

Occasional Paper

296

May 2019



A Tale of Two Continents: Comparing Migration Experiences in South Africa & Germany

AZWIMPHELELI LANGALANGA

African perspectives
Global insights

SAIA
SOUTH AFRICAN INSTITUTE
OF INTERNATIONAL AFFAIRS

Abstract

South Africa and Germany are continents apart and are also very different economically, yet they both dominate their respective regions. As a result, they are attractive destinations for all kinds of migrants, including refugees, asylum seekers and economic migrants. Both countries have a long history of migration, but they have adopted significantly different approaches to managing migrants and have experienced different challenges and levels of success. One of the hallmarks of Germany's migration policy is that migrants who meet the necessary eligibility criteria should be integrated into society as quickly as possible, with systems and support mechanisms in place to facilitate a comfortable transition. Against the backdrop of an ageing population, migrants (especially young migrants) have the potential to shore up Germany's economy well into the future. South Africa, in contrast, is grappling with its migration phenomenon, juggling the need to attract migrants with much-needed skills and the need to tackle the very high levels of unemployment and poverty among South African citizens. Favouring foreigners (particularly from other African countries) over locals will only stoke the flames of xenophobia; yet leaving foreign migrants to their own devices and hoping they will integrate naturally is a short-sighted strategy. This paper traces Germany and South Africa's respective migration regimes and experiences, highlighting similarities and differences. It also reveals some of the lessons that South Africa can learn from Germany, particularly in how the latter has managed its migration phenomenon over the years, including some of the mistakes it has made and how it has resolved to correct them.

Introduction

It is hard to imagine that there are similarities between South Africa and Germany, especially as the two countries are located on starkly contrasting continents with very different histories and current realities. South Africa is a country of 55 million people¹ with a gross domestic product (GDP) of \$344 billion and a GDP per capita of \$13 400,² whereas Germany has a total population of 80.5 million, a GDP of \$3 652 trillion and a GDP per capita of \$51 760.³ One commonality is that both countries are members of the G20 grouping. Beyond that, it is difficult to detect obvious similarities. However, their migration experiences are not dissimilar. Owing to their geographical location and economic size relative to their regional neighbours, the two countries have faced similar migration dynamics and pressures.

Germany has the largest economy in the EU and over the years has attracted many migrants from Europe, Turkey and other countries in Asia. According to the German Federal Statistics Office in 2015, 18.6 million people residing in Germany have a migratory background,⁴ most hailing from Turkey and Southern Europe.⁵ In addition, German records show that 2.3 million Middle Eastern migrants and 740 000 African migrants live in Germany.⁶ South Africa's economy was largely built on migrant labour from the Southern African region. As with Germany, the main drawcard for migrants to South Africa has been the country's relatively stronger and better-performing economy vis-à-vis that of other countries in the region.

This paper proposes that Germany provides a peer learning opportunity for South Africa because of the shared migration experiences of the two countries. It seeks to draw parallels between the two countries, explore their experiences of migration (both labour and other forms of migration) and offer recommendations to South African policymakers.

The first section locates South Africa in the SADC region and describes its relative political and economic dominance, which has given rise to the region's migration patterns. The second section addresses the history of migration in South Africa, both internal and cross-border. The third section explores the history of migration in Germany, focusing on Germany's institutional infrastructure for dealing with migration, while the fourth section examines the various services offered to migrants to help fast-track their integration. The last section provides policy recommendations for South Africa, drawing on Germany's experiences and approach.

1 Statistics South Africa, 'Mid-Year Population Estimates', 31 July 2017, <http://www.statssa.gov.za/publications/P0302/P03022017.pdf>, accessed 31 January 2019.

2 CIA (Central Intelligence Agency), 'The World Factbook: South Africa', <https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html>, accessed 23 March 2019.

3 CIA, 'The World Factbook: Germany', <https://www.cia.gov/library/publications/the-worldfactbook/geos/gm.html>, accessed 27 March 2019.

4 Germany, Federal Statistics Office, 'Immigration and Net Migration Peaked in 2015', Press Release, 246, 15 July 2016, https://www.destatis.de/EN/PressServices/Press/pr/2016/07/PE16_246_12421.html, accessed 31 January 2019.

5 *Ibid.*

6 *Ibid.*

Hegemonic burdens: refugee influx into South Africa and Germany

South Africa in SADC and Africa

South Africa is a member of SADC and the Southern African Customs Union (SACU). South Africa is also a party to the Tripartite Free Trade Area (TFTA) and the African Continental Free Trade Area (AfCFTA). Despite SADC's regional ambivalence towards migration,⁷ the AU clearly views the free movement of persons as a future, continent-wide goal.⁸ Considering that South Africa has a generally protectionist migration policy, it is not clear how the country's migration framework will be aligned to the more liberal movement of persons approach adopted in both the TFTA and the AfCFTA. In general, regional economic communities (RECs) in Africa are designed to boost intra-Africa trade by deepening regional integration efforts and improving trade facilitation measures. Apart from being the strongest economy in Africa, the South African economy is more sophisticated and diversified than other leading economies on the continent, such as those of Nigeria and Egypt, although it did yield its status as the largest economy in Africa to Nigeria in 2013.

South Africa's pull factors

South Africa, with Africa's second-largest economy, has a GDP of \$348.8 billion. Nigeria, in the lead, has a GDP of \$375.7 billion while Egypt, in third place, has a GDP of \$235 billion.⁹ Besides South Africa's economic stability relative to other SADC member states, the country has a stable political system underpinned by a world-renowned constitution that upholds human rights, including dignity, equality and freedom. Although this political stability was threatened during the nine years of former president Jacob Zuma's administration (2009–2018), the country continues to have a vibrant democracy and a strong judiciary committed to protecting individual and constitutional rights and freedoms. Moreover, it remains an economic powerhouse relative to its neighbours in Southern Africa. Therefore, when viewed in the light of the instability in Nigeria, Egypt and several other countries on the continent, South Africa offers greater stability and is a more attractive haven for those in search of a better life. It is notable that in addition to migrants from sub-Saharan Africa, South Africa receives a substantial number of migrants from Asian countries such as India, Pakistan and Bangladesh, among others.¹⁰ According to the Statistics South Africa Community Survey of 2016, 75% of foreign-born migrants are African, with 68%

7 The SADC Protocol on Facilitation of Movement of Persons, developed in 2005, has not come into force as too few countries have ratified it.

