

Migrants as a vulnerable group: The case of undocumented Zimbabwe migrants in Johannesburg, South Africa

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Abstract

In general, migrants are categorised as a population at risk in destination countries especially those who are undocumented or without a legal status. The statement is no exception to undocumented Zimbabwean migrants' in South Africa who are disproportionately vulnerable to different kinds of risks due to their illegality. The study made a case of undocumented Zimbabwean migrants as a vulnerable group through the adoption of the PAR model as a major theoretical reference point to unpack their vulnerability. The study found that undocumented Zimbabwean migrants' vulnerability emanated from the economic crisis in Zimbabwe and this underlying vulnerability is coincided and further increased by vulnerability embedded in political, legal and economic structures in South Africa that shows up as unequal power and consequently as unequal life opportunities.

The study through the PAR model demonstrated that the economic crisis in Zimbabwe and structures in South Africa conspire either through routine or ritual to deny undocumented migrants' access to health care in Johannesburg hospitals, make them vulnerable to xenophobic violence, insecure wages, a chronic deficit in basic needs such as housing and discriminatory educational systems that produce inequality through standardised policies and practices. Focus group discussions, transect walks and participatory interviews involving a sampling unit of 64 participants revealed that undocumented migrants' employ coping strategies to deal with their vulnerabilities. The study further demonstrated that undocumented migrants' progression of vulnerability is not homogeneous as implied in the PAR model but it is heterogeneous due to their different coping capacities which provide them with leverage against hazards and risky situations.

Undocumented migrants' who owned fewer assets (social capital) meant that their coping capacities were short term and unsustainable resulting in them facing risky situations and being more vulnerable while those with more assets had coping capacities that were adaptive and progressed to safety. The study also witnessed a new paradigm shift in terms of migrants' livelihoods in Johannesburg, South Africa. Undocumented migrants are shifting away from traditional migrant businesses such as vending fruits to more risky entrepreneurships with quick profits such as illegal gold mining (Zama Zamas), exportation of cough mixtures as medicine from South Africa and sold as contraband in Zimbabwe Broncleer (Bronco) and operating pirate taxis.

Given the history of migration between the two countries, the study recommended a new regime of SADC special permits that include low skilled economic migrants who are systematically disadvantaged by the current Immigration Act 13 of 2002. The study further

recommended permanent regularisation programmes based on *fait accompli* to cater for the unknown number of undocumented migrants already resident in South Africa.

Key words: Migration, Vulnerability, Undocumented migrants, Zimbabwe, South Africa, Disaster, Irregular, Coping strategies

Acronyms

AIDS	Acquired Immuno Deficiency Syndrome
ANC	African National Congress
CEDAW	Convention to Eliminate all forms of Discrimination against Women
CERD	Convention to Eliminate Racial Discrimination
CRC	Convention on the Rights of Child
DRR	Disaster Risk Reduction
DZP	Dispensation for Zimbabwe Project
ESAP	Economic Structural Adjustment Programme
E U	European Union
GDP	Gross Domestic Product
HIV	Human Immuno Virus
HRW	Human Rights Watch
HSRC	Human Sciences Research Council
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organisation
IFP	Inkatha Freedom Party
IRCA	Immigration Reform and Control Act
NGO	Non-Governmental Organisation
NRC	Native Recruiting Corporation
OAU	Organisation of African Unity
PAR	Pressure and Release
SADC	Southern African Development Community

SAMP	Southern African Migration Project
SAPS	South African Police Services
TEBA	The Employment Bureau of Africa
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNHCR	United Nations High Commissioner for Refugees
UNHCHR	United Nations High Commissioner for Human Rights
UN/ISDR	United Nations/International Strategy for Disaster Reduction
USA	United States of America
WENELA	Witwatersrand Native Labour Association
ZDP	Zimbabwe Documentation Project
ZSP	Zimbabwe Special Dispensation Permits

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Chapter 1 Overview of the study

1.1 Introduction

Migration between Zimbabwe and South Africa has its roots in state-supported political and economic activities that were regulated by the requirements of the South African labour mines (Crush, 2001). These later developed into a livelihood strategy for many especially those from the south-western parts of Zimbabwe (Crush & Tevera, 2010). Migration between the two countries is now a socially entrenched trans-generational survival and coping strategy (Crush & Tevera, 2010). Since the late 1990s, political and economic conditions have changed considerably in both Zimbabwe and South Africa (Simpson, 2009). In South Africa, the pariah apartheid state which was anti-African immigrants, known as the 'die swart gevaar, or the African black threat' is no more and in Zimbabwe the collapse of its formal economy generated an unprecedented outward migration to South Africa (Crush & Tevera, 2010).

South Africa attracts many migrants from Zimbabwe due to the availability of jobs, a perceived safe haven for refugees and better living conditions and many have risked life and limb entering South Africa (Crush & Tevera, 2010). Due to lack of proper documents when migrating, most migrants become vulnerable during transit and on arrival in South Africa by failing to find jobs and places to stay mainly because of their 'illegal' status (Crush & Tevera 2010). The frameworks governing migration in South Africa criminalise migrants who use 'illegal' routes out of their choice to enter South Africa and such migrants are portrayed as a threat to local societies (Crush & Williams, 2005, Crush, 2001, Crush *et al.*, 2007, Crush & Tevera, 2010). The influx of Zimbabweans together with other African migrants into South Africa has stimulated debate and all different kinds of perceptions that African foreigners 'live there illegally' 'steal our jobs and take our women', 'use our health care' has become the most common catchphrases used to justify horrific and xenophobic attacks against African foreigners in South Africa (Crush, 2001, Crush *et al.*, 2007, Crush & Tevera, 2010). Undocumented migrants are often seen as a 'vulnerable group' in that they are at increased risk for poor physical, psychological and social health outcomes, inadequate health care and systematic violations and abuses of their labour, primarily in low-wage sectors such as domestic work, agriculture and construction (Simpson, 2009; Morreira, 2015).

Their vulnerability is shaped by many factors that include political and social marginalisation and a lack of socioeconomic and societal resources (Sabates-Wheeler & Koettl, 2010). Legal status in South Africa is a major determinant of undocumented Zimbabwean migrants' access to social services and jobs with benefits (Crush, 2001). South Africa's approach to

Zimbabwean migration includes increased securitisation through measures such as increased border controls, visa restrictions upon entry, the arrest, detention and deportation of undocumented migrants and regularisation programmes which are very short such as Dispensation for Zimbabwe Project (DZP) and Zimbabwe Special Dispensation Permits (ZSP) (Amit & Kriger, 2014). While undocumented migrants feel the impact of these policies acutely, they are not mere pawns of these territorial forces. Rather, they possess a lot of agency in negotiating norms of self-motivation, self-employment and use of informal social protection mechanisms to help manage risk (coping strategies) (Bohle 2007).

This often hinges on the enactment of 'renegade moralities' that involve bending certain laws (for example, host-state immigration laws). Host countries tend to read such choices as a silent attack on state sovereignty, an attempt to steal jobs from citizens, a drain on government resources, or a pollution of the body politic (Sabates-Wheeler & Koettl, 2010). This study explored the vulnerability of undocumented Zimbabwean migrants in Johannesburg, South Africa. This was achieved through the review of the relevant literature on theories of migration, history of Zimbabwean migration to South Africa, regulatory frameworks governing immigration in South Africa, vulnerability of undocumented migrants in South Africa (using the relevant statutes, academic articles and books) and by analysing empirical data collected between July 2015 to October 2016 through interviews and focus group discussions with undocumented migrants, government and non-government officials.

1.2 Orientation and background

In today's world, there are millions of international migrants living in the diaspora for work, education or family reunion however, some cross borders to find refuge from conflicts, failed states or disasters (Dhavan *et al.*, 2017). Migration is both a vibrant and discordant phenomenon facing the world today. Migration and migrants are critical drivers of development in countries of origin, transit and destination, even though popular perception is often contradictory (Bansak, 2016). Migration is driven by a combination of 'push-and-pull' factors, such as pressure exerted by natural and man-made disasters, and the pull of better economic and social opportunities in countries of destination (Blaikie *et al.*, 2014). The conditions surrounding migration trajectories often pose risks to the physical, mental and social well-being of migrants (Castles, 2003).

Migration unavoidably implies being deprived of certain forms of social capital (for example, loss of local knowledge, social networks, language proficiency) which make migrants vulnerable to (restrictive migration regimes, discrimination and xenophobia) (Curran, 2002). When hazards strike, migrants may possibly face specific challenges and barriers that result

in more acute protection and assistance needs (Sabates-Wheeler & Koettl, 2010). Many of these challenges are intrinsically linked with being abroad (being away from home) however, not all migrants are affected equally because they are a heterogeneous group (De Moor, 2011). Migrants are a heterogeneous group with certain subgroups being more vulnerable than others especially those with an irregular status are more likely to be at risk (Nunes, 2016). In South Africa over the last few years alone, the 2008 xenophobic attacks were the most violent where more than 62 foreigners were killed and 670 injured while more than 150 000 people displaced (McConnell, 2009). The magnitude of the xenophobic violence shows how migrants often struggle to access resources, services and information that is key to ensuring safety and well-being in the face of hazards.

1.3 Migration and Disaster risk reduction (DRR)

Ordinarily, the extent to which migrants' rights and welfare are guaranteed on a day-to-day basis by a host country's institutions determines their vulnerability during and after disasters. As Wisner *et al.*, (2004) argued, migrants also need to be considered in the host countries' disaster risk reduction (DRR) policies and activities. DRR is the set of efforts aimed at analysing and reducing the factors that determine the human, material, economic, and environmental impacts of hazards (Wisner *et al.*, 2004). DRR aims to understand how socio-environmental processes produce or reduce vulnerability and risk; however this requires understanding migration's role in shaping exposure, vulnerability, and resilience to hazards (Nunes, 2014). While a number of theoretical perspectives on human mobility provide useful elements to a risk reduction discourse, DRR perspectives seems to be largely missing from the debate on migration.

Whenever migrants' skills, experiences and capacities are leveraged in support of DRR efforts, their host communities are also made more resilient (Blaikie *et al* 2014). Including migrants in DRR efforts is fully consistent with the approach to DRR adopted by the Sendai Framework for Disaster Risk Reduction 2015–2030. In order to reduce the impacts of hazards, it is essential to ensure that risk reduction efforts “leave no one behind”, when addressing the vulnerability of migrants especially those with an irregular status (Blaikie *et al.*, 2014; Nunes, 2016). States shoulder the responsibility to ensure the safety of all the people in their territory during disasters, regardless of their nationality or migration status however, migrants often go completely unaccounted for in disaster risk management. As a consequence, they often face persistent challenges long after a disaster's emergency phase has passed. The following section provides a historical background of migration starting with the Southern African Development Community (SADC).

1.4 SADC: Historical background

The SADC, as a regional bloc, was modelled on the European Union (E.U.) ideology that set several criteria to sustain regional integration (Adepoju, 2002). The SADC member states, much like the E.U case, are at different levels of development (Cross *et al.*, 2009). The member states include the war-torn but natural resources-rich Democratic Republic of the Congo, alongside struggling economies such as Swaziland, Lesotho and Zimbabwe, the stable economies of South Africa, Botswana and Namibia as well as the improving economies of Zambia, Tanzania and Mozambique (Cross *et al.*, 2009). These countries have diverse potential for contributing to regional integration, economic growth and political stability (Crush *et al.*, 2007).

The integration of South Africa within the SADC region brought about an increase in both legal and undocumented cross-border migration with new forms of mobility (Crush & Williams, 2005). The regional bloc and South Africa's reconnection with the global economy opened the doors to different forms of migration associated with globalisation and the search for the social and economic security (Crush *et al.*, 2007). The long-standing economic differences among SADC countries have promoted migration from most of South Africa's neighbours for employment in its mining, agricultural and construction industries (Crush, 2001). Several other reasons including the apartheid explain why South Africa has been a destination country for most migrants (Crush, 2001; Crush *et al.*, 2007). The end of apartheid, a system meant to control movement and exclude black migrants, produced new opportunities for cross-border mobility and new incentives for moving (Cross *et al.*, 2009). Campbell (2007) also realised that undocumented migration thrives most when neighbouring countries with huge disparate economies share the borders.

Migration flows decline rapidly as distance increases, due to increasing economic and other costs (Kok *et al.*, 2006). The most historically significant countries for demographic flows into South Africa are those in the SADC region, particularly those that it shares borders with, such as Botswana, Lesotho, Swaziland, Mozambique and Zimbabwe (Campbell, 2007). This is also the situation experienced by the U.S.A with Latin American countries (Levinson 2005). The growing rural and urban poverty combined with unemployment in the region has pushed more people out of households in search of livelihoods and one aspect of this has been a significant gender reconfiguration of migration streams (Kok *et al.*, 2006). While SADC countries are still confounded with the legacy of mass displacement and forced migration, Crush *et al.* (2005b) established that the impact of the Mozambican, DRC and Angolan civil wars continue to reverberate. Recurrent civil strife in the rest of Africa has generated mass refugee movements with new kinds of refugees and asylum seekers to the

region (Crush *et al.*, 2007). However, the cessation of hostilities in some countries has confronted countries of destination, particularly South Africa, with issues of repatriation (Crush *et al.*, 2005a). Having discussed the issues that have characterised SADC especially migration since the admission of South Africa, the following section focuses on labour migration in the bloc.

1.5 Labour migration in SADC

Migration is by no means a new phenomenon in southern Africa (Kok *et al.*, 2006). Migration for employment within SADC was prevalent long before the drawing of colonial boundaries, dating back at least 150 years (Crush *et al.* 2007). As early as the 1840s, a system of labour migration had already been established where men, from present day Limpopo and parts of Mpumalanga Provinces were employed on farms and public works in the Cape Colony (Kok *et al.*, 2006). Kok *et al.* (2006) observed that these men participated in migrant labour mainly to obtain cash to buy rifles to counter external military threats from the Zulus and Swazis, as well as from the colonists. The money was also used for *lobola* (bride price) and to buy agricultural implements (Crush *et al.*, 2005b).

The discovery of diamonds and gold, coupled with industrialisation, lured thousands of migrant labourers from the traditional labour supply areas, which include countries from the SADC (Malawi, Mozambique, Zimbabwe, Lesotho, Swaziland) and others from the sub-Saharan region such as Kenya and Nigeria, to the mining and industrial centres of South Africa (Kok *et al.*, 2006). The opening of the Kimberley diamond fields in 1870 created a huge demand for unskilled labour resulting in large numbers of workers streaming to the diamond mines (Kotzé & Hill, 1997). Crush *et al.* (2005b) and Kok *et al.* (2006) also noted that the change in mining methods from opencast to underground extraction in the early 1880s created a need for a stable, skilled labour force.

By the time gold was discovered on the Witwatersrand in 1886, the migrant labour system was established and became regulated on a much larger scale (Kok *et al.*, 2006). Mine migration and recruitment became regulated in 1912 through the amalgamation of The Employment Bureau of Africa (TEBA) and Witwatersrand Native Labour Association (WENELA) into a company called Native Recruiting Corporation Limited (NRC) (Crush *et al.*, 2005a; Crush *et al.*, 2007). Both companies operated under the same board of directors and the same management (Kotzé & Hill, 1997). Since much of the gold content from the South African mines was of low grade, gold reefs became deep and production costs also increased (Kotzé & Hill, 1997, Kok *et al.*, 2006). As a result strong capital reserves and sufficient cheap labour were required to make mining business more viable (Crush *et al.*,

2007). Limited working opportunities existed in the traditional labour supplying countries and foreign labourers from areas north of the Tropic of Capricorn and mainland China were willing to work for a lower wage than South African labourers as resilience or a coping strategy against risks (Kok *et al.*, 2006). This leads us to a brief discussion on resilience.

1.5.1 Migration as resilience

Some SADC countries suffer from economic vulnerability as their economies are exposed to external shocks due to inherent economic characteristics (Noy & Yonson, 2016). For example, most of them heavily depend on agricultural imports which are disaster prone (droughts and floods) and therefore difficult to change with deliberate policies especially in the short-term (Noy & Yonson, 2016). Under such cases, migration becomes a legitimate adaptive response to look for opportunities elsewhere where communities are threatened by economic, physical and social risks despite their efforts for local adaptation or resilience (Nguyen *et al.*, 2016). Individual members are sent away to diversify income, gain knowledge, spread risk, and gather capabilities to sustain a community, including assets to insure against future shocks and stresses (De Haan *et al.*, 2000). Resilience is considered as an 'ability, capacity, characteristic or process a system uses to positively respond or adapt to threats, stresses or events' (Nunes, 2014). In view of that, Nunes (2014) postulated that it is present in any given system and can be assessed in certain conditions (for example: disaster, shock). Though, migration is often associated with hardships, it also offers opportunities to acquire new knowledge, income and other resources or create social networks across regions (De Haan *et al.*, 2000). Accordingly, migration is a coping strategy that reduces population pressure, lessens the strain on scarce resources, facilitates risk reduction and offers better chances for survival (Nguyen *et al.*, 2016). Migrant societies establish new social capital and networks among themselves and between host and home communities, thus connecting both (Wentzel & Tlabela, 2006). This social capital contributes to the adaptive capacity and resilience of origin and host communities and helps to develop joint responses against risks and threats in the region (Gelderblom & Adams, 2006). New opportunities, resources and networks of migrants in the host regions can diversify household livelihoods and build social resilience in the regions of origin, partly compensating for initial resource losses (Gelderblom & Adams, 2006). Capabilities and transfers of resources in migrant networks, which include knowledge and remittances, further contribute to technical and institutional innovations in the home communities for sustainable development (De Haan *et al.*, 2000). Networks are an important form of social capital as shown in the next section.

1.6 Migration networks in SADC

The long history of migration within SADC, especially between neighbouring countries such as Mozambique, Lesotho, Swaziland, Botswana and Zimbabwe to South Africa has created migration networks in both the origin and destination countries (Kok *et al.*, 2006). The existence of these networks has been playing an important role in facilitating migration to South Africa (Cross *et al.*, 2009). Social ties with migrants in the home countries and with those already settled in South Africa were often used by would-be-migrants to find work, accommodation and social support system based on family or ethnic ties or both (Cross *et al.*, 2009).

The Southern African Migration Project (SAMP) found that a strong majority of migrants from neighbouring countries had a place to stay with friends and family in South Africa before arrival (Crush *et al.*, 2007). SAMP further established that Zimbabwean and Mozambican interviewees already working in South Africa, informed their family and friends about conditions in the country and such positive descriptions of South Africa were a strong motivation for migrating (Crush *et al.*, 2007). These findings on the importance of social networks in the migration process were also confirmed by another Human Sciences Research Council study among Lesotho farm-workers in South Africa (Marais, 2001). Networks, whether formal or informal, at micro or macro-level, are important for the free movement of persons as desired for by SADC draft protocol.

1.7 SADC Draft Protocol

In their attempt to eliminate all internal controls and beef up external controls, SADC modelled the Draft Protocol on the Schengen experience in Europe (Mawadza, 2011, Crush, 2012). In June 1985, Belgium, France, Germany, Luxembourg, the Netherlands, Portugal and Spain signed the Schengen agreement to remove internal controls between member countries while strengthening external controls. However, its full implementation was only to occur more than ten years later (Mawadza, 2011). In June 1995, SADC announced the Draft Protocol on the Free Movement of Persons (Solomon, 2011). Its main objective is to develop policies aimed at the continual elimination of obstacles to the movement of persons of the Region within the territories of the member states (Crush, 2012). The Draft protocol became the object of considerable criticism from a host of actors (Solomon, 2011, Mawadza, 2011) given the economic differences among member states. Some states especially South Africa, Namibia and Botswana, the three countries with the highest gross domestic products (GDPs) in the SADC region considered themselves as desirable destinations for

undocumented migrants and were not yet ready to embrace the free movement of people in the region (Mawadza, 2011).

They further argued that the draft protocol was tantamount to an open border policy that could have potentially negative consequences (Crush, 2012). The subsequent years saw the 1995 Protocol being revised and replaced by the Draft Protocol on the Facilitation of Movement of Persons in the Southern African Development Community (Mawadza, 2011). The fact that the draft protocol took ten years (1997 to 2007) before its adoption and is still to be ratified by the parliaments of the SADC countries is suggestive of the fears of its practicality and consequences given the unrelenting flow of migrants from Mozambique and conditions prevailing in Zimbabwe (Solomon, 2011). Having looked at the SADC draft protocol a close analysis of the Zimbabwe-South Africa ties is necessary.

1.8 Zimbabwe-South Africa relationship

South Africa and Zimbabwe share a rich history in terms of its people, politics, economics and migration (Mlambo, 2010). Both Zimbabwe and South Africa have for the past century been actively involved in migration either as sending or receiving countries or both and factors such as politics, economics and social networks influencing the migration flow (Mlambo, 2010). Crush (2007) found that Zimbabwe was historically always in the awkward position of being both a sending and a receiving country, and South Africa has historically been a major destination country for Zimbabwean migrants associated with labour migration. Since 1900 (WENELA), Crush *et al.* (2007) postulated that many Zimbabweans have been working in South Africa, to the extent that almost a quarter of adult Zimbabweans have parents and grandparents who have worked in South Africa at some point in their lives.

For that reason migration to South Africa is not a recent phenomenon, rather it is a well-established intergenerational practice that has grown over time (Crush *et al.*, 2007). Although migration between the two countries has its roots in state-supported political and economic activities that started with forced labour, it developed into a livelihood strategy for many especially those from the southern regions of Zimbabwe (Crush & Tevera, 2010). Thus the migration of Zimbabweans to South Africa is not a recent phenomenon but is a socially entrenched trans-generational survival and coping strategy (Crush & Williams, 2005, Crush, 2001, Crush *et al.*, 2007, Crush & Tevera, 2010). The economic collapse of Zimbabwe's formal economy since the year 2000 generated an unprecedented outward migration to South Africa (Crush & Tevera, 2010). Zimbabweans migrated in droves to South Africa due to the fiscal and economic crisis that affected all sectors of the economy including political insecurity (Simpson, 2009). South Africa attracted many migrants due to the availability of

jobs, a perceived safe haven for refugees and better living conditions and many risked life and limb by using undesignated points along the South Africa border (Crush & Tevera, 2010). While most migrants fled the crisis at home, they became vulnerable on the way to South Africa (by drowning in the flooded and crocodile infested Limpopo) and on arrival in South Africa by failing to find jobs and places to stay (Crush & Tevera, 2010).

The number of undocumented Zimbabwean migrants in South Africa is unknown due to the clandestine means used to enter or stay in the country and assumptions about undocumented migration have become largely speculative and misleading (Makina, 2007, Landau & Segatti, 2009, Crush & Tawodzera, 2012). Past estimates have varied from one to three million Zimbabwean migrants in South Africa (Crush, 2012). Landau (2006) queried the estimates of two to three million Zimbabweans alone, noting that this figure was equivalent to 20 per cent of the Zimbabwean population at the time. Since that time, it is widely believed that the absolute number of Zimbabweans in South Africa has risen very sharply, with the possibility that the current presence of Zimbabwean migrants in South Africa may have climbed significantly closer to three million, and that it may remain at that figure despite the cyclical xenophobic attacks (Crush & Tawodzera, 2012, Cross *et al.*, 2009).

There may be limited value in establishing exact figures, since it has been argued that precise numbers are not necessary for recognising the need for planning a response (Oucho, 2011). Many in government and the media have used the misleading figures to fuel powerful and pejorative public immigration discourse that prioritises control over management, expulsion over admission, exclusion over inclusion (Crush, 1999; Peberdy, 2001). Simpson (2009:25) reported that Zimbabweans were at one time described as ‘a human tsunami,’ ‘illegal’ immigrants,’ or ‘border jumpers’ suggesting that Zimbabweans in South Africa are all voluntary economic migrants. Simpson (2009:25) went further and quoted Former President Thabo Mbeki referring to them as ‘inflow of illegal’ people.’ Other South African officials have made various statements including ‘there is no war in Zimbabwe,’ implying that Zimbabweans cannot possibly have valid asylum claims (Crush, 1999). Furthermore, Crush (1999) pointed out that granting Zimbabweans a refugee status would be viewed as acknowledging the political problems in Zimbabwe which would compromise diplomatic relations between the two countries, hence a piecemeal regularisation programme such as the Zimbabwe Documentation Project was unavoidable.

1.9 Zimbabwean Documentation Project (ZDP)

In April 2009, a new approach to the management of undocumented migration was introduced by the new Minister of Home Affairs Nosiviwe Mapisa-Nqakula to encourage migrants to enter through legal channels (Crush, 2012). The Zimbabwe Documentation Project (ZDP) which later became known as Dispensation for Zimbabwe Project (DZP) immigration amnesty meant for undocumented Zimbabwean migrants was the fourth such amnesty since the end of apartheid (Crush, 2012). Between 1996 and 2000, the South African government implemented three immigration amnesties that were meant to give permanent residence status to citizens of SADC who had entered South Africa clandestinely during the apartheid era (Perberdy 2001). The recipients were the miners who had lived in South Africa and voted in the first democratic elections in 1994 and also ex-Mozambican refugees who had entered South Africa before 1992 (Perberdy, 2001). The approach included a moratorium on deportations, a free 90-day visa for new entrants and a 12-month 'special dispensation' permit, with the right to work, for Zimbabweans already in South Africa (Amit, 2011). The Dispensation for Zimbabwe Project (DZP) ran from September to December 2010. Under this project, Zimbabweans could apply for work, study, or business permits provided that they had a Zimbabwean passport and documentation confirming either proof of employment for example, (an affidavit from the employer) or proof of registration with an educational institution or proof of operating a business (company registration) (Amit, 2011).

The permits were valid for four years, just short of the five years needed for one to apply for permanent residence (Crush, 2012). Those who had entered the country prior to May 2009 were eligible for the project (Amit, 2011). The Zimbabwean government dispatched a team of officials from the Registrar-General who were based in Polokwane, Johannesburg and Cape Town. This was meant to speed up the application for passports so that the Zimbabweans based in South Africa were able to meet the 31 December 2010 deadline to submit their applications and regularise their stay by applying for work, business and study permits. Individuals were also encouraged to hand in fraudulent documentation and were guaranteed immunity from arrest and prosecution (Crush, 2012). By 31 December 2010, a total of 275,762 applications had been received (Crush, 2012). Deportations were to resume on 1 January 2011, but the moratorium was extended to August 2011 to allow time for all the applications to be properly processed (Amit, 2011). A total of only 49,255 Zimbabweans surrendered their asylum status in favour of obtaining valid work and business permits while 4,000 migrants voluntarily surrendered fraudulent documents (Crush, 2012). Scholars were

of the opinion that the DZP was the culmination of the failure of the asylum system, which many Zimbabweans turned to as a way of avoiding deportation (Amit, 2011; Crush, 2012). Zimbabwean applications for asylum were rejected because they were labelled as 'economic migrants' and there was no war in Zimbabwe (Simpson, 2009). Given the clandestine movements and the confused responses to undocumented Zimbabwean migration, the next section addresses the Problem statement of the thesis.

1.10 Problem statement

Undocumented Zimbabwean migrants despite their huge presence in South Africa have little or no recourse to legal documentation or are unable to regularise their stay immigration/refugee status because of the restrictive immigration policies pursued by the South African government (South Africa, 2016:55). Migration to South Africa is guided by two pieces of legislation: the Refugees Act 130 of 1998 and the Immigration Act 13 of 2002 (Mthembu-salter *et al.*, 2014). Zimbabwe has an unknown number of undocumented migrants in South Africa who make up the largest proportion of asylum seekers (Chiumia, 2013; Crush, 2012). The Refugees Act 130 of 1998 hardly recognises Zimbabweans as asylum seekers unlike other migrants from Somalia and Democratic Republic of Congo (DRC) because there is no war in Zimbabwe and it is not a refugee generating country (Manicom & Mullagee, 2016; Nshimbi & Fioramonti, 2014). Such a position has left the majority of Zimbabweans without options to regularise their stay in South Africa except to remain undocumented.

On the other hand, Crush (2012) found that the Immigration Act 13 of 2002 only favour the entry and stay of the skilled on a temporary basis, rather than the low-skilled workers, a very similar approach to the one under apartheid. The Immigration Act 13 of 2002 provides limited or no opportunities for the low skilled Zimbabwean migrants. There are, for example, no traders' permits, job seekers' permits or permits for unskilled workers. The general structural impact of this gap has resulted in increased undocumented migration and increased pressure (backlog) on the asylum system, which is the only alternative means of accessing permission to remain in the country and work (Simpson 2009; Landau & Segatti, 2009; Crush, 2012). Without legal means to sell their labour or pursue economic livelihood strategies, migrants turn to clandestine methods to remain in South Africa (Mthembu-salter *et al.*, 2014).

Already, the predictable result of not regularising Zimbabweans has been a massive dealing in forged documentation, corruption as migrants buy the right to stay, an increase in trafficking and the disintegration of sound and professional management practices,

widespread economic, physical and sexual exploitation of undocumented Zimbabwean migrants in sectors with large numbers of irregular migrants (Crush, 2001; Campbell, 2007, McConnell, 2009; Oucho, 2011; Crush, 2012). Sexually assaulted women find it difficult to obtain public help, for example, many shelters for battered women require a South African identity card as a condition of admission (Cross *et al* 2009; Kriger, 2010). Despite Zimbabwean migrants' illegality in South Africa, several studies have shown that the South African government lacks capacity to deal with the phenomenon (Mthembu-salter *et al.*, 2014; Amit & Kriger, 2014). The main policy responses to undocumented migration in South Africa are the arrest, detention and deportation of "illegal migrants" (Crush 2011:16). This is despite a growing realisation that expensive deportation efforts caused little deterrence effect, and those deported usually return within days or weeks (revolving door syndrome) (Crush 2012:19). These options have been proved to be ineffective due to rampant corruption by SAPS and Department of Home Affairs (DHA) officials (Mthembu-salter *et al.*, 2014; Crush, 2012; Kriger, 2010; CoRMSA, 2009).

To date the management of migration in South Africa has been relatively weak at all levels as evidenced by the DHA's incongruous approach to the legalisation of undocumented migrants. Perhaps the most visible example is the Zimbabwe Documentation Process (ZDP) see section 1.9, later renamed Zimbabwe Special Permits (ZSP) and currently referred to as Zimbabwe Exemption Permits (ZEP) – a documentation process introduced to regularise the status of South Africa's largest migrant population (South Africa, 2016:55; Pokroy 2018:46-47). Though it was presented as an instrument to manage migration and identify undocumented Zimbabweans in the country, its effects were short term as indicated by its frequent name changes, validity of the permits four (4) years only and the decreasing number of applicants (Crush 2012), see also section 5.11.2 in chapter 5. Consequently, through these programmes, the DHA impeded access to documentation by Zimbabweans thereby contradicting the main intention and objective of the programme: that is to regularise the large numbers of Zimbabwean nationals residing in South Africa irregularly (South Africa, 2016).

The DHA also created barriers (through rigid requirements) in that it made it difficult for eligible Zimbabweans to obtain documentation under these programmes (Amit & Kriger, 2014). Even though the programme provided the apparatus to manage migration, it once again created the superfluous situation of legitimising those migrants perceived to be in South Africa unlawfully. These opposing intentions reflect the conflicting views by the DHA towards the programme: as an apparatus of control on the one hand, and on the other, as a tool granting benefits that the state would prefer not to provide. While Zimbabweans are the largest single group of foreigners in South Africa, they are by no means the only ones. It is

the purpose of this research to investigate migrants' vulnerabilities and their coping strategies and recommend long term and sustainable ways of lessening their vulnerabilities in South Africa. The problem under study will further be attended to by addressing the research questions shortly.

1.11 Research questions

This study identified migrants' vulnerabilities and their coping strategies in order to recommend effective ways of dealing with undocumented migrants in South Africa. The current approaches to undocumented migration are bureaucratic and tend to revolve around restriction and prevention rather than management.

The following questions are of paramount importance to the research:

- a) How does the history of migration by Zimbabweans into South Africa affect contemporary migration?
- b) What vulnerabilities are faced by undocumented migrants in South Africa?
- c) To what extent does the presence of undocumented migrants pose challenges to the South African government?
- d) How effective are the current approaches used in dealing with undocumented migrants in South Africa?
- e) How do the statutory and legal frameworks govern undocumented migrants in South Africa?
- f) What are the benefits of regularisation programmes?
- g) How do migrants' circumvent their vulnerabilities in South Africa?

1.12 Research objectives

The primary objective of the study is to determine the vulnerabilities of undocumented migrants from Zimbabwe in an effort to recommend effective management methods, which can be used by governments regionally, specifically Zimbabwe and South Africa to address the vulnerabilities faced by 'illegal' immigrants.

To achieve the primary objective of the study, the following secondary objectives are specified:

- a) to describe the history of migration by Zimbabweans into South Africa including the SADC;
- b) to identify the vulnerabilities faced by undocumented migrants in South Africa;

- c) to identify challenges faced by the South African government due to the presence of undocumented migrants;
- d) to evaluate the current approaches used in dealing with undocumented migrants;
- e) to explore the statutory and regulatory frameworks including international treaties governing undocumented migrants in South Africa;
- f) to assess the benefits of regularisation programmes;
- g) to identify migrants' coping strategies in South Africa.

These objectives were achieved within the context of the theoretical statements outlined below

1.13 Central theoretical statement

This study is grounded in the theories of migration and models of social vulnerability in that undocumented migrants' face a number of vulnerabilities in destination countries. The vulnerability of migrants comes from the fact that they are not citizens of the new country in which they live. Due to their extra-terrestrial status in a society, migrants may be unfamiliar with the language, laws and culture, and are less able to assert their rights. They may face discrimination and be subjected to unequal treatment and unequal opportunities at work. Where a migrant enters another country illegally and without documents, his or her vulnerability to abuse and exploitation sharply increases (Zolberg, 1989). Undocumented migrants fall prey to extortion and are highly vulnerable to abuse and exploitation by employers, migration agents and criminal gangs.

The following central theoretical statements informed the study:

- Different theories suggest why migration occurs and these theories have evolved over time (Massey *et al.*, 1993). The Geographer, E.G. Ravenstein, developed a series of migration 'laws' in the 1880s which form the basis of modern migration theory (Zolberg, 1989). The migration theories as Castles (1993) points out are multidisciplinary in their ideology and methodology. Given the multifaceted nature of migration theories, several disciplines posit different theoretical explanations for the nature, genesis and development of different types of migration (Fassman *et al.*, 2005). Currently, the dominant theories in explaining the causes of migration include the neoclassical theory, the New Economics of migration theory, the Dual Labour Market theory and World System theory and the Social Network theory. Their differing viewpoints provide good indicators through which to understand migration causes and decisions at the individual and country level (Massey *et al.*, 1993). The

fragmented insights from different disciplinary theories also provide an understanding of how migration is shaped by broader processes of social and political transformation drawn from insights accumulated by migration historians (Fassman *et al.*, 2005).

- The Zimbabwe-South Africa ties have been shaped and informed by the movement of individuals from Zimbabwe to South Africa for labour in the mines including return migration (Mlambo, 2010). Both Zimbabwe and South Africa have for the past century been actively involved in migration either as sending or receiving countries or both and factors such as politics, economics and social networks influenced the migration flow (Mlambo, 2010). However, South Africa of late has been a major destination country for Zimbabwean migrants associated with labour migration.
- The Immigration Act 13 of 2002 together with its amendments and the Refugees Act 130 of 1998 are the two pieces of legislation that make up the statutory and regulatory framework that governs immigration to South Africa (Mthembu-salter *et al.*, 2014).
- In this study people who left Zimbabwe in response to economic failures and state fragility or due to external displacement related to livelihood collapse, and living in South Africa without a legal immigration status are referred to as vulnerable. United Nations/International Strategy for Disaster Reduction (UN/ISDR) (2004) defines vulnerability as the “conditions determined by physical, social, economic and environmental factors or processes which increase the susceptibility of a community to the impact of hazards”. According to UN/ISDR definition, the hazard event itself is viewed primarily as external to the system or element at risk (UN/ISDR, 2004). The term vulnerability describes the conditions of a society or element at risk that also determine the potential or revealed hazard’s impact in terms of losses and disruption (UN/ISDR 2004).
- The vulnerability of migrants comes from the fact that they are not citizens of the country in which they live in (Crush, 2012). Where a migrant enters another country without proper documents (border evasion) or enters legally and subsequently loses legal immigration status, his or her vulnerability to abuse and exploitation sharply increases (Kriger, 2010). As ‘aliens’ to a society, migrants may be unfamiliar with the language, laws, culture and are less able to assert their rights. They face discrimination and are subjected to unequal treatment and unequal opportunities at work (Kriger, 2010). Undocumented migrant workers fall prey to extortion and are highly vulnerable to abuse and exploitation by employers, migration agents and

criminal gangs (Bloch, 2008). Women without a legal status are doubly vulnerable owing to the high risk of sexual exploitation (Bloch 2008).

