy Brief No. 10, Cape Town: Southern Africa Migration Project.

_____. 2001. *Making Up the Numbers: Measuring Illegal Immigration' to South Africa*, Migration Policy Brief No. 3. Cape Town: Southern Africa Migration Project.

Daniels, R. 2007. 'Skills Shortages in South Africa: A Literature Review.' Development Policy Research Unit Working Paper 07/121 (May 2007).

Department of Housing. 2006. 'Investigation into Urbanisation Trends in South Africa and the Implications for Housing'. Presentation made to the National Finance Commission (Midrand, 29 September 2006).

Department of Labour. 2005. National Skills Development Strategy 1 April 2005 – 31 March 2010. Pretoria: South African Department of Labour.

Dodson, B. with H. Simelane, D. Tevera, T. Green, A Chikanda, and F De Vletter. 2008. 'Gender, Migration and Remittances in Southern Africa'. Migration Policy Series No. 49. Southern African Migration Project.

Dorrington, R. 2005. 'Projection of the Population of the City of Cape Town 2001-2021. Report prepared for the City of Cape Town. Cape Town: Centre for Actuarial Research, University of Cape Town.

Ellis, S. 2008. 'South Africa and International Migration: The Role of Skilled Labour.' Pp.115-134 in Wa Kabwe-Segatti, A. and L. Landau (Eds.). *Migration in Post-Apartheid South Africa: Challenges and Questions to Policy-Makers*. Paris: Agence Française de Développement.

Forced Migration Studies Programme and the Musina Legal Advice Office. 2078. *Special Report: Fact or Fiction? Examining Zimbabwean Cross Border Migration in South Africa.* (September 2007). Available at www.migration.org.za.

Gauteng Provincial Government. 2005. *A Growth and Development Strategy (GDS) for the Gauteng Province*. http://www.gpg.gov.za/docs/misc/gds Accessed 4 August 2005.

Greenburg, J and T. Polzer. 2008.' Migrant Access to Housing in South African Cities' Migrants Rights Monitoring Project, Report No.2, Johannesburg: Forced Migration Studies Programme.

Götz, G. 2004. 'The Role of Local Government Towards Forced Migrants', In. Landau, LB (Ed), *Forced Migrants in the New Johannesburg: Towards a Local Government Response.* Johannesburg: Forced Migration Studies Programme.

Götz , G and Landau, L. 2004. 'Introduction,' In. Landau, LB (Ed), *Forced Migrants in the New Johannesburg: Towards a Local Government Response.* Johannesburg: Forced Migration Studies Programme.

Gould, C. in collaboration with N. Fick. 2008. 'Selling Sex in Cape Town. Sex Work and Human Trafficking in a South African City'. Report by the Institute of Security Studies. Pretoria (July 2008).

Harris, B. 2001. *A Foreign Experience: Violence, Crime, and Xenophobia during South Africa's Transition.* Johannesburg: Centre for the Studies of Violence and Reconciliation.

Handmaker, J., L. A. de la Hunt, and J. Klaaren (Eds.). 2008. *Advancing Refugee Protection in South Africa.* New York: Berghahn Books.

Hunter, N. And C. Skinner. 2003. Foreigners Working on the Streets of Durban: Local Government Policy Challenges. *Urban Forum,* 14(4).

IRIN. 2008. 'South Africa-Zimbabwe: The Politics of Cholera'. (21 November 2008). http://www.irinnews.org/report.aspx?ReportID=81616

IRIN. 2008b. 'Southern Africa: Human Trafficking on the Upswing'. (23 April 2008). http://www.irinnews.org/Report.aspx?ReportId=77888

Kok, P. and Collinson, M. 2006. Migration and Urbanisation in South Africa. Report No: 03-04-02 (2006). Pretoria: Statistics South Africa.

Jacobsen, K. and Bailey, S. 2004. Micro-credit and banking for refugees in Johannesburg. In. Landau, LB (Ed), *Forced migrants in the new Johannesburg: towards a local government response.* Johannesburg: Forced Migration Studies Programme.

Jensen, S. 2001. 'The Battlefield and the Prize: ANC's Bid to Reform the South African State', in *States of Imagination: Ethnographic Explorations of the Postcolonial State*, eds. T.B. Hansen and F. Stepputat (Durham: Duke University Press. 97–122

JIPSA. 2007. Report of the Secretariat on the Joint Initiative on Priority Skills Acquisition Meeting of the Joint Task Team. Cape Town (22 March 2007).

Johannesburg Corporate Planning Unit. 2002. *Joburg 2030.* Johannesburg: City of Johannesburg.

Landau, L.B. 2008. 'The Promise of Freedom, Regional Integration, and Refugee Protection,' in J. Handmaker, J. Klaaren, and L. de la Hunt (Eds.), *Advancing Refugee Protection in South Africa*. 2008. Oxford: Berghahn Books: 27-46.

Landau, L.B. 2006, 'Myth and Rationality in Southern African Responses to Migration, Displacement, and Humanitarianism', p. 220-244 in C. Cross, D. Gelderblom, N. Roux, and J. Mafukidze (Eds.), *Views on Migration in Sub-Saharan Africa: Proceedings of an*

International African Migration Alliance Workshop. Pretoria: Human Sciences Research Council Press.

Landau, L.B. 2005. Urbanization, Nativism and the Rule of Law in South Africa's 'Forbidden' Cities. *Third World Quarterly*, 26(7): 1115-34.