8 The AfCFTA is an Africa-/continent-wide agreement aimed at fostering integration in a market comprising 1.2 billion people and a combined GDP of \$2.2 trillion. The agreement was signed in March 2018.

9 CIA, 'The World Factbook 2018', <https://www.cia.gov/library/publications/the-world-factbook/>, accessed 10 April 2019.

10 Meny-Gibert S & S Chioma, 'Factsheet: Where do South Africa's international migrants come from?', Africa Check, 16 August 2016, <https://africacheck.org/factsheets/geography-migration/>, accessed 26 April 2019.



Amir Kahn (L) from Pakistan and Gracias Mapila, from Congo-Brazzaville, join hundreds of other refugees, mostly from other African countries, as they queue outside the South African Department of Home Affairs to apply for extensions of their asylum seeker permits, and other similar documents

In addition to migrants from sub-Saharan Africa, South Africa receives a substantial number of migrants from Asian countries such as India, Pakistan and Bangladesh, among others

coming from the SADC region. Within the SADC region itself, the main sources of migrants are Zimbabwe at 39.6%, Mozambique at 20.2%, Lesotho at 11.1%, Malawi at 5.4%, Eswatini (formerly Swaziland) at 2.6% and Namibia at 2.2%.¹¹ Zimbabwe and Mozambique have the highest number of nationals in South Africa whereas Lesotho has the highest proportion.¹²

South Africa is viewed as the dominant economic actor in SADC, accounting for about 52% of regional GDP – in other words, more than half the total economic contribution of the region.¹³ This reinforces the country's allure among migrants from the region. South Africa highlighted this regional immigration pattern in its White Paper on International Migration released in July 2017.¹⁴ Unlike Germany's migration policy, which is couched within an EU matrix, South Africa's migration policy is not linked to SADC's policies. In fact, SADC does not have a coherent migration regime. Although there is a plethora of policy frameworks and regional guidelines on migration-related issues, very few of the protocols have been ratified and implemented domestically. SADC is the only African REC that has failed to fully support, ratify and implement a policy framework for the free movement of persons.¹⁵

11 Statistics South Africa, 'Community Survey 2016: Statistical Release', 2016, <http://cs2016.statssa.gov.za/wp-content/uploads/2016/07/NT-30-06-2016-RELEASE-for-CS-2016-Statistical-releas-1-July-2016.pdf>, accessed 26 April 2019.

12 *Ibid.*, p. 27.

13 South Africa, Department of Home Affairs, 'White Paper on International Migration for South Africa'. Pretoria: Government Printing Works, 2017, p. 6.

14 *Ibid.*

15 Oucho JO & J Crush, 'Contra free movement: South Africa and the SADC migration protocols', *Africa Today*, 48, 3, 2001, pp. 139–58.

To date, efforts have been piecemeal and partisan and progress has been slow. As a result, the ratification and implementation of protocols have seriously lagged. Consequently, the SADC region lacks a comprehensive policy framework that addresses the links between poverty, migration and development, and countries have been criticised for failing to move forward on migration-related issues, despite their supposed commitment to finding regional solutions to the challenge of managing mixed migration flows.

Moreover, migration policy among different SADC member states falls within the purview of immigration departments. These are often located within security ministries, resulting in a general securitisation approach to migration in SADC, which is more inward-looking and protectionist. The tension between the 'free movement' and 'security threat' discourses on migration is pervasive: while highlighting the need for a liberal approach to regional migration, SADC migration policies also illustrate the need to address 'criminal elements' exploiting the region's long and porous borders.¹⁶

Migration policy among different SADC member states falls within the purview of immigration departments, [which] are often located within security ministries, resulting in a general securitisation approach to migration in SADC

SADC governments' overriding concerns are national security and controlling movement, rather than facilitating the movement of persons and migration.¹⁷ Once migration is viewed as a security matter, the reflex action among policymakers is to exclude would-be immigrants. As a result, the SADC Protocol on the Facilitation of Movement of Persons and the Protocol on Employment and Labour have not been ratified, relegating migration issues to SADC member countries' domestic laws and regulations. This is suggestive of the lower level of integration in SADC compared with the EU.

16 Dodson B & J Crush, 'Migration Governance & Migrant Rights in the Southern African Development Community: Attempts at Harmonisation in a Disharmonious Region', UNRISD (UN Research Institute for Social Development) Research Paper, 2015-3, October 2015, p. 7, [http://www.unrisd.org/unrisd/website/document.nsf/\(httpPapersForProgrammeArea\)/0CDF578939EEC5ACC1257EE300393CF1?OpenDocument](http://www.unrisd.org/unrisd/website/document.nsf/(httpPapersForProgrammeArea)/0CDF578939EEC5ACC1257EE300393CF1?OpenDocument), accessed 26 April 2019.

17 Nshimbi C & L Fioramonti, *A Region without Borders? Policy Frameworks for Regional Labour Migration towards South Africa*, MiWORC Report, 1. Johannesburg: University of the Witwatersrand, African Centre for Migration and Society, July 2013.

Labour migration in South Africa

A brief history of regional migration into South Africa

Since the discovery of gold on the Witwatersrand at the end of the 19th century, South Africa has been a magnet for migrants from the surrounding region. A significant proportion of the mining workforce during the gold boom, who were regarded as labour migrants, were sourced from neighbouring countries such as Lesotho, Eswatini, Mozambique, Malawi and Zambia. Mechanisms such as the Witwatersrand Native Labour Association were created with a view to facilitating a regional migrant labour system. Migration was circular, with migrants' movements strictly regulated by the colonial and apartheid governments. After the fall of apartheid in 1994, South Africa opened its borders, which inadvertently unleashed a second and unprecedented wave of migrants. In the post-1994 period, South Africa has also attracted waves of migrants from beyond the SADC region, from countries as far away as Nigeria, Cameroon, Somalia, Ethiopia and the Democratic Republic of Congo (DRC).