The objectives of the study were achieved within the context of the theoretical statement outlined above and through the application of a structured research methodology as outlined below and also presented in detail in Chapter 6 of the study.

1.14 Research methodology

The study used a qualitative ethnographic approach underpinned by an interpretive framework (see chapter 6 for a detailed discussion of the research methodology). Data sources from both secondary and primary sources were used. Qualitative techniques, such as document analysis, recording, stories of change, observation, interviews and electronic media were used. Gathering of data was exploratory given that information on undocumented migration is largely unavailable and there are no reliable statistics. Yin (1989) pointed out that qualitative research studies serve one or more purposes:

- Interpretation- they enable a researcher to gain new insights about a certain phenomenon, discover and develop new concepts about the phenomenon.
- Description- they can reveal the nature of certain situations, settings, processes, relationships, systems or people
- Evaluation- they provide a means through which a researcher can judge the effectiveness of particular practices or innovations.

1.14.1 Literature review

The purpose of reviewing existing literature is to identify weaknesses in previous studies as well as filling in gaps in knowledge. According to Mouton (2001) a literature review is often a separate chapter in the research analysis where the researcher synthesises the literature in the topic and engages critically with it. This helps to save time, avoid duplication and unnecessary repetition. A literature review performs a number of functions: it helps to refine the research methodology in that the researcher is able to show how findings have contributed to the existing body of knowledge in the discipline. According to Leedy and Ormrod (2005:64) a literature review has got many benefits: it can show the researcher how others have handled methodological and design concepts in studies similar to the researchers 'own.

The study used academic literature pertaining to Zimbabwean migration flows and patterns. The literature was used to develop an understanding of the history and causes of Zimbabwean migration to South Africa. Contemporary migration patterns at the global level were also contextualised in the U.S.A and E.U experiences in dealing with undocumented migrants. Primary and secondary sources of data that formed the core of the study were consulted through books, academic research papers, national and international publications, internet searches, conferences proceedings and journals and print and electronic media.

1.14.2 Databases

The following databases were consulted to during the study:

- a) Catalogue of theses of South African Universities
- b) Catalogue of books: Ferdinand Postma Library (Potchefstroom Campus)
- c) Catalogue of books: National University of Science and Technology (Zimbabwe)
- d) Catalogue of books: University of Zimbabwe
- e) Catalogue of books: Zimbabwe Open University
- f) Government Publications (South Africa & Zimbabwe)
- g) Internet searches

1.14.3 Empirical study

The design of the empirical study was a qualitative research design. It can be outlined as follows:

A case of undocumented Zimbabwean migrants in Johannesburg was used as an empirical inquiry that investigated a contemporary phenomenon within its real life context using multiple sources of evidence. Case studies are concerned with how and why things happen, allowing the investigation of contextual realities and the differences between what was planned and what actually occurred (Anderson, 1993). The method enabled the researcher to understand the complex real-life activities in which multiple sources of evidence are used. Case studies become particularly useful where one needs to understand some particular problem or situation in great-depth, and where one can identify cases rich in information. While case studies have been criticised by some as a lack of scientific rigour and reliability and that they do not address the issues of generalisation (Patton, 1987), they have several strengths. They enable the researcher to gain a holistic view of a certain phenomenon or series of events (Gummesson, 1991) and can provide a round picture since many sources of evidence were used. Another advantage is that case study can be useful in capturing the emergent and immanent properties of life in organisations and the ebb and flow of

organisational activity, especially where it is changing very fast (Yin, 1993). Case studies also allow generalisations as the result of findings using multiple cases can lead to some form of replication. The next section examines the choice for study areas.

1.14.4 Selection of study area: Wards in the inner city of Johannesburg

Zimbabwean migrants who successfully negotiate their way into South Africa, either by using unauthorised entry points along the border (border jumping) or hiring the services of *omalayitsha*, or through legal means head for Johannesburg.

Johannesburg is the major destination for migrants from Zimbabwe as compared to the other Metro cities in Gauteng Province as evidenced by its diverse Zimbabwean population (Makina, 2010). Makina (2010) based his argument from a 2007 survey which revealed that the influx of Zimbabweans into the inner-city suburbs namely Hillbrow, Berea, Alexandra, Yeoville and Joubert Park gathered momentum after the year 2000. Murray (2011) noted that during the past two decades, the inner city areas have severely declined and deteriorated from affluence to decay. Murray (2011) further found that since the 1990s the inner city areas have attracted many of the city's working poor, such as those engaged in the informal economy, the casually employed, and the unemployed and new arrivals hoping to gain a foothold on forms of livelihoods. In the face of the collapsing racial segregation in inner city areas, migrants moved to inhabit residential buildings in the vicinity of the inner city (Murray, 2011). Murray (2011) postulated that the attraction of the inner city areas for individual migrants lies in their proximity to places where they can search for casual jobs or enact diverse forms of livelihoods.

Murray (2011) further pointed out that the above mentioned residential areas historically served as the main ports of entry for hopeful newcomers into Johannesburg, during apartheid these places were popular with young white professionals because of the urban vibes and high-rise apartment blocks. During the early 1980s successive waves of white European (particularly Jewish) immigrants and white Rhodesians fleeing majority rule in Zimbabwe also moved into these residential areas (Murray, 2011). Zimbabwean migrants in Johannesburg come from all parts of Zimbabwe but the majority are from the southern provinces (Makina, 2010). According to Crush and Tevera (2010) most Zimbabwean migrants work in a wide variety of jobs and have very low unemployment rate yet there is significant deskilling because many people are over-qualified for the jobs they do.

The growing inequalities and widespread poverty combined with the increased influx of migrants has over the years resulted in other categories of indigent migrants moving to

reside in dilapidated city buildings and some into the Central Methodist Church in Johannesburg (Worby, 2010). Worby (2010) further asserted that other categories of indigent migrants live in informal settlements where they either rent a place within these settlements or construct their own makeshift structures or shacks known as *imikhukhu* alongside marginalised South Africans and this is common in areas such as Alexandra where squatter camps such as Setswetla have emerged. For a full description of the study areas refer to section 6.3 in chapter 6.

1.14.5 Instrumentation

The study used interviewing as a method of data collection to identify vulnerabilities faced as well as coping strategies used by undocumented Zimbabwean migrants in Johannesburg, South Africa. The interview as a data collection method enabled the articulation of perceptions by a group of people (Hewitt, 2007). It was used to find out how migrants perceived their vulnerable situations. According to Greef (2005) interviewing the respondents involves describing the experience as well as reflecting on the description.

One-on-one types of interviews were used whereby semi-structured interviews were conducted with individual officers from the government, Department of Home Affairs (DHA), officials South African Police Services (SAPS) as well as non-governmental officers. For one-to-one interviews to be successful the researcher needed individuals who are not hesitant to speak their minds as well as sharing ideas. Greef (2005:292) pointed out that semi-structured interviews are organised around areas of particular interest, while allowing room for flexibility in scope and depth. The researcher used a set of predetermined questions from the interview schedule. A questionnaire to guide interviews was distributed to the participants in advance. The respondents participated voluntarily. Greef (2005) stated that a questionnaire is convenient to the respondent in that they can choose to answer questions at their own pace. Respondents were assured of anonymity and this encouraged them to give their honest opinion.

1.14.6 Respondents

The researcher was cleared by the university to conduct the study in Johannesburg where there is a higher concentration of the Zimbabwean migrant population. The participants were informed and were also requested to sign an informed consent form. Respondents from the Department of Home Affairs, Disaster Management Centres, South African Police Service, were selected through purposive sampling which is the taking of a number of members of the selected population (universe) who are regarded as the most representative of the

universe to form the sample (Babbie & Mouton, 2004:166-168). A total of fifty-four (54) undocumented migrants, that is thirty (30) interviews and twenty-four (24) focus group members, three (3) members from SAPS, that is, one commissioned officer (senior) and two non-commissioned officers (junior), three (3) senior officers from the Department of Home Affairs, two (2) officials from Disaster Management Centres and two (2) from nongovernmental organisations. In total sixty-four (64) people participated in the study. Snowball sampling technique, which is the selection of a few members of the universe to obtain and ask information that can lead to other similar members, was also employed. This technique helped to unearth more respondents without a legal status.

1.14.7 Data analysis

Data collected by means of semi-structured interviews was recorded. The objective of data analysis was to bring order, structure and meaning to the mass of collected data. The data was analysed according to the eight steps of data analysis as outlined by Tesch (1990:142-145). Data was also processed through formulation of themes and ideas.

1.15 Ethical considerations

The ethics of research include moral principles and values that influence the way the researcher conducts the research activities. The researcher has a moral obligation to give honest and accurate explanations to the data gained and report results objectively and honestly (Brynard & Hanekom, 2006). It is also important to deal with the research subjects in an ethical and responsible manner. The following ethical considerations were taken into account while conducting the research:

- Voluntary participation/Informed consent – no participant was forced to take part in the research and participants were free to withdraw from the research at any given time.
- Participants did not suffer any physical and/or psychological harm – no participant was embarrassed and the researcher assured that the research did not have unpleasant consequences for participants.
- Participants were assured of their privacy, anonymity and confidentiality regarding information gathered during the study.
- Participants were informed about the aim, purpose and procedures of the study and will not be deceived in any way.
- Research was conducted in a gender and cultural sensitive way.
- Analysis and reporting of data was done on an ethical level – research methods and techniques were revealed and participants and sources consulted were acknowledged.

1.16 Limitations and obstacles of the study

The lack of pre-existing research concerning frameworks for undocumented migrants in South Africa constrained the study from the outset. There are also a number of other constraints that limited a full-scale research project. These include:

- Zimbabwe does not have a robust information infrastructure for the compilation and analysis of national migration-related information. Undocumented migration is a clandestine and moonlight activity. Hindrances were faced in trying to obtain reliable information about undocumented migration into South Africa
- There is widespread political pressure to exaggerate the phenomenon of undocumented migration from Zimbabwe especially by the media and some politicians in order to gain political mileage. Some officials' became emotive when asked to provide information about undocumented migrants.
- Challenges were faced in locating undocumented migrants to participate in the study due to the hidden and dispersed nature of this population. The study faced challenges in finding undocumented migrant children and unaccompanied minors.

1.17 Contribution of the study

The majority of studies conducted in South Africa regarding undocumented foreign migrants have largely focussed on the abuse of their basic human rights and the cost to the state. Very little research has been conducted on the progression of vulnerability of undocumented Zimbabwean migrants and how they rely on informal social protection mechanisms to manage their risks (DRR). Hence, it is the aim of this study to fill in this gap of knowledge. It is also believed that, this study will benefit the academic community by increasing knowledge on the possibility of undocumented migrants being fully excluded from the disaster management by host governments but, are still able to, generate income through self-employment, find places to sleep, fall in love, establish personal relationships, buy household appliances and even represent themselves in the public spaces. It will also benefit policy makers by informing them of the correct approaches that can be implemented to ensure success when dealing with undocumented foreign migrants. South Africa is home to many undocumented migrants from different parts of the globe, for that reason, this study may also be used for benchmarking purposes, where findings of this study may be used to address similar issues.

1.18 Preliminary chapters

The following procedure was adopted:

Chapter 1: **Overview of the study**

The orientation, problem statement, research questions and objectives, will be discussed. In this chapter the concepts underlying the study as well as the abbreviations used and the method of investigation are discussed. The chapter also gives a bird's eye view of regularisation as a DRR strategy to control undocumented migration and give migrants a legal status. Literature studied, statistics and recent trends indicate that the risks posed by human hazards such as undocumented migrants are on the upward trend and that there is an urgent need for new strategies which are humanitarian in nature to protect the vulnerable populations.

Chapter 2: **Theories of migration**

This chapter examines the discourse of migration from the vantage point of a variety of theorists. It answers research question (a) *how does the history of migration by Zimbabweans into South Africa affect contemporary migration?* The chapter gives a background of what triggers migration and how the migration cycle is sustained between the sending and receiving countries. The chapter gives a brief overview of theories of migration followed by their detailed explanation. A schematic comparison of the discussed theories is also shown in table form and these include the neoclassical model and its proxies, new economics of migration, dual labour market, world systems, social network, political science and transnational theories. The chapter also offers a critique of the migration theories discussed to assess and examine their suitability to the body of knowledge under discussion so as to lay the foundation for the coming chapters. Current trends in migration such as South-South migration are also discussed to give a reflection on changing patterns of international migration in southern Africa especially between Zimbabwe and South Africa. The basic argument and assumption of the different disciplines of migration theories was retained that people generally migrate to improve their wellbeing, but the social network theory was preferred over other theories because it provides an explanation why migration flows become persistent once they have been initiated and also despite the disappearance of their initial causes. The shortcomings of the migration theories are also discussed especially their failure to identify people who leave their countries of origin because of

survival threats related to livelihood collapse and state fragility for which they have no domestic remedy (vulnerable migrants).

Chapter 3: The history of Zimbabwean migration to South Africa

This chapter further conceptualises migration by focussing on the historical, contextual background of migration that has shaped and informed the movement of individuals from Zimbabwe to South Africa. This chapter fully addresses the research question: a) *how does the history of migration by Zimbabweans into South Africa affect contemporary migration* by giving an account of the origins of migration to South Africa and how it influences the current trends. The chapter also provides a detailed description of the history of migration with specific focus on the push factors in the sending country and pull factors in the destination country. Migration from Zimbabwe to South Africa is described in waves. The chapter also distinguished categories of undocumented migrants. Those who enter through official exit ports, but then over-stay and those who leave Zimbabwe without valid travel documents and do not use official exit points and the motivation behind it, i.e. 'border hoppers' and trafficking syndicates are all described.

Chapter 4: The frameworks governing immigration in South Africa

This chapter examines how statutory and regulatory frameworks in South Africa deal with migrants in terms of entry, employment and residence resulting in different immigration statuses. The chapter also established how the illegality of migrants comes about. The chapter also brings out the mismatch between Zimbabwean migrants immigration statuses and the requirements of the South African immigration laws and policies leading to migrants' vulnerabilities. The mismatch is the gap that is referred to as the migrants' vulnerability. The chapter further identifies methods or approaches used by the South African government to deal with undocumented migrants

Chapter 5: Discourse of vulnerability

This chapter presents the theoretical grounding and discourse of vulnerability of undocumented migrants. This chapter also provides a bird's eye view of the construction of undocumented migrants' vulnerabilities and what it generally entails. The chapter conceptualises vulnerability, followed by an examination of theories of vulnerability especially the PAR model which will later be applied to the discourse under discussion. The chapter also identified migrants' vulnerabilities and government challenges in South Africa

as part of the literature review. The chapter further looked at the current global migration trends as a way of bringing out the discourse of vulnerability.

Chapter 6: **Research methodology**

The chapter outlines the research methodology and how the research instruments were used.

Chapter 7: **Empirical findings and discussion**

The chapter presents the findings and data analysis. The results are organised according to themes that emerged from the data to address the research questions. This is followed by a discussion of the findings and the PAR model

Chapter 8: **Conclusion and recommendations.**

Chapter 2 Theories of migration

2.1 Introduction

The preceding chapter provided an overview to the study, identified and reflected on migration theories as the main grounding of the study. This chapter defines migration and examines its discourse from the vantage point of a variety of theorists. The chapter gives a bird's eye view or background of what triggers migration and how the migration cycle is sustained between the sending and receiving countries. The chapter starts by giving a brief overview of theories of migration followed by their detailed explanation. A schematic comparison of the discussed theories is also given in table form and these include the neoclassical model and its proxies, new economics of migration, dual labour market, world systems, social network, political science and transnational theories. The chapter also offers a critique of the migration theories discussed to assess and examine their suitability to the body of knowledge under discussion so as to lay the foundation for the coming chapters.

Current trends in migration such as South-South migration are also discussed to give a reflection on changing patterns of international migration in southern Africa especially between Zimbabwe and South Africa. The basic argument and assumption of the different disciplines of migration theories was retained that people generally migrate to improve their wellbeing, but the social network theory was preferred over other theories because it provides an explanation why migration flows become persistent once they have been initiated and also despite the disappearance of their initial causes. The shortcomings of the migration theories are also discussed especially their failure to identify people who leave their countries of origin because of survival threats related to livelihood collapse and state fragility for which they have no domestic remedy (vulnerable migrants).

2.2 Defining migration

Migration as defined by Castles (2000:269) refers to the crossing of a boundary of a political or administrative unit for a certain minimum period of time. Castles (2000) also distinguished internal from international migration. Kok (1997:19) refers to internal migration as a move from one area (a province, district or municipality) to another within one country while Castles (2000) referred to international migration as the crossing of frontiers which separate one of the world's approximately 200 states from another. Migration scholars have analysed the issue of internal and international migration from different perspectives while some have seen it as part of the same process, and should be analysed together (Kok, 1997; Castles 2000). Mlambo (2010) found that rigid comparisons of the migration terms can be misleading in that international migration may be over short distances and between culturally similar

people (Venda people of southern Zimbabwe and northern South Africa). Internal migration can cover great distances and bring together very different people (Kok 1997). However, this thesis specifically focuses on international migration, because of its significance in creating risk or vulnerable populations.

2.2.1 Types of migration

People have always migrated for a variety of reasons. Castles (2002) identified types of migration that have been most common since the last half of the 19th century as permanent settlement migration, temporary labour migration and refugee movement and each of these often lead to family reunion, which has ultimately become the largest flow. However, the tendencies of the last two decades have been towards a diversification, proliferation and intermingling of these types of flows discussed under the following headings:

2.2.1.1 Voluntary migration

For a long time, this form of migration involved the flow of unskilled labour to receiving countries and later broadened to include highly skilled migration (Oucho, 2007). Castles (2002:1151) noted that highly skilled (brain drain) migration is popular with governments of receiving countries since it represents the transfer of human capital from poor to rich countries, on a different note brain drain may also bring about technology transfer and cultural innovation in the areas of origin. This is because poor countries continue to train more graduates than they can employ, while rich countries continue to trim their education budgets and such migration looks certain to grow (Fassman *et al.*, 2005). Low-skilled migration was crucial during industrialisation and unskilled labour was often needed for construction or plantation industries but is now generally rejected on the grounds that it is economically unnecessary and socially harmful (Castles, 2000; 2002). Rich countries continue to import unskilled labour, in the form of systematic use of irregular or undocumented migrants or asylum seekers, whose lack of rights makes them easy to exploit (Crush, 2012).

2.2.1.2 Forced migration

Migration scholars tend to differentiate between forced and voluntary migration. Forced migration is associated with refugees, asylum seekers, stateless persons and vulnerable migrants who cross international borders (Oucho, 2007). Forced migration has grown dramatically and is a crucial dimension of globalisation and of North-South relationships (Oucho, 2007). The term forced migration only recognises refugees under the fairly narrow

definition of the 1951 UN Refugee Convention, which refers only to people forced to leave their countries due to individual persecution on specific grounds (Castles, 2003:2). This is because forced migration is linked to a complex way of societal change in both areas of origin and of destination of forced migrants (Castles, 2003). Then there are types of forced migration which are hard to distinguish for example economic and political factors, where millions of people are displaced every year because of survival threats related to livelihood collapse and state fragility for which they have no domestic remedy (Betts, 2010). In such cases, labelling migrants 'economic refugees' will be misleading or even damaging, since this can divert attention from complex causes of the flight (Castles, 2003; Betts, 2010). Today, forced migration is both a result and a cause of social and political transformation in the developing countries in form of generalised violence, struggles over decolonisation, state formation, and incorporation into the bipolar world order of the Cold War (Crush & Tevera, 2010; Brettell & Hollifield, 2014). Forced migration is also variously referred to as survival migration, crisis migration and humanitarian migration (Crush & Tevera, 2010). Forced migration because of its nature normally leaves migrants in the limbo of transit.

2.2.1.3 Transit migration

The movement of people is continually becoming easier and cheaper, however human mobility and circulation is increasingly becoming restricted by laws and regulations (Collyer, 2006). With enhanced border controls in the form of visa and permit requirements, situations of transit migration which are assumed to be short term and temporary, may end up being long term and semi-permanent, further contributing to a situation in which more people are left in the limbo of transit (Düvell, 2012). Transit migration brings a continuum in the migration experience, which is one between emigration and settlement because it is triggered by the inability of source or neighbouring countries to provide decent livelihood possibilities or effective protection of migrants (Collyer, 2006). Düvell (2012) further pointed out that transit migration takes place because of gaps in legislation and administrative procedures, porous borders and insufficient border-control capability, incomplete policy developments, and to a certain extent established informality and certain demands in the transit countries' labour markets. Transit migration is a phenomenon that cuts across various categories of migrants, which include regular and irregular migrants, asylum-seekers as well as refugees (Düvell, 2012; Collyer, 2006). Very little has been written about transit migration and as the term indicates, migrants are 'en route', making voluntary return less likely (Collyer, 2006).

2.2.1.4 Return migration

Return migration is generally seen as the end-product of the migration cycle and repatriation as the end of the refugee and asylum cycle. The return of migrants and refugees to the country of origin according to Collyer (2006), can be a substantial force for development and reconstruction in terms of the human, social and financial capital that migrants and refugees may bring home with them. Collyer (2006) pointed out that if the resolution of conflicts is accompanied by large-scale repatriation, the sources of remittances will diminish at the same time, putting pressure on scarce local resources. This places additional stress on fragile infrastructure and consequently creates the potential for instability and renewed conflict (Castles, 2003). In the current state of research, it has been observed that theories of migration do not provide clear-cut answers to the questions why people migrate and why they prefer some countries over others.

2.3 Theories of migration

The study of migration as Castles (1993) points out is multidisciplinary in its theory and methodology. Given the multifaceted nature of migration, several disciplines posit different theoretical explanations for the nature, genesis and development of different types of migration (Fassman *et al.*, 2005). The differing viewpoints show that there is no single concrete theory of international migration and all are fragmented. According to Bijak (2006:6), efforts to explain and synthesize knowledge on population movements in a form of a coherent theory date back to the famous migration laws by Ravenstein in 1885 and 1889. Ravenstein, as observed by Tobler (1995:2), generalised that internal migration in Great Britain was influenced by several factors such as distance, population size of the origin and destination regions, absorption capacities of the latter and sex of migrants. Although rural urban flows were found to be dominant, Bijak (2006) posited that Ravenstein also acknowledged the presence of return migration. In the 20th century, attempts have been made to assign a theoretical framework to migration phenomena by the scholars of various disciplines of science, including sociology, economics, and human geography but these attempts hardly advanced due to the weak connection between disciplines researching on theories, causes and nature of migration (Bijak, 2006; Castles 2007; De Haas, 2010; De Haas, 2011; De Haas, 2014). In the area of migration research, there are a variety of theoretical perspectives which use varying concepts, assumptions, and levels of analysis (Tobler, 1995). Since the majority of the theoretical models were developed from specific empirical observations, they grew in isolation and are separated by disciplinary boundaries (Portes & Böröcz, 1989). Castles (2000) recognised that since scholarly literature on migration offers different approaches and hypotheses, they need not be taken as mutually

exclusive, but rather as complementary. It is therefore unrealistic to expect a one-size-fits-all theory explaining migration at all places and at all times (De Haas, 2010:2).

Migration as Kurekova (2010) found is the outcome of the behaviour of individuals, but equally it has an aggregate socio economic form. The levels of analysing migration dynamics shifts from individual (micro-level) decision processes to forces operating on national or international levels (macro-level) (Bauer & Zimmerman, 1999). Currently, the dominant theory in explaining the causes of migration is the neoclassical theory (Massey *et al.*, 1993). The neoclassical theory of migration has both macro-level and micro-level discussions with the main explanatory variable at both levels focusing on wages and income differentials (Castles, 2000). The human capital theory of migration introduces heterogeneity into individual decision-making based on different predispositions and expectations (Bauer & Zimmerman, 1999). The new economics of migration, considered by Massey *et al.* (1993:436) to be an elaboration of the neoclassical theory, brings on board important conceptual and analytical modifications. The theory emphasises the importance of households and family by highlighting the role played by institutions and non-economic factors in cushioning themselves against risks (Kurekova, 2010, De Haas, 2014). The Dual labour market theory and World system theory offer a set of structural variables, derived primarily from national and international levels (meso-level) (Piore, 1986:27). The network theories operate across different levels of analysis (Kurekova, 2010:11). A political science approach on migration focuses on mechanisms that serve to protect national boundaries and state institutions against the impact of migration while transnational migration focuses on migrants with coequal membership between two nation states (Fassman *et al.*, 2005). The above snap review of theories shows that migration is a multi-faceted, complex and diverse phenomenon in which micro- and macro-levels interacts. The following is a detailed review of the theories of migration.

2.3.1 Neoclassical theory (macro-level)

The Neoclassical model is the oldest and most venerable theory of migration, with its roots found in the classical political economy of the early nineteenth century (Massey, 1999). The neoclassical theory is grounded in a longstanding observation: that large migration streams tend to move from poor to rich countries where demand for labour outstrips the supply thereof (Massey *et al.*, 1993; Massey, 1999; Castles, 2000; Castles, 2002). Zolberg (1989) concurs that the basic assumption of neoclassical theory is that there is a global labour market where migrants move from low-wage countries to high wage countries if the costs of moving are perceived to be less than the wage differential. Zolberg (1989), Massey (1999) and Massey *et al.* (1993) all agreed that John R. Hicks formulated perhaps the best-known

explanation of the neoclassical theory when he described differences in net economic advantages and in wages as the main causes of migration. According to this theory, migration is driven by geographic differences in labour supply and demand and the resulting differentials in wages between labour-rich versus capital-rich countries (Kurekova, 2010:5).

The resulting differentials in wages between the geographic regions causes workers to move from low-wage labour-surplus regions to high-wage, labour-scarce regions (Kurekova, 2010, Kureková, 2011). The inference is that migration is expected to occur between the poor and wealthy countries, although distance is expected to play an intervening role (Bijak 2006). Neo-classical theory views migration as a process which optimises the allocation of factors of production with free migration leading to more efficient aggregate outcomes. De Haas (2010:5) noted that other things being equal (*Ceteris paribus*), migration will cause labour to become available at the destination and scarce at the sending end and similarly capital is expected to move in the opposite direction. This process of factor price equalisation will result in growing convergence of demand for wages and supply curves for labour leading to equilibrium, a situation where there is decreasing migration (De Haas, 2011; De Haas, 2014). In the long term, migration will stop once wage differentials equal the costs of migration (equilibrium) (De Haas, 2010). The assumption under full employment is that it predicts a linear relationship between wage differentials and migration flows and hence, there will be no migration under equilibrium conditions (Kurekova, 2010). This also underpins the assumption that boosting development in poor countries is the most effective strategy to reduce migration (Massey *et al.*, 1993, Castles, 2000, Arango *et al.*, 2009).

The central message coming out of the neoclassical macro level approach concentrates on geographical differences of wages (Castles, 2000:272). Massey *et al.* (1993:434) summarised the neoclassical macro-level perspective with the following assumptions and propositions:

- The main drivers of international migration are the differences in wage rates between countries.
- Migration will not happen in the absence of wage differentials and if the movement of labour is stopped.
- The pattern of migration for unskilled workers is opposite that of highly skilled workers because highly skilled workers respond to differences in the rate of return of human capital different from the overall wage rate.
- International flows of labour are induced by imperfections in the labour market while other factors of production on international migration remain constant.

- Governments can control migration flows in sending or receiving countries through direct intervention or by regulating labour markets.

Having established the macro-level assumptions of the neoclassical theory the following section focuses on the micro-level assumptions of the neoclassical theory.

2.3.2 Neoclassical theory (micro-level)

The neoclassical macro-level explanation as discussed above explains migration by geographical differences in the supply and demand for labour; however, De Haas (2011:9) noted that the neoclassical macro-level corresponds to the neoclassical micro-level model of individual choice in that it views migrants as individual, rational and income-maximising actors, who decide to move on the basis of a cost-benefit calculation. The neoclassical micro-level of analysis is sometimes referred to as the human capital theory of migration (Kurekova, 2010). Bauer and Zimmermann (1999:15) noted that human capital endowments or personal characteristics such as skills, age, marital status, gender, and occupation strongly affect who migrates and who does not. Kurekova (2010:6) points out that the human capital theory enriches the neoclassical approach because it incorporates the socio-demographic characteristics of the individual as an important determinant of migration at the micro-level. The human capital theory's point of departure is a rational individual who migrates with the goal of maximising his or her benefits and gains (Bauer & Zimmermann 1999). Howe *et al.* (2004) and Zolberg (1989) posit that migrants are rational actors who decide to migrate because a cost-benefit calculation leads them to expect a positive return, usually in monetary terms over a period of time and international migration is conceptualised as a form of investment in human capital.

People make choices given their skills, assuming free choice and access to full information to move to where they can be most productive, and to where the expected net returns to migration are greatest (Bauer & Zimmermann, 1999). De Haas (2010) contends that before potential migrants can capture the higher wages associated with greater labour productivity, there are certain investments which they must undertake, which include material costs of travelling, the costs of maintenance, the effort involved in learning a new language and culture, the difficulty experienced in adapting to a new labour market, and the psychological costs of cutting old ties and forging new ones and for illegal migrants the likelihood of being able to avoid deportation. According to the human capital theory, Bauer and Zimmermann (1999) pointed out that the main contribution of the human capital theory is the importance of the heterogeneity of individuals and the socio-economic characteristics of migrants. The human capital theory is in contrast with the neoclassical macro level theory in that individuals

within the same country can display very different propensities to migrate, because the rate of remuneration on specific human capital characteristics is different in the destination and receiving country (Kurekova, 2010). It has been shown under the neoclassical micro level theory that the likelihood of migration decreases with age and normally increases with education level (Bauer & Zimmermann, 1999). Massey *et al.* (1993:435) proposed several important assumptions that differ slightly from the neoclassical macro level propositions namely:

- International flow of labour is caused by international differences in both earnings and employment rates.
- Individual human capital characteristics (e.g., education, experience, training, language skills) will increase the likelihood of international flows, other things being held constant.
- Individual characteristics, social conditions, or technological advancements that lower migration costs, increase the net returns to migration and, are likely to trigger international movement.
- Due to human characteristics or (ii) and (iii) above, individuals within the same country can display very different propensities to migrate.
- Total migration flows between countries are an aggregate of individual movements undertaken on the basis of individual cost-benefit calculations.
- Differences in earnings or employment rates between countries trigger international movement. Migration stops when expected earnings are equal to the migration costs.
- The disparity in expected returns determines the size of the international flow of migrants between countries.
- Migration decisions stem from disequilibrium between labour markets, (when other things are held equal).
- Governments can control migration primarily through policies that affect expected earnings in receiving countries for example, through employer sanctions, through long-term development projects or those that aim to increase the costs of migration.

Section 2.3.1 and 2.3.2 established the basics of the neoclassical theory, and the following discussion further establishes another extension model of the neoclassical theory known as the Push/Pull model which identifies various economic, environmental, and demographic factors that push migrants out of places of origin and pull them into destination areas.

2.3.3 Push/pull model

Another extension of the neoclassical theory is the push-pull approach which integrates the above discussed theories in that differences in income and employment between sending countries and destination countries can be considered as push or pull factors (Massey *et al.* 1993). The theory largely builds on Ravenstein's 'laws of migration' (Tobler, 1995; Bijak, 2006). According to Massey *et al.*, (1993) the push and pull theory argues that migration is a result of economic and socio-political factors present in both the sending and destination migration countries. Factors such as poverty, unemployment, political repression, and drive (push) people out of their home (sending/source/origin) countries conversely, Bauer and Zimmerman (1999:20) observed that factors present in the destination/receiving countries which include better income and employment prospects, better social welfare services, political freedom will pull or attract migrants.

Pull factors are positive factors of the destination or host countries while push factors are negative factors pushing people out of the home country into the receiving country (Massey *et al.*, 1993). For the push and pull factors to effectively influence migration, Kurekova (2010) added that several intervening obstacles must be overcome and these obstacles can be physical (distance between migration countries), economic (financial cost of migration), political (restrictions at international borders), and cultural barriers (language problems). Kurekova (2010) further singled out existing migration barriers such as migration costs or restrictive immigration policies on one hand, and individual characteristics such as risk aversion or age on the other hand as the two most important push and pull factors that determine decisions to migrate. Migration is determined by both positive factors in areas of destination and negative factors in the country of origin (Bruder, 2003). De Haas (2014) further observed that personal factors also play a vital role in migration since people's response to the push and pull stimuli varies depending on their socio-economic and cultural orientation. The greater the perceived difference in the net forces of attraction in countries of origin and destination, the more likely migration will take place (De Haas, 2014). Kurekova (2010) and De Haas (2011) further argued that migrants who respond primarily to pull-factors in the place of destination tend to be positively selected and will migrate voluntarily while those migrants responding primarily to push factors in the area of origin tend to be negatively selected and they are forced to migrate. In practice, asylum seekers and refugees are considered as push migration (Czaika & De Haas, 2014) An implication of this theory is that emigration follows a bi-modal distribution according to certain characteristics (for example. age, education, skills or motivation) (Fassman *et al.*, 2005).

As push and pull factors are largely a mirror-image of each other, the theory has been criticised for its inability to determine dominant factors in migration (De Haas, 2011). While deeply rooted in functionalist, equilibrium thinking, Bauer and Zimmermann (1999), Bijak, (2006) and De Haas (2011) all agreed that push-pull models are difficult to classify because they merely tend to specify a rather ambiguous list of factors that play a role in migration. Push-pull models tend to be static and portray migrants as 'passive pawns' lacking any agency (the ability of people to act or not act in a specific way or to make independent choices) (De Haas, 2011:8).

The neoclassical debate on migration also has its shortcomings in that international migration tends to focus on the South–North labour migration relationship (De Haan, 2000)¹. This focus does not give a correct picture of the developmental causes and consequences of migration in the developing countries as argued by Bakewell and Jonsson (2011). Migration in Africa is not just a question of rural–urban migration or about people leaving their countries to stay in Europe or America, it is also about circulation and mobility between African states and cities (De Haan, 2000; Bakewell & Jonsson, 2011). Bakewell and Jonsson (2011:12) argued further that primary motives for migration in Africa are not only labour, but also trade, education, retirement and entrepreneurship. It is also unfortunate that the lack of focus and neglect of the sending countries by the neoclassical approach hamper a proper understanding of the developmental causes and consequences of migration (De Haan, 2000). Migrants contribute significantly to the social and economic development of their countries of origin through remittances in the form of cash and food (Castles, 2002). As Castles (2000) argued this has affected the elaboration of effective policies that establish a more positive connection between migration and development. De Haas (2011:9) noted that neoclassical models largely ignore non-economic migration drivers and typically fail to explain development-driven increases in migration. Kurekova (2010:2) cited the faulty and imprecise findings that were reached by a study using neoclassical theory of migration to predict rates of out migration from Central and Eastern Europe (CEE) during the enlargement of the European Union in 2004. Kurekova (2010) further noted that the pre-enlargement findings turned out to be incorrect and failed to anticipate either the rates of migration or the differentiated dynamics at either the receiving or the sending end of the East-West flows because the sheer numbers of those who decided to migrate was much greater than anticipated. More importantly, the neoclassical theory of migration on which the study was anchored, struggles to account for significantly different rates of outmigration from the eight CEE countries. By the end of 2007, the Baltic countries together with Poland and

¹Migration from the poorer to the wealthier parts of the world, or from the less developed to more developed regions (Bakewell *et al.*, 2009). Has recently been named the development continuum gap between rich (more economically developed) and poor (less economically developed) countries.

Slovakia had sent much more labour than the Czech Republic, Hungary and Slovenia because the latter countries shared similar living standards and wage differentials relative to Western European countries (Kurekova, 2010). In spite of the extensive rigor that the neoclassical theory of migration offers, it is poorly equipped to provide informed and reliable ways of analysing and predicting migration as shown in the context of EU East-West migration (Flahaux & Dehaas, 2010; Kurekova, 2010).

Neoclassical models have difficulties explaining return migration, migration in the absence of wage differentials, the role of states, networks and other institutions that structure migration, resulting in policies that often curtail the potential rewards of migration in both the sending and receiving countries (Castles, 2002; Brettell & Hollifield, 2000; Baganha *et al.*, 2006). Further adjustments and empirical tests to the neoclassical model disputed the linearity relationship in the wages-migration parity nexus (De Haas, 2014; Kurekova, 2011). De Haas (2010:5) observed that migration patterns tend to be hump-shaped, in other words, migration accelerates with the growth of country's economy as more individuals or households are able to sponsor migration. As Massey *et al.* (1993) observed, real-world migration does not typically resemble the flow of water. De Haas (2014) contends that migration is a strongly patterned process because people's individual choices are constrained by structural factors such as social stratification, market access, power inequalities as well as cultural preferences. Castles (2002) further argued that although migration originates from the desire to improve one's livelihood, poverty and misery are sometimes the root causes of labour migration, but it is seldom the poor who migrate. Similarly, Bruder (2003) demonstrated that the ability to migrate is associated with costs and therefore it is not the poorest individuals who migrate, nor the poorest countries which send the most labour as argued by neoclassical models.

