Migration policy in South Africa: Increasing vulnerability

SA MIGRATION SNAPSHOT:

Regional, irregular and changing

- Sweeping majority are African (68% SADC, 75%+ African)
- Most 'economic' from neighbouring countries seeking work
- Influenced strongly by colonial and apartheid era pathways
- SA shaped by male contract labour migration
  - Decrease: Mining 60% in 2003 to 23% in 2013
- Resulting in more 'other' = irregular, women and youth
- Work permits go to non-African nationals (7 out of top 10 non-African)
- Lack of un/low skilled pathways causes irregular migration
- 'Extremely' strong connection to home 90% return home annually ie. Circular

PATHWAYS

- Land routes
- Popular corridors
- Borders most dangerous
- Low smuggler use/high corruption

'Feminisation' of Migration in SA

	Total female migrants	Female migrants as % of total population	Female migrants as % of total migrants
1990	446 656	2,3	38,4
1995	392 724	1,8	39,1
2000	401 793	1,7	40,1
2005	498 717	2,0	41,2
2010	880 757	3,4	42,0
2015	1 694 596	6,0	44,4
2017	1 792 275	6,2	44,4

Source: UNDESA 2017 mid-year data[31]

- Rise in women migrants in proportion Rise in independent migration
- Make up 33% of asylum cases

CURRENT SA POLICY DEVELOPMENTS

- **2017 White Paper on International Migration**
  - Comprehensive policy statement over 8 areas
  - First since 1999
  - Applies 'risk-based approach'
- **Border Management Authority Bill of 2016**
  - Consolidates border environment under Home Affairs
  - Emphasis on protection and militarisation
- **Refugees Amendment Act 11 of 2017**
  - Restricts work, self-employment and study rights of asylum seekers
  - Allows for cessations/exclusions

POLICY IMPACTS

Disproportionately and negatively impact vulnerable populations:

- **Low-skilled African migrants from neighbouring countries**
- **Women and children**
- **Asylum seekers and refugees**

Ineffective in promoting migration benefits or reducing risks

AFRICA-CENTRED?

- **Claims to prioritise African agenda**
- **States migration policy not aligned with Africa-centred foreign policies**
- **Wants to harness potential of migration, grounded in African realities**
- **Concedes national economy cannot develop without region**
- **Admits migration inevitable and contributes to economy**
- **Admits lack of pathways for low-skilled and unskilled results in abuse and irregularity**
- **Proposes regularisation and SADC visas**

1. **Over-stating problems associated with African migrants :**

   - **Labeling migrants as security threats without evidence**
   - **Disproportionately problematising economic migrants abusing asylum system**
   - **'Cherry picking' NDP to justify high-skill recruitment while ignoring low-skilled migrants**
   - **Poor cause/effect correlations that blame migrants for management issues**

"Immigration that is not managed through a risk-based approach is poorly managed immigration. This gives rise to systemic corruption as well as exposing all who live in the country to serious risks such as terrorism and drug smuggling. If risks are not managed, instability will increase and skilled migrants will not be recruited efficiently, thus undermining development. Job opportunities will not expand and this in turn will generate xenophobia and more instability." – 2017 white paper

WHITE PAPER LOGIC :

2015:
- 15.6 million foreign arrivals
- 14.2 million departures
- 1.44 million remain

"some overstay and in MOST cases apply for asylum to legitimise their stay"

Asylum claims in 2015:
- 62,000

2. Prioritising punitive measures against African migrants

- BMA progressing

- Refugee Amendment Act enacted to reduce 'pull factors'

- Asylum processing centres feasibility studies complete

- No progress on regularisation or visas

- Not addressing systemic management issues (blame shifting)

WOMEN MIGRANTS

- **South Africa applies a gender-neutral approach**
  - **White paper mentions 'woman/en' twice in 81 pages**
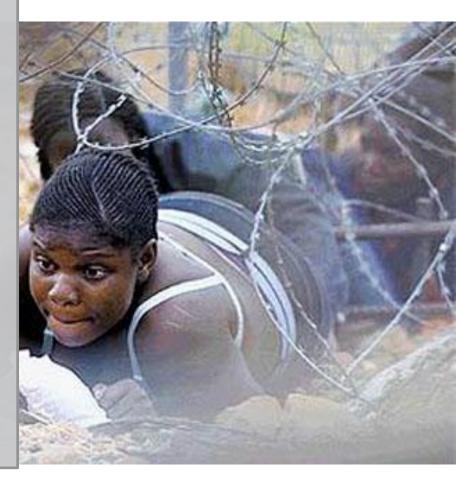- **Risk-based approach exacerbates dangers for women**

ELEVATED RISKS

1. Violence, exploitation and abuse at all stages of migration.
2. Less informed and less documented and carry more burden of care
3. Remit more often over longer periods (sacrifice more)
4. Experience 'triple' discrimination of xenophobia, racism and misogyny

RECOMMENDATIONS

1. Recognise more women are coming and coming alone.
   - Gender mainstreaming in all policy and data
   - International frameworks increasingly gendered
   - Rights-based approaches

2. 'Economic' migrants will keep coming due to relative economic strength and human nature
   - Regularisation and visa programmes
   - SADC visas promising but must include gender considerations
   - Stop problematising 'easy' targets

3. Punitive measures increase vulnerability and don't work
   - Detention, deportation and strict borders drive illegality and do not stop migration
   - Borders are particularly violent for vulnerable people
   - Detention centres will increase risks for women

4. Development potential of migration

- For both countries
- Women must be included
- Benefits decrease when irregular, go to corruption and black markets
- Improve security and data

5. Be weary of international examples

- No other region has our specific contexts
- Many bad practices