Post-1994 migration

Since 1994, South Africa has attracted two types of migrants. First, the country has continued to attract documented labour migrants who work in the mining and agricultural sectors. To ensure that these migrants contribute to the local economy, the government introduced a corporate work visa system that allows seasonal migrant labourers to work and remain in South Africa for a period of three months. The visas are underpinned by bilateral agreements between South Africa and its neighbours.¹⁸ These migrations closely mirror historical, intra-regional migratory patterns based on longstanding cultural identity links with the country. Most of these cultural migrants come from Lesotho, Eswatini, Botswana, Namibia, and the southern parts of Zimbabwe and Mozambique.¹⁹

In addition to these historical migration patterns, pre-1994 South Africa hosted refugees from the Angolan civil war and the Mozambican conflict.²⁰ After 1994, South Africa offered Mozambican refugees who had settled in Mpumalanga province and parts of Limpopo province permanent residence and, subsequently, citizenship. The Angolan refugees were repatriated much later, around 2015, when it became clear that, in the post-war era, stability had returned to Luanda.²¹

Apart from migration from other countries, South Africa has also experienced significant internal migration since its transition to democracy. This is partially due to the

18 Agreements were concluded with Mozambique, Zimbabwe and Lesotho for the issuance of special permits. South Africa, Department of Labour, 'Annual Report 2007: Labour Market Review', <http://www.labour.gov.za/DOL/downloads/documents/annual-reports/labour-market-review-report/2007/labourmigration2007part2.pdf>, accessed 26 April 2019.

19 Statistics South Africa, *op. cit.*

20 Carciotto S, 'Angolan refugees in South Africa: Alternatives to permanent repatriation', *AHMR*, 2, 1, Jan–April 2016.

21 *Ibid.*

incorporation of the former homelands into the South African republic, namely, Transkei, Bophuthatswana, Venda and Ciskei (TBVC). The incorporation of the TBVC territories meant that the travel restrictions that had hitherto hindered human mobility in South Africa were dismantled. This resulted in unprecedented rural-to-urban migration, mostly to Johannesburg, Cape Town and other major cities.

Country	Numbers
Zimbabwe	20 405
Ethiopia	10 176
DRC	8 029
Nigeria	7 431
Somalia	2 595
Malawi	2 310
Ghana	2 271
Congo-Brazzaville	1 485
Lesotho	1 437
Mozambique	1 220
Uganda	753
Burundi	678

Source: Department of Home Affairs, 'White Paper on International Migration for South Africa', *Government Gazette*, 66, 28 July 2017

In 1998, while South Africa was grappling with its internal migration pressures and sorting out the status of traditional migrants from Angola, Mozambique and other neighbouring countries, war broke out in the DRC. The fact that the DRC was strategically incorporated into SADC allowed easy movement of its nationals into South Africa as refugees. Two years later, Zimbabwe's economy began its perilous descent into chaos, which led to a massive influx of Zimbabweans into South Africa. Alongside these new migration pressures, South Africa experienced a surge in migrants from West Africa, the Horn of Africa and Asia who were able to enter the country partially because of its liberal refugee regime. South Africa's refugee regime is governed by the Refugees Act 130 of 1998,²² an instrument that does not recognise economic refugees but affords asylum seekers the right to work, live and access social benefits while their cases are being adjudicated. Because of these provisions, many migrants entered South Africa on asylum claims,²³ while others simply overstayed their visas. According to the White Paper on International Migration, more than 90% of

22 South Africa, Refugees Act 1998 (Act 130 of 1998).

23 Mbiyozo A-N, 'Aligning South Africa's Migration Policies with its African Vision', ISS (Institute for Security Studies) Policy Brief, 117, October 2018, <https://issafrica.org/research/policy-brief/aligning-south-africas-migration-policies-with-its-african-vision>, accessed 2 April 2019.

asylum-seeker applications are rejected based on false claims being made. Most of these migrants make their way to South Africa's major metropolitan cities.

An important point to make in the whole migration debate is that South Africa's socio-economic infrastructure is not designed to accommodate such a large influx of migrants. Since 1994, the country has been grappling with the challenge of catering to the social and economic needs of its own population. Although the white paper demonstrates a

South Africa's socio-economic infrastructure is not designed to accommodate such a large influx of migrants. Since 1994, the country has been grappling with the challenge of catering to the social and economic needs of its own population

commitment to normalising the situation through the introduction of mandatory skills transfer requirements and appropriate visa regimes for migrants from neighbouring countries, apartheid left in its wake high levels of inequality in the country, resulting in many black South Africans being less skilled than foreign migrants.

In a study conducted by Africa Check, migrants from neighbouring countries emerged as ahead of, or more competitive than, their South African counterparts in the semi-skilled category.²⁴ As a result, migrants' access to more semi-skilled job opportunities has created tensions between local and foreign population groups, periodically escalating into violent xenophobic attacks.

To better understand South Africa's current approach to migration, it is important to gain some insight into the social and economic history of migration in the country. Gauteng province has the highest number of migrants (Figure 1), with most of these migrants concentrated in Johannesburg.

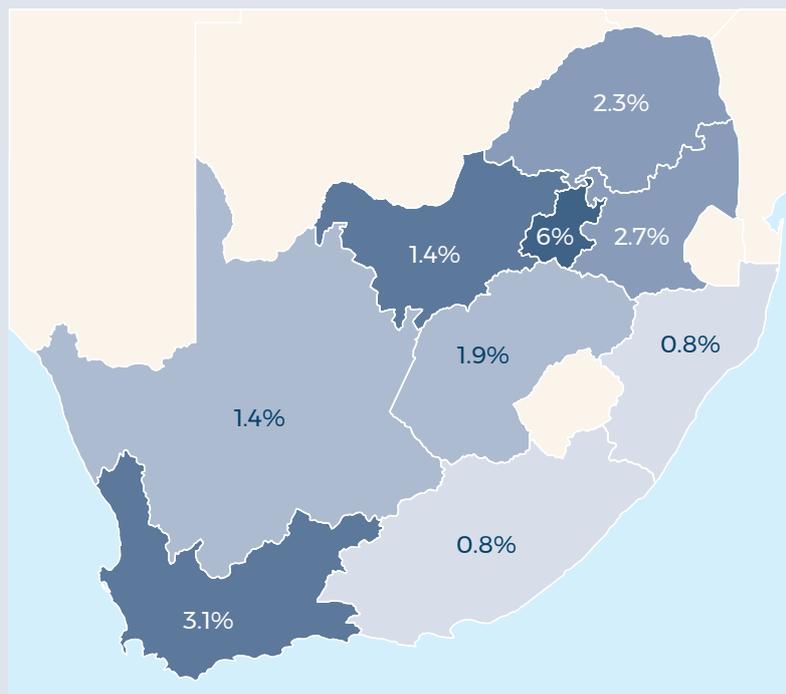
Rising tensions between local and foreign residents in some parts of Johannesburg have prompted the current Mayor of Johannesburg, Herman Mashaba, to highlight the problem in several official statements.²⁵ The mayor is of the view that migrants in the inner city of

24 Pretorius L, 'Factsheet: Skill, work, education levels of foreign-born workers in South Africa', Africa Check, 5 August 2016, <https://africacheck.org/factsheets/migrants-employment-education/>, accessed 26 April 2019.