The neoclassical theory has come under fire for its unrealistic 'perfect market' conditions and its lack of interest in the role played by culture and social ties during the migration process (Begley *et al.*, 2005; Baganha *et al.*, 2006). There is never a perfect market in real-world migration and in the demand and supply of labour. De Haan (2000) noted that if market forces are left to determine wages without the intervention of government and labour unions, the result will be the exploitation of migrant workers. Castles (2000) further pointed out that migration involves considerable costs and risks and apart from knowledge and social capital, also requires motivation and the necessary aspirations. Furthermore, this basic insight offered by neoclassical theory is insufficient to explain the strongly patterned, non-random nature of real-life migration processes (De Haan, 2000). These points arguably better capture the reality of migration and have been framed as a critique of the neoclassical

theory. The New economics of migration' theory challenges many of the assumptions and conclusions of neoclassical theory. As Castles (2002:1149) noted, the theory helps to explain migration in the absence of wage differentials and seems relevant for explaining migration in developing countries and other situations in which migrants face considerable constraints and risks.

2.4 New economics of migration theory

The new economics of migration theory conceptualise migration as decisions made by larger units of related people typically households or families in which people act collectively to diversify expected income, through risks spreading (Massey *et al.*, 1993:436). The theory of new economics of migration is better placed to explain migration in developing countries and certain situations in which migrants face considerable constraints and risks rather than a mere explanation of income-maximising individuals to expected wage differentials (Castles, 2000). Bruder (2003) recognised that credit markets in developed countries are always available thereby minimising risks to household income unlike in developing countries where institutional mechanisms for managing risk are imperfect, absent, or expensive to poor families, giving them incentives to diversify risks through migration. The theory also posits that in the absence of accessible public or cheap credit facilities, market failures create strong pressures for international migration (Czaika, 2012).

The new economics of migration theory helps to explain 'non-labour' forms of migration, such as refugee migration and asylum seekers (Massey, 1999; Brettell & Hollifield, 2000; Begley *et al.*, 2005). De Haas (2011:10) noted that 'non labour' forms of migration such as asylum seekers and refugees are evidence that migration is typically driven by a range of contextual factors and individual motivations which are often mixed. This makes distinctions such as voluntary and forced migration, or between family and labour migration hugely problematic leaving gaps in the protection of migrants (Betts, 2010). These gaps pose problems because they lead to unfulfilled protection needs and to a lack of guidance for states on how to respond to the migrants' vulnerability (Betts, 2008). New economics of migration theory reject the idea that migration is a decision made by an individual or family head (Fassman *et al.*, 2005). The new economics of migration has proposed a model that treats migration as a series of decisions made within the context of intra-family relationships where households are able to control risks by diversifying the allocation of household resources, such as family labour (Bijak, 2006). Other family members can be assigned income generating activities at home, while some may be sent to work in foreign labour markets where wages and employment conditions are better off than those at home (Bauer & Zimmermann, 1999). If conditions in the local economy deteriorate and activities fail to

bring in sufficient income, the household can rely on migrant remittances for support (Fassman *et al.*, 2005; Baganha *et al.*, 2006). Remittances are an integral part of the new economics of migration theory as they directly support the concept of household interconnectedness and the diversification of risk (De Haas, 2005).

Many Third World households are economically vulnerable and may face risks if they choose not to migrate (Castles, 2003). Moreover globalisation and development create social and economic dislocations that intensify the vulnerability of the economic environment (Betts, 2010). In the absence of other ways to control such risks, diversification of the family's labour minimises overall family income risk and migration is sometimes a risk-diversification strategy for households in this situation (Massey, 1999). International migration is especially effective because international borders create discontinuities that promote independence of earnings at home and abroad and good times abroad can match hard times at home, and vice versa (Light, 2000:169).

The new economics of migration theory has been criticised for its sending-side bias and its limited applicability due to problems in isolating the effects of market imperfections and risks from other income and employment variables (Kurekova, 2010). It has also been critiqued for overlooking dynamics within households (for example, gender roles). The traditional pattern of migration in Africa which used to be male-dominated is increasingly becoming feminised as women are migrating independently across national borders to fulfil their own economic needs (Cross *et al.*, 2006; Crush & Tevera, 2010). The improved access of females to education and training opportunities has enhanced their employability in the labour markets across national borders and professional women now engage in international migration, often leaving their spouses at home to care for the children (Jolly & Reeves, 2005). The criticism of the new economics of migration theory led to the development of the dual labour market theory. As such the dual labour market theory was developed to offer a more complete view that can explain major trends in migration that other theories discussed earlier cannot.

2.5 Dual labour market theory

The dual labour market theory is based on an observation that migration flows are to a great extent determined by labour demand at the destination rather than supply (Piore, 1986). The duality of the market unfolds in terms of capital-intensive organisations where skilled and unskilled labour is utilised, and labour-intensive organisations where unskilled labour is in demand (Kurekova, 2010). Developed by Piore in 1979, the dual labour market theory argues that international migration is driven by pull (employment) factors at destination,

because the segmentation of labour markets creates a demand for cheap immigrant labour at the base end of the labour market that native workers shun because of social status and prestige (De Haas, 2011:12). Dual labour market theorists posit that the segmentation of labour markets can easily become self-reinforcing as native workers leave jobs with immigrant job definitions (Massey *et al.*, 1993). The natives move to more lucrative or attractive professions, while immigrants take up the '3D' (dirty, dangerous and difficult) jobs (Bijak, 2006:10). The nature of various jobs or occupations reinforces the division where the attractive jobs are usually capital-intensive, while the 3D jobs are labour-intensive (De Haas, 2011).

As a result of their vulnerability, immigrant workforce (Betts, 2010) is more flexible than the local workforce, which is protected by various institutions (trade unions, regulations of work condition). De Haas (2011) noted that in the absence of sufficient legal channels for low-skilled labour migration, industrialised countries will continue with the systematic employment of irregular migrants or asylum seekers whose very lack of rights makes them easy to exploit to meet their labour needs. This also gives reasons for the employability of young and women migrants because they are more willing to accept poorly-paid jobs under unfavourable conditions than other migrant groups (Crush & Tevera, 2010). Dual labour market segmentation encourages more immigration as it becomes desirable and necessary to fill the jobs; policy choices in the form of active recruitments become inevitable as they follow the needs of the market (for example, managed labour immigration in the 1900s through recruitment programmes such as The Employment Bureau of Africa (TEBA) and Witwatersrand Native Labour Association (WENELA) in South Africa (Cross *et al.*, 2006; Kok *et al.*, 2006). Castles (2002:1152) noted that since the decline of the industries and mines in the early 1970s in which low-skilled migrants worked, new international divisions of labour have arisen, especially in 'global cities', where the luxury consumption needs of the highly-skilled have created new labour market demands, in the lower skilled services, such as cleaning, childcare, restaurant work, gardening, construction and food processing. Kurekova (2010) noted that the theory excludes sending countries and overemphasizes formal recruitment practices. The theory provides an intelligent explanation for the coexistence of chronic labour demand for foreign nationals alongside structural unemployment in receiving countries, on the other hand it has been criticised for its inability to account for differential immigration rates in countries with similar economic structures (Bijak, 2006; Kurekova, 2010).

The dual labour market theory, just like the world system theory, explained below links migration to structural changes in the economy but explains migration dynamics from the

demand side or receiving country perspective (Massey *et al.*, 1993:446-447). The dual labour market theory and world systems network theory have similar takes on migration as being shaped by structural economic and power inequalities within and between societies and both focus on how the powerful oppress the poor and vulnerable (De Haas, 2014). World systems network theory was developed to offer a more nuanced view with an Africanist scholarship that can explain important trends as compared to the other theories.

2.6 World systems theory

The world systems theory as noted by Fassman *et al* (2005:19) posits that migration can be traced back to institutional and sector imbalances between three geographically distinct zones (core, semi-periphery and periphery). The world systems theory assumes that international migration is associated with the advances of the capitalist system and global markets, not only in the world's economic 'core', but also in semi-peripheral and peripheral areas (Massey *et al.*, 1993). This theory also assumes that advances in international migration are facilitated by cultural, linguistic, administrative and communication links, citing the mass influx from former colonies to the respective colonial powers (Massey, 1999). Accordingly, migration is seen as a form of cultural hegemony where it is posited that migrants tend to move from peripheral to core countries because of the means of communication links, which spreads information on core lifestyles and shapes consumption expectations in the culturally peripheral societies (Hooghe *et al.*, 2008). World systems theory argues that economic power is unequally distributed and that cultural beliefs and social practices tend to reproduce such structural inequalities (Brettell & Hollifield, 2000; De Haan, 2000; Castles, 2002).

World systems theorists emphasise the role of businesses in shaping migration and tend to view labour migration as providing a cheap, exploitable labour force, which mainly serves the interests of the wealthy, and therefore reinforces social and geographical inequalities (Fassman *et al.*, 2005; Baganha *et al.*, 2006). The resultant migration streams are often towards countries where ties were established during their 'colonial' expansion period (De Haas, 2014). Pakistanis, Indians and Zimbabweans, for example, traditionally migrate to England, whilst Algerians to France, Indonesians to the Netherlands, Philippines to the United States (Howe *et al.*, 2004). England as the former colonial power has long and strong cultural and political ties with Zimbabwe (Zanamwe & Devillard, 2009). Immigrants to England include white Zimbabweans with ancestral ties in England who remained in the country after independence and subsequently decided to return, as well as British expatriates on work contracts. Black Zimbabweans also form part of a sizeable group of migrants to England (Arango *et al.*, 2009; Zanamwe & Devillard, 2009).

Massey (1999) posited that the world systems theory's view on immigration follows a unidirectional global evolution in which periphery economies generally do not enjoy the same success as those of core economies. This is because immigration as elaborated by De Haas (2014) tends to entrench marginalisation in that trained labour move to better-off areas by participating in the development of the core instead of developing the periphery resulting in brain drain. Castles (2000) noted that, as this happens, migration diminishes human capital in the sending regions, thereby causing the disempowered peripheral areas to fall far behind the centre.

A historical and structural analysis of migration between core and peripheral areas, as Castles (2002:1149) noted, shows the manipulation of labour in the interest of the core by powerful corporations (large-scale institutions) and remittances to peripheral societies as the only minor compensation in the highly unequal process of exchange between the two distinct zones. As a result, peripheral areas exist as suppliers of natural resources and labour to the core. For example, The Southern African countries were basically English and Portuguese speaking since colonial times, characterised by migrant labour exchanges that started with farm labour, which later on spread to mines with the rise to dominance of South Africa's mining industry (Kok *et al.*, 2006). The contract labour system such as TEBA and WENELA played a pivotal role in organising large-scale labour migration from Southern African region to South Africa after the discovery of diamonds in Kimberley in the 1860s and the opening up of the gold mines on the Witwatersrand in the 1880s (Cross *et al.*, 2006:111). The world system theory's view tend to depict migrants as passive pawns or victims of capitalism who have no choice but to migrate to survive (De Haas, 2014). Such a view does not justify the diversity of migration because of the fact that many people have succeeded in significantly improving their livelihoods through migration (De Haas, 2010).

Whereas the theories discussed so far aim to identify what initially attracts migrants to their destination countries, the social network theory was developed to explain why migration flows may become persistent once they have been initiated (Massey *et al.*, 1993). The social network theory generally discussed below focuses on networks linking migrants to a variety of people, both in the country of origin and destination (Castles, 2002).

2.7 Social network theory

If the neoclassical approach is correct, even as amended by the further insights from other theories, then migration must be a wide open phenomenon which can explain why migrants choose certain destinations or why some people do not migrate at all despite the prevailing economic disadvantages or political persecution (De Haan, 2000, Castles, 2002). While it is

known that people move due to political and economic challenges, the factors determining the direction and magnitude of migration have not been fully developed by the other theories (Castles, 2000; 2002; 2003; Massey & Aysa, 2005). Social network theorists developed an approach which explains the existence of kin and other networks in both sending and receiving countries which makes migration less costly, less dangerous, and less uncertain (Massey *et al.*, 1993). The social network perspective holds that migration leads to the formation of networks which in turn feed subsequent migrations (Elrick & Ciobanu, 2009).

Once migration is initiated, networks are formed and further migrations will take place independent of the initial push and pull factors that caused migration (Massey & Aysa, 2005). Thus, once a certain number of migrants have settled at the destination, migration as suggested by De Haas (2011:25) can become self-perpetuating, ultimately reducing the costs and risks of migration (not only in monetary terms, but also psychologically). The theory of cumulative causation advanced by Massey *et al.* (1993), states that as more and more individuals migrate and create network connections in the destination country, psychological and monetary costs of migration as well as the risks involved in migration are lowered. This induces additional migration and more network connections are ultimately created because every new migrant reduces the costs of migration for another set of people (Massey, 1999). The dynamics of migration processes make additional movements more likely through various social, cultural and economic feedback mechanisms (De Haas, 2014). Migrant networks as noted by Bijak (2006:6) are believed to play a crucial role in facilitating continued migration over formally closed borders, which is a key example of how migrants' counter-strategies can actively undermine states' attempts to control migration. Howe *et al.* (2004:22) also agreed that networks tend to create immigration momentum, once they are set in motion they become difficult to stop.

Network connections between migrants in a destination area and aspiring migrants in an area of origin can facilitate migration and are an important consideration for migrants in the selection of a migration destination (Massey *et al.*, 1993; De Haan, 2000). Elrick and Ciobanu (2009) in their study further distinguished a migration network from a migrant network in that the migration network is the aggregate of all migrants' networks in relation to certain groups (same nationality, region or ethnic group). A migration network encompasses all interpersonal ties that connect migrants, former migrants and non-migrants in sending and receiving areas, whereas the migrant network is about the migrants' social connections who have migration-related knowledge (Massey *et al.*, 1993). Migrants' social connections can be made up of members of the family, friends or acquaintances (Castles, 2002). A migrant network starts when the first migrant from a community of origin leaves home and

establishes him/herself in a particular destination area (Gelderblom & Adams, 2006). Before the first migrant leaves home, they often have to draw on the support of friends and family to finance the journey and this starts the circle of obligation that sustains the migrant network (De Haas, 2011). Successful migrants in the destination area feel obliged to help their family members back home to migrate because they depended on these family members when they made their first move (Gelderblom & Adams, 2006). In this case migration networks play a facilitative role and are not an original cause of migration (Massey & Aysa, 2005).

Gelderblom and Adams (2006) noted that there are various types of networks used by different occupational classes. Highly skilled workers rely more on networks of colleagues or organisations and less on kin-based networks than unskilled workers (Kok *et al.*, 2006). Once the migration process reaches a certain threshold, it becomes autonomous and forms social structures which ease migration challenges in form of reduced social, economic and emotional costs that are involved in the process of migration (Castles, 2002). They also provide social and cultural support in an immigrant community with a familiar language, food, religion, and customs (Howe *et al.*, 2004). As a result, networks act like shock absorbers in the migration process in that they help to spread and diversify risks for family members of those who migrate (Fassman *et al.*, 2005). This is in tandem with the views of the New Economics framework discussed in section 2.4. Migrant networks can also stimulate migration if visiting migrants show off their newly-acquired wealth in the area of origin (Maphosa, 2013). This can also motivate non-migrants in the community of origin to migrate (Crush *et al.*, 2005a). A Human Sciences Research Council (HSRC) study quoted by Cross *et al.* (2009:35) on Zimbabwean and Mozambican immigrants indicated the importance of social networks for facilitating migration. According to the study family and friends, already working in South Africa, informed them about conditions in the country of destination (Cross *et al.*, 2009). The positive descriptions of South Africa, given the difficult circumstances in their countries of origin, were a strong motivating factor for migrating to South Africa (Gelderblom & Adams, 2006). Successful migrants may in the long run disengage from migrant networks or the networks may become unviable due to factors such as impoverishment (Massey *et al.*, 1993). On the other hand, social networks can also discourage migration if negative information (for example, xenophobia or unavailability of jobs) about the destination area is communicated to the area of origin (Kok *et al.*, 2006).

The social network approach also holds the view that migration reaches 'economic saturation', a point where the job market in the mainstream economy of the host country is full (Light, 2000). This leads to 'flow-backs' where migrants find it more difficult to find jobs and accommodation (Gelderblom & Adams, 2006; Tengeh & Lapah, 2013). However,

scholars like Light (2000) and Matshaka (2009) disagree and are of the view that migrants do not only rely on their host country to get employment but also create employment for themselves using the same networks. In support of the forgoing argument, Light (2000) posited that migrants are confronted with the problem of sustaining their livelihoods once they reach the country of destination despite the pivotal role played by migration networks. One of the ways of cushioning themselves against unemployment is by becoming entrepreneurs (Elrick & Ciobanu, 2009). Due to limited access to socio-economic opportunities further aggravated by lack of legal recognition in destination countries Tengeh and Lapah (2013) showed that many Zimbabwean migrants in South Africa, for example, seek alternative livelihood avenues to adjust to the new and changing circumstances of their lives by establishing entrepreneurships like street vending as well as transport couriers (omalayitsha) between South Africa and Zimbabwe (Matshaka, 2009).

Migrants through their own initiatives and cooperative efforts establish informal immigrant businesses and inject self-generated capital to employ themselves and fellow ethnic immigrants in their host countries (Tengeh & Lapah, 2013). This therefore counteracts the effects of economic saturation as explained by Massey and others. As migration networks increase, more migrants are incorporated by expanding job searches and increasing the availability of jobs through ethnic economies (Light, 2000; Elrick & Ciobanu, 2009). Ethnic economies are businesses that are established, owned and managed by immigrants as a way of improving their livelihoods as well as that of their fellow countrymen. Tengeh and Laphah (2013:112) identified the following ways in which social networks assist fellow immigrants to invest in their destination countries:

- Networks assist by providing labour at lower cost to immigrant entrepreneurs with established ethnic businesses. Immigrant entrepreneurs prefer to employ fellow immigrants in their businesses because of the faith they have in them as people with a common objective. They would often demand lower pay because of lack of legal status as compared to natives.
- Networks provide crucial information to would-be immigrant entrepreneurs (Massey & Aysa, 2005). This information pertains to issues on how and where to invest, the pricing system and policies of the country, conducive sectors to invest and methods of dealing with public bureaucracies and possible bottlenecks in the various ventures (Light, 2000). This information is often not available to people who are not part of the social or migration network (Castles, 2003).

- Migration networks assist immigrant entrepreneurs to access different forms of aid in form of initial training and capital through associations and family members (who constitute this network).

Hence immigrants can easily access start-up capital and apprenticeship skills to operate informal enterprises (Light, 2000). Immigrants engage in informal business activities in destination countries because of the high unemployment levels among the immigrant population compared to natives fuelled by discriminatory labour practices governing employment in most destination countries (Crush, 2012; Crush & Williams, 2005). Immigrants cannot access employment in the formal sector of the host country because of lack of legal status (Fatoki, 2014). Immigrant entrepreneurs easily find some sectors of employment which are shunned by natives such as construction, domestic services and petty trading or hawking (De Haas, 2005). Immigrant entrepreneurs also emerge to supply goods and services that are in demand and favoured within the immigrant community and these include the provision of certain foods and courier services like conveyance of remittances and goods to their families back home (Maphosa, 2013). There is little or no bureaucratic work needed to set up business in the informal sector given the lack of a legal framework governing the operation of informal businesses in the host countries (Fatoki, 2014). This encourages most immigrants without legal status in the host country to establish their businesses (Begley *et al.*, 2005).

The social networks theory builds on the concept of social capital presented below. It is seen as the resources that help people or groups to realise their goals by allowing actors to cooperate in networks and organisations through ties of kinship, which serve as mechanisms to integrate groups and symbolic communities (Bijak, 2006). As social beings, Massey and Aysa (2005:2) noted that humans are inescapably entangled within interpersonal webs of strong ties to close friends and relatives and weak ties to more distant relatives, casual acquaintances, and friends of friends. Light (2000) noted that whenever an aspiring international migrant has a network tie to someone with prior migratory experience, that connection offers a valuable source of social capital. Individuals can bank on social ties, by mobilising the social capital rooted within it to gain valuable information, moral support, and material assistance that may reduce substantial costs and risks of international migration (Light, 2000; Massey & Aysa, 2005). The next section examines social capital and undocumented migration.

2.7.1 Social capital and undocumented migration

The social network theory combines migration networks and social capital to generate models of migration (Fassman *et al.*, 2005). Social capital as argued by Massey (1999) and Castles (2000) plays an important role in the migration process by enabling migrants to adapt to the social, political and economic conditions of their host countries. Network connections can therefore be considered as a form of social capital that migrants can rely on to gain information as well as psychological support that facilitate both migration and adaptation in host countries (Bijak 2006; Kurekova 2010). Undocumented migrants desperately need social networks in both origin and destination areas before migrating (Cross *et al.*, 2009). Migrating to a country without proper documents is a risky business which can prove to be psychologically disturbing and uncomfortable for undocumented migrants (Crush & Tevera, 2010). Undocumented migrants tend to move, not as individuals but in groups as a way of cushioning themselves against dangers associated with irregular migration (Idemudia *et al.*, 2013).

Since the social network theory posits that new migrants follow the path of older migrants, Vertovec (2002) noted that the first undocumented migrants to move would clear the way for new migrants since undocumented migrants view each other's support as indispensable. This view is supported by Gelderblom and Adams (2006), Kok *et al.* (2006), Elrick and Ciobanu (2009) when they point out that migration networks help new immigrants to find jobs in a new country with the help of relatives and friends. Acquaintances may provide help in form of housing and other needs on arrival in the destination country (Massey & Aysa, 2005). This supports the commonly held view that networks reduce the risks and increase the returns of migration (Portes & Böröcz, 1989). Martiniello and Rea (2004) noted that undocumented migrants create networks to deal with the threats of deportation. They explained that '.... Undocumented migrants have by necessity generated sizeable networks to deal with the very obstacles set in their path' (Martiniello & Rea, 2004).

Crush (2012) echoed Martiniello and Rea (2004) when he realised that deportation of undocumented migrants caused little deterrence due to the existence of social networks, as those deported usually returned to the Host country within days or weeks after being deported. Castles (2002) suggested that migrants who lack legal status, depend on friends, acquaintances and relatives in moving goods and sending remittances to their families back home. Elrick and Ciobanu (2009) in their study of Romanian migrants in Spain, weighed in by pointing out that the undocumented and unskilled immigrants are more dependent on social networks due their irregular status as compared to migrants with a legal status. Migration networks are more effective where the migration of the poor and unskilled worker

is involved (Elrick & Ciobanu, 2009). The more political, institutional and economic obstacles are present to oppose plans to migrate, the more important migrant networks become (Light, 2000).

Social networks may be selective in accepting members (class formation) due to resources owned by a member (Massey & Aysa, 2005). Resources owned by a member play a major role in determining which network to join. This may create inequality and social stratification between and among migrants (Massey, 1999). High class networks have more resources as compared to lower class networks. Belonging to a high-class network means having more enriched social capital than the lower class networks, which may determine the class of jobs one can find in the destination country (Light, 2000). This argument is supported by Vertovec (2002) who posited that dimensions of class position and social power such as class profile of the network have been shown to have considerable conditioning upon migrant processes. As shall be seen, social capital is centred on networks which create mutual benefit for network members during the course of migration.

2.7.2 Nuclear and extended families

Family is one of the six sources of social capital put forward by Massey (1999) and it is considered the most secure type and vital social capital. Generally, children are assisted by their parents and siblings as they grow up within the nuclear family and more often than not migration is not an individual decision, but a family one especially in its quest to diversify and insure its livelihoods against risks as noted in section 2.4. The family may send those with migration potential abroad by contributing money and other means to enhance a family member's capacity (Castles, 2002). Brothers and sisters can provide accommodation, finance, job tips and trip expenses to their siblings in the destination country and this explains why migrants of a particular area of origin tend to cluster in specific neighbourhoods of a town (Light, 2000). Family can use their links to facilitate entry or obtain jobs for their offspring, relatives and siblings (Reynoso, 2003).

In her study of Dominicans in the United States, Reynoso (2003:13) gave an account of how undocumented migrants can use other relatives' identities and visas to enter the United States, including having false marriages with relatives to facilitate entry. In the same vein Ojong (2005) showed the importance of social networks by giving an account of how Ghanaian female entrepreneurs in South Africa learn hairdressing skills from their relatives in Ghana to use as survival skills in South Africa. Ojong (2005) also discovered that most of these Ghanaian women are undocumented migrants who entered into marriages of convenience with South African 'husbands' to obtain residence permits. The material or

emotional support offered by families can be of great value and the family may also advise on which choices of livelihood and profession one may choose (Reynoso, 2003). The family's social capital contributes to the development of members' human capital which can lead to the acquisition of more social capital if members become successful (Brettell, 2005, Ojong, 2005). Those that are successful will be under obligation to assist those that remained behind to migrate and following their paths and in so-doing the network becomes cyclical (Zhou & Bankston III, 1994). As such families do not leave in a vacuum but in a community where belonging is a critical social capital factor.

2.7.3 The community

Community has been proven to be the basis of undocumented migrants' social capital (Brettell, 2005). People from the same community living in a foreign country are likely to unite for survival and communities with more migrant connections are more likely to migrate (Massey & Aysa, 2005). Zhou and Bankston III (1994) pointed out that community relationships are highly institutionalised and people communicate easily about their migration experiences with those at home in rural settings. Massey and Aysa (2005) hypothesised that social capital has stronger effects in villages and small towns than in large cities or metropolitan areas. In Zimbabwe, Maphosa (2013) noted that the regions most affected by migration are the southern parts of the country which are closer to South Africa mainly because of the historical cultural ties that the southern parts of the country shares with Zulu, Xhosa and Sotho tribes of South Africa. Maphosa (2013) further observed that the southern regions have a long history of labour migration to South African mines compared to any other regions in Zimbabwe. Migrants from the southern districts of Zimbabwe find it relatively easy to integrate into the South African cultures because of the similarity and cohesiveness of cultures (Maphosa, 2013). Massey and Aysa (2005) observed that social capital was weak in urban areas and strong in rural areas because it is easy to have more consistent norms, sanctions and social control in rural areas than in the urban areas.

In a small town or village most people are likely to know and trust each other and the likelihood that a few migrants can influence members of the village to migrate may be very high (Massey & Aysa, 2005). Communities with more coherent cultures, especially in rural areas can have more people migrating than urban communities with *laissez faire* culture. Community members' cohesiveness can provide social capital which migrants can depend on, whereas, lack of strong familial bonds in the community may serve to inhibit migration (Brettell, 2005). In the absence of community support, people from different backgrounds in destination countries may form voluntary associations as shown below which can champion their common causes away from home.

2.7.4 Voluntary associations

People of diverse origins may form associations in the absence of traditional community support to drive forward their common causes (Massey & Aysa, 2005). These associations such as burial societies and rotating credit associations create a sense of trust and belonging among members (Zhou & Bankston III, 1994). They also represent a transnational identity rooted in the migrant's cultural practices both in the country of origin and in the migrant's adopted country (Brettell, 2005). Migrant associations also assist by improving savings since lack of a legal status by undocumented migrants will likely cause them not to have bank accounts (Reynoso, 2003). The money accumulated can be remitted home through the same social network of close friends and relatives or help families during times of bereavement (Massey *et al.*, 1993; Castles, 2002). In most cases the association may make follow-ups on whether the money contributed was put to good use (Massey & Aysa, 2005). Unlike voluntary associations, friends constitute relationships based on common interests rather than belonging to a close group.

2.7.5 Friends and friends of friends

Friends and auspices can share information with each other about migration destinations. Massey (1999) pointed out that growing up together brings closeness and responsibility, important resources which can be called upon during the migration process. People who grow up together can form an 'old boys' network (Massey, 1999). Not assisting one friend would be seen as not being loyal and unpatriotic to the group and the perpetrator would risk being isolated from the network (Zhou & Bankston III, 1994). The network may circulate information to one another about the availability of jobs and general circumstances in the destination area with those at home and information about violent conflict (xenophobia) in will be disseminated quickly back to the area of origin and such information is likely to discourage further migration (Gelderblom & Adams, 2006).

Friends can also lend each other money for transportation to the country of destination and provide initial accommodation, food and can also give psychological support to each other during times of trouble with the police especially those without a legal status (Kok *et al.*, 2006). Apart from friends common ancestry or ethnicity can be a great source of capital.

2.7.6 Common ancestry and common language (ethnicity)

The prevalence of ethnic social capital in migration has been demonstrated by various migration studies. An ethnic community's social capital entails resources available to individuals through their membership in that community (Brettell, 2005). In their study of

Vietnamese communities in America, Zhou and Bankston (1994) emphasised how ethnicity endows individuals with resources of support and direction to the expectations of the family within the community. Research on non-European immigrant children (Mexican-American) indicated that social capital within the family and community helped them to achieve human capital as demonstrated by the scholastic success of Mexican-American students which was attributed to a strong Mexican identity (Zhou & Bankston III, 1994). Other studies found that aspects of culture, family and ethnic community passed on by parents to their children promote academic achievement in schools, for example Punjabi students in California surpassed the performance of their native white peers through the influence of their ethnic community by not 'becoming American' (Zhou & Bankston III, 1994:824). Arabs from different countries find it easier to accommodate each other on the basis of common language, just as the Shona and Ndebele languages can link Zimbabweans in South Africa. Language as a medium of communication is a critical factor in social capital formation because it will be understood between the actors (Brettell & Hollifield, 2000). Just like ethnicity, religious affiliations are an important source of social capital as examined in the next section.

2.7.7 Religious affiliations and quasi-religious institutions

Religious beliefs and orientation can be an important element of social capital formation and can cause rejection or acceptance in a social network (Brettell 2005). Religion as a form of social capital provides reasons why people in certain religious networks emphasize the need to help fellow worshippers (Massey & Aysa, 2005). In a study of Indian communities in the Dallas Fort Worth area, Brettell (2005:858) found that Indians created religious associations which they depended on for social, religious and economic needs. These affiliations help people from different countries or even continents to unite and create institutionalised relationships whereby help is sought for those who are of the same religious orientation as shown by Islamic societies in the United States and Europe who have great cohesion. (Brettell, 2005). The Central Methodist Church in downtown Johannesburg is one such example since it started accommodating a substantial number of undocumented Zimbabwean migrants who were fleeing multi-layered crises which started in 2000 (Beremauro, 2013). The power of states to influence migration particularly, emigration is substantial as explored in political science and migration theory.

2.8 Political Science and migration

Political scientists' approach on migration as Fassman *et al.* (2005:24) argued, focuses on control mechanisms that serve to protect national boundaries and state institutions against the impact of migration and foreign policy with a particular focus on citizenship and civil rights. Zolberg (1989) pointed out that migration theories are not able to explain why the majority of the world's population with options to move to other countries cannot rationally decide to migrate simply because the contemporary world is organised into sovereign states with national borders which are legally protected. The idea of international migration presumes the existence of national states and clearly defined territorial and institutional borders (De Haas, 2010). Over the course of modern history, trends and patterns of migration have been inherently linked to processes of state formation, economic and territorial imperialism and warfare (Portes & Borocz, 1989).

Under the current situation international migration is viewed as a system of interaction between states whose social boundaries coincide with the frontiers delineated by international law as those of the state (Zolberg, 1989). The political science approach to labour migration focuses on the conflicting interests of receiving countries where on one hand receiving countries want to maximise the supply of labour and on the other hand want to protect cultural and national integrity (De Haas, 2011). The power of states to influence immigration and emigration is higher for repressive, authoritarian and centralised states than for liberal, democratic and decentralised states which normally account for democratic processes and fundamental human rights (Zolberg, 1989; Castles, 2003). States and policies often play an important role in the initiation of international migration, whether in the form of recruitment (for instance, work permits), visa requirements, colonialism, military occupation, or political repression (Massey *et al.*, 1993; Castles, 2003; De Haas, 2011). State formation processes and related conflicts have uncertain theoretical effects on population mobility in that they may provide incentives for people to leave while they may also provide incentives for people to stay (De Haas, 2014). In the same context people living under authoritarian rule may more often wish to migrate, but authoritarian states have the capacity to control and restrict emigration out of fear of the 'brain drain' and the immigration of foreigners (De Haas, 2014). This can happen through increased nationalism, anti-colonial sentiment and xenophobia (Castles, 2003). However states can encourage emigration as a means to decrease unemployment, generate remittances, and decrease dissatisfaction among its own population. Zolberg (1989) and Portes and Borocz (1989) noted that states may also assert national sovereignty by introducing immigration restrictions and border

controls and portray immigrants as a threat to sovereignty, security, ethnic homogeneity and stability in a bid to rally political support. In this context, African governments have frequently resorted to deportations of migrants (Crush, 2012). This shows that states can both facilitate and constrain migration in various direct and indirect complex ways. Whereas the theories discussed so far aim to identify what initially attracts migrants to destination countries, transnational migration theory explains why migrants are able to have coequal membership between two nation-states.

2.9 Transnationalism

Since the early sociology of migration in the 1920s-30s, most migration research has focused upon the ways in which migrants adapt themselves to their place of destination (Massey, 1999; Castles, 2000; Fassman *et al.*, 2005). Researchers on migration as observed by Vertovec (2002:2) have always recognised that migrants maintain close contact with people in their places of origin through correspondence and the sending of remittances. Castles (2002:1157) noted that the concept transnationalism is not new as it goes back to ancient times when it was used to refer to transnational communities displaced or dispersed by force for example the Jews, or African slaves in the New World, the Greeks in Western Asia and Africa, the Arab traders who brought Islam to Southeast Asia and Indians in the British Empire.

Castles (2007:10) posited that transnational communities (or diasporas) as they were known before, are increasingly becoming important social actors as a result of new transport and communications technologies that make it increasingly easy for migrants to maintain long-term economic, social, cultural and political links across borders. Vertovec (2002:4) further added that technological advancements in communication and transport allow migrants to transnationally maintain their home-based relationships and interests. Transnational labour markets have historically existed just like the various forms of transnationalism have been in existence in earlier periods of migration, such as chain migration, regular communications among split families and sending of remittances (Castles 2002; Vertovec, 2002; Maphosa, 2013). Collyer (2006) pointed out that despite the multi-disciplinary explanations provided by transnationalism as aspects of the migration process, it is appropriate to consider it separately from other theoretical approaches since there is little agreement over what exactly constitutes transnational migration, hence it is too early to speak of a 'theory' of transnationalism as it relates to migration.

Having discussed an overview of the main migration theories, the table below further provides a schematic comparison of these theories. It also provides a summary of the

different critiques against each theory and the concepts and variables which they propose for analysing causes or perpetuation of migration. The table also shows that levels of analysis in migration research vary both within and between disciplines of social sciences and therefore a multifaceted theory building is complex.

Table 2.1 Overview of migration theories

Theory	Subject of analysis	Level of analysis	Variable(s)	Critique
Neoclassical theory of migration	Determinants of migration	Macro Micro	Geographical wage and income differentials. Probability of employment	Mechanically reduces migration determinants—exclusion of role of the state. Assumes linearity – unable to explain differential migration, why people do not move, or why migration ceases before wage differentials equalise or return migration. Ignores market imperfections. Homogenisation of migrants and societies or lack of human agency
Human capital Theory of migration	Determinants of migration	Micro	Wages, economic benefits affected by individual characteristics/investments	Overly optimistic view - migration is not always a voluntary process to maximise gains
New economics of migration theory	Determinants of migration	Micro Meso	Wages and income distribution Institutional failures – credit market, labour market deficiencies	Critique of the neoclassical theory rather than a theory in its own right. Sending side bias. Limited applicability – difficult to detach the effect of market imperfections and risk in migration decisions from other income and employment variables.
Dual labour market theory	Determinants of migration	Macro: Nation state Meso	Labour demand Segmentation of labour markets State immigration policies and recruitment efforts	Receiving state bias excludes push factors, formal recruitment practices overemphasised. Unable to account for differential immigration rates in different developed economies with similar economic structures.
World system theory	Determinants of migration	Macro: global and international processes	Structural changes induced by position in capitalist system	Only applicable at the global level.
Network theory	Perpetuation of migration	Meso	Networks and Social capital facilitate migration	Conceptual framework rather than a theory. Networks can be exclusionary.
Political science theory	Determinants of migration	Macro -> micro	Nation state and policies as control mechanisms	Authoritarianism leading to forced and irregular migration.
Transnational Migration theory	Perpetuation of migration	Transnational level	Transnational social spaces	Novelty of the concepts has been questioned. Research within this paradigm usually selects on dependent variable.