Landau, L.B. and Gindrey, V. 2008. '*Migration and Population Trends in Gauteng Province 1996-2055. Forced Migration Studies Programme Working Paper, 42.* Available at www.migration.org.za

Landau, L.B. and Monson, T. 2008. 'Displacement, Estrangement, and Sovereignty: Reconfiguring State Power in Urban South Africa.' 2008. *Government and Opposition.* Vol. 43(2): 315-336.

Leggett, T. 2003. Rainbow tenement: crime and policing in inner Johannesburg.' Pretoria: Institute for Security Studies.

Levinsohn, J. 2008, 'Two Policies to Alleviate Employment in South Africa.' Harvard Centre for International Development, Working Paper No 166, (May 2008).

Logan, J., Whaley, R.B. and Cowder, K. 1998. The Character and Consequences of Growth Regimes: An Assessment of Twenty Years of Research. *Urban Affairs Review* 32:603-30.

Makina, D. 2007. Survey of Profile of Migrant Zimbabweans in South Africa: A Pilot Study. Pretoria, University of South Africa.

Mang'ana, J-M. 2004. *The Effects of Migration on Human Rights Consciousness among Congolese Refugees in Johannesburg.* MA thesis, University of the Witwatersrand.

Mattes, R. *et al.*, 2000, 'The Brain Gain: Skilled Migrants and Immigration Policy in Apartheid South Africa', *Migration Policy Series*, No.20, Cape Town / Queen's, IDASA / SAMP.

Nkosi, N. 2004. *Influences of Xenophobia on Accessing Health Care for Refugees and Asylum Seekers in Johannesburg*. MA thesis, University of the Witwatersrand.

Palmary, I. 2002. *Refugees, Safety and Xenophobia in South African Cities: The Role of Local Government.* Johannesburg: Centre for the Study of Violence and Reconciliation.

Palmary, I, Rauch, J, and Simpson, G. 2003. Violent crime in Johannesburg. In Tomlinson, R. Beauregard, RA, Bremner, L and Xolela Mangcu (eds.), *Emerging Johannesburg: Perspectives on the Postapartheid City*. New York: Routledge.

Peberdy, S & Majodina, Z. 2000. Just a Roof over My Head?: Housing and the Somali Refugee Community in Johannesburg,' *Urban Forum,* 11(2): 273-88.

Pendleton, W, J. Crush, E. Campbell, T Green, H Simelane, D. Tevera and F. De Vletter. 2006. 'Migration, Remittances, and Development in Southern Africa'. Migration Policy Series No. 44. South African Migration Project.

Polzer, T. 2007. 'Responding to Zimbabwean Migration in South Africa: Evaluating Options'. Background document prepared for Policy Dialogue on Displacement and the Zimbabwean Crisis. (27 November 2007). http://migration.org.za/wp-content/uploads/2008/03/zimresponses07-11-27.pdf

Provincial Government of the Western Cape. 2002. *Migration Study in the Western Cape*. Compiled by Simon. B. Bekker. Cape Town: Provincial Government of the Western Cape.

Pursell, R. 2005. *Access to Health Care among Somali Forced Migrants in Johannesburg*. MA thesis, University of the Witwatersrand.

Reuters. 2006. 'Johannesburg Mayor Plans Migrant-Friendly Drive'. *Reuters AlertNet* (22 August 2006) http://www.alertnet.org/thenews/newsdesk/L23422828.htm.

Save the Children UK. 2007. *Children Crossing Borders: Report on Unaccompanied Minors who Travelled to South Africa.* Pretoria: Save the Children UK.

Sen, A.K. 1999. *Development as Freedom.* Oxford: Oxford University Press.

Sen, A. K. 1985. *Commodities and Capabilities.* New York: Elsevier Science.

Simone, A. 2004. *For the City Yet to Come: Changing African Life in Four Cities*. Durham: Duke University Press.

South African Cities Network (SACN). 2006. *State of the Cities Report 2006.* Johannesburg: South African Cities Network.

_____. 2004. *State of the cities report 2004*. Johannesburg: South African Cities Network.

Southern African Migration Project. Undated. 'Thinking About the Brain Drain in Southern Africa.' Migration Policy Brief No. 8.

Southwell, V. 2002. *Protecting human rights: recent cases – Du Noon expulsion of foreign nationals,* Johannesburg: South African Human Rights Commission. http://www.sahrc.org.za/protecting_human_rights_vol3no1.htm Accessed 1 October 2004.

Statistics South Africa, 2003. 'Documented Migration 2003,' Report N°03-51-03 (2003), Pretoria, Statistics South Africa.

Statistics South Africa. 2008. *Tourism and Migration, 1984-2007*.Pretoria: Statistics South Africa

Stone, L. and Winterstein. 2003. *A Right or a Privilege? Access to Basic Education for Refugee and Asylum Seeker Children in South Africa.* Pretoria: National Consortium of Refugee Affairs.

Tomlinson, R. Beauregard, R., Bremner, L and Mangcu, X. 2003. The Postapartheid struggle for an integrated Johannesburg. In Tomlinson, R. Beauregard, RA, Bremner, L & Xolela Mangcu (Eds.), *Emerging Johannesburg: Perspectives on the Postapartheid City*. New York: Routledge.

Wa Kabwe-Segatti, A. and L. Landau (Eds.). 2008. *Migration in Post-Apartheid South Africa: Challenges and Questions to Policy-Makers*. Paris: Agence Française de Développement.

Winkler, T. 2006. 'Kwere Kwere journeys into strangeness: Reimagining inner-city regeneration in Hillbrow, Johannesburg'. PhD Thesis, University of British Columbia, Vancouver.

World Bank Group. 2007. *'Strengthening World Bank Group (WBG) Engagement on Governance and Anti-Corruption (GAC)'*. Washington, World Bank Group.