25 *Eyewitness News*, 'Joburg Mayor Herman Mashaba: Foreigners not the responsibility of the city', 24 July 2017, <http://ewn.co.za/2017/07/24/joburg-mayor-mashaba-foreigners-not-the-responsibility-of-the-city>, accessed 26 April 2019. See also Mabasa N, 'Mashaba prepares to sue Home Affairs over processing of illegal immigrants in Joburg', *Daily Maverick*, 22 November 2017, <https://www.dailymaverick.co.za/article/2017-11-22-mashaba-prepares-to-sue-home-affairs-over-processing-of-illegal-immigrants-in-joburg/>, accessed 26 April 2019.

Johannesburg and surrounding areas make it difficult to provide housing, health and other socio-economic services to South Africans.²⁶ Mashaba further argues that the national government is not doing enough to curb illegal migration, which can be attributed in part to inadequate policing of the country's borders. At the same time, however, he is appealing to national government to improve the acquisition and retention of foreign skills in South Africa – especially students who are already studying in the country.²⁷

Figure 1 Distribution of foreign migrants in South Africa (2016)



Source: Statistics South Africa, 'Community Survey 2016', http://cs2016.statssa.gov.za/wp-content/uploads/2016/07/NT-30-06-2016-RELEASE-for-CS-2016-Statistical-releas_1-July-2016.pdf, accessed 26 April 2019

In order to address these concerns, this paper references Germany's past and current challenges with immigration from the former Eastern Bloc and, more recently, the Middle East. South Africa could learn from some of the pitfalls associated with Germany's Turkish Guest Worker Programme (TGWP), which has led to the creation of parallel societies due to a lack of suitable integration initiatives. In tracing the German experience, this paper focuses specifically on the history of migration in Germany, the interdependence of different spheres of government, and the roles of civil society and the private sector respectively.

²⁶ *Ibid.*

²⁷ Mashaba H, 'Low returns for South Africans who invest in education', *News24*, 15 January 2018, <https://www.news24.com/Columnists/GuestColumn/low-returns-for-south-africans-who-invest-in-education-20180115>, accessed 26 April 2019.

A brief history of migration in Germany

Germany is the largest economy in the EU, with a GDP of \$3.6 trillion.²⁸ The country is a constitutional democracy guided by German Basic Law, the supreme law of the country, and has a decentralised, federal system of governance. Like South Africa, post-war Germany experienced economic growth, which attracted migrant labour to the country. The first wave of migrants consisted of Turks who flocked to Germany in the 1960s to work in construction and other related industries. Turkish migration was understood to be circular (they were referred to as 'guest workers'), and in view of their high numbers the German government established a special migration regime with attendant visas (the Turkish Guest Worker Programme, or TGWP). However, the government failed to anticipate that the bulk of the Turkish migrants would not return to their country of origin – resulting in Germany today being home to a community of more than 3 million Turks.

In addition to the TGWP, Germany hosted migrants from the former Union of Soviet Socialist Republics (USSR) after the fall of the Berlin Wall in 1990 and subsequent break-up of the USSR. They came to Germany mostly as economic migrants from countries such as the Czech Republic, Hungary and Romania. It is important to note that Germany (like South Africa after its homelands were disbanded) experienced significant internal migration from the economically poorer, former East Germany into the more economically advanced, former West Germany after the collapse of the Berlin Wall and the demise of communism. Interactions with stakeholders in Germany revealed that to this day, most cases of tension between foreigners and locals occur in the former East Germany, which remains less affluent than the former West Germany. This mirrors the antagonism that poorer South Africans often display towards foreigners.

Germany also played host to refugees from the Balkans when the former Yugoslavia became embroiled in conflict and thousands of refugees fled to Europe in the mid-1990s, with their numbers peaking in 1999 and the early 2000s. When the Second Gulf War broke out in 2003, Germany experienced a surge of refugees from Iraq. In addition, the country hosts Palestinian, Afghani, Lebanese and, most recently, Syrian refugees.

What is clear in Germany's case, in contrast to South Africa, is that Germany has learnt important lessons from the TGWP and now has a clear policy of managing migration, which it has arguably successfully implemented across the country. This policy of managing migration is reflected in the various institutional frameworks that have been put in place to deal with migration.

Today, integration is at the core of Germany's migration policy. Against the backdrop of an ageing population and a growing need for skilled workers, a number of labour law reforms were implemented that made it easier to recruit permanent labour migrants. The Law

28 CIA, 'The World Factbook 2018', *op. cit.*

for Managing and Containing Immigration and for the Regulation of the Residence and Integration of EU Citizens and Foreigners of 2005 was the first new law to be implemented, which for the first time established pathways for permanent labour immigration and gave highly skilled migrants the opportunity to work in Germany.²⁹

Many economic actors and organisations continued to demand that the requirements for foreign nationals being able to work in Germany be lowered. Over the years, the creation of Germany's 'welcome culture' was a mechanism for making it more attractive to highly skilled labour migrants as well as for integrating incoming refugees into the labour market by reducing the period in which asylum workers can begin working from five years to three months.³⁰

South Africa, on the other hand, still excludes integration for temporary residents, including asylum seekers and refugees. The White Paper on International Migration explicitly states that 'there are categories of migrants that will be excluded from the integration policy due to the temporary nature of their stay in the country'.

South Africa's Zimbabwe Special Dispensation Programme (ZSDP) and the Lesotho Special Dispensation Programme (LSDP) have attracted criticism because they have been implemented in ways that have excluded large numbers of people from the two countries. For example, the ZSDP is mostly directed at employed Zimbabweans and is inaccessible to the bulk of the other migrants. While the objectives of the policy might have been noble at the outset, the programme has led to administrative exclusion.