Source: Adapted from Fassman *et al.* (2005), Kurekova (2010)

From the migration literature discussed above, there are types of migration that have emerged and though there is considerable overlap between them they provide a useful mechanism for analysing the current major flows. The theories above explain migration from the supply side, demand side and state intervention, however, there is a theoretical gap since they do not address the phenomenon of irregular migration (Portes & Borocz, 1989; Massey, 1999; Castles, 2003; De Haas, 2011; De Haas, 2014).

2.10 Theorising irregular migration

The development of irregular migration as a phenomenon is addressed by the Differentiation theory. According to Luhmann (1982), the differentiation theory assumes that the world is functionally differentiated, with each subsystem having its own form of internal differentiations. These systems, for example the market economy or science differentiate in a way that weakens the significance of territorial distance (Amgaben, 1998; Cvajner & Sciortino, 2010). Science capitalises on universal discovery while a market economy converts territorial distance into prices through economic activity (Cvajner & Sciortino, 2010). The political system differentiates according to segments, through the establishment of territorial borders separating states that are understood to be homologous in their activities and aims (Stavila, 2015). The capacity to deal with any problem within the political territory is a basic function of modern states thus, within world society; there is structural friction between the operations of subsystems working according to different logics (Guiraudon & Lahav, 2000). On one side, there is the logic of free movement of people, goods and other factors of production favoured by socio-economic forces, like the free market economy, globalisation or transnationalism (Massey *et al.*, 1993; De Haas, 2010). On the other side, there is the logic of states, political-judicial constructions that claim power to delimit the 'social space' and to regulate the movement of factors across it (Massey *et al.*, 1993; Czaika & De Haas, 2013).

The 'social space', here is understood as the space within which the majority of social transactions happen, and it tends to overlap into the 'political space', understood as the space where those transactions are regulated by a sovereign power (Amgaben, 1998; Czaika, 2012). Although the development of some subsystems facilitates human mobility towards the areas where there is the highest clustering of positive life-chances, other subsystems are embedded in stable territorial distinctions between insiders and outsiders entrusted with the task of regulating the impact on insiders of anything coming from outside (Amgaben 1998; Cvajner & Sciortino, 2010; Stavila, 2015).

Illegal migration is somewhat a recent phenomenon whose meaning was unimaginable some decades ago (Portes & Borocz, 1989; De Genova, 2002). The term as shown by Cvajner and Sciortino (2010) is a juridical apparatus of border controls and organised citizenship by the nation state necessary to classify systematically international mobility in terms of a legal/illegal distinction. There will always be non-citizens, who, erroneously or deliberately, break the rules attached to entry and residence, and the legislation (Anderson & Rhuhs, 2010). Anderson and Rhuhs (2010:175) points out the contested nature of illegal migration as evidenced by the adjectives attached to migrants who are the subjects in this phenomenon (illegal, undocumented, irregular, clandestine, non-compliant and unauthorised). This is an indication of the intensely politicised nature of claims to knowledge and analysis (De Genova, 2002). The terms used may in themselves indicate a particular political position. Some studies as pointed out by Anderson and Rhuhs (2010) used the adjectives 'irregular' or 'unauthorised' in an attempt to remain independent from associating themselves with particular positions. In this study the adjectives 'undocumented/irregular' will be used to refer to migrants without a legal immigration status. States, typically use the term 'illegal' since they perceive 'illegality' as a problem which must be solved through stronger borders (internal and external), strict enforcement of immigration controls and residence as well as increasing cooperation between the state and the public (Sciortino, 2010).

The growth of irregular migration is rooted in the structural mismatch between the social and the political conditions for migration (Portes & Borocz, 1989; Massey, 1999; Castles, 2003; De Haas, 2011; De Haas, 2014). Cvajner & Sciortino (2010) posit that for an irregular migration flow to happen there must be a mismatch between the demand for entry, rooted in the international labour market, and the supply of entry slots, determined by the political system. In the sending countries Massey *et al.* (1993) found that a mismatch must result between widespread social expectations ('push' factors) and the capacity of the government to satisfy or repress them. In the receiving countries Massey (1999) also argued that a mismatch must also happen between the internal pre-conditions for migration ('pull' factors) and their interpretation within the political system. The Transnational theory of migration also posits that there must be a mismatch between the carrying capacity of the migration infrastructure and the monitoring and repressive capacity of states (Castles, 2004; 2007). Given the above explanation, irregular migration systems may in reality be defined as an offshoot to these mismatches. If irregular migration is defined in such a way, Cvajner and Sciortino (2010) concur that it becomes clear that the growth of an irregular migration system is not only the consequence of the control weaknesses of states. The policies enacted by the state are only one side of the establishment of a migratory system. Strong mechanisms of control also fail if opportunities to be gained through migration are strong (De Haas, 2014).

Weak or fragmentary control policies may, however, be effective, depending on whether the demand for entries is scarce and limited or when other options for migrating are more attractive (Cassarico *et al.*, 2015).

2.11 A synthesis of the migration theories

Although the discussed theories have limited value in explaining migration patterns, it would be unfortunate to reject the entire migration theoretical edifice without evaluating its intrinsic worthiness (Castles, 2000). At present, there is no single theory widely accepted by social scientists to account for the emergence and perpetuation of international migration throughout the world, only a fragmented set of theories that have developed largely in isolation from one another (Hooghe *et al.*, 2008:477).

Kurekova (2010) observed that besides a range of critiques that have been raised against specific migration theories, migration research suffers from a number of general deficiencies some of which are inherent to its subject matter. First, the traditional and existing theories by and large ignore immobility and cannot explain a lack of migration due precisely to their association with economic theory, which has come to be perceived as too narrow a focus on a complex phenomenon such as migration (Massey *et al.*, 1993; Castles, 2000; Arango *et al.*, 2009). Moreover, the discussed theories fail to provide a sound explanation for between-country differences, and differences between individuals that is, the micro-structural causes of migration and for the resilience of certain flows whose original causes have disappeared or diminished (Portes & Borocz, 1989:607). Similarly, they fail to explain simultaneously the origins of migration and the degree to which it perpetuates or mitigates (Hooghe *et al.* 2008). Second, most of the theories suffer from a receiving country bias and in general fail to engage sufficiently with factors in sending countries and how these combine to produce different migration outcomes. Third, migration theories have been unable to account for change and to explain migration processes overtime (Massey *et al.*, 1993; Massey, 1999). This was supported by Portes and Borocz (1989) who argued that the concepts advanced by the theories were developed in an industrial era, and as such, they no longer offer the best perspective on migration in a post-industrial, globalising world. The theories of migration which reacted to the neoclassical model arose as a response to the changing nature of the world (Castles, 2002). Kurekova (2010) observed that since the 1960s a new form of post-industrial migration has emerged as a global phenomenon where a variety of sending and receiving countries have increased and the global supply of emigration has shifted from Europe to the developing world. Theories of migration, as a result have to account for very complex migration regimes which encompass migration flows from industrialising to mature economies, reduced costs of transportation, cheaper and more rapid communication,

increasing governmental intervention and a greater circularity of movements in an era of trade interdependence and globalisation (Massey, 1999). Lastly, scholars noted that efforts at theory building have hardly been cumulative, the relatively short history of theorising about migration takes the form of 'a string of separate, generally unconnected theories or models rather than a cumulative sequence of contributions that build upon previous blocks' (Bruder, 2003, Czaika, 2012, Hooghe *et al.*, 2008)

Rather than adopting the argument of theoretical exclusiveness the study adopts the broader position that causal processes relevant to international migration can operate on multiple levels. The discussion of migration theories is incomplete without taking into account the process of nation state formation in which colonisation and decolonisation played a preponderant role in forging cultural and linguistic links as well as structural interdependencies and inequalities. These have strongly encouraged migration along particular spatial pathways or clusters especially in Southern Africa. Common accounts of African migration in the present body of migration literature are characterised by ignorance and a weak theorisation of the role of African states in migration processes and this obscures the role of states in shaping migration (Flahaux & De Haas, 2014). While immigration restrictions and border controls put in place by destination countries have received ample attention, the role of colonial and post-colonial African countries in shaping migration processes is poorly understood. The systematic use of forced labour and recruitment have in many ways shaped contemporary migration patterns within the continent especially southern Africa (Düvell, 2011). During the period of colonial liberation, millions of people fled conflicts because colonial powers were determined to cling to their privileges and were reluctant to relinquish control (for example Zimbabwe and South Africa) (De Haas, 2010). There is no doubt that many large scale movements between countries of Southern Africa have been directly shaped by political changes and crises, in particular those associated with the beginning or end of conflict (De Haas, 2011).

De Haas (2014) already argued that without (redistributive) government interference, socio-economic processes of 'cumulative causation' tend to reinforce inequalities between poor areas and rich areas, rather than the other way around. Economic and political power is unequally distributed, and that cultural beliefs and social practices tend to reproduce such structural inequalities (Portes & Borocz, 1989). States can stimulate and reduce costs of particular forms of migration (through migration and non-migration legislation). This shows that states can both facilitate and constrain migration in various direct and indirect ways.

Given the above argument the social network theory offers a supply-driven explanation of the link between immigration and informalisation currently happening between Zimbabwe and South Africa as compared to the other theories discussed earlier. Between these two countries, migrant diasporas are longstanding: the arrival of significant number of Zimbabweans in South Africa (as opposed to Swaziland, Botswana, and Lesotho) stems from movements of tribal groups in the nineteenth century (Bakewell & Jónsson, 2011). Once a certain number of migrants have settled at the destination, migration can become partly self-perpetuating (Castles, 2002; Massey, 1999; Massey *et al.*, 1993). The 'internal dynamics' of migration processes make additional movements more likely through various feedback mechanisms that are social, cultural and economic (De Haas, 2010). According to social network theory such mechanisms lead to organised migration flows between certain regions and countries (Portes & Böröcz, 1989).

In Africa, migrant networks play a critical role in magnifying outflows once migration is underway because ethnic, family, and religious ties link communities across borders, particularly in Southern Africa, where colonial boundaries straddle across tribal groups (Bakewell *et al.*, 2009). Migration networks utilise immigrant entrepreneurship to access emergent latent demand that native employers have not organised as jobs (*ibid*). This theory avoids the linearity, determinism and economism of neoclassical theory and once formed, networks promote the semi-autonomy of migratory flows from global restructuring and once network connections reach a certain threshold level they amount to an autonomous social structure that supports immigration (Massey *et al.*, 1993). Migrant networks are more effective where two countries are in close proximity as noted by Ratha and Shaw (2007) that almost 80 per cent of South-South migration takes place between countries with adjacent borders. The costs (financial, social, and cultural) of migrating to nearby countries are likely to be lower than those of moving farther away because many South-South migrants lack adequate travel documents and they are also restricted to overland migration (Bakewell & Jónsson, 2011).

2.12 Identifying the South

Until recently, there have been three competing relevant indicators of economic performance used by the World Bank and United Nations Development Programme (UNDP) to categorise countries as developed and developing (Ratha & Shaw, 2007). Bakewell *et al.* (2009:3) identified these three competing ways as: level of development, income and Human Development Index. Lately Porter *et al.* (2013) developed the Social Development Index after growing realisation, that economic measures alone do not fully capture the country's social progress. The Social Development Index as shown by Porter *et al.* (2013:7) provides

an outcome-based measure of a country's wellbeing that is independent of economic indicators which enables an understanding of the complex relationship between social progress and economic development. Using the identified composite indicators to categorise countries give different results because of the different methodologies used. A full analysis of the incongruities involved between these different composite indicators is beyond the scope of this study but for the purposes of this study, the definition of the 'South' based on the Human Development Index will be adopted. The South is often taken to be a convenient synonym for the set of developing countries, which bears only limited relationship to their geographical locations hence, South-South migration is simply migration between developing countries (Ratha & Shaw, 2007:3-7). Bakewell *et al.* (2009:2) showed that there are five regions considered as developing and categorised as the 'South' using the United Nations Development Programme (UNDP) system (Human Development Index) namely:

- Africa
- Americas excluding Northern America
- Caribbean
- Asia with Japan excluded
- Oceania excluding Australia and New Zealand.

Within these regions 137 countries are classified as 'less developed' or 'developing' (Bakewell *et al.*, 2009). Among the identified group, 49 countries are listed as the 'least developed countries' based on a criteria of low-income, level of human capital and economic vulnerability (Ratha & Shaw, 2007).

According to Ratha and Shaw (2007) UNDP categorises countries using the Human Development Index (HDI). The last Human Development Report in 2009, (Bakewell *et al.* 2009) placed countries in three groups – low HDI (<0.5), medium HDI (≥ 0.5 and <0.8) and high HDI (≥ 0.9) describing countries with a medium or low HDI as being in the 'South' and those with a high HDI as being in the 'North'. According to the 2009 UNDP Human Development Index report, (Bakewell *et al.*, 2009:2) noted that the 'South' is defined as all those countries whose HDI is below 0.9 and all the countries with a high HDI are also high income countries and belongs to the 'North'. Shortly a discussion will follow on the need to embed DRR in migration theories.

2.13 Need to embed DRR in theories of migration

As already been seen, there is a gap in migration literature because most migration theories focus on “economic reductionism”. In other words, they explain international migration as being activated (or hampered) solely by economic mechanisms, whether it relates to wage disequilibrium between regions (push-and-pull approach), the demand for unskilled labour in the secondary sectors of developed economies (the segmented labour market theory), or global core-periphery economic dependence (the world-system model). There is little literature on theories of migration if any on disaster induced migration or the vulnerability of migrants with an irregular status. Migration drivers have changed and become complex in the post –industrial, globalising world and most research on migration has omitted Disaster Risk Reduction (DRR) issues.

Nowadays the volume and directions of international migration have changed due to the combination of environmental disasters, state fragility, and livelihood failure that frequently interact in ways that create vulnerability for undocumented migrants. There is growing recognition that a huge number of people who may be thought of as ‘distress migrants; survival migrants or vulnerable undocumented migrants’ leave their countries as a result of desperate economic and social situations. In spite of the emerging recognition of the new disaster related drivers of external displacement, migration theorists continuously view the world largely in terms of the rational migrant - refugee dichotomy. When hazards strike, migrants with an irregular status are likely to face specific challenges and barriers that result in more acute protection and assistance needs. Since the dawn of democracy in South Africa in 1994, research shows that the worst violent attacks against foreigners happened in Alexandra in May 2008, where more than 62 foreigners were killed and 670 injured, some with life threatening wounds, and more than 150 000 people were displaced (McConnell, 2009; Dodson, 2010; Zimbabwe Independent newspaper, April 2015). Such xenophobic attacks against foreigners indicate that disaster induced migration is not well covered in legislation both locally and internationally.

2.14 Conclusion

The discussion of drivers of migration has shown that while wage differentials are a good primary indicator to understand migration decisions at the individual (micro-) level, they are clearly an insufficient factor for explaining the dynamics at the country (macro-) level (Massey *et al.*, 1993; Castles 2002; 2003; 2007; Bijak, 2006). The limited descriptive ability of neoclassical theory and its proxies to explain migration dynamics in Africa invite us to search for new DRR approaches to studying migration processes in the post-colonial and industrialising era (De Haas, 2010). There is no doubt that colonialism has left a permanent mark on the patterns of migration in many parts of the Africa. The prolonged existence of its impact should not be surprising, as even pre-colonial migration paths continue to echo in contemporary movements especially in Southern Africa (De Haas, 2014). Migration in Africa, has always been an essential element of the historical processes of social, political and economic change. The causes and consequences of migration in Africa are dynamic and not always simple and primary motives for migration in Africa are not only labour, but also disaster related.

The growth of a global labour market and the new technologies of travel and communication have brought deep-seated shifts in migration patterns (Vertovec, 2002). States can either support or curtail migration; however, the limited ability of migration research to assess the role of states and policies in shaping migration processes has left a research gap which has led to a poor understanding of migration motives in Africa (Portes & Borocz, 1989). It is however not fully correct to argue that migration is a result of well-calculated rational choices, since choices are limited for communities or individuals that are vulnerable. None of all the theoretical approaches deal well with forced migration as a result of conflict, disaster or from political and administrative decisions by states (Betts, 2010). The lack of theory addressing disaster induced migration is proof that forced migrants have been left out of the migration debate for a long time and as such many migrants who found themselves under these circumstances have suffered in silence and obscurity (Betts, 2010). Recent evidence suggests that South–South migration is a sizeable phenomenon in Africa and in their study, Ratha and Shaw (2007) estimated that nearly half of the migrants from developing countries live and work in other developing countries.

Theories on international migration have not adequately addressed the gender causes and gender-specific experiences of migration (Jolly & Reeves, 2005). The traditional pattern of migration is increasingly becoming feminised against prevailing misconception that men migrate and women do not (Cross *et al.*, 2006). Analyses of migration processes based on gender highlights the social dimensions of migration and have the potential to reconfigure

gender relations and power inequalities in the migration discourse (Piper, 2005). Migration can provide new opportunities for women and men to improve their livelihood and escape oppressive social relations, but it can also expose people to new vulnerabilities as a result of precarious legal status (Betts, 2010; Piper, 2005). There is a need to develop and coin inclusive theoretical perspectives for migration, within which phenomena such as vulnerable migrants due to economic and socio-political factors can be more completely understood. (Gordon, 2010; Betts, 2008; Facchini *et al.*, 2013). This chapter partly addressed research question (a) *how does the history of migration by Zimbabweans into South Africa affect contemporary migration?* In that, migration theories were put to use to provide good first indicators through which to understand migration causes and decisions at the individual and country level that will be discussed in detail in the coming chapter. The fragmented insights from different disciplinary theories provide an understanding of how migration is shaped by broader processes of social transformation drawn from insights accumulated by migration historians. At present, the dominant theoretical approaches explaining the causes of migration have similar predictions about important determinants of migration and this chapter has shown that there is strong evidence that migration is largely determined by the search for better economic conditions given the economic crisis in the countries of origin. Relying on the social network effects established in the chapter, most of the migration pressure is expected to be directed to South Africa. As a rule of the thumb, it can be expected that more people will continue migrating.

The next chapter focuses on the historical, contextual background of migration that has shaped and informed the movement of individuals from Zimbabwe to South Africa. The purpose of the following chapter is to situate migration from Zimbabwe in terms of the theories discussed and construct an account that will help in subsequent chapters to understand how individuals and families eventually migrated to South Africa. The idea is to identify the broader, historical, structural processes that have shaped and influenced migration and mobility from Zimbabwe to South Africa.

Chapter 3 History of Zimbabwean migration to South Africa

3.1 Introduction

The preceding chapter examined and presented the discourse of migration from the lens of different theorists. This chapter further conceptualises migration by focussing on the historical, contextual background of migration that has shaped and informed the movement of individuals from Zimbabwe to South Africa. The purpose of this chapter is to construct an account that will help in subsequent chapters to understand how and why individuals and families migrate to South Africa and become vulnerable. This chapter will fully address the research question: a) *how does the history of migration by Zimbabweans into South Africa affect contemporary migration?*

The idea was to trace the historical and contemporary patterns of migration from Zimbabwe to South Africa as well as identifying the broader, historical and structural processes that have shaped and influenced migration and mobility of individuals from Zimbabwe. The chapter gives an account of how colonialism shaped migration in southern Africa including present day migration, role of migration drivers including migrant networks in the movement and settlement of migrants in Gauteng province and the feminisation of migration. One of the arguments pursued in this thesis is that individuals have always moved in search of livelihoods and survival for many years from Zimbabwe to South Africa without proper documents which give them an illegal status in South Africa. The chapter will also focus on the patterns of migration by describing the migration waves against the backdrop of socio-economic changes within Zimbabwe's post-independence era. Different categories of undocumented migrants will also be explained.

3.2 Pre-colonial migration in Southern Africa

Southern Africa has a long history of migration, dating back to the mid nineteenth century which occurred over a wide area restricted only by tribal warfare (Crush *et al.*, 2005; Adepoju 1995). Migration during that time was heterogeneous and prompted by barter trade, natural disasters and search for employment (Adepoju, 1995) Pre-colonial movements as highlighted by Crush and Tevera (2010) were not systematic and entire villages, clans and tribes were known to move to avoid unfavourable climatic conditions that resulted in famine and drought or to escape the ravages of tribal wars. Mlambo (2010) pointed out that people moved freely from one area to another as need arose, because of the fluidity of ethnic boundaries which allowed individuals or groups to move in or out of population clusters and ethnic groupings. During that time migrants always considered most parts of the region as a free zone where people moved freely (Adepoju, 1995). Crush *et al.* (2005) and Adepoju

(1995) posit that population migration in southern Africa pre-dates European colonialism and the drawing of colonial boundaries but as will be subsequently discussed next, colonial rule set new patterns of migration deriving from the labour requirements for plantations and mines.

3.3 Migration during colonial times

Mlambo (2010) and Crush *et al.* (2005a) established that migration continued unabated even after the establishment of the colonial boundaries because there were no border controls between the now Southern Africa Development Community (SADC) states and many migrants found it easy to move to other countries to find work. These indiscriminate borders as explained by Mlambo, (2010) alienated families, clans and ethnic communities between different colonies namely the Kalanga of south-western Zimbabwe and north-eastern Botswana; Ndebele, Venda people of southern Zimbabwe and northern South Africa; the Shangaan, the Manyika and Ndau people of eastern Zimbabwe and Mozambique; and the various ethnic groups straddling across Southern African countries including the border between Zambia and the Democratic Republic of Congo (DRC). Crush *et al.* (2005b) agree with Mlambo (2010) that even in the face of these colonial impositions, local communities generally ignored these borders and went about their normal business with their folks, crossing borders without regard to colonial laws and immigration requirements.

These movements were accompanied by some voluntary indigenous migration between southern African states during the struggles for independence followed by the establishment of the migrant labour system (Mafukidze, 2006). Most of the population movements were linked to the economic strategies of the colonial governments which prioritised the core (European countries) through the development of the foreign export markets at the expense of the periphery (SADC countries) (Piore 1986). Colonial governments placed much emphasis on the urban sector and the exploitation of the rural sector (Adepoju, 1995). European imperialism and colonisation in southern Africa can be chronologically arranged as beginning with the colonisation of South Africa by the Dutch, in 1652 after landing at the Cape (Mafukidze, 2006; Mlambo 2010; Crush *et al.*, 2005b). Subsequently, this era of colonisation brought European languages (mainly Dutch, French, English and Portuguese), cultures and metropolitan linkages, which have endured, and shaped today's southern African countries' strong link to each other and to Europe through Lusophone and Anglophone connections (Mafukidze, 2006:104). This kind of structural unbalancing which may be brought about by means of mass communication, spreads information on western lifestyles and shapes consumption expectations in the culturally peripheral societies (Hooghe *et al.*, 2008).

As noted in section 2.6, World Systems theory, posits that migrant flows are triggered when capitalist economic relations enter non- or pre-capitalist societies thereby creating various types of links between core capitalist countries and countries situated in the periphery (Piore, 1986). Migration was probably the single most important factor that brought together most of the various colonies of southern Africa into a single regional labour market (Crush *et al.*, 2005a). Wentzel and Tlabela (2006) and Mlambo (2010) noted that unskilled labour migration in southern Africa dates back to the 1850s due to the development of the sugar plantations of Natal and later intensified with the discovery of diamonds at Kimberley in 1870. The disproportionate growth of capitalism amongst colonies in southern Africa, as explained by Mlambo (2010) together with its growing mining and agricultural economic centres in South Africa and Zimbabwe in the late nineteenth century respectively, led to new forms of migration, as workers from southern Africa migrated in search of work.

In this regional migration network, Crush *et al.* (2005b) and Mlambo (2010) noted that Zimbabwe was a receiver of migrant labourers from the neighbouring colonies and a supplier of migrant labour to South Africa. The dualistic role played by Zimbabwe in labour migration within southern Africa came about as migrant labourers from Malawi and Zambia while on their way to South Africa would briefly work for a while in Zimbabwe to finance their journey to South Africa (Potts, 2010). The discovery of gold in 1886 on the Witwatersrand further created a huge demand for unskilled labour (Mafukidze, 2006). The South African mines had deep gold reefs making production costs high; as a result strong capital reserves and cheap labour were obligatory to make mining a more viable business (Kok *et al.*, 2006; Wentzel & Tlabela, 2006). This led to the establishment of the migrant labour system in 1900, named the Witwatersrand Native Labour Association (WENELA) (Kok *et al.*, 2006).

The supply of cheap and unskilled labour was obtained in neighbouring countries through extensive systems of recruitment regulated under a single agency called The Employment Bureau of Africa (TEBA) (Cross *et al.*, 2006; Kok *et al.*, 2006; Landau & Segatti, 2009). Crush *et al.* (2005a), Wentzel and Tlabela (2006) and Mafukidze (2006) posit that the existence of limited working opportunities in neighbouring countries meant that foreign labourers were willing to work for a lower wage than South African labourers. This is consistent with the neoclassical theory of migration as observed by Massey *et al.* (1993) that large migration streams tend to move from poor to rich countries where demand for labour outstrips supply. According to this theory, migration is driven by geographic differences in the supply and demand for labour (Kurekova, 2010:5). Wentzel and Tlabela (2006:71) observed that the majority of the migrants working on the mines came from all over southern Africa. Wentzel and Tlabela (2006) further established that these migrant workers were

engaged for periods ranging from three to six months renewable contracts as a way of ensuring a continuous, controlled and cheap labour force by the owners of the mines. Kok *et al.* (2006) assert that migrants were forced to return to their countries of origin on conclusion of their contracts, even if new contracts for the same employment were still on the negotiating table as a way of denying the migrant workers permanent rights to work in South Africa. Wentzel and Tlabela (2006) further asserted that migration was short term and male dominated because foreign workers were not allowed to establish a family or take up residence in South Africa, despite the overall length of their employment under subsequent contracts. This arrangement was in the interests of mine owners and the state as it meant that oscillating labour migration was cheap and the employer would only pay the workers enough for their upkeep and a small surplus to attract them back to the mines (Kok *et al.*, 2006).

Female migrants could not migrate legally across borders for work as observed by Mlambo (2010) and Crush *et al.* (2005b) because colonial regulations and the migrant labour contract system of recruitment was gender-biased. Crush and Tevera (2010) found that the contract system which was not gender sensitive had its unintended consequences of illegal migration since many women migrated illegally to reunite with their spouses and continue to do so up to this day. Crush *et al.* (2005a) chronicled how WENELA organised the recruiting of mineworkers in Bechuanaland (Botswana), Basotholand (Lesotho), Swaziland, Portuguese East Africa (Mozambique), Nyasaland (Malawi), Northern Rhodesia (Zambia) and Southern Rhodesia (Zimbabwe). Wentzel and Tlabela (2006) further established that modern transport systems (road, rail, ferry, and eventually air) were also set up to recruit mineworkers for the South African mines. Given these massive recruitment efforts by WENELA, Crush *et al.*, (2005) observed that every country in the SADC region at one time or another had its citizens working on the South African mines. The labour supplying SADC countries were categorised by Wentzel and Tlabela (2006:74) as:

- long-standing supply countries such as Mozambique, Botswana, Lesotho and Swaziland;
- Periodic supply countries such as Malawi and Zimbabwe; initially Southern Rhodesia (Zimbabwe) outlawed the employment of black Rhodesians outside the country. This policy resulted in numerous Rhodesians resorting to clandestine migration to South Africa;
- Occasional supply countries such as Zambia, Tanzania and Angola. The other major employers of migrants in SADC were commercial farms and plantations (Mafukidze, 2006).

Labour migrancy to South Africa considerably increased in the 1970s but temporarily dried up during the 1980s following disagreements between the South African government and traditional source countries in SADC such as Malawi and Botswana (Crush & Tevera, 2010). This was after a plane accident in Botswana killed Malawian migrant workers (Mlambo, 2010). Other reasons of ending the migrant labour system to South Africa's mines, such as the attainment of independence by Zimbabwe in 1981, are fully explored in the following section.

3.4 Post-colonial migration

As country after country attained independence between 1960 and 1994, Mafukidze (2006:113) noted that migration patterns changed due to the economic and political environment within southern Africa which had changed, causing shifts in internal and cross-border migration. Mlambo (2010) noted that migration was also stimulated by liberation struggles in the southern African region from the 1960s which ended with South Africa achieving democratic rule in 1994. Crush and Williams (2005) noted that this period was characterised by a large number of refugees created by wars of liberation who were fleeing from countries like Angola, Mozambique, Zimbabwe, Namibia and South Africa to neighbouring states, particularly Zambia, DRC and Tanzania. Shortly after independence new governments building upon the foundations of the colonial development strategy invested in commerce, industry and administration (Adepoju 1995). Crush *et al.* (2005b), Mlambo (2010) and Potts (2010) further noted that these development programmes reflected, in many aspects, the modernisation programmes that most newly-independent southern African countries embarked on in the 1960s. These programmes encouraged urban-based economic development as well as an increase in public sector employment to deliver a range of new services (Potts, 2010).

The export oriented development path and the concentration of investment in a few cities was a cause for concern as it increased the difference in economic opportunities and incomes between the urban and rural areas leading to an escalation in migration (Mafukidze 2006). In many ways, most newly independent countries' abandoned their efforts to modernise according to the tenets of the development models of the 1960s in favour of the international financial institutions sponsored austerity programmes which allowed market forces to be the main determinants of economic development (Crush *et al.*, 2005). Potts, (2010) and Mlambo (2010) pointed out that in the 1990s most governments in the region had bowed to international pressure and implemented the World Bank supported, Economic Structural Adjustment policies (ESAP) which had already been experienced by most countries in the region and the continent at large and the outcomes were regrettably very

predictable: Urban and rural poverty increased, living standards declined, massive job losses in the formal sector occurred in towns and the informal sector expanded resulting in an escalation in migration (Kok *et al.*, 2006; Mafukidze, 2006; Mlambo, 2010; Potts, 2010).

Most migrants were adults and those who were married would usually leave their wives and children behind resulting in division of labour among family members: women would remain behind looking after pieces of land in rural areas while men migrate for waged employment (Crush *et al.*, 2012). That women remained behind 'to keep the home fires burning' may be consistent with the predictions of a unitary household model by Massey (1999). Posel (2004) observed that most labour migrants in South Africa were not permitted to bring their spouses and families with them to their places of work as a way of controlling labour and also making permanent settlement in urban areas impossible. As a way of restricting permanent settlement by migrants, Wentzel and Tlabela (2006) pointed out that the government adopted measures such as the South African labour policy which required that migrant workers could be repatriated at least once every two years². Such measures promoted cyclical or oscillating migration where most migrants from rural households went to work and earn for short periods and regularly return home at certain intervals to establish their own households after accumulating sufficient resources (Crush *et al.*, 2012:7).

Posel (2004:1-3) further indicated that migrant workers in southern Africa were involved in return migration and remittance behaviour because they faced insecure employment opportunities, and they were not legally permitted to settle permanently in their places of employment. They therefore may have sought to retain economic ties with their households of origin, both as insurance against unemployment, and for their long-term retirement (Ratha & Shaw, 2007). In the absence of other ways to control such risks, diversification of the family's labour minimised overall family income risk and migration became a risk-diversification strategy for households in this situation (Massey 1999).

This is in line with the assumptions of the new economics of migration theory as reflected in section 2.4, which conceptualises migration as decisions made by larger units of related people typically households or families in which they act collectively to diversify expected income, through risks spreading (Massey *et al.*, 1993:436). The theory also posits that in the absence of accessible public or cheap credit facilities, market failures create strong pressures for international migration (Czaika, 2012). Later, the resolution of the region's

2 South African labour policy drew in a number of laws, for example the Native (Urban Areas) Act (Act 21 of 1923) and the Native (Urban Areas) Consolidation Act (Act 25 of 1945) were used as influx control mechanisms of preventing the settlement of African migrants in urban areas.

political struggles slowed the outflows of Internally Displaced Persons (IDPs), refugees and political exiles and led to return migration on a significant scale (Mafukidze, 2006). The achievement of independence by the remaining countries in the region especially Zimbabwe, Namibia, the return to peace in Mozambique, and the fall of the apartheid state in South Africa, all combined, led to return migration in the region and many who were in the diaspora returned home (Crush *et al.*, 2012; Mafukidze, 2006:116). Since the attainment of independence, patterns of migration in Zimbabwe have undergone major changes. As shall be seen in the coming sections Zimbabwe witnessed three major waves of out-migration to South Africa, migration to South Africa is described in 'waves' or 'floods', although it hardly warrants the aquatic imagery that is generally applied to the phenomenon (Crush, 2012).

3.4.1 The first wave

Simpson (2009), Matshaka (2009:68) and Crush *et al.*, (2012) posit that the first wave was the exodus of whites fleeing majority rule immediately after Zimbabwe's attainment of independence. This wave is commonly referred in migration scholarship as the 'white flight' (Crush, 2012). Just before and after independence, Crush and Tevera (2010:48) found that more whites left than arrived in Zimbabwe (202,000 versus 180,000) especially those that feared the loss of racial power and privilege. Zanamwe and Devillard (2009:66) later found that between 1980 and 1984 approximately 50,000 to 60,000 whites also left the country because they could not adjust to the changed political circumstances. Some relocated to apartheid South Africa while others left the region altogether (Zanamwe & Devillard, 2009; Crush & Tevera, 2010).

3.4.2 The second wave

The second migration wave, was the displacement of people from the south western part of the country mainly Ndebele speaking into South Africa and Botswana between 1984 and 1987 due to the crackdown on 'dissidents' by the government popularly known as *Gukurahundi* (a Shona term meaning the first rains that wash away the chaff) (Solomon, 2000). The crackdown was meant to extinguish the unrest by anti-government rebels who were labelled as 'dissidents' (Mawadza, 2011). The people of Matabeleland always had close ties with South Africa, given the similarity of the Ndebele language of Zimbabwe with some South African languages, such as Zulu and Ndebele (Mlambo, 2010). Solomon (2000) further noted that the people of Matabeleland who escaped the post-independence violence were able to settle in South Africa unnoticed due to the indistinguishable cultural and linguistic ties with Nguni ethnic groups. Mlambo (2010) also weighed in by noting that the Nguni origins of the Ndebele people meant that migrants from Matabeleland could easily

blend in once they were amongst these clans on the mines or on the farms. However this wave of migration is tricky to document considering the similarities between the Ndebele and the Nguni of South Africa. Moreover most of these migrants have also obtained South African citizenship through fraudulent means (Maphosa, 2013)

In between the first and the second waves, Crush *et al.*, (2012) observed that young men and women migrated from their rural homes in the southern and western parts of Zimbabwe to South Africa for labour. The same authors further established that migration streams from Zimbabwe, whether of white Zimbabweans leaving the country after independence in the 1980s; or young male migrants crossing the border to work clandestinely on South African farms or male mineworkers recruited to work on the South African gold mines were relatively homogenous. Migration to another country may be tremendously heterogeneous, and may encompass varied motives and reasons for migrating as fully explored in the next subsection during the third wave of migration.

3.4.3 The third wave (mixed migration)

The term 'mixed migration' has increasingly appeared in discussions around Zimbabwean migration to South Africa. The term as described by Crush *et al.* (2012:4) is commonly used in organisations, government and refugee protection spheres to concede the difficulty in distinguishing refugees and asylum seekers from economic migrants within a single migration stream. The year 2000 saw the volume of migration from Zimbabwe to South Africa increasing significantly (Cross *et al.*, 2006; Mafukidze, 2006). Betts (2010:362) described this flow of migration from Zimbabwe to South Africa as 'mixed migration' because it included 'refugees, asylum seekers, people leaving their own country in response to governance and development failures, people seeking economic, educational and family reunion opportunities, and people who regarded the journey to South Africa as a first step towards more distant destinations such as Europe and North America. The third wave is also known as the 'multi layered crisis' or the 'Zimbabwean crisis' in that large influxes of people were fleeing from the economic and political crisis engulfing Zimbabwe since the year 2000 (Crush & Tevera, 2010; Mlambo, 2010).

The third wave migration flow (contemporary) from Zimbabwe is extremely 'mixed' as comparisons by Crush and Tevera (2010) with previous out-migrations showed the following characteristics: there are almost as many women migrants as men; there are migrants of all different age groups, from the young to the old and unwell; the hungry and poor; those fleeing from persecution and harassment; those from different occupational and socioeconomic classes; the highly-learned and illiterate, doctors and ditch-diggers, skilled

and unskilled. The economic collapse which started in the 1990s, coupled with the increasing political unrest which coincided with the untangling of the apartheid borders, contributed to the changing patterns of migration from Zimbabwe to South Africa (Crush & Tawodzera, 2012).