Institutional infrastructure for managing migration in Germany

Germany's philosophy on migration is focused on fighting irregular migration, dealing with root causes, returning migrants to their countries of origin and opening legal routes for migrants to enter Germany and the EU. The country places its migration policy within an

Germany's philosophy on migration is focused on fighting irregular migration, dealing with root causes, returning migrants to their countries of origin and opening legal routes for migrants to enter Germany and the EU

29 Laubenthal B, 'Refugees welcome? Reforms of German asylum policies between 2013 and 2017 and Germany's transformation into an immigration country', *German Politics*, 22, 3, 19 September 2013, pp. 333–351.

30 *Ibid.*

EU context. In other words, the burden of migration must be shared by the 28 member countries, even though this is difficult in practice. The main political challenge associated with burden sharing in the EU is that most member states, particularly Germany's poorer neighbours, Hungary and Poland, are opposed to accommodating any type of migrant. At best, they are allowing themselves to be used as transit countries in instances when they should be taking refugees.

In addition to sharing the burden of migrants with the EU, Germany has – amid much controversy – been negotiating the externalising of reception areas with North African countries and Turkey. This entails its establishing camps outside its borders, mostly in the Mediterranean and West Africa.³¹ The rationale for the policy is to have migrants processed at those camps or centres before they reach the EU, with only those who are successful allowed to proceed to Europe. Through its Ministry of Economic Development, Germany engages with sending countries economically in a bid to encourage migrants to remain in their countries.

South Africa could aim to achieve something similar in the medium to long term by supporting SADC member country policies in a way that mitigates some of the push factors in the sending countries. South African firms are heavily invested in the SADC region; in a way, this indirectly creates economic conditions that help to reduce the appetite for migration. Over the years, South African companies have expanded into a wide range of sectors, including telecommunications, retail, manufacturing, mining and energy.³² Furthermore, Pretoria is involved in peace-keeping operations in the DRC, South Sudan and the Central African Republic, among other countries. All these efforts are aimed at establishing and sustaining a peaceful neighbourhood that will encourage citizens to stay in their countries.

Inter-departmental coordination

The perceived importance of coordination lies at the heart of Germany's migration management policy. Coordination takes place at federal state level in Berlin and at the EU Commission level through Brussels, as well as throughout Germany's devolved government structures. Germany is a federal state that is divided into districts, states and the central or federal government.

South Africa, in turn, is a quasi-federal state that is organised in the same way as Germany, although the subnational units have less autonomy than their counterparts in Berlin.

31 Squire V, 'Asylum processing centres in North Africa would merely mask the EU's migrant failings', *The Conversation*, 27 June 2018, <https://theconversation.com/asylum-processing-centres-in-north-africa-would-merely-mask-the-eus-migration-failings-98958>, accessed 26 April 2019.

32 Hamill J, 'South Africa's image problem in Africa', *Adelphi Series*, 56, 2016.

On matters of migration, administrative powers are shared between the federal and local governments, in the interests of efficiency. This includes sharing the various competencies on migration through the lead ministry. Germany's Interior Department (the equivalent of a police department) is in charge of migration because historically, the inward movement of people was considered a security threat.³³ Until Angela Merkel's reforms were introduced in 2013, the German asylum regime was predicated on a system of deterrence that incorporated various measures aimed at making the country an unattractive destination and prevented the integration of refugees. For example, until 2014, asylum seekers had to wait for five years before they were allowed to work in Germany and were offered reduced social benefits.³⁴

This function should be distinguished from that performed by the Federal Office for Migration and Refugees, a purely civilian ministry. The Department of Foreign Affairs also has a competency on migration, which includes the border police who stamp passports. There is therefore both horizontal and vertical integration of tasks and competencies on migration in Germany. Germany realises that uncontrolled migration leads to political and economic instability and a potential loss of control. Strong criticism of Merkel's policies from within her own party, a demand for limitations on the number of incoming refugees and the rise of the ring-wing populist party, *Alternative für Deutschland*, began dominating the debate on refugees in Germany, eventually resulting in the federal government introducing more restrictive asylum policies.³⁵

In South Africa, the Department of Home Affairs (DHA) has exclusive competence on matters of migration. While the DHA has offices throughout South Africa, exclusive competence on migration matters remains at the national level. Satellite offices perform an administrative function, mostly offering citizens services such as registration of births and deaths and receiving identity document and passport applications. This has led to a dissonance between a city such as Johannesburg and the central government in Pretoria. To address this particular issue, the South African government is in the process of establishing a Border Management Agency (BMA) at ports of entry which will bring all the relevant departments under one roof.³⁶ The BMA will act as a single authority managing South Africa's ports of entry, with exclusive responsibility for performing border law enforcement functions at land and sea port borders and facilitating cross-border trade.³⁷ The departments to be incorporated under the BMA banner include Home Affairs as the lead entity, with the Department of Defence, the South African Police Service, the South African Revenue Service

33 Personal interviews with selected officials in Germany's Interior Department, Berlin, 11 October 2017.

34 Laubenthal B, *op. cit.*

35 *Ibid.*

36 South Africa, Department of Home Affairs, 'Border Management Agency Bill: Draft', 673, 5 August 2015, https://www.gov.za/sites/default/files/gcis_document/201508/39058gon675s.pdf, accessed 26 April 2019.

37 Parshotam A & C Ncube, 'Managing Economic Migration in South Africa', SAIIA (South African Institute of International Affairs) Occasional Paper, 265, 2017, https://saiaa.org.za/wp-content/uploads/2017/09/saia_sop_265_parshotam-ncube_20170926.pdf, accessed 26 April 2019.

(housed within the National Treasury) and the Department of Agriculture performing their roles in a coordinated fashion through the BMA.

Resistance to the South African border management agency is similar to that Germany experiences within the EU framework. In Germany's case, its EU membership adds a layer of complexity as the regional body has the power to legislate on migration, which restricts Germany's powers in this sphere. Interviews with government officials in Germany revealed that the EU addresses interdepartmental competition by holding frequent interdepartmental committee meetings on the implementation of the various policy iterations on migration. The jury is still out on how the BMA will operate in South Africa and how the differing departmental approaches and attendant conflicts will be resolved.³⁸

Managing the migration process

Germany receives a substantial number of asylum seekers, refugees and economic migrants. While the TGWP was a proactive project to bring labour migrants into the country, Germany has since received many individuals either seeking political asylum or applying to be economic migrants. These migrants are generally from Albania, Kosovo, Serbia, Palestine, Kazakhstan, Tajikistan, Benin, Belarus, Iraq and, recently, Syria.