Crush *et al.* (2012:7) noted that Zimbabwe had earlier in the decade joined a list of African countries that were pressured by the Bretton Woods institutions to embark on an Economic Structural Adjustment Programme (ESAP) whose oratory objectives were to ensure fast paced economic growth, attract more foreign direct investment, reduce poverty, improve living conditions and address growing unemployment. The programme was conditional as asserted by Zanamwe and Devillard (2009) and Crush *et al.* (2012:7) in that the Zimbabwean government would in turn reduce public expenditure especially the removal of subsidies on basic foodstuffs, trim budgetary allocations to essential social services such as education and health care, and downsize the public service.

As described by Crush *et al.* (2012), the Zimbabwean austerity programme, ESAP, failed to deliver on its promise, and took away the advances that had been made in social service delivery in Zimbabwe during the 1980s. The envisaged level of foreign investment failed to materialise leading to increased competition from imports resulting in de-industrialisation and widespread lay-offs in the manufacturing sector and the public service totalling over 50000 and 23,000 jobs respectively (Crush *et al.*, 2012; Crush & Tevera, 2010). The country experienced a fiscal crisis and decline in economic activities in all sectors of the economy during this period as hyperinflation, company closures and unemployment all made resource mobilisation difficult for the Zimbabwean government (Simpson, 2009). The economic collapse triggered unprecedented outward migration (Crush *et al.*, 2012).

The post 2000 wave of migration was historical in that both skilled and unskilled individuals crossed into South Africa and the most notable among those migrating were professionals who included doctors, nurses and teachers (Crush & Tevera, 2010). Unskilled young men and women and those made redundant as a result of retrenchments continued to migrate in search of economic opportunities and the levels of undocumented migration also increased (Crush & Tevera, 2010; Bloch, 2008; Mafukidze, 2006). The economic and political crisis experienced by Zimbabwe during this period were interrelated and intertwined as were the effects resulting from them (Cross *et al.*, 2006; Simpson 2009). Crush and Tawodzera, (2012) noted that the multi layered hardships pressured households to find other means for economic livelihoods outside the country. The nature of mixed migration during the third wave is summarised in the table below.

Table 3.1: Summary of mixed migration from Zimbabwe to South Africa

Types of migrants	Motivations	Mode of Entry: Normal ³ /Border evasion ⁴ .
Job seekers	Looking for work for self-sustenance and feeding families back home. These include highly skilled and unskilled people	Both and some may overstay their permits
Refugees and Asylum seekers	Fleeing political persecution as individuals or groups	Both
Cross border traders	Buying and selling of goods. Their movement is circulatory i.e. move back and forth between South Africa and Zimbabwe	Normal
Students	Pursuing educational opportunities	Normal but some may overstay their permits
Health seekers	These are sick or ill people seeking medical assistance	Both with some overstaying
Border residents/day trippers	These are people who stay in the border regions or areas. They move regularly between Zimbabwe and South Africa.	Both
Family	These are the people who visit for family reunion, i.e. spouses, children and other relatives	Both, including overstaying

Source: Author's compilation

Some differences were noted by Crush and Tevera (2010:4) between the three waves in that the volume of migration during the third wave is much higher than in the previous ones. Traditionally, in Southern Africa, outbound migration streams were dominated by young, single, unskilled males, however, Crush *et al.* (2012) found that women now make up a sizeable and growing number of migrants in the third wave, with many of them being cross-border traders. The third wave exhibits distinctive characteristics from earlier waves such as types of migrants, composition, numbers, migration behaviour and intentions (Crush &

3 Refers to passport holders who use designated ports of entry

4 Refers to all forms of 'illegal' border crossings (border jumping aided by amaguma guma, omalayitsha (transport operators and bus drivers), use of fraudulent documents, bribing of officials. NB. The implication of the third column is more applicable in sections 3.5 and 3.6 of this chapter.

Tevera, 2010; Crush *et al.*, 2012). The three migration waves discussed indicate that the nature of migration from Zimbabwe to South Africa is undergoing a significant shift and some distinctive characteristics identified especially the feminisation of migration are likely to continue or even intensify and therefore warrant a separate discussion shown below.

3.4.4 Feminisation of migration

The term 'feminisation of migration' according to Crush and Tevera (2010), describes the increases in the volume of international female migration relative to male migration. Jolly (2005:3-7) added that, the term is sometimes used to describe the change in migration patterns, where women are increasingly moving as independent migrants in search of jobs, rather than re-joining their male spouses. In modern writings 'feminisation' has therefore come to refer to more changing forms of female migration, including a greater degree of independent migration and migration for employment purposes (Crush & Tevera, 2010).

The feminisation of migration as put forward by Piper (2005:5) has been attributed to contemporary changes in the economic sphere due to the global trends towards neo-liberalism experienced by many countries which has resulted in an increasing burden placed on women due to rising male unemployment. The same author asserted that demand for male labour has decreased due to economic deceleration of certain sectors and economic emphasis in countries of destination has shifted to the service industries as jobs become tighter and many families are now relying on women for day-to-day support. The traditional pattern of migration within southern Africa which had been male-dominated, long-term and long-distance with women migrants often assumed to be economic dependants of spouses and 'invisible' is becoming increasingly feminised as women are migrating independently to fulfil their own economic needs (Potts, 2010). Professional women now engage in international migration, often leaving their spouses at home to care for the children thereby putting pressure on traditional gender roles within the African family (Cross *et al.*, 2006).

In Southern Africa, however, as Crush *et al.* (2012) noted, male migration still predominates but women migrants are becoming more visible as they take up income-generating opportunities as a family survival strategy to augment dwindling family incomes and this is in line with the unitary household under the new economics of migration theory (Massey, 1999) as discussed in section 2.4. Crush *et al.* (2012) observed that the profile population of Zimbabwean migrant workers obtained in a household survey by SAMP in 2005 confirmed the increase in female migration from Zimbabwe after the year 2000. Crush and Tevera (2010) noted that the 2001 South African Census found that 57 per cent of Zimbabweans in South Africa were male and 43 per cent were female and a SAMP survey of 2005 validated

a similar ratio of (56 per cent and 44 per cent respectively) suggesting a broadening and deepening of female participation in migration from Zimbabwe.

Dwindling economic choices have forced Zimbabwean women from across all sections of the society to engage in migration to seek additional income-generating activities from informal trade to long-term formal employment to support the family (Cross *et al.*, 2006:33-34). The gendered division of family labour has also been upset by the loss of male employment through urban job retrenchments and structural adjustment, forcing women to seek supplementary income-earning activities such as cross border migration to support the family (Tevera & Zinyama, 2002). As they engage in cross-border migration Cross *et al.* (2006) asserted that they are redefining traditional gender roles within families and societies. Jolly (2005:6) found that global estimates by sex confirm that since 1960 numbers of female cross-border migrants reached almost the same numbers as male migrants. The same author noted that what have changed are the roles and activities in which migrant women engage due to gender equality and gender relations brought into focus during the 1980s and 1990s. These are now far more complex and diverse than they were in the 1990s (Crush & Tevera, 2010). The next section focuses on the dominant push and pulls factors that drive migration from Zimbabwe to South Africa.

3.5 Pull factors

The Push-Pull approach identifies various economic, environmental, and demographic factors as reasons that pull migrants out of places of origin into destination, refer to section 2.3.2. Pull factors are positive factors (expected or prevalent) of the destination or host countries such as better life styles (Massey *et al.*, 1993). Kurekova (2010) and De Haas (2011) suggested that migrants who respond primarily to pull-factors in the place of destination tend to be positively selected and will migrate voluntarily. Tevera and Zinyama (2002) found that migration from Zimbabwe to South Africa is mainly driven by the pull factors and these are discussed in detail below

3.5.1 Income

Income differences between Zimbabwe and South Africa have influenced migration as observed by Cross *et al.* (2009:19) due to the widening gap between earning opportunities in South Africa's favour. Castles (2000:272) posits that the differential in real wage levels and in access to wages between source and destination areas is normally a powerful driver of migration. Maharaj (2002) also agreed that where there are wide differentials in income levels, considerable flows of population can be expected to result especially where such

differentials occur between neighbouring countries. Dinbabo and Nyasulu (2015:42) concurred with Castles and Maharaj after observing that being Africa's leading economy, South Africa has a higher standard of living as shown by its high annual Gross Domestic Product (GDP) per capita and this is a major pull factor to the majority of migrants from Zimbabwe.

Facchini *et al.* (2013)'s study on foreign labour migrants in South Africa also revealed that migrants mainly from Zimbabwe are driven by the prospect of a higher standard of living relative to that present in their country of origin. Thus, for many, the lure of economic opportunities may be tempting such that they may risk arrest and even imprisonment to avail themselves of these opportunities by illegal means (Maharaj, 2002). Dinbabo and Nyasulu (2015) and Facchini *et al.* (2013) agreed with the neoclassical theory as captured by Massey *et al.* (1993:434) that differences in wage rates between countries are the main drivers of international migration and migrants are rational actors who decide to migrate because a cost-benefit calculation leads them to expect a positive return, usually in monetary terms over some time horizon, refer to section 2.3.

Southern African Migration Programme (SAMP) surveys on Zimbabwean professionals and students in 2001, 2002 and 2003 revealed a high emigration propensity and the major reason for the likely exit was to earn better incomes (Crush *et al.*, 2012:15). Even though emigration intentions were not immediately translated into action, the characteristics noted in the surveys clearly indicated the economic vulnerability in Zimbabwe as pushing migration to South Africa (Crush & Tevera, 2010). Many of the migrants put their thoughts into action during the third wave of migration when both skilled and unskilled individuals crossed into South Africa to escape worsening working and living conditions at home, refer to section 3.4.3. The most notable among those migrating were professionals who included doctors, nurses and teachers (Crush & Tevera, 2010; Crush *et al.*, 2012). An earlier, 1997 SAMP survey in Zimbabwe revealed diversification of family labour as a way of circumventing themselves against growing unemployment, retrenchments and economic hardships (Tevera & Zinyama, 2002:26; Crush *et al.*, 2012:8). The survey found that migrants (mainly men) had gone to work or to look for work in South Africa while women had gone to buy and/or sell goods in the informal economy and this is in tandem with the unitary household under the new economics of migration theory, refer to section 2.4.

The new economics of migration further posited that some family members can be assigned income generating activities at home, while others may be sent to work in foreign labour markets where wages and employment conditions are better off than those at home (Bauer & Zimmermann, 1999). In the event that conditions in the local economy deteriorate as has

been the case with Zimbabwe since the early 1990s where activities failed to bring in sufficient income, the household can rely on migrant remittances for support (Bauer & Zimmerman, 1999; Crush *et al.*, 2012). In the absence of other ways to control such risks, diversification of the family's labour minimises overall family income risk and migration is sometimes a risk-diversification strategy for households in this situation (Massey, 1999). International migration is especially effective because international borders create discontinuities that promote independence of earnings at home and abroad and good times abroad can match hard times at home, and *vice versa* (Light, 2000:169). As income differentials are relatively modest in triggering migration, proximity as shown below also trigger migration. South Africa shares adjoining borders with Zimbabwe and prospective job seekers usually find it easy to cross the border into South Africa.

3.5.2 Proximity

Almost 80 per cent of migration in Africa takes place between countries with adjoining borders because the costs (financial, social, and cultural) of migrating to nearby countries are likely to be lower than those of moving farther away (Ratha & Shaw, 2007). De Haas (2010) contends that before potential migrants can capture the higher wages associated with greater labour productivity, they must undertake certain investments, which include material costs of travelling, the costs of maintenance while moving and looking for work, the effort involved in learning a new language and culture, the difficulty experienced in adapting to a new labour market, and the psychological costs of cutting old ties and forging new ones. Migration is likely to happen once these costs are at their minimum especially when two countries share adjoining borders (and for illegal migrants the likelihood of being able to avoid detection and deportation). Tevera and Zinyama (2002:19) asserted that since many Zimbabwean migrants lack adequate travel documents they are restricted to overland migration especially to South Africa, Botswana and Namibia because Zimbabwe shares contiguous borders with these countries.

Ratha and Shaw (2007:16-21) asserted that the drawing of colonial boundaries in southern Africa straddled tribal groups across borders that were linked through ethnic, family, and religious ties. Mlambo (2010) also added that these capricious borders split families, clan groups and ethnic communities between different colonies as also explained in section 3.2. Cross *et al.* (2006:25) also found that the drawing of colonial borders made it impossible for many migrants in the southern African region to differentiate between internal and international migration due to close cultural affinities between homogeneous peoples on opposite sides of national borders. Migrants often regarded intra-regional migration as an extension of internal movement (Cross *et al.*, 2006). Mlambo (2010) further attested that it

was not surprising that local communities generally ignored these arbitrary impositions and went about their normal business with their kith and kin, crossing borders without regard to immigration laws and requirements in search of employment, and continues to do so to this day.

Maphosa (2013:120) and Mlambo (2010) found that the similarities of the languages spoken especially between the Ndebele language of Zimbabwe spoken by people from Matabeleland, and some South African languages, notably South African Ndebele and Zulu, fuelled migration between the two countries. These close spatial ties in terms of languages meant that migrants can easily blend in once they are in South Africa's heartland (Gauteng Province) (Maphosa, 2013). Matabeleland South province in Zimbabwe has a history of its people migrating illegally into South Africa since time immemorial as observed by Maphosa (2013:123). This is because the region is situated on the South-Western part of Zimbabwe sharing boundaries with Botswana on the west and South Africa on the south. As such, migrants from the southern province of Zimbabwe move between the countries unnoticed and clandestinely and find it relatively easy to integrate into the South African cultures because of the similarity and cohesiveness of cultures. Maphosa (2013) further noted that due to Matabeleland's proximity to South Africa and Botswana, and the fluidity of the peoples' movements between borders, the region has got a significant share of the adult population working in South Africa due to scarce employment opportunities and a weak natural resource support.

For many migrants that are from Zimbabwe's southern region, Cross *et al.* (2009:52) found that Pretoria is closer than Harare in terms of distance, so moving to and from Pretoria tends to be more cost-effective and efficient than using Harare as their main business hub. Travellers can easily go to Zimbabwe (Matabeleland region) for the weekend and return to work on a Monday, in the same way that a South African rural-born employee working in any metro city of Gauteng might visit family at a rural home for the weekend and then return to work on Monday (Cross *et al.*, 2009). The media denotes a 'revolving door syndrome' where Zimbabwean immigrants are deported by South African immigration officials and then return almost immediately due to proximity of the border between Zimbabwe and South Africa (Crush & Tevera, 2010). With so many Zimbabweans crossing the border into South Africa due to its proximity, this creates opportunities for better networks for those intending to cross into South Africa. In this regard proximity and networks work hand in hand in aiding migration.

3.5.3 Networks

Scholarly thought on the role of networks in migration is strongly influenced by Massey *et al.* (1993)'s theory of 'cumulative causation', refer to section 2.7. Section 2.7 further established that migrant networks increase the likelihood of international movement because they lower the costs and risks of movement and increase the expected net returns to migration. Massey *et al.* (1993:448) attested that sustained growth in migration flows is strongly rooted in migrant networks as 'sets of interpersonal ties that connect migrants, former migrants and non-migrants in origin and destination areas through ties of kinship, friendship and shared community origin.'

Due to the long history of migration from Zimbabwe to South Africa networks were created in both countries. The existence of these networks facilitated and channelled migration to South Africa (Gelderblom & Adams, 2006:241). Social ties with migrants in the home countries and those already settled in South Africa are often utilised by potential migrants in Zimbabwe to find work, accommodation, adapt to life in South Africa, provide economic and cultural support and find new networks of social support as explained by Zimbabwean interviewees in an Human Sciences Research Council (HSRC) study (Wentzel *et al.*, 2006).

Although the bulk of migrants move as individuals, a SAMP survey in the Zimbabwean city of Gweru revealed that migration does not occur in a social vacuum and that social networks play an increasingly important role in the migration of Zimbabweans to South Africa Crush *et al.* (2012:29). The same survey attributed network connections as a form of social capital that people can draw upon to gain access to foreign employment as observed from the majority of households surveyed who were having at least one member who had migrated to South Africa, refer to section 2.7.1.

Maphosa (2013) established how migrant networks play a critical role in magnifying outflows because of family ties that reduce the costs and uncertainties involved in migration when he chronicled how *omalayitsha* (cross border transport couriers who smuggle people into South Africa) often use a system of delayed payment known as 'pay forward'. 'Pay forward' is a payment arrangement that involves a sponsor who undertakes to pay for the travel expenses of a beneficiary (undocumented migrant) after they have travelled or on arrival in South Africa (Maphosa, 2013). Sponsors of migrants as also highlighted in section 2.7.1 can be family members who remain in the country of origin or can be relatives already working in South Africa. On arrival beneficiaries (undocumented migrants) are usually met at the Park Station by their sponsors where the payment is made or alternatively, they are taken to their

sponsors' residences where the payment is guaranteed upon delivery of the migrant (Maphosa, 2013:125).

Successful migrants feel indebted to help their family members back home to migrate in their turn because as first migrants, they depended on these family members when they made their first move (Light, 2000). Gelderblom and Adams (2006) explain why first migrants are willing to help potential migrants in their home village to migrate, mainly to recreate in their new environment the networks of mutual support in which they participated in their home village. Once network connections reach a certain threshold level they become an autonomous social structure that supports immigration (Curran, 2002). This support arises from the reduced social, economic and emotional costs of immigration that networks permit. Network supported migrants have important help in arranging transport, finding housing and jobs in their place of destination, and also helping newly arrived migrants to adjust personally and emotionally to cultural marginality (Light, 2000:169). These benefits, as reported by Maphosa (2013), make migration easier and cheaper, thus encouraging migration by those who would otherwise have stayed at home and this helps to explain why Matabeleland region has a high concentration of migrants in Johannesburg.

Consistent with what has been discussed by Gelderblom and Adams (2006), migrant networks are an important source of information to prospective migrants about their proposed destination areas. Cross *et al.*, (2009:36) indicated that family and friends in the destination area who gave positive descriptions about South Africa, given the difficult circumstances in Zimbabwe, are generally the most important source of information and a strong motivation for migrating to South Africa. According to Gelderblom and Adams (2006) the positive descriptions of the destination area given through migrant networks will influence the migration process, not as a pull force exerted by social connections in the destination area, but by facilitating and channelling migration. Migration networks are therefore not an original cause of migration but they are the centre of gravity of a migrant's social networks mainly located in their area of origin (Massey *et al.*, 1993). Migrant networks can also stimulate migration if visiting migrants show off their newly acquired wealth in their area of origin and this can motivate non-migrants in the community to migrate (Maphosa, 2013).

Furthermore, the tradition of labour migration from Zimbabwe to South African farms and mines also facilitated the creation of migration networks because the mine migrants created perceptions of South Africa as a country of opportunities where conditions in some respects were better than in Zimbabwe (Cross, 2009). Mlambo (2010) is of the opinion that this perception was reinforced by migrants who were perceived to be earning better wages and

sending home remittances in form of consumer goods and cash to their families. Given these positive perceptions, Mlambo (2010) found that it subsequently became almost a rite of passage for young men especially from the southern districts of Zimbabwe to go to the Witwatersrand Native Labour Association (WENELA) to raise cash to meet colonial tax obligations at home and to earn money for bride wealth (*lobola*). Such young men became highly respected as men of substance, especially when they returned after many years of absence with money and valuable goods (Matshaka, 2009). This enabled them to settle down and start their own families. On arrival in South Africa, most migrant trajectories head for Johannesburg due to its perceived economic opportunities that are explored in the next sub section.

3.5.4 Perceived economic opportunities in Johannesburg, South Africa

The perception of better life, employment opportunities and a combination of factors that are economic are the main pull factors attracting Zimbabwean migrants into Johannesburg (Landau & Grindrey, 2008). The City of Johannesburg is located in Gauteng, the wealthiest province in South Africa. Johannesburg is also known as (Jozi, Jo 'burg, or Egoli) and is the largest in South Africa as well as the provincial capital of Gauteng Province (Statistics South Africa, 2012). It is the most advanced commercial city in Africa and the engine room of both the South African and regional economy (SADC) (Statistics South Africa, 2012). As the largest city in South Africa, its population is defined by a long history of both local and international migration (Landau & Grindrey, 2008). Makina (2010) found that Johannesburg is attractive to Zimbabwean migrants because it represents an opportunity for a wide variety of possible jobs, easy geographical access to employment, social and cultural heterogeneity, less exposure to widespread xenophobia and also a sense of solidarity with fellow Zimbabweans.

Johannesburg is home to almost five million people, accounting for about 36% of Gauteng's population and 8% of the South African population (Statistics South Africa, 2012). The city has grown over the last decade and the key contributor to this is that Johannesburg continues to attract people from other South African provinces, and migrants from other countries, who are looking for better economic opportunities and quality of life (Landau, 2012). Johannesburg's demographics indicate a large and ethnically diverse metropolitan area and this can be attributed to migration from within South Africa and abroad as people look for jobs (Landau & Grindrey, 2008). Johannesburg is a city with a unique African character, world-class infrastructure in the fields of telecommunications, transportation, water and power coupled with globally-competitive health care (Statistics South Africa, 2012). However, the city is also one of contrasts and it is home to both wealthy and poor,

residents, undocumented migrants and refugees and is also notorious for its crimes (Makina, 2010). Push factors leave people with little no options except to leave the country of origin, the next section examines the role played by push factors in driving migration from Zimbabwe to South Africa.

3.6 Push factors

These are factors such as poverty, unemployment, political repression, that drive (push) people out of their home countries and migrants responding primarily to push factors in the area of origin tend to be negatively selected and they are forced to migrate, refer to section 2.3.2. In practice, asylum seekers and refugees are considered as push migration (Czaika & De Haas, 2014). Bauer and Zimmermann (1999:20) suggested that push migration arises from different sources and among them are positive economic conditions in the receiving or destination countries relative to the sending countries as measured by factors such as unemployment, wages, working conditions and the structure of the economy. In examining the drivers of migration between South Africa and Zimbabwe, Tevera and Zinyama, (2002:26) and Crush *et al.* (2012:8) found that push factors such as unemployment, the deteriorating economy, political persecution and uncertainty, pursuit of family reunion and historical ties were responsible for triggering migration. However, there is no doubt that the economic crisis that Zimbabwe has been facing continues to be, a major factor fuelling the emigration of labour (unskilled, semi-skilled and highly skilled) to South Africa (Zanamwe & Devillard, 2009).

3.6.1 Conflicts

Many Zimbabweans migrate to South Africa not as voluntary economic migrants but as refugees fleeing from political persecution (Rutherford & Addison, 2007; Simpson, 2009). Since the year 2000 milestone political developments as reported by Crush and Tevera, (2010) played a major role in fuelling migration in that the Zimbabwe African National Union Patriotic Front (ZANU PF) government lost an important constitutional referendum and the newly formed opposition party, Movement for Democratic Change (MDC) won nearly half of the Parliamentary seats. According to Crush *et al.* (2012) these developments made the political atmosphere tense and pockets of political violence would explode between the two main political parties and this had a bearing on the displacement and migration that followed. Bloch (2008:5) and Matshaka (2009:5) noted in interviews they conducted with undocumented Zimbabwean migrants in South Africa that political violence was a major key decision for migrating as has also been reported in section 3.4.3.

Research by Rutherford and Addison (2007:36) in Limpopo Province found that displacement and persecution were among the major motivations for migrating from Zimbabwe to seek work, livelihoods and some form of security on commercial farms. Simpson (2009:27) added that the political crackdown in the form of arbitrary arrests, detention, torture, and beatings carried out by the government after the March 2008 elections has undoubtedly led to hundreds if not thousands of Zimbabweans fleeing their country to seek protection in South Africa. Simpson (2009:38) chronicled how the operation dubbed 'Murambatsvina⁵,' which translates to 'Clear the Filth/ Restore Order/Clear out the Trash' directly or indirectly affected people believed to be in thousands in 2005 leading some to migrate to South Africa to seek protection. The operation was aimed at 'cleaning' the informal trading and unapproved housing structures in Zimbabwe's urban areas (Simpson, 2009; Bloch, 2008; Crush & Tevera, 2010). The evictions destroyed informal traders' structures including shanty dwellings of the poor residents in most of Zimbabwe's urban centres, including Harare, Bulawayo, Chinhoyi, Gweru, Kadoma, KweKwe, Marondera, Mutare and Victoria Falls. In view of the foregoing, Ratha and Shaw (2007:20) observed that people escaping from conflicts often go to other developing countries as a first step in seeking asylum. Apart from conflicts people migrate as mitigation against climate changes as noted in the discussion below.

3.6.2 Recurrent droughts

Droughts caused by climate change are increasingly recognised as a push factor in the migration debate (De Moor, 2011). Environmental disruptions due to recurrent droughts have severe effects on people's livelihoods particularly those communities that rely on ecosystems for their livelihoods (Curran, 2002). Such people will have to adapt to a degrading environment. Adaptation according to UNISDR, (2009) is 'initiatives and measures to reduce the vulnerability of natural and human systems against actual or expected climate change effects. If people are able to adapt, they might remain in their environment but if adaptation fails, people might be forced to leave their traditional habitat (Curran, 2002; De Moor, 2011). Where vulnerability to drought is high, and socio-economic opportunities are low, migration is used as a coping strategy for vulnerable communities trying to adapt to a changing environment (Adger, 1999; Adger *et al.*, 2004).

5 Operation Murambatsvina was a government operation in 2005 targeting informal housing in the towns. The operation obliterated livelihoods of people leading to huge movements from the cities and towns by people who were not able to find alternative urban livelihoods or accommodation. The numbers of households without a livelihood swelled and added to the pool the number of desperate people who were forced to try their luck outside the country's borders (Potts, 2010).

The Matabeleland region is prone to recurrent droughts and severe food shortages and it is a region characterised by a fragile natural resource base, poor soils and high summer temperatures (Maphosa, 2013:124). The region is therefore of very low agricultural potential, especially the production of crops. Maphosa (2013) further noted that the limited employment opportunities and very few livelihood options, has resulted in a significant proportion of the adult population from this area looking for employment outside the country, mainly in South Africa. Some of the migrants interviewed by Wentzel *et al.* (2006:172) working on South African farms mentioned the severe drought in the southern parts of Zimbabwe, where most of them had come from, as a reason for their decision to migrate to South Africa.

With limited employment opportunities and lack of income from agriculture as a result of the persistent droughts characterising the region, migration to South Africa to seek employment seems to be the only available option for most of the people in this part of the country (Maphosa, 2005). Agricultural production, especially crop production is not an economically viable option because of the droughts and cattle farming, which used to be the bastion of the economy have also been decimated by the recurrent droughts and are no longer a sustainable option for raising household income (Maphosa, 2005:7). Having ascertained the effects of drought in driving migration, the next sub-section deals with health as a push or pull factor that also drives migration.

3.6.3 Health/Medical

Zimbabwe's economic collapse generally had an impact on the health delivery system and more specifically on people living with the Human Immuno-Virus (HIV) (Simpson, 2009). Crush *et al.* (2007:17) noted that the failed health delivery system due to the economic collapse and political crisis⁶ meant that more women were dying from pregnancy-related complications and that some Zimbabweans migrated to neighbouring countries especially South Africa to access Anti-Retroviral Therapy (ART). Simpson (2009:60) attested that cholera outbreaks repeatedly occurred in recent years due to the country's water and sanitation systems which had broken down and inevitably in 2008-09, Zimbabwe

6 The health sector in general has been plagued with difficulties providing basic services. Shortages of key drugs and surgical supplies were frequent resulting in the massive emigration of medical personnel (Crush *et al.*, 2007).

experienced one of the largest cholera outbreaks ever recorded, and thousands⁷ of Zimbabweans crossed the border into South Africa to seek treatment.

The causes of migration to South Africa from Zimbabwe are complex and interwoven and cannot be ascribed to one specific factor although poor economic conditions, unemployment, low wages, lack of healthcare, drought, conflicts and low value of local currency, are cited as the main reasons for migrating to South Africa (Wentzel *et al.*, 2006). Now that what triggered the flight to South Africa has been ascertained, the following section examines the South African responses or barriers imposed to reduce the 'flood' or waves of migrants into South Africa.

3.7 Barriers to entry

The increased number of people crossing into South Africa soon led to claims that South Africa was being 'flooded' by Zimbabweans (Tevera & Zinyama, 2002). In response the South Africans imposed draconian immigration control measures that included visa restrictions (Crush & Tevera, 2010). As part of the entry visa requirements, Tevera and Zinyama (2002:30) indicated that Zimbabweans were supposed to prove the source of income and buy traveller's cheques of not less R2000 as evidence that they were able to sustain themselves while in South Africa. Crush *et al.* (2012:43) further ascertained that applicants for entry visas were required to show proof of confirmed and paid accommodation or a letter of invitation from a business associate, friend or relative legally resident in South Africa.

It was mandatory for the invitation letter to include detailed information like the person's national identity number, physical address in South Africa and the length of the intended visit and for unemployed persons, proof of marriage in Zimbabwe or an affidavit from a spouse was needed (Tevera & Zinyama, 2002; Crush *et al.*, 2012). Polzer (2010) established that the cost of obtaining visas and financial guarantees demanded from migrants proved too prohibitive for the Zimbabweans who were surviving under severe economic conditions. Migrants were left with no option but to resort to clandestine migration channels (Tevera & Zinyama, 2002).

7 Zimbabwe endured one of the largest outbreaks of cholera ever recorded, with more than 98,000 suspected cases and 4,276 deaths. By January 2009, before the outbreak had reached its peak, an estimated 38,000 Zimbabweans had fled into South Africa, although the precise impact of the cholera outbreak on migration from Zimbabwe into South Africa is hard to estimate due to a high level of background migration of thousands of Zimbabweans crossing every day (Edelstein *et al.*, 2014:37)

South Africa's visa policy had several unintended consequences as observed by Crush *et al.* (2012) in that it led to an increase in irregular migration where for example migrants without visas would pay for the services of guides (*amagama guma*) who resorted to 'border jumping' meaning using informal channels to cross the border illegally without proper documents. Polzer (2010) established that informal border crossings had three main consequences: abuses (physical abuse, sexual abuse) during border crossings including robbery and death; the lack of ability by the state to accurately record movements and compile statistics; and the increased vulnerability of undocumented Zimbabweans once they are in South Africa.

Sibanda (2010:49) also found that the immediate family or relatives of the migrants enlisted the services of cross-border taxi drivers popularly known as '*omalayitsha*' who are seasoned personnel who work in cahoots with immigration officers to smuggle illegal migrants into South Africa. Those migrants who entered legally using travel documents as visitors got employed or became informal traders and overstayed (Crush & Tevera, 2010) leading us to categories of undocumented migrants examined in the next section.

3.8 Categories of undocumented migrants

Section 2.10 established how irregular migration develops including the politicised nature of terms used to describe the phenomenon. In southern Africa, the term 'clandestine migrants' was initially applied to all migrants from the southern African region who were working in South Africa without obtaining official permission from the South African recruiting organisations such as TEBA (Wentzel & Tlabela, 2006). South African recruiting organisations were not allowed to recruit females in the southern African region. For females who wanted to migrate, Wentzel and Tlabela (2006) and Mlambo (2010) pointed out that the borders offered no obstruction challenges since there was no regard for colonial laws and immigration requirements by migrants. This caused female migrants to be regarded as 'clandestine workers'. Undocumented migrants who entered South Africa clandestinely without proper documentation became prohibited persons in terms of the Aliens Control Act of 1991 (later amended in 1995) and the Immigration Act No 13 of 2002 (Crush *et al.*, 2012). Whilst illegal⁸ immigrants are usually suspected to have entered a country's borders without mandatory documents, Campbell (2007:4) indicated that a greater number of such people

8 There are at least six different terms referring to the same phenomenon: clandestine, illegal, irregular, unlawful, undocumented, unauthorised and irregular migration. Also other concepts such as bogus asylum seekers, economic refugees have become codes for irregular migration. There are problems with all the terms but irregular immigration seems to be the least ideologically loaded and most appropriate term to reflect the diversity of this phenomenon (Düvell, 2011)

enter the country with the required documents. There are five aspects that determine an illegal immigration status and Duvell (2011:62) identified these aspects with various combinations as entry, residence, employment, exit, birth and each aspect can be regular or irregular depending on the combination, for example:

- Either a person has irregularly crossed the border of a nation state (border jumping) and is or is not working;
- Or a person who has regularly stayed in a given country fails to depart before the time limit set in his or her visa (overstayers) and is or is not employed;
- Or a person who is regularly staying in a given country has taken up employment in violation of visa regulations thereby jeopardising his/her immigration status;
- Or a person is born to irregular immigrant parents and becomes an irregular immigrant by birth even without ever crossing an international border.
- In some countries irregular exit is an offence and can be prosecuted, for example China. Below is a tabular explanation of the categories of an illegal immigration status

Table 3.2 Immigration status categories.

Irregular entry	Irregular entry	Regular entry
Irregular residence	Regular residence	Regular residence
Irregular entry	Irregular entry	Regular entry
Irregular residence	Irregular residence	Irregular residence
Irregular employment	Regular employment	Regular employment
Irregular entry	Irregular entry	Regular entry
Regular residence	Regular residence	Regular residence
Irregular employment	Regular employment	Regular employment
Regular entry	Regular entry	Regular entry
Irregular residence	Regular residence	Regular residence
Irregular employment	Irregular employment	Regular employment
No entry (birth)	No entry (birth)	No entry (birth)
Irregular residence	Regular residence	Irregular residence
		Irregular employment

Source: Duvell (2011:62)

Using the identified relevant categories of illegal status as a point of departure, Fassman *et al.* (2005:14) noted that any person may change his or her status from time to time and in some cases more than once, for example, a person may enter a country legally, then outstay his/her visa and become illegal, then be regularised and again be legal, and still later fall back into irregularity, becoming an illegal immigrant again. This explains why illegal migration (in the broader sense) includes a wide variety of adjectives and phenomena. Fassman *et al.* (2005) further noted that the term ‘irregular migration’ often includes asylum seekers and refugees especially at the macro- and meso- (policy-making) levels, as they tend to use illegal means in order to reach their intended destination. The following section concludes the chapter.

3.9 Conclusion

Movement of people and labour migration between Zimbabwe and South Africa as described in this chapter has been a constant feature of the southern African history. Like in the past, people continue to migrate from Zimbabwe to South Africa in search of better opportunities. Some differences were noted in that the volume of contemporary migration from Zimbabwe to South Africa is much higher as compared to the past due to political and economic problems. Many people are forced to migrate to escape hardships at home in order to seek better economic opportunities. As a consequence what used to be a migration stream in the past became a flood with many resorting to 'border jumping' by crossing the flooded Limpopo River and enlisting the services of *omalayitsha* to enter the country without proper documentation in their resolve to find 'better lives'. Another important issue to note is that while most migrants in the past were mine and farm workers, modern migration especially after the year 2000 has included rising numbers of well-qualified professionals, that included medical doctors, pharmacists, academics, engineers, nurses and teachers, who left Zimbabwe because of adverse economic and political factors. In the last decade or so, women comprise a sizeable and growing percentage of migrants unlike the past when migrants were mostly male. This chapter fully addressed research objective: a) *to describe the history of migration by Zimbabweans into South Africa* in that a chronology of migration was given before, during and after colonisation of southern Africa by the Europeans and how they changed the migration landscape in the region after the discovery of precious minerals in South Africa. Contemporary migration patterns were also given and differentiated by identifying the migration drivers including the phenomenon of clandestine/illegal/irregular/undocumented migration. The next chapter addresses the statutory and legal frameworks and current approaches used in dealing with or governing undocumented migrants in South Africa.

Chapter 4 the frameworks governing immigration in South Africa

4.1 Introduction

This chapter is linked to chapter 3 in that it explores the statutory and regulatory frameworks that govern immigration in South Africa. Chapter 3 provided a history of migration by Zimbabweans to South Africa including an explanation of the different trajectories used during migration to South Africa. This chapter explains how statutory and regulatory frameworks deal with migrants who use different migration trajectories resulting in different immigration statuses in South Africa. Section 2.10 established how the illegality of migrants comes about hence this chapter brings out the mismatch between Zimbabwean migrants immigration statuses and the requirements of the South African immigration laws and policies leading to migrants' vulnerabilities. This chapter answers research questions:

- How effective are the current approaches used in dealing with undocumented migrants in South Africa?
- How do the statutory and legal frameworks govern undocumented migrants in South Africa?
- what are the benefits of regularisation programmes?

The chapter begins by identifying the international institutional frameworks responsible for the protection of international migrants starting with the Geneva Convention. Gaps from the identified frameworks that contribute to the vulnerability of undocumented migrants will also be discussed. An examination of the regulatory frameworks that govern immigration in South Africa will then follow. Approaches used in dealing with undocumented migrants for example deportation, asylum system and visa restrictions are also part of the discussion on the statutory and legal frameworks governing immigration.