To manage these migrants, and in keeping with its highly controlled society, Germany has developed an extensive infrastructural network to process migrants as they arrive in the country. It is important to note that unlike South Africa, Germany has a form of encampment policy for refugees and asylum seekers in the initial stages. However, Germany has a quick turnaround time for the adjudication of asylum applications, with most applications being completed within six weeks. Interviews with officials from Germany's Interior Department revealed that most migrants arrive in the country through the southern border with Austria.³⁹

Initially, South Africa did not express a desire to establish such camps, as reflected in the Refugee Act. However, its [2017 White Paper on International Migration](#)⁴⁰ indicates that asylum-processing centres could be established as part of the country's new immigration regime. It has been argued that the establishment of camps along the borders to facilitate and process asylum seekers is not a commendable approach.⁴¹ One reservation is that such a policy deviates from international norms and could potentially fuel anti-immigrant

38 Personal interviews with selected officials in Germany's Department of Foreign Affairs, Berlin, October 2017.

39 Personal interviews with selected officials in Germany's Interior Department, Nuremberg, 10 October 2017.

40 South Africa, Department of Home Affairs, 2017, *op. cit.*

41 Parshotam A & C Ncube, *op. cit.*

sentiment through profiling. Another is that South Africa's severe capacity constraints could lead to implementation challenges.⁴²

Figure 2 Asylum applications approved in selected countries (2015)

Main nationalities granted asylum



Total claims granted by country



Source: Eurostat, 'Record number of over 1.2 million first time asylum seekers register in 2015', News Release, 44/2016-4, March 2016, <https://ec.europa.eu/eurostat/documents/2995521/7203832/3-04032016-AP-EN.pdf/790eba01-381c-4163-bcd2-a54959b99ed6>, accessed 26 April 2019

Nevertheless, the 2017 white paper reflects a desire to move forward on the proposed asylum-processing centres, indicating that in cases where centres are indeed established, they will be close to ports of entry, thereby minimising delays and wastage of resources. The cue that South Africa can take from Germany is that if it wishes to proceed with the establishment of asylum-processing centres, then the implementation of efficient methods and means to streamline the existing processes should be the overriding concern as detailed below.

As soon as refugees or asylum seekers arrive in Germany, they are required to report to the nearest police station. The authorities then direct them to what are referred to as communal or reception centres which, as the name suggests, are places that have been established by the German government through its subnational units to accommodate, feed and provide health facilities to migrants as they await processing. Germany has 16 federal states, which are equivalent to provinces in South Africa. These federal states are

⁴² *Ibid.*

further divided into administrative districts and the communal centres are located at district level. For instance, the state of Bavaria has eight administrative districts with an equivalent number of centres.

The role of communal or reception centres is to process asylum claims, with the decision to grant or deny those requests resting with the federal authorities in Berlin. What is clear from the German system is that there are strict timelines within which decisions must be made on asylum or refugee status. For instance, a decision on whether to grant asylum takes between three and four weeks for people from high-risk countries such as Iraq and Syria. This contrasts with the South African system where migrants have been on asylum-seeker visas for years.

Germany has made a policy decision that immigrants from the West Balkan states (who are in fact economic refugees but fall into the category of asylum seekers) almost never get processed and are instead deported with the advice that they use other available legal means to enter Germany.⁴³ People from that region are rather encouraged to apply for jobs in the German labour market from within their own countries. This is a similar policy to South Africa's refusal to recognise Zimbabweans as refugees under the country's asylum-seeker regime.

The longest that an asylum seeker can stay in Germany while appealing through the system is two years. During this time, the German government must find asylum seekers a place to stay and provide them with a monthly subsistence stipend. During the two years, asylum seekers can work and if they have family in Germany are also free to use their relatives'

To prevent clustering along cultural, religious and ethnic lines, the German government sometimes actively places asylum seekers in areas that have no similar community

house as shelter. However, to prevent clustering along cultural, religious and ethnic lines, the German government sometimes actively places asylum seekers in areas that have no similar community. This accelerates integration and unleashes its associated benefits.

43 Bither J & A Ziebarth, 'Creating Legal Pathways to Reduce Irregular Migration? What We Can Learn from Germany's Western Balkan Regulation', GMF (German Marshall Fund of the United States), October 2018, p. 17, <http://www.gmfus.org/publications/creating-legal-pathways-reduce-irregular-migration-what-we-can-learn-germanys-western>, accessed 26 April 2019.

Treatment of migrants: Germany vs South Africa

Access to socio-economic opportunities

The obvious difference between South Africa's and Germany's approaches to migrants is that Germany invests a great deal of resources and time in the welfare of asylum seekers and refugees. This approach is informed by various factors, including the country's constitution, history, capacity, day-to-day realities and the Christian values that form the bedrock of German society. Underpinning Germany's migration philosophy is a realisation that the country needs migrants to offset an ageing population. This realisation was apparent from interviews with various German policymakers.⁴⁴ The German constitution provides that anyone who is resident in the country is entitled to social benefits. These include housing, healthcare and a living allowance. Therefore, once someone has been granted asylum or refugee status, the German government finds accommodation for them at the state's expense and pays them a monthly allowance for their sustenance until the person finds a job – regardless of how long it might take. Having Europe's largest economy enables Germany to technically afford such generous benefits to migrants, something that South Africa with its economic and distributional challenges is hard-pressed to do.

Over and above the social security that Germany provides to migrants, the country manages a costly and comprehensive integration programme. Migrants, once registered in their various categories, must undergo compulsory German language training of 600 hours. In addition, migrants must be subjected to 800 hours of political education. Migrant children must start attending kindergarten after three months of being in Germany, regardless of the status of their parents' application. Alongside its language and political integration programmes, the German government has invested in what is termed labour market integration. Through its job centres the National Labour Agency assists migrants obtain employment. This assistance entails preparing CVs, submitting job applications and preparing job seekers for interviews.

What South Africa can learn from Germany is how to run an effective job-matching programme, albeit for locals, as it would be politically unpalatable, in light of South Africa's high unemployment rate, for the South African government to prioritise the securing of jobs for foreigners over those for its own citizens.

Also interesting is that the German government provides free vocational education and training to those refugees who might not have the skills necessary to integrate into the economy. At the core of Germany's integration and assimilation policy is a commitment to

⁴⁴ Personal interviews with selected German officials in government and business leaders revealed an awareness of the economic dividend that can be derived from young migrants. This was given as one of the reasons for Germany's aggressive integration and reskilling efforts.