4.2 The 1951 Geneva Convention

International migrants can be protected in different ways. The 1951 Geneva Convention as found by Gallagher (2001) is the first framework that exists for refugees to access protection by seeking asylum, where the receiving state considers the individual to be a refugee. The 1951 Convention according to Grant (2005) and Bloch (2010), defines a refugee as someone who, 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality ...'. The 1951 United Nations (UN) Refugee Convention, created in the aftermath of World War II, according to Betts (2010:3), provides protection to people

fleeing from individualised persecution or generalised violence and does not include migrants whose vulnerability stems from their irregular status.

The main reasons for proxy protection at the inception of the 1951 United Nations Refugee Convention were premised around individualised persecution, but today as Betts (2008:1) explained it, the reasons why protection is needed have changed due to the combination of environmental disasters, state fragility, and livelihood failure that frequently interact in ways that create vulnerability for undocumented migrants. There has been growing recognition that a growing number of people who may be thought of as 'distress migrants; survival migrants; externally-displaced people; people in distress; and vulnerable undocumented migrants' leave their countries as a result of desperate economic and social situations, but do not conform to the 1951 Convention definition of a refugee (Bloch, 2008). In spite of the emerging recognition of the new drivers of external displacement, Betts (2008) argued that states and international institutions continuously see the world largely in terms of the economic migrant–refugee dichotomy (difference between voluntary and forced migration).

Betts (2008) further argued that undocumented migrants who cross borders are either perceived as falling within the framework of the 1951 Convention with the Status of Refugees or, they are viewed as being deportable and without protection needs. The most evident case of vulnerable people with a genuine need for international protection, but who have generally been seen as in a neither–nor position of not being refugees yet not being voluntary, economic migrants has also been witnessed in countries like Haiti, Iraq, Libya and currently Syria (*Independent Newspaper*, 2015). Significant numbers of these people who are not considered as refugees but thought to be 'distress migrants; survival migrants; externally-displaced people; people in distress; and vulnerable undocumented migrants' have fled to neighbouring countries not because of a well-founded fear of individualised persecution, but because of serious deprivations of socio economic rights related to the causal political situation (*Independent Newspaper*, 2015).

Betts (2010:362) added that the problem is further compounded by the lack of clear universal institutional framework for ensuring the rights of undocumented migrants who fall outside the scope of the 1951 Refugee Convention. As a result there is a lack of clear guidance on the application of existing human rights norms to the situation of vulnerable migrants as well as a lack of clear division of responsibility especially at operational level among international organisations for protection of vulnerable migrants. The gap between the two is an integral part of the problem understood as the vulnerability of undocumented migrants (Betts, 2010). Theoretically as shall be noted under the Human Rights Framework

in the next section, undocumented migrants have rights under international human rights law, which may, in some cases, amount to a right not to be refouled or returned to their country of origin.

4.2.1 The Human Rights Framework

There also exists an extensive human rights framework known as the Universal Declaration of Human Rights (UDHR) that should, in principle, protect people regardless of their immigration status and their motives for migration (Gallagher, 2001; Grant, 2005; Bloch, 2008). The Universal Declaration of Human Rights as argued by Taran (2001:16) is always celebrated worldwide and its fundamental conception is the inherent affirmation that certain principles are true and valid for all human kind, across all nations and societies, under all socio-economic and political conditions including ethnic and cultural life. Acer and Goodman (2009) further added that human rights have doctrines or values which are:

- **universal:** they apply everywhere;
- **indivisible:** in the sense that political and civil rights cannot be separated from social and cultural rights; and,
- **Inalienable:** they cannot be denied to any human being.

The illegalisation of undocumented migrants as argued earlier by Taran (2001) makes such human beings to be outside the applicability and protection of law since it contravenes the doctrine of inalienability enshrined in the Universal Declaration of Human Rights. Such a metaphor characterises persons with no legal status, no legal identity and without existence and it directly contradicts two fundamental human rights enshrined in the Universal Declaration of Human Rights (Taran, 2001). Article six states that every human being has a right to recognition before the law and article seven recognises that every person has a right to due process (Taran, 2001; Acer & Goodman, 2009). This is the basis of the concept of 'human rights for all' articulated in the Universal Declaration of Human Rights. In this framework there are six core human rights treaties namely; four conventions that provide more specific protection for children and women, against racial discrimination, and torture and two general covenants that protect civil, political, economic, social and cultural rights (Acer & Goodman, 2009). Grant (2005) identified the six core human rights treaties as shown below:

- Convention on the Rights of Children (CRC),
- The Convention to Eliminate all forms of Discrimination against Women (CEDAW), both the International Convention on the Rights of the Child and the Convention on

the Elimination of All Forms of Discrimination against Women provide specific protection for children and women and are similarly committed to the principle of non-discrimination.

- The Convention to Eliminate Racial Discrimination (CERD) requires that laws against racial discrimination must apply to non-citizens 'regardless of their immigration status' and provides a list of rights that States should, through their national laws, guarantee to all without discrimination.
- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) reinforces the prohibition on torture and gives general protection against refoulement to a country where an individual would be at risk of torture.
- The International Covenant on Civil and Political Rights (ICCPR) gives freedom to 'everyone' from a range of abuses such as ... inhuman treatment, slavery, forced labour, child labour, arbitrary arrest, unfair trial, and invasions of privacy; ... to be protected as minors; to peaceful association and assembly; to equality; to freedom of religion and belief.
- The International Covenant on Economic, Social and Cultural Rights (ICESCR) gives 'everyone' the right to the progressive realisation of social, economic and cultural rights, including health, housing and education; and to labour rights such as collective bargaining, workers' compensation, social security, just and favourable working conditions and environment.

The application of each of the above-mentioned six international covenants is monitored by an expert Committee administered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Geneva (Betts, 2010; Bloch, 2010).

According to Bloch (2010) the afore mentioned treaties have been accepted in part or in whole by all UN member states including South Africa as legal obligations to which their national law and policy must conform and protect everyone, both citizens and non-citizens. Though states may limit free movement and political participation, Grant (2005) pointed out that distinctions between citizens and non-citizens must serve a legitimate state objective which is proportionate. States, as shown by Duvell (2011a), must not draw distinctions between citizens and non-citizens in relation to fundamental rights, such as those contained in the International Covenant on Civil and Political Rights (ICCPR). The central principle in the Universal Declaration of Human Rights Bill is non-discrimination and equal treatment but as Grant (2005) observed, discrimination can take different forms. The extent to which

migrants are discriminated against might be related to their immigration status with undocumented migrants being most vulnerable to potential abuses (Betts, 2010).

Human rights protection for undocumented migrants has remained much less developed as compared to the international refugee protection system (Pécoud & De Guchteneire, 2006). Unlike refugees whose rights are set out in the 1951 Geneva Convention, Bloch (2008) notes that there is not yet a legal framework for undocumented migrants which is accepted as legally binding and authoritative by the majority of states. Undocumented migrants as Grant (2005) found out, have rights under sets of international instruments especially the core human rights treaties such as the (ICCPR), whose provisions apply universally, and thus protect migrants. One of the most recognised principles of state sovereignty is the right of states to decide on conditions of entry (Duvell 2011b). On the contrary, Pécoud and De Guchteneire (2006) show that a basic principle of human rights is that entering a country in violation of immigration laws does not deprive an irregular migrant of his or her most fundamental human rights, nor does it erase the obligation of the host state to protect these individuals. Although violating the rules set by the receiving country in relation to entry, irregular immigrants do not fall outside the protection obligation set on the host country in the two covenants of the Universal Declaration of Human Rights notably the ICCPR and ICESCR (Grant, 2005). All migrants, including irregular ones, are entitled to protection, in particular the ICCPR (Acer & Goodman, 2009).

In addition to the Universal Declaration of Human Rights, other sets of international instruments initiated by the International Labour Organisation (ILO) also deal with migrants' rights especially the 1998 Declaration on Fundamental Principles and Rights at Work (Bloch, 2008; 2010). The Convention binds and commits all ILO members including South Africa to respect and promote principles and rights in four areas namely: freedom of association and the effective recognition of the right to collective bargaining; the elimination of forced or compulsory labour; the abolition of child labour; and the elimination of discrimination in respect of employment and occupation (Gallagher, 2001; Grant, 2005; Bloch, 2010). Other (ILO) principal instruments that establish the equality principle among nationals and non-nationals are the Migration for Employment Convention and the Migrant Workers Convention (Grant, 2005). While the Migrant Workers Convention might at least seek to specifically protect the human rights of undocumented migrants, these rights can be hard or impossible to access since there is not yet a common jurisprudence (Acer & Goodman, 2009). Long (2015) also shows that it can be difficult to know exactly how a particular right for example, non-discrimination is to be interpreted across the board. Now that the international Bill of

Rights has been established the next section focuses on the Continental Bill that regulates forced migration in Africa.

4.2.2 The 1969 Organisation of African Unity (OAU) Refugee Convention

Due to the long history of refugee flows and the frequency of forced migration in Africa resulting from anti-colonial struggles, the 1969 Organisation of African Unity (OAU) Refugee Convention was drafted (Zlotnik, 2003; Kriger, 2010). The Convention as Kriger (2010) notes governs specific aspects of refugee problems in Africa by allowing for group based determination of refugee status. Zlotnik (2003) found that the verbatim of the definition of a refugee was expanded to include external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of the country of origin or nationality of a person. According to Lori and Boyle (2015) the expanded definition means that large groups of refugees fleeing mass human rights violations or generalised violence can be given protection on the strength of their nationality or their membership of a particular ethnic group. Kriger (2010) observed that countries that have acceded to both the 1951 UN Convention and the 1969 OAU Refugee Convention like South Africa can have a dual approach in granting refugee status (individual determination on the basis of the 1951 Convention or on the basis of the OAU definition of refugee (on group basis). Out of the 47 independent African countries that are party to both the 1951 Convention and the 1969 Protocol, refugees are often admitted under the terms of group eligibility where they are required to remain confined to rural settlements or camps (Zlotnik, 2003). Many refugees are confined to restricted areas where they have no opportunity to re-establish the lives they were forced to leave behind and often move to towns and cities where they become 'invisible' and vulnerable to exploitation, harassment and expulsion (Zlotnik, 2003; Long, 2015). Refugees therefore risk losing their status and become undocumented migrants once they leave their designated areas (Zlotnik, 2003). While the OAU protocol addresses forced migration at continental level, the next section explores the regional protocol governing mobility of people in SADC.

4.2.3 The 2005 Draft Protocol on the Facilitation of Movement of Persons in SADC

The main objective of the protocol is to develop policies aimed at the continual elimination of obstacles to the movement of persons of the region into and within the territories of the member states (Crush, 2011). To be more specific, the protocol aims at facilitating the entry of citizens from SADC into other member States for a maximum period of ninety (90) days without the need for a visa.

Debate about the Protocol was prompted by the reality of growing intra-regional mobility and the need for a coordinated multi-lateral approach to the development and security challenges of migration (Dekker, 2010). For the Protocol to come into effect, at least nine member states must both sign and ratify it, and currently only six of the required nine states have ratified it (Crush, 2011). Obstacles to ratification include concern over mobility within a region marked by large economic inequalities between countries. The Protocol as shown by Dekker (2010) is also not clear on the extent to which states are obliged to comply and make adjustments to a range of legislative and logistical policies especially those related to residence and establishment. In reality, all the provisions of the Protocol are in the end subject to domestic legislation even if member states have signed and ratified the protocol (Mawadza, 2011; Crush, 2011). With international and regional frameworks identified, the focus shifts to the South African frameworks governing migration.

4.2.4 South African Bill of Rights

The South African Constitution preamble states that: ‘... South Africa belongs to all who live in it, united in our diversity...’ (South Africa, 1996). The South African Constitution especially section 27 of the Bill of Rights guarantees everyone (regardless of nationality) the right of access to social security and social assistance (Stevens & Ntlama, 2016). South Africa is not only constitutionally compelled to protect the rights of migrant workers, but also bound by regional and international instruments as shown in the above discussion. SAMP research according to Crush (2001) has aimed specifically at rights for migrants in South Africa. Crush (2001:111) revealed that knowledge of the existence of the Bill of Rights is remarkably low in the South African population, as shown by more than half of respondents having heard of it but did not read it. In addition the same study found that large numbers of South Africans disagreed with aspects of their own Bill of Rights and many were of the opinion that the Constitution gave too many rights to criminals. On the basis of the SAMP research, Crush (2001) concluded that levels of knowledge about the range of rights included in the Bill of Rights remain highly uneven among state officials and the general population alike and may contribute to the infringement of migrants’ rights leading to vulnerability. Though the frameworks governing the mobility of migrants have been outlined, they have gaps which need a renegotiation of the protection needs of the irregular migrants as discussed in the next section.

4.3 Identifying the gaps in the existing international frameworks

Table 3.1 in chapter 3 established that the motives for irregular cross border movements are often mixed and complex and migrants who move in irregular ways do not always fit neatly into the category of refugees, asylum seekers or legal immigrants (Betts, 2008; 2009; 2010). Many undocumented migrants and asylum seekers have multiple reasons for mobility leading to the case of the 'asylum-migration nexus' where it becomes impossible to separate closely related causes of forced and voluntary migration (Betts, 2009; Crush *et al.*, 2012). This lack of differentiation as shown by Betts between refugees, asylum seekers and undocumented migrants is a huge challenge to the neat categories that state bureaucracies seek to impose in their policy formulations.

Betts (2008:6) found that international refugee law offers a clear standard and legal framework for the identification and protection of refugees, and the United Nations High Commissioner for Refugees (UNHCR) has the jurisdiction and operational responsibility for ensuring that refugees access the rights to which they are entitled. On the same fashion Betts (2009; 2010) also found that a range of International Labour Organisation (ILO) Conventions offers sets of rights for migrants with a regular immigration status and oversees and advises on states' implementation of these Conventions. On the contrary at international level there is no clearly defined institutional framework for the protection of undocumented migrants resulting in a gap that leads to undocumented migrants' vulnerability (Kriger, 2010:78). The gap as described by Betts (2008) is the manifest concern for the violation of the human rights of the migrants in the countries of destination and the refusal to 'ratify and accept responsibility' of the respective United Nations (UN), ILO, African Union (AU) and SADC instruments by destination countries especially for the protection of migrants' rights. Irregular migration as Betts (2008:6) found is conventionally treated as a residue category with few or no rights, towards which states have also few or no obligations.

Betts (2010) and Düvell (2011a) also spoke about people who left their countries as a result of desperate economic and social situations or because of threats related to livelihood collapse and state fragility for which they have no domestic remedy, but are not in conformity to the 1951 Convention definition of a refugee. In present-day Zimbabwe, for example, Polzer (2008b) and Betts (2010:363) observed that people who left the country since 2000 in search of asylum in South Africa rarely meet the 'persecution' requirements of the 1951 Refugee Convention and the 1969 Organisation for African Unity (OAU) convention, though the later incorporates people fleeing 'external aggression, occupation, foreign domination or events seriously disturbing public order. Beyond refugees and asylum seekers, Betts (2010)

and Düvell (2011a) found that there is a broad category of people who stand out as having unfulfilled protection needs as a result of conditions in the country of origin. Such people may be in need of some form of subsidiary protection but are not 1951 Convention refugees.

Such migrants who flee from desperate economic and social distress, resulting from state collapse are generally seen as in a 'neither nor position' or a borderline case of not being refugees and yet, not being voluntary migrants (Düvell, 2011b). Zimbabwean undocumented migrants' situation does not fit neatly within the existing framework of international refugee law however, it is widely recognised that many of the Zimbabweans in South Africa face specific vulnerabilities that make blanket deportations infeasible (CoRMSA, 2009). In most instances deporting these people to Zimbabwe would expose the undocumented migrants to severe levels of economic and social distress as discussed by (Betts, 2008; Betts, 2009; Betts, 2010; Amit & Kriger, 2014) These gaps lead to unfulfilled protection needs and to a lack of guidance for states on how to respond to the immigrants' whose vulnerability emerges from external displacement due to environmental stress, livelihood collapse, and state fragility (Düvell, 2011a; Düvell, 2011b). Now that gaps within the international frameworks that govern the mobility of international migrants have been ascertained an examination of the Zimbabwean Immigration Act shown below is imperative given the non-conformist status description of the undocumented Zimbabwean migrants in South Africa.

4.4 Zimbabwe immigration framework (chapter 4:02)

Immigration in Zimbabwe is governed by the Department of Immigration which was formed through an Act of Parliament (Immigration Act of 1979 chapter 4:02 revised under Statutory Instrument (S.I) 22 of 2001) (Republic of Zimbabwe, 2001). The Department of Immigration housed under the Ministry of Home affairs has direct control over all immigration matters in the country and manages the entry and exit of people in Zimbabwe on behalf of the Minister of Home Affairs (Republic of Zimbabwe, 2001). Departure from Zimbabwe is dependent on the conditions that: a travel document is produced before an immigration officer on exit and should be effected through a mandated port of exit (Republic of Zimbabwe, 2001)⁹. The Immigration Regulations also requires that every person leaving the country should complete an exit card and deliver it to the immigration officer for purposes of data collection (Republic of Zimbabwe, 2001). The Zimbabwe Immigration Act also considers the issuing of fraudulent travel documents and travelling without documents criminal, and more generally foresees penalties for violations of its provisions¹⁰. Having established the emigration requirements

9 Articles 24 and 26, of the 1979 Immigration Act (Revised 2001).

10 Article 24 (4)b, of the Immigration Act)

when exiting Zimbabwe, the next section deals with the South African immigration legislative framework.

4.5 South African Immigration legislative framework

One of the founding pieces of immigration legislation in South Africa according to Peberdy (2009:38-40) is the 1913 Immigrants Regulation Act which served two purposes: the consolidation of the immigration laws of the different colonies as well as stopping the immigration of Indians and other 'non-whites' into South Africa. Glaser (2013:75-76) notes that Act only exempted labourers from Botswana, Lesotho, Namibia and Swaziland to migrate freely into South Africa to work in the country's growing, labour-intensive mines and farms until 1963. Peberdy (2001) pointed out that black Africans were referred to as 'non-citizens' or 'aliens' or 'temporary sojourners, who were subjected to the same restrictions and policies as native black South Africans. section 4 of the 1913 Act as shown by Glaser (2013:76) and Peberdy (2009:46-48) empowered the Minister of the Interior to exclude black migrants, 'unsuited' white migrants or anyone deemed 'not-suitable' from immigrating.

The 1924 elections as put forward by Peberdy (2009:61-63) ushered in a coalition government (National Party/Labour Party) which introduced the Immigration Quota Act of 1930 as a way of restricting the entry of Jewish immigrants from Eastern Europe. The 1930 Act as described by Peberdy (2001); Peberdy (2009:64) shepherded in a two-tier immigration system by allowing the immigration of anyone from a list of preferred countries that were named in the 1930 Act to immigrate while at the same time restricting the number of immigrants to only 50 per annum from those countries which were not named in the Act, especially the Eastern European countries where Jews were emigrating from. According to Peberdy (2009:65) the 1930 Quota Act was largely successful and achieved its objectives until the rise of Nazism in Germany led to a mass emigration of numerous German Jews to South Africa much to the disappointment of the South African government. The Quota Act as explained by Glaser (2013:77) was eventually replaced by the Aliens Act in 1937 due to rising anti-Semitism where immigrants were required to obtain a permit in order to enter the country unless they were British.

Glaser (2013) further pointed out that the processing of permits was intended to stop any 'undesirable elements' or those unlikely to assimilate into white South African society (British and Afrikaner) from entering the country. The year 1949 as described by Peberdy (2009:98-99) saw a paradigm shift in the country's immigration policy when new legislation was passed in form of the South African Citizenship Act. The sweeping changes were made after the National Party won the 1948 election and brought with them a vision of a 'delimited and

exclusionary' South Africa (Peberdy, 2001). The Citizenship Act as shown by Peberdy (2009) was meant to level the playing field between British nationals and other white foreigners by restricting the granting of automatic South African citizenship to British nationals and to those who were perceived as having divided loyalties or those who would not assimilate into the Afrikaner culture.

The exclusionary attitude and policies of the governing National Party, which were enshrined in the 1949 Citizenship Act coupled with a growing economy led to a skills shortage resulting in the government being put under significant pressure to encourage immigration (Peberdy, 2001; Peberdy, 2009). At the end of the 1950s and during the early 1960s, a significant shift in the state's position on immigration was witnessed as the National Party implemented an immigration policy that encouraged immigration of Madeirans by providing financial assistance to immigrants as well as encouraging illegal white immigration (Peberdy 2009). Glaser (2013:77) pointed out that emphasis was put on 'selective immigration' as a way of preserving the Afrikaner identity of the country. Glaser (2013:90) further argued that two amnesty periods were created; one in 1961 and the other in 1968 where illegal white migrants could register and gain legal status especially those immigrants who would understand and assimilate into the Afrikaans culture as well as sympathising with the state's 'racist' ideology. Crush and McDonald (2001:2-3) further added that immigration policy under successive white governments rested on four pillars namely:

- racial policy and legislation;
- exploitation of the migrant labour from neighbouring countries;
- tough enforcement legislation; and
- the negation or denial of international refugee conventions and treaties.

The eighties and nineties according to Peberdy (2001) saw South Africa experiencing sweeping changes in its migrant labour regime because the immigration focus shifted from hiring foreign labour to the hiring of local labour. In their analysis of the immigration policies under apartheid government, Crush and McDonald (2001:3) and Peberdy (2001:17) established that the regime's first and third pillars of immigration control were manifested in the drafting of the Aliens Control Act examined below.

4.5.1 Aliens Control Act (95 of 1991)

The 1991 Aliens Control Act amendment (no 95) dubbed one of 'the apartheid regime's dying acts,' and 'apartheid's final act' by Crush and McDonald (2001:1) consolidated five pieces of existing immigration legislation. The Aliens Control Act, no. 95 of 1991 according to Peberdy (2001:17) was first drafted in 1963 and was amended twice in post-apartheid era in 1995 (Act No. 76) and 1996 (Act No. 32), and the rationale, according to the then Deputy Minister of Home Affairs, was to 'improve control over immigration'. The 1991 Aliens Control Act's main points were extracted from the 1937 Aliens Act and 1913 Immigration Act, which provided controversial selection processes for those allowed into the country as discussed in section 4.5. Peberdy (2001:17) showed that the Act provided the legal basis for the arrest, detention and deportation of undocumented migrants in South Africa as evidenced by the sweeping powers of arrest and deportation given to the police and immigration officers. However, the Act does not address specific regulations on the conditions of detention of undocumented migrants (Crush & McDonald 2001).

Since its inception Crush and McDonald (2001); Peberdy (2001) and Peberdy (2009) described the 1995 Act as exclusionary in that all applications for immigration and work permits were to be applied from outside South Africa to prevent people from using visitors' visas. Permanent and temporary residence permits were also introduced in an attempt to gain 'better control' over the kinds of immigrants entering South Africa (Crush & McDonald, 2001; Peberdy, 2009). The amending of the 1995 Aliens Control Act was hailed as a huge step towards the controlling of 'illegal aliens' as well as effectively dealing with the problem of unlawful immigrants'. Section 1 of 1991 Aliens Control Act, defines an 'alien' as a person who is not a South African citizen and Peberdy (2001:23) was conspicuous about the use of the word 'alien' as it not only implies that non-South Africans are extra-terrestrial or space invaders or creatures from outer space but also implies difference, strangeness, and otherness. Peberdy further implied that according to the Act the 'aliens' were black African migrants. Peberdy (2001:24) further articulated that language usage and terms in the Act conflates all the foreign people in South Africa despite their different permit or visa classifications.

The 1991 Aliens Control Act did not specify the different categories of foreign people and their legal statuses living in South Africa (Segatti *et al.*, 2012; Crush & McDonald, 2001) were prompted to argue that the 1991 Aliens Control Act routinely failed to distinguish migrants seeking to live permanently in the country (immigrants with permanent residence) and undocumented migrants since people have different reasons for migrating. Peberdy (2001:18) found that the Act raised barriers to entry by introducing legislative amendments,

new regulations and a computerised National Movement Control System at South African embassies and consulates as an attempt to reduce the number of people entering South Africa on temporary and visitors' permits. Crush and McDonald (2001) also established that certain countries and nationalities, notably Zimbabwe, were targeted by these barriers and restrictions.

The same authors found that in July 1996, the Department of Home Affairs introduced new entry procedures for citizens of Zimbabwe which included new application fees for visitors' visas; restrictions on multiple entry visas and stringent requirements to show bank statements and other forms of documentation such as letter of invitation and proof of employment¹¹. Peberdy (2001:18) further established that the Department of Home Affairs' argument for instituting the stringent restrictions was 'to deal with the problem of people overstaying their visas' but paradoxically, the restrictions may have increased undocumented migration as people who were refused visas became 'border jumpers'. Segatti *et al.* (2012:129) noted that the Aliens Control Act of 1991 was structured around security concerns and policing resulting in a lingering preoccupation of all sections of the Immigration Directorate with such matters. Though Peberdy (2001:18-22) was of the opinion that the 1995 amended Act (No. 76) supposedly brought the relevant sections of the 1991 Aliens Control Act in line with the new Constitution, foreigners without documents are still being arrested and held in a detention centre at Lindela outside Johannesburg without access to a court of law. In addition, Segatti *et al.* (2012:129) found that several key points of the 1991 Aliens Control Act were deemed to contradict with the new progressive Constitution of South Africa resulting in the unconstitutionality of the Aliens Control Act. Meanwhile, the Immigration Act no 13 of 2002 was nearly ten years in the making, meaning that up until that point, the Department of Home Affairs was functioning under the terms of apartheid-era legislation leaving a legal void in its position until the coming into force on the 7th of April 2003 of the 2002 Immigration Act which is examined below.

11 See discussion in chapter 3. See also Tevera and Zinyama (2002:30); Crush *et al.* (2012:43) and Morreira (2015:69-70).

4.5.2 Immigration Act (13 of 2002)

Freedom The legal framework for the entry, residence and departure of foreign people in South Africa is governed and provided for by the Immigration Act No.13 of 2002 (Segatti *et al.*, 2012) after protracted years of negotiations because of rivalry between the ruling African National Congress (ANC) and the Inkatha Party (IFP). The same authors put forward the view that during the period in question, the Inkatha Freedom Party was overseeing the Department of Home Affairs as part of the power-sharing agreement in the Government of National Unity. According to Mthembu-Salter *et al.* (2014), the Immigration Act No.13 of 2002 showed a clear departure from the exploitative series of past acts, namely Immigrants Regulation Act 1913; the Immigration Quota Act 1930; the Aliens Act of 1937 and its subsequent amendments in 1963, 1897, the Aliens Control Act of 1991 as well as its subsequent amendments in 1995 and 1996. Despite its progressiveness, the same authors further argued that the Immigration Act No.13 (2002) reproduced and employed some of the draconian methods that were used in the past to apprehend and control movement of African foreigners especially the same ideals of control and exclusion.

Rights groups like CoRMSA (2009) have noted deficiencies both in the Act and its implementation, including the Act's focus on preventing unauthorised immigration and the failure by appropriate authorities to acquaint themselves with laws regarding deportation and detention of undocumented migrants¹². According to Mthembu-salter *et al.* (2014:8), the Immigration Act No. 13 of 2002 which was amended in 2004 (Immigration Amendment Act 19 of 2004) and in 2011 (Immigration Amendment Act 13 of 2011) but took effect in May 2014 further increased the barriers to migration for all categories of migrants as shown by the following objectives contained in sections 2 to 8 of the Act:

- to concentrate resources and efforts in enforcing the Act at the community level and to discourage 'illegal foreigners'.
- to detect and deport 'illegal foreigners'.
- to implement measures to ensure that migration takes place only at legal ports of entry and that illegal border crossings are 'deterred, detected and punished'.

Sections 2-8 of the Act (South Africa, 2002) further describe the manner in which the above stated objectives will be achieved using the following control mechanisms:

- controlling of the entry and exit of people at recognised borders.
- patrolling of the border to prevent and deter illegal crossing.

12 Section 3 of the 2002 Immigration Act.

- detection of people who have entered illegally.
- formalised processes to determine whether or not people have entered the country illegally.
- deportation of people who have entered illegally.

Section 3 of the same Act also provides for the inspection of workplaces and institutions of learning to ensure that only those migrants with a legal status are employed or enrolled according to the terms of their temporary residence permits and that 'illegal' immigrants are not employed or enrolled in the said institutions (South Africa, 2002). The Act further mandates the training of an investigative unit to detect 'illegal foreigners', monitor compliance with the terms and conditions of permits, control borders and further allows the Department of Home Affairs to subcontract immigration-control activities at ports of entry, including deportation (South Africa, 2011; Mthembu-salter *et al.*, 2014:8)¹³. Inside the Department of Home Affairs, the Act (South Africa, 2002) further created the Immigration Affairs programme to oversee the implementation of the department's migration control services and is divided into four distinct units namely:

- Administration
- Admission services
- Immigration services
- Asylum-seeker and refugee management

The immigration inspectorate, housed within the immigration services, was established by the Immigration Act of 2002, and has wide-ranging powers, which include the authority to enter and search premises, to seize suspected evidence on provision of a warrant, and to arrest and detain suspected 'illegal' foreigners (South Africa, 2004). The police together with immigration officials have the authority to detain an individual on suspicion of being an 'illegal foreigner' though an immigration official is then required to verify the individual's immigration status within 48 hours (South Africa, 2011). Only individuals proved to be 'illegal foreigners' may be held for more than 48 hours solely for purposes of deportation and such individuals are detained and usually send to Lindela, the holding facility for 'illegal foreigners' (Crush *et al.*, 2012; Mthembu-Salter *et al.*, 2014)¹⁴.

On a different fashion Crush (2011:22) put forward that the Immigration Act of 2002 was designed to facilitate entry of foreign skills but strictly on temporary basis as described in sections 10-24 of the Act including the different permit categories one may apply for namely:

13 Section 3 of the 2002 immigration Act

14 Section 15 of the 2011 Immigration Amendment Act (Act 13 of 2011).

- work permits (there are four categories that include quota permits, general permits, exceptional skills permit and intra-company transfers)
- corporate permits;
- business permits;
- study and exchange permits, which allow limited work activity;
- treaty permits
- Other entry permits include visitor's permits; however some were rescinded in the 2011 amendment Act.

On the contrary Polzer (2008a:9) noted that only partial opportunities for foreigners to migrate legally are provided in the Immigration Act of 2002 because there are for example, no traders' permits, job seekers' permits or permits for unskilled workers that are not attached to an employer. In a nutshell, there are limited opportunities for unskilled individuals and semi-skilled labourers to obtain work permits under the skills based Immigration Act of 2002 (Polzer, 2010). Crush (2011:17) further concurred that the broad structural impact of the skills gap is an increase in undocumented migration and the illegalisation of immigrants. An important characteristic of the contemporary Zimbabwean migrants in South Africa as noted by Morreira (2015) is that the majority enter South Africa through informal border crossings and remain undocumented within South Africa. The migration management framework in South Africa provides few options for Zimbabweans to legally attain documents once they are inside the country, and Polzer (2008:5) and Kriger (2010:81) argued that this negatively impacts on undocumented migrants in that:

- it exacerbates the humanitarian crisis by making it difficult for Zimbabweans to access public welfare services and to support themselves through gainful employment;
- it facilitates the victimisation of Zimbabweans by criminals and exploitation by employers due to undocumented migrants' fear of reporting abuses to the authorities;
- and hinders the control of those Zimbabweans who commit crimes.

Now that the Immigration Act 13 of 2002 and its amendments that governs the entry, residence and departure of foreign people in South Africa has been explored the next section will zero in on the Refugees Act 130 of 1998, another piece of legislation that governs migration to South Africa.

4.5.3 The Refugees Act (130 of 1998)

The Refugees Act (Act 130 of 1998) which has two amendments that is Refugees Amendment Act 33 of 2008 and Act 12 of 2011 is another piece of post-1994 legislation that defines the process by which one can apply for asylum in South Africa (South Africa 1998; Crush 2011). Section 3 of the Refugees Act 130 of 1998 provides a legal framework for asylum seekers to enter and stay in South Africa on two grounds provided they are:

- able to demonstrate a well-founded fear of persecution on the grounds of one's race, religion, tribe, nationality, political opinion and membership
- able to show that one was forced to leave his/her native country because of external aggression, foreign domination or events that seriously disturb public order (South Africa 1998; Mthembu-Salter *et al.*, 2014).

Kruger (2010:78) observed that the verbatim used in the Refugees Act (130 of 1998) is a similar adoption of the refugee definition from the 1951 Geneva and 1969 OAU conventions. The 1998 Refugees Act entitles any foreign migrant to apply for asylum without qualification (Polzer, 2008a; Polzer, 2010). Asylum seekers must apply in person at a refugee-reception office where a refugee status determination officer grants an asylum-seeker an interview to determine the validity of the asylum claim (South Africa, 1998). Individuals intending to apply for asylum are granted a transit permit at a port of entry which gives them a specified number of days to lodge their application for asylum with a Refugee-Reception Office (South Africa 1998; Mthembu-Salter *et al.*, 2014). The individual becomes an 'illegal foreigner', subject to detention and deportation if the transit permit expires before the applicant obtains an asylum permit at a Refugee Reception Office (RRO) (Kruger, 2010). Most asylum seekers are detained under the 2011 Immigration amendment Act No 13 in conjunction with Refugees Act 130 of 1998¹⁵.

According to sections 21-24 of the 1998 Act, the officer will approve the claim and grant refugee status, or reject the application as 'manifestly unfounded, abusive or fraudulent (South Africa 1998; Mthembu-Salter *et al.*, 2014). It is a requirement by the Refugees Act that all manifestly unfounded decisions are automatically sent to the Standing Committee for Refugee Affairs for review within six months from the date of application (South Africa, 2011). The Refugees Act allows individuals to make written submissions to the committee, but do not have the right of appearance (South Africa, 2011). The Act further allows individuals to appeal unfounded decisions to the Refugee Appeals Board, which may confirm, set aside, or substitute decisions made by the Refugee Status determination officer

15 Section 15 of Immigration Amendment Act (Act 13 of 2011).

with its own. During this period the individual remains an asylum seeker and is entitled to documentation until he or she has exhausted all reviews and appeals (Kriger, 2010). The asylum permit as described by Polzer (2010) confers the right to reside and work in the country and is the only regularisation option open to migrants seeking economic opportunities for work in South Africa.

Since the enactment of the 1998 Refugees Act, Amit and Kriger (2014) showed that South Africa received the highest number of asylum seeker applicants as compared to any other country in the world largely due to the broad appeal and lengthy application process of the asylum system¹⁶. Demand for asylum as exemplified by Amit and Kriger (2014:278) grew steadily after South Africa enacted its Refugees Act in 1998 with over 11000 people applying for asylum¹⁷. As shown in table 4.1, the number of applications for refugee status has skyrocketed since the year 2000 resulting in long and winding queues outside the refugee reception offices. The increase has been attributed to various ‘pull’ and ‘push’ factors as discussed in chapter 3 section 3.5.1 and also the lack of documentation options open to migrants without a legal status (Polzer, 2010). The number of Zimbabwean asylum seekers have been steadily increasing since 2001 reaching a maximum (over 66% of the total applications) in 2009 and declined only after a moratorium on deportations and the introduction of the special permits on Zimbabweans was announced (Polzer, 2008a; Polzer, 2010; Crush, 2011). Table 4.1 below also shows that undocumented Zimbabwean migrants started using the asylum system to legitimise their status in South Africa in 2001 as a way of avoiding deportation.

16 Refer to table 4.1
17 Refer to table 4.1

Table 4.1: Applications for asylum in South Africa, 1998–2012

Year	New asylum seeker applicants	Zimbabwean asylum seeker applicants
1998	11135	0
1999	31592	0
2000	12226	0
2001	16325	4
2002	24187	115
2003	41741	2588
2004	41365	5789
2005	43289	7783
2006	53361	18973
2007	45637	17667
2008	207206	111968
2009	223324	149453
2010/11	124336	117194
2011/12	81708	55873

Source: Amit & Kriger (2014:272) Extracted from DHA 2009-2011 Annual reports on Asylum statistics

Polzer (2010), Crush (2011), Amit and Kriger (2014) found that in 2009, Zimbabwe was the leading country of refugee claims in South Africa (149,453 or 68% of all applications lodged in 2009). The Green paper (South Africa, 2016) on international migration also concurred that Zimbabwe is still the leading African country in terms of the asylum applications as evidenced by the applications that were received in 2015 totalling 20405 (refer to table 4.2 below). The Department of Home Affairs (see South Africa, 2016) further established that the top 15 countries of origin accounted for 71% of asylum applications that were received in 2015. The high number of asylum claims both in tables 4.1 and 4.2 are attributed to the refugee determination process which is too backlogged (Crush, 2011:17; South Africa, 2016). Due to such backlogs, Crush (2011) noted that decisions tend to be made based on the country of origin of the claimant rather than on the individual circumstances of the applicant. Table 4.2 below provides a summary of the top 15 countries of original asylum applications.

Table 4.2: Top 15 countries of original asylum applications in South Africa by January 2016

Country	Numbers
Zimbabwe	20405
Ethiopia	10176
DRC	8029
Nigeria	7431
Bangladesh	5110
Somalia	2595
Pakistan	2460
Malawi	2310
Ghana	2271
India	1781
Congo Republic	1485
Lesotho	1437
Mozambique	1220
Uganda	753
Burundi	687

Source: Department of Home Affairs (2016:30)

Crush's findings are further supported in Table 4.3 below where asylum seekers from countries like Somalia and DRC have found it easier to be granted refugee status than those from Zimbabwe. The Department of Home Affairs as argued by Crush (2011) took the position that Zimbabwe is not a refugee generating country as evidenced by only 200 Zimbabweans who were granted refugee status in 2009 out of the over 149000 who had applied, refer to table 4.3. The 'white listing' of Zimbabwe by the Department of Home Affairs is due to the narrow interpretation of the Refugees Act by the officials (Polzer, 2010). The Department of Home Affairs continues to view the asylum system as subject to abuse and exploitation by undocumented migrants (Polzer, 2010; Amit & Kriger, 2014). The negative perception of Zimbabwean asylum applicants by the Department of Home affairs meant that the majority of applicants are left without options for legal documentation (Polzer, 2008a; Polzer, 2010; Crush, 2011; Amit & Kriger, 2014).

To support the above statement, table 4.3 shows that of the estimated 'one and a half million' Zimbabweans (Crush & Tevera, 2010) in South Africa in 2009, 149 453 applied for

asylum, 200 were accepted and 15370 were rejected. It can also be figured out that 133.883 applications were neither approved nor rejected during the year, implying that they were added to the already large pending-asylum case file. Polzer (2008b)'s opinion is that few Zimbabweans are accepted as asylum seekers due to the continued historical focus on refugee rights (especially access to the asylum system and refugee documentation) instead of focussing on the mixed causes of the flight as discussed in section 3.4.3 and table 3.1. A summary of the discussion on asylum applications and decisions is shown in table 4.3.

Table 4.3 Refugee applications and decisions, 2009

Country	Applications	Accepted	Refused
Algeria	133	0	50
Angola	335	7	132
Bangladesh	4923	31	3310
Burundi	1208	133	367
Cameroon	667	9	429
China	3327	0	1634
Congo	3223	613	1391
DRC	6226	779	1706
Eritrea	219	202	71
Ethiopia	10715	1307	3130
Ghana	942	0	648
India	3632	0	1045
Kenya	624	0	276
Lesotho	258	0	54
Malawi	15697	0	7749
Mozambique	2559	0	882
Niger	1445	0	1071
Nigeria	3023	0	2046
Pakistan	3196	0	1770
Rwanda	275	17	68
Senegal	204	0	74
Somalia	3580	1213	638
Uganda	1425	20	759
Tanzania	1739	0	602
Zambia	1000	0	266
Zimbabwe	149 453	200	15370
Total	220 028	4531	45538

Source: Crush (2011:18) extracted from UNHCR

4.5.3.1 Asylum system

The asylum system as a response mechanism to provide protection for undocumented Zimbabwean immigrants who experienced political persecution has so far been crucial since it fulfils South Africa's legal obligations that are both international and domestic as discussed in sections 4.2 to 4.2.3. On the other hand, the current implementation of the asylum system poses several problems. Chief among them is the limited ratio of Zimbabweans who are believed to have experienced individual political persecution as dictated by the 1951 Geneva and 1969 OAU frameworks and therefore qualify for the current, narrowly interpreted conditions for asylum (Polzer, 2008). Polzer (2008a:8) further argued that for several years before the significant increase in the arrival of Zimbabweans, the asylum system has been experiencing institutional difficulties in that many asylum seekers fail to gain physical access to Refugee Reception Offices (RROs).

Many asylum-seekers are arrested while making their way to a refugee reception office, especially those who avoid applying asylum at the border in Musina preferring to apply in urban areas (Kriger, 2010). Amit and Kriger (2014) further observed that the Department of Home Affairs in contravention of the legal guarantees in the Refugees Act and the South African constitution, detain and bar individuals who are arrested before they reach a refugee reception office from obtaining documentation as asylum seekers, despite their stated intention to apply. Section 23 of the Refugees Act no 130 of 1998 provides for a temporary permit applied at the border which allows a two-week period to access a refugee reception office (South Africa, 1998). But for unknown reasons, Polzer (2008a) found that practically no Zimbabweans have been declaring their intention to apply for asylum at the border post, making them vulnerable to arrest and deportation until they reach a refugee reception office in an urban area. Amit and Kriger (2014) further noted that many of those who are sent to Lindela Detention Centre (the holding facility for 'illegal foreigners' located outside Johannesburg) are instantly deported without any opportunity to access the asylum system.

South Africa's asylum system allows recognised asylum-seekers and refugees to work and to set up businesses, but private employers as shown by Polzer (2008) have not recognised or are ignorant about the rights of asylum seekers and refugees to work, and there has been no initiative from the Department of Labour to educate employers in this regard. Now that the broad regulatory frameworks governing migration to South Africa have been explored the next section deals with approaches used in dealing with undocumented migrants in South Africa.

4.6 Responses to undocumented migration

A retrospective appraisal of the apartheid immigration policy measures by Amit and Kriger (2014) suggests that since the dawn of democracy, the government of South Africa has not demonstrated enough innovative approaches to stemming undocumented migration. However, it is not exaggerate to point out that the political discourse has mainly shifted its attention to undocumented migration, and fuelled the formulation and implementation of the Immigration and Refugees Acts enacted in 1998 and 2002 respectively which are directly or indirectly intended to deal with it (Polzer, 2008b; Polzer, 2010). Some responses are legislative while some civic driven by public perception as shall be seen in the coming sections.

4.6.1 Visa regulations

The South African government's desire to restrict entry of Zimbabweans is demonstrated by its longstanding visa policy (Polzer, 2010). Zimbabwe has been South Africa's erstwhile neighbour where a free visa agreement was not in existence until the special dispensation permit extended to Zimbabweans in 2009 (Crush, 2011). South Africa has been progressively eradicating entry visas for its neighbouring countries as envisaged for the entire region by the SADC Protocol for the Facilitation of Movement of Persons (Polzer, 2010). It was only in May 2009 that Zimbabwe, South Africa's only neighbouring country with which there was no free visa agreement, was at long last allowed a 90 day visa free entry (Polzer, 2010; Crush, 2011). Zimbabweans before this change were required to produce a valid passport, an expensive visa from the South African Embassy in Harare, a letter of invitation, proof of sufficient foreign currency for their stay in South Africa and an array of other guarantees which were impossible for all but a very few well-off Zimbabweans to meet¹⁸. These requirements were so burdensome and costly and Polzer (2010) found that they forced the majority of Zimbabweans to cross into South Africa using irregular means and without proper documentation. As shall be seen in the next section, migrants who use irregular means to enter into South Africa without proper documentation are regarded as 'illegal foreigners' liable to detention as examined below.

18 See section 3.6 in chapter 3 under **Barriers to entry**. See also Moreira (2015:71) and Tevera & Zinyama (2002:30).

4.6.2 Detention of undocumented migrants

The immigration inspectorate, as discussed in section 4.5.2 has wide-ranging powers that include the authority to enter and search premises, to seize suspected evidence on provision of a warrant, and to arrest and detain suspected 'illegal foreigners'. Both the police and immigration officials are empowered by the Immigration Act 13 of 2002 to detain an individual on suspicion of being an 'illegal foreigner', however the Act specifies that an immigration official must verify the individual's immigration status within 48 hours (South Africa, 2011). For those individuals who would have been proved to be 'illegal foreigners', the Immigration Act provides for detention longer than 48 hours solely for the purpose of deportation (South Africa, 2011). According to the 2002 Immigration Act, it is a requirement that detentions of 'illegal foreigners' in excess of 30 days must be authorised by a court warrant, and the Act further places a ceiling of 120 days on immigration detentions. Mthembu-Salter *et al.* (2014) found that both requirements are routinely violated, resulting in legal challenges against the Department of Home Affairs.

Another critical response of immigration control is the detention of asylum seekers and refugees under the jurisdiction of the Refugees Act of 1998, though in practice, most asylum seekers are detained under the Immigration Act (South Africa, 1998; 2011). The 1998 Refugees Act only allows the detention of asylum seekers under a very narrow set of circumstances, only if the minister has withdrawn their asylum-seeker permits. Such detentions according to section 15 of the 2011 Immigration Amendment Act 13 must only be for a 'reasonable and justifiable' period, subject to review by a judge of the high court after 30 days. The above requirements govern the detention of 'illegal foreigners' and asylum seekers. The deportation of 'illegal foreigners' and asylum seekers is fully explored below

4.6.3 Deportation of undocumented migrants

The main policy response to undocumented migration in South Africa is the arrest, detention and deportation of 'illegal migrants' (Crush 2011:16). This is in line with the objectives and functions of the South African immigration control, as defined by section 2(1) (c) of the Immigration Act (Act 13 of 2002). The same Act as noted earlier in section 4.5.2 allows the Department of Home Affairs to sub-contract immigration-control activities at all ports of entry including deportation (South Africa 2002). The enforcement of deportation in South Africa has a wide range of problematic effects and continues to be dysfunctional, violating procedural rights and leading to the unlawful detention and deportation of asylum seekers (Polzer, 2008; Mthembu-Salter *et al.*, 2014).

The most significant violation is the breaking of international and domestic law against refoulement (Polzer 2010)¹⁹. Refoulement is the right not to be forcibly returned to a country of origin where one would face a threat of persecution or a real risk of torture, cruelty, inhuman or degrading treatment or punishment (Simpson, 2009). This is probably happening in South Africa because most asylum seekers are labelled as economic migrants (Polzer, 2008a). Polzer (2010) established that there is lack of effective screening for potential asylum seekers, especially during the deportation of Zimbabweans. CoRMSA (2009) also weighed in by reporting that most Zimbabweans were deported within hours or days after being detained by the police without immigration officials verifying their legal status. Undocumented migrants also get deported without being informed of their rights to appeal the decision to deport them, as required by the Immigration and Refugee Acts. Such deportation constitutes refoulement (Simpson, 2009)

The practice of deporting undocumented migrants is not really effective (Crush, 2011). The current deportation system neither deters Zimbabweans from entering the country nor does it reduce the total number of Zimbabweans in the country, because most deportees return immediately to South Africa (Polzer, 2010; Crush, 2011; Amit & Kriger, 2014). Most deportees re-enter or return to South Africa within days after deportation using various unofficial means as described in table 3.1. Crush (2011) referred to this phenomenon as 'the revolving door syndrome' (the same individual being deported several times during a year) and it presents a major challenge to the effective management of undocumented migration. Crush (2011) further reported that some undocumented migrants intentionally use the 'revolving door syndrome' when they wish to visit Zimbabwe for free on certain occasions during the year. While clarifying the 'revolving door syndrome' that same author noted that undocumented migrants hand in themselves to immigration officers for arrest and deportation towards the festive season, a time for visiting relatives and friends in Zimbabwe.

Human Rights Watch (HRW) is on record as saying that Zimbabweans who had been deported more than once in a single year are counted at least twice in the statistics leading to the unreliability of the figures (CoRMSA, 2009; Simpson, 2009). Whilst data is not conclusive on whether these deportations amount to 'revolving door syndrome' Department of Home Affairs (South Africa, 2016:31) suggested that there are strong indications that this could be the case as shown in table 4.4 below. Since 1990 table 4.4 shows that over 900.000 undocumented Zimbabwean migrants have so far been deported and there is a possibility that these deportation statistics are part of the 'revolving door syndrome' given

19 Refer to section 4.2 and its sub sections earlier in the chapter. Refer also to Article 33(1) of the 1951 UN Convention and also section 2 of 1998 Refugees Act 130

that Zimbabweans make a sizeable chunk of the total deportees (columns 3&4). According to Department of Home Affairs (South Africa, 2016) statistics confirmed that unskilled or lower skilled undocumented migrants from SADC account for a large proportion of the yearly deportations and as such, have exerted a large financial strain on the Department's budget. Below is table 4.4 that provides a summary of the deportations from 1990-2012.

Table 4.4: Deportations from South Africa 1990-2012

Year	Total deportations	Zimbabwean deportees	Zimbabwean deportees as a % of total
1990	53.445	5.363	10.0
1991	61.345	7.174	11.7
1992	82.575	12.033	14.6
1993	96.697	10.961	11.3
1994	90.682	12.931	14.3
1995	157.075	17.549	11.2
1996	180.704	14.651	8.1
1997	176.349	21.673	12.3
1998	181.286	28.548	15.7
1999	183.861	42.769	23.2
2000	145.575	45.922	31.5
2001	156.123	47.697	30.5
2002	135.870	38.118	28.0
2003	154.808	55.753	36.0
2004	167.137	72.112	43.1
2005	209.988	150.000	71.4
2006	266.067	127.000	47.7
2007	312.733	200.000	64.0
2008	280.837	170.000	60.5
2009	1.060	Not available	-
2010	55.825	Not available	-
2011 (oct-dec)	Not available	7.755	-
2012 (jan-jun)	Not available	21.162	-

Source: Amit and Kriger (2014:282) Adapted from DHA statistics

The significant fall in the number of deportations shown in table 4.4 between 2007 and 2010 was due to a moratorium on deportations announced by the South African government. Zimbabweans were also granted a 90-day visa free entry per year as well as 'Zimbabwe Special Dispensation permit' to work and live legally in South Africa (Karagueuzian & Verdier-Chouchane, 2014). Mthembu-Salter *et al.* (2014) also found high levels of corruption during arrests, detention and deportation processes, thereby undermining the integrity of the police and the Department of Home Affairs. Having established the deportation of undocumented migrants as a response mechanism, the next section focuses on disaster management as another response mechanism.

4.6.4 Disaster Management Act (57 of 2002)

The Disaster Management Act 57 of 2002 together with the National Disaster Management Policy Framework (NDMF) of 2005 provides disaster management legislation that places emphasis on the decentralisation of disaster risk management activities in South Africa (South Africa, 2002; South Africa, 2005; Van Niekerk, 2014:859). The Disaster Management agenda provides the government with a legal framework for providing welfare protection and relief in emergency situations and does not depend on an immigration status of a migrant, but rather on the specific local conditions and needs of a province or municipality (Polzer, 2008; Polzer, 2010). The aim of the legislation is to provide a coherent and coordinated approach to disaster risk reduction for the whole of South Africa (Van Niekerk, 2005:4).

The Disaster Management Act of 2002 and the National Disaster Management Policy Framework centres around the creation of appropriate institutional arrangements for disaster risk management (South Africa, 2002). The Disaster Management Act ensures that all spheres of government must apply disaster management in unison across the three spheres of government namely local, provincial and national as well as within government departments (South Africa, 2002; South Africa 2005)²⁰. The Act is managed through the Department of Provincial and Local Government, where the National Disaster Management Centre (NDMC) is located (South Africa 2005; Van Niekerk, 2014). The Disaster Management Act specifies that the National Disaster Management Policy Framework must recognise the types of disasters, hazards and risks that can occur in the whole of Southern Africa, as well as the severity thereof (South Africa, 2002; Van Niekerk, 2014).

Although a disaster management approach has the potential of providing the framework for certain kinds of humanitarian support including the undocumented Zimbabwean migrants, Polzer (2008a:9), Polzer (2008b:12-13) found that there are several weaknesses in the

20 Section 7 of the 2002 Disaster Management Act

current Disaster management framework. The framework is silent on how disaster risk reduction must be implemented or how success can be ensured (Van Niekerk, 2014:864). The Disaster Management framework was used to prepare a national disaster management contingency plan including a Limpopo provincial plan as well as a municipal-level plan in the Musina border area in relation to the Zimbabwean crisis yet, none of these plans had been implemented nor are they regularly updated (Polzer, 2008a). On another note Van Niekerk (2014) established that due to the ambiguity of classifying and declaring a state of disaster at all levels of government, the only time a state of disaster was declared in South Africa under the 2002 Disaster Management Act was in June 2008, in response to xenophobic attacks on foreigners in the Western Cape and Gauteng Provinces. Van Niekerk (2014:866) reported that the process and procedures for declaring states of disasters are unclear and cumbersome at all levels of government, despite the explanations provided in the National Disaster Management Framework (NDMF).

Van Niekerk (2014:859) also found that the lack of clear triggers for commencing an intervention as well as a lack of implementation capacity at the provincial and municipal levels explains the limited attention disaster risk management receives at this level of government leading to the avoidance of responsibilities. Polzer (2010) also established that section 1 of the Disaster Management Act focuses only on situations where Zimbabwean settlement 'causes or threatens to cause: (i) death, injury or disease; (ii) damage to property, infrastructure or the environment; or (iii) disruption of the life of a community; and (b) is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using only their own resources. In view of the foregoing, Polzer (2010) found that the Act does not, therefore, provide a broader framework for enabling assistance to Zimbabweans in situations where the negative impacts of their presence have not yet reached crisis level. In this regard the literature points to a discrepancy in the classification and declaration of a state of disaster once risk materialises into disaster (Van Niekerk, 2014:866). The next section examines the Zimbabwe Documentation Project as another response mechanism to regularise undocumented Zimbabweans in South Africa.

4.6.5 Zimbabwe Documentation Project (ZDP)

The Immigration Act 13 of 2002 as amended in the Immigration Act 19 of 2004 regulates the conditions of entry and residence for all non-citizens who are not asylum seekers or refugees, refer to section 4.5.2 above. Section 31(2) b of the same Act provides for a possibility of a Ministerial exemption from standard permit requirements for specific groups of foreigners (South Africa, 2002). Acting in terms of the same Section the Minister declared the introduction of a temporary permit (4 years) to all undocumented Zimbabweans which

included the right to be in the country legally and the right to work, refer to section 1.9. The Zimbabwe Documentation Project was introduced as way of temporarily regularising the immigration status of a large section of the Zimbabwean population who were in an irregular status (Amit & Kriger, 2014:284). The Zimbabwe Documentation Project as noted by Amit (2011:4) provided a path and also became an alternative to the asylum system for regularising the status of undocumented Zimbabweans migrants. Crush (2011) further established that the Project was run alongside a moratorium protecting undocumented Zimbabweans from deportation until the end of the documentation project. This also explains the unavailability of Zimbabwe deportees' statistics between 2009 and 2010 (refer to table 4.4) above. According to Amit (2011) the Project was also intended as a model for similar documentation projects that the Department of Home Affairs planned to extend to other categories of Southern Africans with irregular immigration statuses.

On the contrary the Department of Home Affairs send conflicting signals about the objectives of the Zimbabwe Documentation Project. At one stage the Department of Home Affairs indicated that Zimbabweans who failed to meet the requirements had no legitimate basis to remain in the country (Amit & Kriger, 2014). At some point during the process, Amit and Kriger (2014) noted that the Department of Home Affairs dropped some of the requirements and began allowing all eligible Zimbabweans to apply, regardless of the date they entered the country. Crush (2011) further established that the passport requirement was relaxed towards the end of the project and Zimbabweans could apply if they could provide a receipt as proof that they had applied for a passport. As if this was not enough the Department of Home Affairs during the last few days of the project, called on all individuals who had proof of Zimbabwean nationality of any kind to register with them (Amit, 2011:5; Amit & Kriger, 2014:289). Such conflicting messages points to uncertainty on the part of the DHA pertaining the suitability of the ZDP, its intent, structure as well as reasons for introducing it and this could be the reasons why undocumented Zimbabweans did not come out in their 'numbers' to be regularised as was expected by the DHA. Having discussed the short comings of the ZDP, below are some of the careful considerations states need to implement to ensure successful regularisation programmes as responses to unauthorised migration. It is to this issue that the chapter now turns - to regularisation or amnesty programmes for undocumented migrants.

4.7 Regularisation of undocumented migrants: historical overview

Undocumented migration and regularisation are directly related and undocumented migration cannot be understood outside the context of state regulation of migration (Uehling, 2004). Refer also to section 2.10 of chapter 2. Uehling (2004) and Kraler (2009) agreed that 'illegal' immigration generally comes about because most countries have in place restrictive immigration policies to limit the inflow of foreign nationals, which are not perfectly enforced and this has contributed to the phenomenon being wide spread. It is state regulation that gives 'illegal' migration its specific meaning by creating the category of the 'illegal' migrant as exclusion, refer to section 2.10. Regularisation according to Levinson (2005:4) offers migrants who are in a country irregularly the opportunity to legalise their resident status, either on a temporary or permanent basis. Bansak (2016:3) further stated that regularisation grants either temporary or permanent legal status, to people previously categorised as unauthorised, undocumented, or irregular through programmes or mechanisms. Programmes as described by Bansak (2016) are one-time measures, while mechanisms are part of a more comprehensive policy. Normalisation, adjustment of status, and toleration are other terms also used to describe regularisation of undocumented migrants (Hosein, 2014).

Regularisation emerged as a distinct policy option in Belgium, France, Netherlands and the United Kingdom in the early 1970s by transforming from ad hoc and informal systems of migration governance to more systematic forms of migration management (Uehling, 2004; Kraler, 2009). To some extent, Kraler (2009) found that the emergence of regularisation was a consequence of the reduced scope for ex post regularisation, which was a result of the general restriction of (labour) migration in the wake of the oil crisis and the recruitment stop in Europe. The emergence of regularisation notably in Britain is related to the restriction of post-colonial migration and the increasing barriers to entry erected for former subjects (Schinkel, 2009). Kraler (2009:7) further observed that the restriction of post-colonial migration had, on the whole, similar effects to the recruitment stop in continental Europe.

Although European states such as Spain, Italy, Greece, and Portugal have repeatedly undertaken large-scale regularisation programmes in the past, novel forms of regularisation since the 1990s have emerged in the context of the 'asylum crisis' (Kraler, 2011; Anagnostou & Gemi, 2015). Kraler (2011) found that asylum was increasingly associated with irregular migration and was often seen as almost synonymous with irregular migration. On the same token, Finotelli (2011) identified wars in some former Eastern European states particularly Yugoslavia, as a contributing factor to large inflows of conflict refugees further exerting pressure on an already strained asylum system. Baldwin-Edwards *et al.* (2009:5) showed that these developments led to mounting backlogs in the processing of asylum

applications partly due to the restrictive access to asylum that was imposed. The same authors also established that a number of European states responded to the mounting backlogs of asylum applicants, rising numbers of rejected asylum applicants and war refugees whose claims were deemed weak under the strict interpretation of the Geneva Convention with regularisations in the form of permanent residency permits on humanitarian or 'exceptional' grounds.

Irregular migration has been headlined in international security and political agendas since it is viewed as a threat to sovereignty, and has been linked to problems such as crime and drugs (Fakiolas, 2003). Finotelli (2011) convincingly argued that industrialised states are relentlessly faced with a choice between ignoring the underground economy and attempting to control it, leading to the frequent adjustment of their immigration laws and policies regarding residence and employment rights. And what this means for industrialised governments, according to Fakiolas (2003) is that, instead of always focussing on 'combating' irregular migration, they can also consider transforming it through regulatory and other measures such as regularisation programmes. The section below examines trends in regularisation programmes.

4.7.1 Trends in regularisation programmes

Efforts to regularise unauthorised migrants especially in the United States and European Union have been wide-ranging and numerous (Levinson, 2005). During the 1970s, for example, Belgium, France, the Netherlands and the United Kingdom used regularisation programmes to address unauthorised migration that occurred after guest worker programmes were stopped (Carling & Hernández-Carretero, 2011). After economic growth prompted irregular migration to Greece, Italy, Portugal, and Spain, regularisation programmes were introduced in the 1980s and 1990s (Casarico *et al.*, 2015). Between 1996 and 2011, an estimated five million or more immigrants were regularised in the European Union (Amit & Kriger, 2014; Bansak, 2016) using different types of programmes that vary according to intent and structure which are explored below.

4.7.2 Types of regularisation programmes

In section 4.7 it was noted that a number of European states responded to the mounting backlogs of asylum applicants, rising numbers of rejected asylum applicants and war refugees whose claims were deemed weak under the strict interpretation of the Geneva Convention with regularisations in the form of permanent residency permits on humanitarian or 'exceptional' grounds. Given the varied reasons of regularising unauthorised migrants

Apap *et al.* (2000) argued that different countries have different models of programmes that vary according to intent and structure. According to Papademetriou *et al.* (2004:9) some of the key decisions considered in selecting suitable amnesty programmes include the conditions under which undocumented migrants can qualify for regularisation. For amnesty programmes to suit the intentions and structure of the state, Papademetriou *et al.* (2004) came up with the following key questions expected to be addressed by such programmes:

- Will all unauthorised immigrants be eligible for regularisation?
- Will regularisation cover only a certain group, especially those who are not refugees or asylum seekers but deserve humanitarian protection?
- Will those who overstayed their permits be allowed to regularise their status?

answers to the above questions will form a continuum and the programme chosen will determine the impact of the regularisation programme on the social and economic outcomes (Apap *et al.*, 2000; Papademetriou *et al.*, 2004). In view of the foregoing, Apap *et al.* (2000) and Papademetriou *et al.* (2004) provided the following wide-ranging analysis of the types of regularisation programmes:

(a) One-off/One shot/Permanent: these regularisations are implemented on an ongoing basis and have no time limits. The length of residence of the 'illegal' migrant determines a successful application. Permanent or One-off regularisations are one-time programmes that require applications to be submitted within a specific time frame, and may aim to regularise a limited number of migrants.

(b) Fait accompli / De facto: these are granted for protection, medical, family ties or on humanitarian grounds and are often based on geographic or economic requirements. They confer residence to migrants who have been in a country irregularly since a specific date.

(c) Individual or collective: these are granted on an individual basis with the granting authority having a margin of leeway to make a decision whether or not an individual deserves a permit. Collective regularisation refers to the conferral of residence to a larger number of migrants.

(d) Expedience or obligation: These are granted when the State is forced to regularise a number of migrants on its territory because of court decisions or international relations.

(e) Organised or informal: Informal regularisation is granted when a lack of clear guidance on the part of the State leads to a petition by a migrant to regularise his/her status. Petitions

submitted in this manner would then lead to a comprehensive programme as government and the courts would need to address the situation in a holistic manner.

A regularisation programme is often a combination of the types identified above and they are not exclusive categories, rather it is imaginable that a government would be duty-bound by a court decision to organise a collective one-off regularisation programme for the protection of irregular migrants (Papademetriou *et al.*, 2010). Although permanent regularisation programmes offer migrants the best situation in terms of social and economic rights and protection from deportation (Kraler, 2012). The same author found that the waiting periods to permanently regularise one's status are so long that they are not really considered a solution to either undocumented migration or to the needs of certain sectors for migrant labour. The following section explores the importance of regularisation programmes

4.7.3 The importance regularisations/amnesty programmes

One set of circumstances under which regularisations may be attractive from an economic perspective is the promise of bringing much needed workers from the informal into the formal sector (Levinson, 2005). Baganha *et al.* (2006) and Anagnostou and Gemi (2015) found that in the formal sector both employers and employees can be protected and be taxed. Regularisations or amnesty programmes also have the potential to create productivity gains and reduce distortions in the economy (Maas, 2005). Amnesty programmes allow workers fair wages, have their skills and qualification recognised and also allow migrants to seek jobs that match their qualifications and obtain training and education that can further make them more productive (Long, 2015). As a result, regularising unauthorised immigrants is attractive compared to other options for dealing with large clandestine populations, such as expulsions or deportations (McIlwaine, 2015). Renewed sensitivity about terrorism makes regularisation even more attractive, by creating an opportunity for state authorities to find out the identity (and thus pass individuals through the necessary security screens) and whereabouts of the largest possible number of those living clandestinely in their countries (Papademetriou *et al.*, 2004; Øien & Sønsterudbråten, 2011). Now that the importance of amnesty programmes have been laid out, the following section fully explores the benefits of regularisation programmes

4.8 Benefits of regularisation

Assessing the effects of regularisation processes is not a simple task, due to few empirical studies that allow an overall answer about the benefits of regularisation processes (Fakiolas, 2003). Levinson (2005) nevertheless established that some studies conducted in Europe and the United States show some positive aspects. Due to the restrictive and often inadequate orientation of the immigration legislation, Maas (2005:9) found that regularisations have allowed the legal inclusion and stabilisation of a large part of 'illegal' foreign residents. Since the introduction of regularisation programmes during the 1980s and 1990s, it was noted in section 4.7.1 that an estimated five million or more immigrants were regularised between 1996 and 2011, in Europe and United states (Arango & Jachimowicz, 2005; Brick, 2011). Since the passage of the largest and most-studied regularisation programme, the Immigration Reform and Control Act (IRCA) of 1986 in the United States, Levinson (2005) found that more than three million 'illegal' immigrants were granted permanent legal residency and a path to US citizenship.

Since 1986, Arango *et al.* (2009:32-34) found that Italy also regularised 1.4 million irregular immigrants who were able to maintain their regular status over the years. Spain's case as Finotelli (2011) explains is quite similar to Italy in that regularisations contributed to the inclusion of almost half of the foreign population. Recent studies carried out to assess the effects of regularisation processes in Spain Belgium, France, Netherlands, Greece, Portugal and the United Kingdom demonstrate that such processes could reduce the irregularity rate (Casarico *et al.*, 2015). Regularisation also addresses specific humanitarian cases and backlogs in the asylum system and a reduction of the underground economy (Bansak, 2016) as elaborated in the next section.

4.8.1 The informal economy

Data examined from regularisation programmes shows that regularisation processes allow irregular workers to emerge from the informal economy to the formal economy or regularisation programmes eliminate the need for migrants to live in the shadows, providing them with an opportunity to seek better working conditions (Levinson, 2005). This is an indication that regularisations reduce the attractiveness of the informal economy and for this reason, regularisations represent an instrument of internal control where workplace inspections and controls are traditionally weak (Maas, 2005; Baldwin-Edwards *et al.*, 2009). Finoteli's study (2011:203) reported high occupational mobility among newly regularised immigrants as one of its main findings regarding the employment situation. The same author reported a major exodus of newly regularised migrants from construction and agriculture

industries ('problem' sectors) to manufacturing as well as the services industries. The shift away from agriculture and construction can be interpreted to reflect the difficult working conditions characteristic of the agriculture and construction sectors (Kraler, 2011). Adverse employment practices such as withholding of wages and low pay, long working times, and other irregularities faced by undocumented immigrant workers have also been confirmed by the other studies (Finotelli, 2011; Kraler, 2011; Chauvin & Garcés-Mascreñas, 2014). Surveys conducted after IRCA found that over 80 per cent of the Mexican migrants regularised in the law's agricultural and general worker provisions were paying taxes through payroll deductions (Baldwin-Edwards, 2008; Baldwin-Edwards *et al.*, 2009). Paying taxes is an indication that regularised migrants were undeniably working in the formal economy and is also evidence that regularisation programmes decrease the likelihood that an immigrant will work informally after being regularised (Bansak, 2016) helping to boost fiscal budgets as shown in the next section.

4.8.2 Fiscal impacts

The administering of regularisation programmes as elaborated by Papademetriou *et al.* (2004) and Sunderhaus,(2007) entails additional fiscal expenditure. Depending on the country's eligibility rules, Arango *et al.* (2009) noted that immigrants who are granted legal status are likely to become eligible for some social welfare programmes such as social security, unemployment, health care, pension and welfare benefits. The same authors further established that under such cases, fiscal costs increase, but on a positive note some or all of these additional costs may be offset by increased tax revenues. While Kraler (2009) argued that some of the undocumented immigrants may already have been paying income and payroll taxes using fraudulent documents including value added taxes (VAT) at retail establishments. The same author found that moving workers into the formal job market will enhance taxes, especially if wages increase for newly regularised workers, moreover higher skilled immigrants may pay even more in taxes further boosting the fiscal budgets and social integration of immigrants as elaborated in the coming section. In contrast, Brick (2012) showed that tax payments will fall if regularisation of immigrants has negative wage impacts on native-born workers.

4.8.3 Social integration of migrants

Regularisation programmes combat social exclusion and marginalisation of immigrants through social integration programmes (Sunderhaus, 2007). Some regularisation programmes in Europe include social programmes aimed at integrating migrants into society and offer active labour market programmes to prepare immigrants for jobs (Baldwin-Edwards *et al.*, 2009). In the United States, Chauvin and Garcés-Mascreñas (2014) and Paret and Gleeson (2016:281) found that education from kindergarten through to grade 12 including emergency medical services are provided regardless of immigration status though at a cost²¹. Such programmes as pointed out by Casarico *et al.* (2015) have a positive stabilisation effect on family reunion especially if other family members migrate to join the newly regularised immigrants, although additional costs may also be incurred for their education and health care.

On a different note, Cheliotis (2017) pointed out that the period in illegality is often described as a time in which life is on standby (the world literally stood still). Chauvin and Garcés-Mascreñas (2014:425) further added that in some countries it is illegal to provide housing to undocumented migrants. In such situations the same authors alleged that accommodation is provided as a favour by property owners who claim to be helping migrants by taking a risk in order to demand higher rents. Studies have shown that the most immediate consequences of regularisation is the acquisition of a relatively secure and stable accommodation which promote individuals' wellbeing and sense of security (Cheliotis, 2016). Having discussed how regularisation programmes enables the social integration of immigrants, the next section focuses on employment effects of regularisation.

4.8.4 Employment effects

Studies based on a wide variety of data sources show that immigrant labour has a complementary effect rather than a substitution effect on employment in an economy (Fakiolas, 2003). Regularisation programmes tend to focus the fight against illegal employment further preventing the exploitation of migrants with an irregular status (Levinson, 2005; Sunderhaus, 2007). An analysis of data from immigrants who were regularised under the world's largest amnesty programme, the United States' 1986 Immigration Reform and Control Act, suggests that more than three-quarters of the legalised immigrants reported that being legalised had made finding a job easier (Baldwin-Edwards *et al.*, 2009). Like in most other host countries Kraler (2009; 2011) observed that an increasing number of regularised

21 Deferred Action for Childhood Arrivals (DACA) status. Is a US immigration policy allowing child undocumented immigrants who entered the US before June 2007 and also before their 16th birthday exemption from deportation and to receive a renewable two-year work permit.

immigrants become self-employed, while others establish small businesses of their own or in partnership with some natives particularly in Southern Europe. Arango *et al.* (2009) also pointed out that regularisation has favoured the employment and income of the more qualified section of the immigrant labour force. Dependent upon their ability to communicate in the native languages of these European states, Carling and Hernández-Carretero (2011) observed that these forms of employment significantly promote immigrants' social integration by avoiding discrimination and other employment complications.

Local society at the same time benefits by breaking down barriers of ignorance and indifference about life and work in other countries (Ciumas, 2013). From the point of view of the state, regularisations have given the state the moral ground to continue massive expulsions and to strengthen the sanctions against irregular employment by dissuading employers (Carling & Hernández-Carretero, 2011; Frank, 2012; Cheliotis, 2016). Overall there is consensus that regularisation programmes in general can serve as a tool to decrease the number of 'illegal' immigrants or rejected asylum seekers in a country, even though these programmes only provide temporary solutions to real problems (Joppke, 1998). Regularisation programmes are also an appropriate means to promote immigrant integration, reduce the informal economy, increase protection of workers and provide an accurate determination of the number of foreign nationals residing in a country (Paret, 2014). It is also further argued that the availability of regularisation mechanisms contributes to a better management of migration flows and improves the situation of certain persons with precarious statuses (Papademetriou *et al.*, 2004; Paret & Gleeson, 2016). Now that the last section of the chapter has been discussed, coming next is a wrap-up of issues discussed in this chapter.