Muslim women from Syria take part in a German lesson in the Muslim cultural center and mosque, in Halle, Germany

eradicate the development of parallel societies. These are migrant societies that exist side by side with German communities. There is already a parallel society of Turkish Germans, who are the product of the TGWP, with its attendant ills of social exclusion, crime and threats of political insecurity. Turkey's President Recep Tayyip Erdogan has been attempting to persuade Turkish Germans to become more politically assertive as a way of bolstering his hardening stance towards the EU. In this regard he has even attempted to address political rallies in Germany.⁴⁵

In South Africa, immigrants from countries such as Malawi, Mozambique, Lesotho and Eswatini are generally more easily integrated due to a cultural affinity. However, post-apartheid migrants from West Africa, Asia and the Horn of Africa (Ethiopia and Somalia) live in parallel societies in most of South Africa's major cities. This reflects the South African government's failure to integrate them, coupled with a reluctance to be seen to be investing money in migrants in a country in which more than half its citizens are living in poverty.

Nonetheless, the German experience shows that integration cannot happen on its own and that governments should have an active policy aimed at integrating immigrants into local communities. The advent of ISIS onto the world security stage has attracted French, British and even Dutch citizens with an immigrant background. These have tended to be second or third generation citizens. It has been argued that the attraction of these terrorist groups to persons with an immigrant background is due to a failure of integration programmes in their countries. Persons with an immigrant background, due to a lack of integration, feel alienated from their broader communities. Terrorist groups provide some sense of

⁴⁵ BBC News, 'Germany blocks Erdogan rally during G20 Summit in Hamburg', 29 June 2017, <https://www.bbc.com/news/world-europe-40442064>, accessed 26 April 2019.

If South Africa does not proactively engage in integration programmes, there is a danger that third generation South Africans, who are unintegrated and feel alienated, might be radicalised

belonging. If South Africa does not proactively engage in integration programmes, there is a danger that third generation South Africans, who are unintegrated and feel alienated, might be radicalised.

The role of civil society and the private sector

In South Africa, the discussion about migrants and migration centres on the role of government. It was therefore fascinating and refreshing to discover that in Germany the private sector and civil society are involved in helping the government achieve its migration objectives. While South Africa has a vibrant civil society focusing on migration, it differs from the German one in that the latter has forged an alliance with the government and provides support, in a spirit of complementarity, to the state's policy interventions.⁴⁶ The German civil society attitude is in sharp contrast to that of South African refugee organisations, which tend to adopt an adversarial if not an outright litigious and hostile approach towards government. The attitude and posture of South African civil society are borne out of the hostile environment that migrants find themselves in. In the 2016/2017 financial year, the DHA was a respondent in 3 874 cases, mostly brought by civil society formations acting on behalf of immigrants against the department.⁴⁷

Another unique aspect of German migration policy which is absent in South Africa is the involvement of the private sector in migration issues. The German private sector is heavily involved in empowering migrants to become economically self-sufficient. This is done under the auspices of the German Chamber of Commerce and Industry (GCCI), an organisation whose membership comprises an impressive 1 489 businesses. The GCCI works closely with the Federal Ministry of Foreign Affairs, which funds some of the private sector initiatives. Private sector interventions are premised on the realisation that migrants are in Germany to stay, although the official government policy is to ensure that they depart as soon as situations normalise in their own countries.

46 EESC (European Economic and Social Committee), *How Civil Society Organizations Assist Refugees and Migrants in the EU: Successful Experiences and Promising Practices from the 2016 EESC Civil Society Prize, 2016*, <http://www.eesc.europa.eu/resources/docs/qe-02-17-304-en-n.pdf>, accessed 26 April 2019.

47 Apleni M, 'The status of litigation: Report to the Portfolio Committee on Home Affairs', PMG (Parliamentary Monitoring Group), 7 November 2017, <https://pmg.org.za/committee-meeting/25419/>, accessed 26 April 2019.

The private sector views migrants as economic actors. Members of the GCCI provide technical and vocational education and training (TVET) of about nine months' duration to young migrants. In addition, the private sector exposes those migrants who exhibit entrepreneurial skills to economic opportunities and potential formal employment within the thriving German SMME community. Germany has more than 3 million registered SMMEs. Corporations such as Siemens, for instance, have been heavily involved in providing TVET to young migrants. A number of incubator projects have also been implemented to encourage young Germans to participate in the TVET programmes on offer. One of the reasons given by the GCCI for providing TVET was that it would help to motivate young Germans who appeared to lack the enthusiasm to make an economic contribution to the country. The German government, through the Department of Foreign Affairs, is hopeful that if young immigrants get the right type of training and open their own businesses, they may be motivated to become more economically active.

This is something that South Africa could aspire to since migrants often engage in jobs like hairdressing, panel beating and other trades that locals shun despite constituting decent work. A hybrid system, which supports both migrants and locals, could create a richer culture of entrepreneurship.

Best practice: lessons to be learned

From the foregoing discussion it is clear that Germany has managed over the years to rectify many of its mistakes by introducing a clear immigration policy that is decentralised, works on clear time lines and ensures proper integration of migrants into society. South Africa with its long history of internal and external migration could look to the German model as an example of best practice in dealing with migration. Such peer learning should, however, not ignore the fact that Germany has a large, growing economy that saw its revenue increase by \$800 million in 2017, against South Africa's revenue shortfall of \$338 million in the same year.⁴⁸ South Africa's challenges in servicing its own population are well documented. The country therefore cannot be expected to provide even a quarter of the social amenities that Germany offers to its migrant population. However, South Africa can extract valuable lessons from Germany's technical and logistical handling of migrants.

First, the South African government must recognise the value of integrating migrants into South African society rather than viewing them as guest workers. In the South African context, these are the many migrants who fall under the ZSDP and the LSDP. Granting migrants from Zimbabwe and Lesotho special dispensation visas without running integration programmes for them will not help to foster social acceptance of the migration phenomenon.

48 Ensor L, 'South African Revenue Services has a ZAR13bn shortfall, and these are the culprits', *Business Live*, 12 September 2017, <https://www.businesslive.co.za/bd/national/2017-09-12-sars-has-a-r13bn-shortfall-and-these-are-the-culprits/>, accessed 26 April 2019.

The South African government must recognise the value of integrating migrants into South African society rather than considering them to be guest workers

Second, South Africa should accept the reality that most migrants will not return to their home countries. This makes it all the more important to adopt a strict migration regime in which the borders are tightened and only those migrants whom South Africa needs are admitted into the country. Tighter controls will help improve border management. In this respect, South Africa could engage with its European counterpart on how best to implement the BMA. Germany has a multi-agency approach to migration management which bears similarities to the yet-to-be implemented BMA, such as having different ministries working together under one roof and different government departments holding regular meetings on how best to operationalise the country's migration policy. South Africa's mooted BMA similarly envisages a multi-departmental strategy aimed at strengthening and streamlining the country's migration policy.⁴⁹

Third, another feature of Germany's migration policy that South Africa could emulate is that every person within the country's borders is accounted for. The easiest way to achieve this is to ensure that migrants are well-documented. To this end, Germany allocates some migration responsibilities to provinces and districts. It is easier for subnational units to record, register and process migrants since they operate at the implementation level of migration. It is advisable for the national government in South Africa to share its migration management competencies with provinces, municipalities and major cities such as Johannesburg. For example, Mashaba alleges that up to two-thirds of inner-city residents in Johannesburg are migrants, including undocumented migrants. However, the Gauteng City Region Observatory puts the figure at a more conservative 26.2%.⁵⁰ The discrepancies in the figures suggest that the Johannesburg metro council is unaware of the total number of migrants in the city (which is traditionally the responsibility of national government to track). Insufficient knowledge about the magnitude and geographical spread of the migrant population also means that the relevant authorities are unable to provide adequate services or dedicate enough resources to managing them.

Fourth, South Africa should be concerned about the spectre of parallel migrant societies in the country's cities. Cities like Johannesburg have clear migrant societies. For instance, Zimbabweans are associated with Hillbrow and Berea. Malawians generally inhabit the

49 Border Management Agency Bill (BMA). The White Paper on International Migration for South Africa also refers to the role of the BMA as a multi-departmental institution.

50 GCRO (Gauteng City-Region Observatory), <http://www.gcro.ac.za/>, accessed 26 April 2019. The GCRO has research partnerships with the universities of the Witwatersrand and Johannesburg, which makes its statistics more credible.

inner city of Johannesburg, with suburbs such as Yeoville, Rosettenville and Turffontein being inhabited by Nigerians, Congolese, Mozambicans, Angolans and other nationalities from West Africa. The south of Johannesburg, such as Fordsburg, has many Asian migrants from countries like Afghanistan, Pakistan and Bangladesh, as well as Somali migrants. These parallel societies might appear to be benign today; however, as time goes by and as social anomie and feelings of alienation take root, second- and third-generation migrants from these communities may adopt a hostile attitude towards the state and its institutions. Germany is currently grappling with similar challenges in its inner-city district of Neukölln, which over the years had become home to many Muslim immigrant communities from the Middle East.

Ward	Main suburb	Born in South Africa (%)	Foreign-born (%)
58	Fordsburg/Mayfair	73.7	18
59	Joubert Park	66.0	32
60	Braamfontein	53.8	29
62	Hillbrow	51.7	35
63	Hillbrow/Berea	57.7	41
64	Berea/Bertrams	55.0	43
66	Bezuidenhout Valley	59.2	33
67	Yeoville/Parktown	50.0	37
123	Southern CBD/Booysens	60.3	32
124	Doornfontein	69.5	27

Source: Statistics South Africa, 'Census 2011 Statistical Release - P0301.4'. Pretoria: Statistics South Africa, 2012

Fifth, the private sector in South Africa has an important role to play in engaging migrant communities. However, in a country like South Africa, with a youth unemployment rate of over 50%, any efforts to integrate migrants into the labour market should also involve South Africans. Furthermore, interventions from the private sector can only happen if migrants have been properly documented. In addition, civil society organisations (CSOs) should complement government's efforts by ensuring that migrants adhere to the country's immigration laws. CSOs should not be perceived to be encouraging illegal migration, but at the same time their role in advancing the socio-economic rights of migrants should not be downplayed. For instance, the City of Johannesburg has been facing challenges in removing illegal immigrants from dilapidated buildings. Much of the resistance has come from CSOs advocating for the rights of illegal immigrants. In general, the South African government should promote a more constructive role for the private sector and more civil society engagement in its White Paper on International Migration.

Finally, South Africa should consider adopting a more regional (SADC) approach to burden sharing. This can be done by helping to fund some of the refugee camps in neighbouring countries that have encampment policies, such as Zambia and Zimbabwe.

Conclusion

Although South Africa and Germany have different political and economic histories and trajectories, there are some commonalities in how they have dealt with migration. Germany has a more advanced migration management regime, built on sound experience and run by an efficient and well-resourced bureaucracy. South Africa, on the other hand, has a less well-resourced and -developed migration policy framework. However, through the sharing of experiences, South Africa should gain valuable insights into how its current migration policy and interventions can be enhanced. The challenge lies in making mixed communities less divisive and more capable and willing to make an economic contribution.

Author

Azwimpheleli Langalanga

is a Senior International Trade and Investment Analyst at Tutwa Consulting Group. He visited Germany as an official guest of the Konrad Adenauer Stiftung in October 2017. The trip was aimed at providing South African policymakers and stakeholders in the migration space with an opportunity to familiarise themselves with German migration policy and practice.

Acknowledgement

The author gratefully acknowledges the generous funding from the Konrad Adenauer Foundation which facilitated the study trip to Germany and without which this paper would not have been possible.

About SAIIA

SAIIA is an independent, non-government think tank whose key strategic objectives are to make effective input into public policy, and to encourage wider and more informed debate on international affairs, with particular emphasis on African issues and concerns.

SAIIA's occasional papers present topical, incisive analyses, offering a variety of perspectives on key policy issues in Africa and beyond.

Cover image

Hundreds of refugees, mostly from other African countries, queue outside the South African Department of Home Affairs, on the UN's World Refugee Day, to apply for extensions of their asylum seeker permits, and other similar documents, 20 June 2013, in the centre of Cape Town (Rodger Bosch/AFP/Getty Images)

All rights reserved. Copyright is vested in the South African Institute of International Affairs and the authors, and no part may be reproduced in whole or in part without the express permission, in writing, of the publisher.



Jan Smuts House, East Campus, University of the Witwatersrand
PO Box 31596, Braamfontein 2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021 · Fax +27 (0)11 339-2154
www.saiia.org.za · info@saiia.org.za