4.9 Conclusion

This chapter fully addressed the following objectives:

- *to evaluate the statutory and regulatory frameworks including international treaties governing undocumented migrants in South Africa;*
- *to explore the current approaches used in dealing with undocumented migrants;*
- *to assess the benefits of regularisation programmes*

In that the major international institutional frameworks responsible for the protection of international migrants especially the Geneva Convention, the Universal Declaration of Human Rights (UDHR) and the 1969 OAU convention were discussed. However, the chapter noted that the institutional frameworks responsible for protecting those who are displaced by humanitarian crises are woefully inadequate (for example the 1951 refugee convention and the immigration Act 13 of 2002 which focuses mainly on securitising migration. Many destination countries are reluctant to ratify the UN Convention on the Rights of all Migrant Workers or to open up the 1951 Convention pertaining to the Status of Refugees to renegotiation because of concerns about over-reach, particularly with regard to irregular migrants. Notwithstanding the fact that most of the SADC's migrants are labour migrants, labour migration within SADC remains under a very weak legal regime that has not been adopted and ratified by destination countries see section 4.2.3. This chapter further examined how statutory and regulatory frameworks i.e. international, regional and domestic (South African) deal with migrants in terms of entry, employment and residence resulting in different immigration statuses see also table 3.2. Inability by host countries to provide legal avenues for migrants indirectly encourages irregular migration and that in turn makes migrants more vulnerable to exploitation. Other laws that augment the Immigration Act in responding to unauthorised migration for example Refugees Act and Disaster management Act were also discussed. South Africa has a progressive Disaster Management framework on paper but weak on implementation. There is little legislation, if any on disaster induced migration especially migrants with an irregular status. Including migrants in South Africa's Disaster Management framework will be fully consistent with the approach to DRR adopted by the Sendai Framework for Disaster Risk Reduction 2015–2030. Benefits of regularisations as an approach to dealing with undocumented immigrants were also discussed. The following chapter deals with the vulnerabilities of undocumented migrants in South Africa.

Chapter 5 Discourse of vulnerability

5.1 Introduction

This chapter presents the theoretical grounding and discourse of vulnerability of undocumented migrants. This chapter is important in that it provides a bird's eye view of the construction of undocumented migrants vulnerabilities and what it generally entails, thereby forming the basis of the empirical chapters that will be presented in the later stages of this thesis. In order to unravel the discourse surrounding migrants' vulnerability, the chapter will begin by conceptualising vulnerability, followed by an examination of theories of vulnerability especially the PAR model which will later be applied to the discourse under discussion. The chapter also identifies migrants' vulnerabilities and government challenges in South Africa as part of the literature review. The chapter further looks at the current global migration trends as a way of bringing out the discourse of vulnerability. This chapter answers research questions: *what vulnerabilities are faced by undocumented migrants in South Africa? And to what extent does the presence of undocumented migrants pose challenges to the South African government?*

The discourse of vulnerability discussed in this chapter relates to the previous chapters in that section 3.4.3, established that the current flow of migration from Zimbabwe to South Africa is 'mixed'. It is mixed in the sense that it includes refugees, asylum seekers and people leaving Zimbabwe in response to economic failures and state fragility. Due to structural conditions such as poverty as a result of economic failure, lack of educational qualifications and lack of access to proper travelling documents, legal entry into South Africa is beyond the reach of many Zimbabweans (Morreira, 2015). Thus table 3.1 also established that the main mode of entry into South Africa used by the majority of the people described above is border evasion (all forms of illegal border crossings).

However, those with travelling documents, for example Zimbabwean passport holders are able to legally enter South Africa, but their visit is only restricted to less than 90 days per year, again effectively putting legal employment and residence beyond the reach of many (Polzer, 2010). This is because sections 2-8 of the 2002 Immigration Act No 13 criminalise all forms of 'illegal' entry, employment and residence in South Africa, please refer to section 4.5.2. Due to these structural conditions and barriers to entry to reduce the 'floods' or waves of migrants into South Africa, there is a mismatch between the demand for entry by migrants and the supply of entry slots, determined by the political system (South African immigration laws) resulting in the 'illegality' of migrants, please refer to section 2.10. The mismatch or disequilibrium between the existing forces leads to migrants' vulnerability in the destination

country due to an 'illegal immigration status' (De Haas, 2011; De Haas, 2014). Having highlighted the source of vulnerability that forms the core of the discussion in this chapter, the following section examines how the term vulnerability evolved as well as its diverse meanings.

5.2 Evolution and diverse meaning of vulnerability

The early scientific use of the term 'vulnerability' has its roots in geography and natural hazards research, however the term is now a central concept in different research situations related to natural impacts, as well as social effects (Nguyen *et al.*, 2016). The Collins English Dictionary defines vulnerability as the 'capacity to be physically or emotionally wounded or hurt (Hanks, 1986). The word '*vulnerabilis*' in Latin, was a term used by the Romans to describe the state of a wounded soldier lying helplessly in the battlefield and therefore at risk from further attack (Kelly & Adger, 2000:328). Vulnerability according to Adger (1999) indicate that it is not an outcome, but rather a state or condition of being, and a very dynamic one moderated by existing inequities in resource distribution and access, the control individuals can exert over choices and opportunities, and historical patterns of social domination and marginalisation.

Adger (1999) further characterise vulnerability as the state of susceptibility to harm from exposure to stresses associated with environmental and social change and from the absence of capacity to adapt'. Van Niekerk (2005:9) expresses vulnerability as the degree of loss (expressed as a percentage) resulting from a potentially damaging phenomenon or hazard. One of the widely used definitions of vulnerability was formulated by the United Nations International Strategy for Disaster Reduction Secretariat (UNISDR) which describes vulnerability as the potential for loss (human, physical, economic, natural, or social) due to a hazardous event (UNISDR, 2009:30). UNISDR (2009) further noted that it is the characteristics and circumstances of a community, system or asset that make it susceptible to the damaging effects of a hazard.

Adger (1999); Cutter *et al.* (2006); and O'Brien *et al.* (2009) noted that definitions, conceptualisations and interpretations of vulnerability differ within the disaster risk, climate change and other disciplinary communities. In disaster risk reduction and disaster management including their applications, Lewis (2014) found two questions to be of paramount importance: how much does vulnerability mean to anyone? and, if understood, is it common to everyone at their desks and in the field? For the media and the majority of post-disaster practitioners, issues concerning vulnerability may be obscure mainly because the focus is on catastrophes, not causes, and this could be because explanations of

vulnerability and its causes have not been sufficiently presented (Lewis, 2014). Such generalisations of vulnerability without reference to causes, may result in some population sectors to be described from time to time as vulnerable, for example: the poor, the lowly paid and the unemployed when in actual fact they may not be vulnerable (Birkmann, 2006; Nguyen *et al.*, 2016).

Connotations implying political responsibilities from the contexts just described may impede understanding and acceptance of the term, but overall, what vulnerability may be intended to mean, on the one hand, is countered by entrenched usage, meaning something else on the other (Nunes, 2014). While the early origins framed the concept in relatively narrow terms that focused only on the intrinsic characteristics of elements at risk, Birkmann (2007:23) attested that the term vulnerability in the last three decades has experienced a considerable conceptual expansion into a human-centred concept that refers to the likelihood for elements to experience harm, the element's susceptibility and capacity to cope. Birkmann (2007) further postulated that vulnerability now encompasses different thematic areas such as physical, social, economic, environmental and institutional vulnerability.

Vulnerability is now the subject of a huge and burgeoning literature and scholars in various disciplines have increasingly recognised that the reduction of vulnerability is crucial to improve human wellbeing, especially in the face of multiple stressors and compound shocks (O'Brien *et al.*, 2009: 23-24). A broad version of vulnerability as shown by Wisner *et al.* (2004) includes the equation: $Risk = Hazard \times Vulnerability$, and also captures the two opposing components under the Pressure and Release (PAR) model which will be discussed in section 5.6. Nunes (2014) provides a more nuanced meaning of what constitutes vulnerability in table 5.1 below.

Table 5.1: Vulnerability definition by discipline

Definition	Discipline
'The propensity or predisposition to be adversely affected. Vulnerability encompasses a variety of concepts including sensitivity or susceptibility to harm and lack of capacity to cope and adapt' (IPCC, 2014:28)	Interdisciplinary
Vulnerability is the state of susceptibility to harm from exposure to stresses associated with environmental and social change and from the absence of capacity to adapt' (Adger, 2006:268)	Environmental Science
'The conditions determined by physical, social, economic and environmental factors or processes, which increase the susceptibility of a community to the impact of hazards' (UNISDR, 2004:16)	Disaster Science
'Social vulnerability is a measure of both the sensitivity of a population to natural hazards and its ability to respond to and recover from the impacts of hazards. It is a multidimensional construct, one not easily captured with a single variable' (Cutter & Finch, 2008:2301)	Disaster Science
'Social vulnerability is shaped by individual people's resources and behaviour as well as by broader societal processes' (Few, 2007: 284)	Sociology
'Vulnerability: the susceptibility of a system to disturbances by exposure to perturbations, sensitivity to perturbations, and the capacity to adapt.' (Nelson <i>et al.</i> , 2007:396)	Environmental Science
'Social vulnerability encompasses all those properties of a system independent of the hazard(s) to which it is exposed that mediate the outcome of a hazard event' (Brooks, 2003:5)	Climate Science
'Vulnerability is a broad concept, encompassing not only income vulnerability but also such risks as those related to health, those resulting from violence, and those resulting from social exclusion - all of which can have dramatic effects on households' (Alwang <i>et al.</i> , 2001)	Economics
'Results from exclusionary processes related to inequities in power, money and resources, and the opportunities of life' (WHO 2012:11).	Health
'The degree to which individuals and systems are susceptible to or unable to cope with the adverse effects of climate change' (WHO, 2012:28).	Health

Source: (Nunes, 2014)

The many definitions of vulnerability that appear in Table 5.1 indicate diverse uses of the concept which shows that vulnerability origins are from different starting points. Cutter *et al.* (2006) provided clues of understanding vulnerability which put to clarity some of the disciplinary differences noted in Table 5.1. The first clue views vulnerability as a result of embedded social characteristics. The second portrays vulnerability as a result of diverse levels of exposure, while the third views vulnerability as a complex concept that conveys both biophysical and social components inherent in a specific location or place (Cutter, 2006).

Intergovernmental Panel on Climate Change (IPCC) (2014) also provides examples which support how the concept of vulnerability depicts general situations. IPCC (2014) identified examples which include population patterns like growth, age, structure and characteristics of individuals that consist of (sex, health status, education, income) and the environment (geographic location, health and other public infrastructure) of how they impact on human vulnerability. However Wisner *et al.* (2004) perceived challenges emanating from the indiscriminate use of the concept save for Adger *et al.* (2004) who supported the indiscriminate use of vulnerability by showing its applicability in various ways, situations and disciplinary arenas. Studying the ideas presented above shows that vulnerability is a concept that cuts across disciplines and composed of elements that operate at different scales. Vulnerability is a powerful analytical tool for describing states of susceptibility to harm, powerlessness, and marginality of both physical and social systems (Adger *et al.*, 2004). In order to describe vulnerable situations, a clear distinction between biophysical vulnerability from social or socio-economic vulnerability as shown below is an important step towards the understanding of vulnerability in this study.

5.3 Biophysical vulnerability and social vulnerability

There is little agreement among scientists from different disciplines regarding the meaning of biophysical and social vulnerability since different classifications of vulnerability produces different interpretations of the term (Adger, 1999; Cutter, 2006; Nguyen *et al.*, 2016). Ordinarily, vulnerability approaches to biophysical conditions largely focus on natural hazards and the distribution of hazardous conditions including human occupancy within hazardous areas (Nguyen *et al.*, 2016). Biophysical approaches which are also known as risk-hazard or impact-driven studies, focus on the degree of risk and exposure to a hazard, which both determine the level of vulnerability including issues such as magnitude and duration of the hazardous event (Eakin & Luers, 2006). According to Eakin and Luers (2006) biophysical approaches consider vulnerability as an endpoint (i.e. the outcome of climate-change impacts minus adaptation). Exclusively focussing on physical processes that

generate exposure, neglects social, economic, political and cultural factors which other approaches include in assessments of vulnerability (Eakin & Luers, 2006).

The social vulnerability perspective on the other hand, conceives vulnerability as a socially-constructed phenomenon within the context of particular social, political, historical, economic processes and structures that influence social systems (i.e. individuals, groups, communities) which make them vulnerable (Adger, 1999; Cutter, 2006). Social vulnerability is essentially about the characteristics of people, and the varying impact disasters and hazards have on people (Bohle, 2007). Wisner *et al.* (2004: 11) defined social vulnerability as the characteristics of a person or a group that affect their capacity to anticipate, cope with, resist and recover from the impacts of a disaster. Under the social approach, vulnerability is conceptualised as a pre-existing condition and is regarded as a starting-point of analysis (Adger *et al.*, 2004:29). Exposure (to a hazard) is considered as an external element, and social vulnerability focuses on sensitivity and adaptive capacity (Alwang *et al.*, 2001). Blackie *et al.* (2014) further summed up social vulnerability as the complex set of characteristics that include a person's:

- initial well-being (dietary status, physical and mental health, morale;
- livelihood and resilience (asset pattern, capital, income and exchange options, qualifications;
- self-protection
- social protection (forms of hazard preparedness provided by society more generally, e.g. mitigation measures, shelters, preparedness);
- social and political networks and institutions (social capital, but also role of institutional environment in setting good conditions for hazard precautions, peoples' rights to express needs and of access to preparedness).

In view of the foregoing, it is the social approach to vulnerability that this study adopts in order to fully discuss the vulnerability of undocumented migrants in South Africa. The next section further discusses different types of vulnerability assessments.

5.4 Vulnerability assessments

The diverse definitions of vulnerability have led to the development of a variety of methods used to measure it (Alwang *et al.*, 2001; Adger, 2006), refer also to section 5.2. Adger *et al.* (2004) differentiated between three types of vulnerability assessments namely: end point (vulnerability as an outcome), focal point (vulnerability as the central concept of the assessment) and starting point (vulnerability as a means to identify sensitivity). The end

point (biophysical or natural vulnerability) and starting point (social or socio-economic vulnerability) as vulnerability assessments have already been discussed in section 5.3. Assets have been found to play a crucial role in vulnerability assessments (Adger, 2006; Cutter *et al.*, 2006). Several authors have identified Sen's (1981) entitlement approach as useful for developing vulnerability assessments through the concept of assets (Adger, 1999). Sen's approach also highlights how unequal access to assets such as social capital by undocumented migrants can contribute to their vulnerability, please refer to section 2.7.1. Furthermore, section 2.7.1 resonates with Moser's (2011) view that access to assets, especially the quantity and diversity of assets, determine how vulnerable individuals and households are to hazards and disasters. However, the role assets play in reducing vulnerability is still not fully understood (Alwang *et al.*, 2001). As a result, exploring the relationships with other concepts such as, exposure, sensitivity, resilience and exclusion may help in vulnerability assessments as further discussed in the next sections of this study

5.4.1 Exposure

Exposure according to Nunes (2016) describes the presence of people, livelihoods, species or ecosystems, environmental functions, services and resources, infrastructure, or economic, social, or cultural assets in places and settings that could be adversely affected. Exposure is linked directly with proximate cause, and in certain circumstances it is often a function of geographic location and timing (Busumtwi-Sam, 2008). While Busumtwi-Sam (2008) described exposure as measuring the paths (temporal or spatial) through which threats can cause harm. Thywissen (2006:18) characterised it as sources, pathways, routes, magnitude, duration, and patterns of exposure; the characteristics of the population exposed; and the uncertainties in the assessment. For example, undocumented female migrants using informal crossing points along the Zimbabwean - South African border are likely to be sexually assaulted by *amaguma guma* (refer to section 3.6) or may risk being attacked by crocodiles than those who pass through the border using documents (Idemudia *et al.*, 2013). Within the discourse of social vulnerability, Birkmann (2006:19) revealed that the term exposure also deals with social and institutional characteristics or processes that increase defencelessness of an individual leading to greater danger, for instance, exclusion of an undocumented migrant from social networks.

5.4.2 Sensitivity

Sensitivity refers to the degree to which a system or species is affected, either adversely or beneficially (Nguyen *et al.*, 2016). According to Nunes (2016) the effect may be direct (for example an 'illegal' immigration status may cause a migrant not to find employment) or indirect (an 'illegal' immigration status forces migrants to accept 3D jobs), refer to section 2.5. The combination of exposure and sensitivity defines the degree of the potential impacts of risks to a system (Birkmann, 2007). Busumtwi-Sam (2008) further explained that sensitivity measures the pre-risk characteristics 'ex ante' the responsiveness of and the extent to which a contingency will affect a population. Sensitivity and resilience are directly linked in that they are a function of the entitlements, capabilities, assets and resources that individuals and communities can mobilise in the face of hardships (Birkmann, 2006).

5.4.3 Resilience

Resilience describes the capacity of a unit to retain its essential functions and structures during a time of shocks and risks (Birkmann, 2006). This description of resilience as pointed out by Blaikie *et al.* (2014:94) imply that the term is synonymous with the notion of 'bouncing back', that is the system or unit is able to adapt and learn, and be able to mobilise sufficient self-organisation to maintain essential structures and processes within a coping or adaptation process. Blaikie *et al.* (2014) further revealed that resilience is a measure of how well people and societies can adapt or respond to a changed actuality and how vulnerable they are to experiencing a particular outcome. Thus resilience includes the concept of adaptive capacity which needs to be consciously cultivated by individuals, societies, emergency planners and disaster management communities drawing on shared and institutional resources (Blaikie *et al.*, 2004).

Migration especially by undocumented migrants is often associated with hardships that need the creation of social networks across regions for resilience purposes. Refer to section 2.7.1. This social capital contributes to the adaptive capacity and resilience of undocumented migrants in host countries and helps to develop joint responses against risks and threats (Sumner & Mallet, 2013). Social resilience is the ability of undocumented migrants to absorb external changes and stresses while maintaining the sustainability of their livelihoods (Scheffran *et al.*, 2012). Resilient undocumented migrants are active agents that influence their environment, anticipate and resist future stresses by recreating themselves according to their motivations and capabilities (Scheffran *et al.*, 2012). Combining absorption, resistance and recreation in social resilience transcends the reactive nature of adaptation towards anticipatory learning (Sumner & Mallet, 2013). Having discussed how resilience

determines and assesses the vulnerability of a system, the following section examines exclusion when assessing vulnerability.

5.4.4 Exclusion

Exclusion in its simple terms is to deny an individual/group access to something or somewhere (Busumtwi-Sam, 2008). Exclusion as described by O'Brien *et al.* (2009) includes not only material deprivations, but also the inability by an individual/group to exercise fully, social, cultural, political and economic rights. Exclusion as further postulated by Birkmann and Wisner (2006) combines the multifaceted aspects of deprivation which are structural and relational. Exclusion of individuals and groups as pointed out by Lancee and Pardos-Prados (2013) can occur in relation to other members of a society and for this reason, the formation of group identities in form of citizens (non-citizens), socio-economic (rich-poor), racial, ethnic and linguistic minorities, religious identity, gender identity, disabled, elderly groups. Busumtwi-Sam (2008:22) established that more emphasis is now being placed on structural deprivation as exclusion represents a shift from largely being individualistic to being imposed largely by institutions and global political-economic forces.

Exclusion also allows for background analysis of deprivations by drawing attention to the fact that people may be excluded from a range of activities, sectors, means of livelihood, participation and citizenship (Birkmann, 2006). Vulnerability manifested as higher exposure, sensitivity, and lower resilience due to deprivations is a function of external impediments, stressors, and internal defencelessness (Busumtwi-Sam, 2008) thereby increasing the impact of any given threat. The result is that even when exposed to similar threats, deprived and excluded groups are more vulnerable to harm because they have fewer protections and fewer options (Blaikie *et al.*, 2014). Deprived groups are also less able to influence resource allocation and distribution as compared to the more fortunate, well-off and included populations especially at micro-, macro-and meso-levels (Blaikie *et al.*, 2014). Excluded individuals/groups in many parts of the global south especially undocumented migrants do not participate in the formal economy and live largely outside the formal legal system of their societies (Bloch, 2010). As Busumtwi-Sam (2008) has demonstrated, living in an unprotected, prohibited environment coupled with other forms of deprivation is a major source of vulnerability.

The excluded have little voice in public policy and are least able to influence resource distribution or be able to take full advantage of them because of a problem compounded by unresponsive governance or structural impediments (Busumtwi-Sam, 2008; Blaikie *et al.*, 2014). The lack of access by the excluded to 'external' assets such as health services,

credit, infrastructure and 'internal' assets, such as good health and adequate nutrition (Birkmann & Wisner, 2006) make them more sensitive to, and less resilient to preventable harms such as disease and ill health. The harms that impact on human security do not come from the unpredictability of nature, but are a direct result of existing structures of power that determine who enjoys the entitlement to security and who does not (Farmer *et al.*, 2006). The fundamental causal factors of vulnerability are rooted in power structures and governance issues, as well as in the inequities embedded in existing macroeconomic policy frameworks and social systems hence the discussion in detail of the social construction of vulnerability below.

5.5 The social, structural and cultural construction of vulnerability

The notion of vulnerability is based on the structural and cultural nature of perceptions, representations and interpretations by social actors (Bustamante, 2002; Blaikie *et al.*, 2014). The structural nature of vulnerability is drawn from the existence of a power structure which experientially shows that in any given society some have more power than others (Birman, 2005; Bustamante, 2002). Its relevance and practical meaning comes from the fact that migrants' vulnerability is a social construct that can be deconstructed, however, an understanding of the process of becoming vulnerable needs to be understood, please refer to section 5.1 above and 5.6 below. Menjivar (2006) posited that vulnerability is structurally generated; it is a condition of the political system, not of the migrant himself or herself. In other words the 'illegality' of migrants is a legal and political construct, meaning, that what is 'illegal' is defined by politics and the law (structural), and thus can be politically deconstructed, i.e., reversed (Duvell, 2011:62). The distinction the state makes by granting natives rights which are not extended to the immigrants might be socially processed as a basis for a power differential, with undocumented migrants relegated to the lower level of power (Bustamante, 2002:343).

The cultural nature of vulnerability comes from the set of cultural elements namely stereotypes, prejudices, racism, xenophobia, ignorance and institutional discrimination which have derogatory meanings (*makwere kwere*) that tend to justify the power differentials between natives and undocumented migrants (Dodson, 2010; Matsinhe, 2011; Yakushko, 2008, Yen *et al.*, 2015). Preferences or protections granted by a state to its natives are understood as legitimate rights of sovereignty against conventional assumptions that undocumented migrants do not have full equal rights as nationals do (Bustamante, 2002). Regardless of any discriminatory intent on the part of the legislative arm of a state, Bustamante, (2009) postulated that the privileges or protections issued in favour of natives, by definition, does not include foreigners in their consequences. That exclusion as described

in section 5.4.4 is ascribed from a legitimate sovereign right and it becomes the basis from which a social process might *de facto* depart (not established by law). Although it is the sovereign right of a country to adhere and follow the natural law of *jus sanguinis* (a law that a person's nationality at birth is the same as that of his natural parents) to confer nationality, Bustamante (2009) indicated that it establishes a difference which might then be socially processed by natives to violate the human rights of undocumented migrants thus it becomes a *de facto* abuse of power against those excluded by the distinction.

Bustamante (2002) recognised that a paradox arises when a state in its legitimate exercise of its sovereign rights unavoidably establishes a distinction between nationals and foreigners. That distinction between 'we-the-natives' versus 'them-the foreigners' by the state creates power differentials (Vigneswaran, 2008). The rights of natives to be protected by their state and at the same time, the state's commitment to defend the human rights of undocumented migrants rendered powerless as a social outcome of the process creates a source of conflict legitimised by the state (Bustamante, 2002; Bustamante, 2009). The apparent dilemma between the rights of natives and the legal or moral obligation of a state to protect the human rights of undocumented migrants could be rooted in history (Crush, 1999). Crush (1999) further postulated that these preferences and protections are associated with ideologies or traditions of certain national events such as wars or other instances of domination such as apartheid.

The combination of power differentials based on structure with the set of cultural elements which justify the power inequalities results in various exemptions from liability for the cases of impunity against undocumented migrants (Farmer *et al.*, 2006). The impunity against undocumented migrants implies the absence of economic and socio-political costs for the perpetrator of the human rights of undocumented migrants (xenophobia), refer to section 5.10. The impunity becomes a strong indication of the powerlessness of the undocumented migrants, which becomes the migrant's vulnerability (Farmer *et al.*, 2006; Bustamante, 2009). Those who believe that granting human rights to undocumented migrants is detrimental to the principles of legality tend to reinforce the idea of a power differential that results in impunity against the human rights of the undocumented migrants (Bustamante, 2002).

Besides the structural and cultural constructions of vulnerability, undocumented migrants' vulnerability also stems from the gap between the manifested concern for the violation of the human rights of migrants in the countries of destination and the refusal to 'ratify and accept responsibility' of the respective UN instruments, refer to section 4.3 and Betts (2008). The

gap between the two is an integral part of the problem understood as the vulnerability of migrants (Betts, 2010). These gaps pose problems because they lead to unfulfilled protection needs and to a lack of guidance for states on how to respond to the undocumented migrants' whose vulnerability (Duvell, 2011) emerges from external displacement due to environmental stress, livelihood collapse, and state fragility. Undocumented migrants are generally seen as in a 'neither nor position' or a borderline case of not being refugees and yet, not being voluntary migrants (Betts, 2008).

Many undocumented migrants and asylum seekers have multiple reasons for mobility as discussed in table 3.1. Such mixed reasons for migration lead to the case of the 'asylum-migration nexus' where it becomes impossible to totally separate closely related causes of forced and economic migration (Crush *et al.*, 2012). The lack of differentiation between asylum seekers and undocumented migrants is a huge challenge to the neat categories that state bureaucracies seek to impose in their policy formulations (Betts, 2010). As an example, the Department of Home Affairs in South Africa is struggling with a too backlogged asylum system because the government continues to rely on the flawed status-determination process to assert that the bulk of refugee applications come from economic migrants. Refer to sections 4.5.3 and 4.5.3.1 It was further established in section 4.2 that the 1951 United Nations (UN) Refugee Convention, created in the aftermath of World War II, provides protection to people fleeing from individualised persecution or generalised violence and does not include migrants whose vulnerability stems from external displacement due to economic failures, livelihood collapse and state fragility (see also Betts, 2010).

The 1951 refugee regime was created for a specific era and for specific circumstances and the protection regime lacks a clear guidance on the application of existing human rights norms to the situation of vulnerable migrants (Bloch, 2008). Since its creation, a range of new drivers of external displacement have emerged which are related to livelihood collapse, and state fragility and all these fall outside the framework of the 1951 Refugee protection regime. Farmer *et al.* (2006) found that a discussion of the human security agenda that only focuses on direct violence misses the less visible but an examination of the Pressure and Release model discussed below, captures the avoidable harms produced by unjust, repressive, and exploitative economic, social and political systems.

5.6 The Pressure and Release model (PAR)

The pressure and release model (PAR) approach assesses the progression of vulnerability and evaluates disaster risk (Wisner *et al.*, 2004). The model views disaster as the intersection of two major forces: processes generating vulnerability on one hand and the natural hazard event on the other (Birkmann, 2006). The PAR approach as elaborated earlier in section 5.2 is based on the commonly used equation: Risk = Hazard x Vulnerability. According to the PAR approach, vulnerability is defined within three progressive levels as shown in figure 5.1 below namely: root causes, dynamic pressures and unsafe conditions (Wisner *et al.*, 2004).

Root causes can be structures that are social, economic, environmental, political, legal, religious, and cultural processes which put individuals and groups in harm's way (Ho, 2007). Structural forces do not only encompass cultural, political and economic connotations but also idiosyncratic sources of physical and psychodynamic distress (Quesada *et al.*, 2011). These root causes are 'structural' in the sense that they are entrenched in the political and economic organisations of our social world and they are 'violent' for the reason that they cause injury to people (Galtung, 1969). The violence is built into the structures and shows up as unequal power and consequently as unequal life chances as in the case of diseased foreigners being turned away from hospitals or xenophobia against undocumented migrants (Crush & Tawodzera, 2011). These structures are historically rooted in processes and forces commonly referred to by (Farmer *et al.*, 2006) as 'the hard surfaces of life' that conspire either through routine or ritual to cause vulnerability.

The category of dynamic pressure encompasses all processes and activities that transform and channel the effects of root causes into unsafe conditions, such as the 'illegality' of migrants, (refer also to section 4.5.2) which constrains them from accessing public resources. Legal status determines access to health care (Crush & Tawodzera, 2011), housing (Dumba & Chirisa, 2010; Greenburg & Polzer, 2008; Landau & Duponchel, 2011), education (Crush & Tawodzera, 2012), and employment (Bloch, 2008; Bloch, 2013; Crush, 2012; Rutherford, 2008). Legal status also has been found to affect immigrants' health risks (CoRMSA, 2009; Dolan *et al.*, 1997; Farmer *et al.*, 2006; Simpson, 2009), vulnerability in the streets (Duponchel, 2013; Bloch, 2010; Gordon, 2010), domestic violence and wages in the labour market (Bloch, 2013). In each of these cases, migrants who are undocumented are more vulnerable, and many of them inaccurately believe that they have no legal protections (CoRMSA, 2009; Quesada *et al.*, 2011). Thus, to evade detention and deportation, they avoid denouncing physical and sexual abuse, crime and refrain from seeking formal health care (Menjivar & Abrego, 2012).

Unsafe conditions are specific forms in which human vulnerability is revealed and expressed in temporal and spatial dimensions as also elaborated in table 5.2 which shows the interaction of vulnerabilities during the migration process. The table further reinforces and complements the PAR model on how vulnerability progresses during the migration process. Unsafe conditions also refer to insecurity in wages, chronic deficits in basic needs such as housing, unequal opportunities to receive an education, medical care, justice and a constant general uncertainty that effectuates a slow death for vulnerable communities (Farmer *et al.*, 2006; Ho, 2007; Abrego & Lakhani, 2015). The differentiation of root causes, dynamic pressures and unsafe conditions is an emphasis that measuring vulnerability should address the fundamental driving forces and root causes of why people are vulnerable to disaster situations (Blaikie *et al.*, 2014). On the whole the PAR approach underscores the fact that the real effort to reduce vulnerability and risk involves changing political and economic systems, since they are viewed as root causes (Wisner *et al.*, 2004; Blaikie *et al.*, 2014).

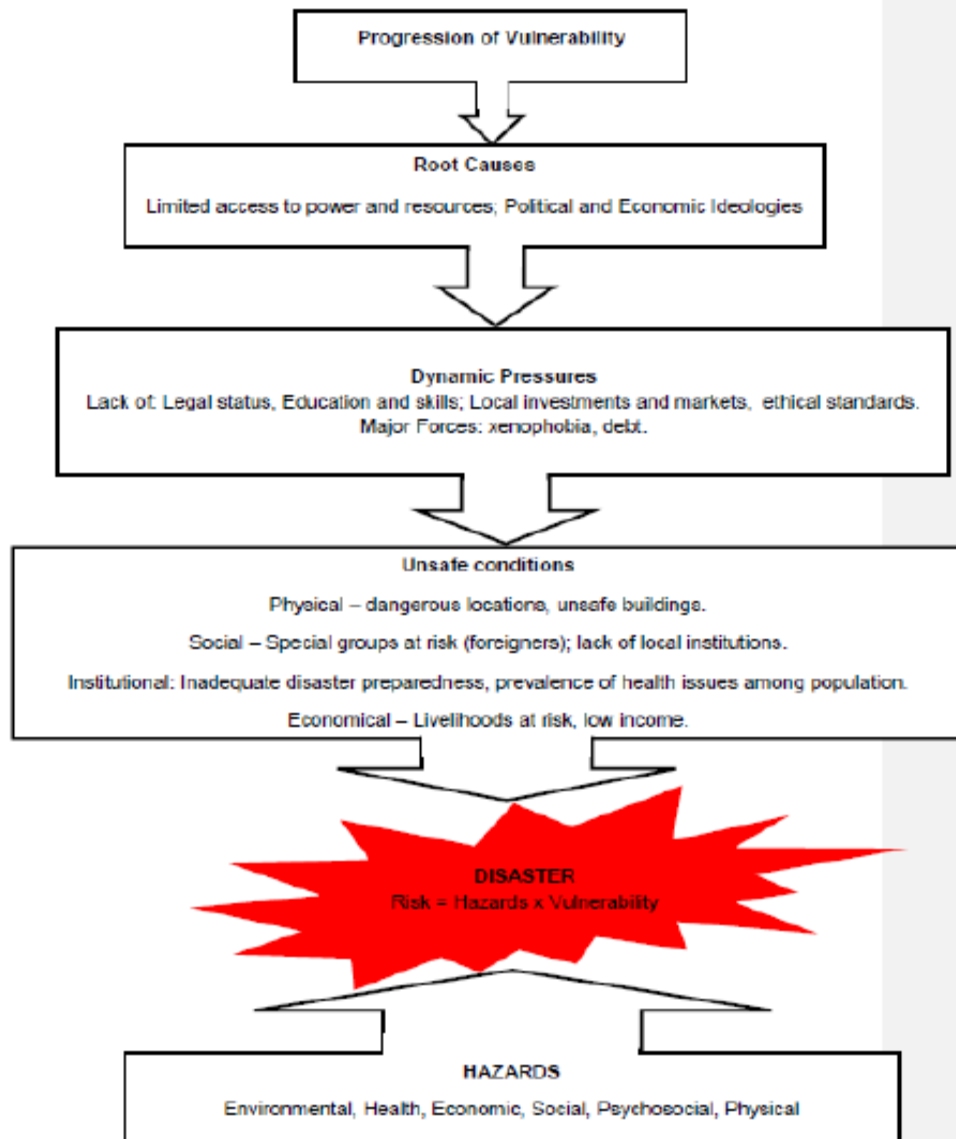


Figure: 5.1 Pressure and Release model.

Source: Wisner, B., Blaikie, P., Cannon, T., & Davis, I. (2004).

5.7 Categories of vulnerabilities

There are four categories of vulnerabilities that migrants are prone to during the migration process namely: temporal, spatial, socio-cultural and socio-political (Sabates-Wheeler & Waite, 2003). Temporal (time) determinants of migrants' vulnerability feature largely in migrants' lives during the migration process and these can be analysed either in a static or dynamic sense (Sabates-Wheeler & Koettl, 2010). They are static in the sense that migrants' face different vulnerabilities associated with different points during the migration process, especially when in transit, at destination and the migrant's family at source (Derose *et al.*,

2007). They are also dynamic in the sense that a migrant and the family of the migrant at the source are nuanced by the length of migration (Sabates-Wheeler & Koettl, 2010).

Spatial vulnerability of migrants relates to dislocation associated with mobility (Sargeant & Tucker, 2009). During transit, migrants may be 'remote' in terms of geography and in terms of access to basic services such as health and education (Sabates-Wheeler & Koettl, 2010). Many undocumented migrants are isolated and vulnerable to health because of inhospitable terrain during transit (Edelstein *et al.*, 2014). At destination they are also vulnerable to exploitation and poverty due to their spatial dislocation from economic and social opportunities (Bloch, 2008). Spatial vulnerability also interacts with vulnerabilities related to environmental hazards (Sabates-Wheeler & Waite, 2003).

Socio-political determinants of vulnerability refer to the institutional constraints faced by migrants and typically reflect the lack of political commitment from the destination government/society to the migrant (Sabates-Wheeler & Koettl, 2010). Socio-cultural determinants of vulnerability for migrants also reflect differences in the norms, values and customs which constitute local constructions of the 'migrant'.

Table 5.2 below illustrates how spatial, socio-political and socio-cultural determinants of vulnerability interact with temporal determinants of vulnerability for migrants during the migration process. In addition, the vulnerabilities also reinforce each other during the migration process.

Table 5.2 Interaction of vulnerabilities during the migration process

Determinants of vulnerability	Temporal: Stages of migration process
Spatial/Environmental	<p>Transit: Environmental hazards: those faced by undocumented migrants. Risks associated with crossing flooded rivers/physical and sexual assaults by armed gangs, remoteness from points of help; health risks (HIV/AIDS); arbitrary arrests due to lack of documents.</p> <p>Destination: Relocation constraints: strange people and surroundings; problems in acquiring decent accommodation. The constant need to remain hidden and 'unidentified', for undocumented migrants, leads to exclusion from livelihood promoting possibilities. Hazards associated with work environment; 4D jobs (dirty, dangerous, demanding and demeaning). Health risks. 'Ghettoisation' of immigrant communities (urban informal settlements).</p> <p>Family at Source: Isolation from main income earner may lead to downward spiral into poverty over the longer term if remittances are not forthcoming.</p>
Socio-Political	<p>Transit: Exploitation; lack of legal representation (illegal); lack of legal protection.</p> <p>Destination: Lack of representation (illegal); lack of rights to formal institutions due to restrictive legislation; lack of access based on discrimination; exploitation; more prone to injustices; xenophobia; discrimination of some groups to education, social services and economic opportunities; unequal distribution of resources; denied participation in political life; lack of rights due to 'illegal' status</p>
Socio-Cultural	<p>Transit: Social exclusion based on ethnicity or 'illegal status'; cultural disorientation; isolation; marginalisation. Exclusion of certain groups more than others (women, men; children, elderly); harassment.</p> <p>Destination: (as above); language and cultural barriers.</p> <p>Family at source. Children may drop out of school in response to the drop in family labour or lack of remittances.</p>

Source: Sabates-Wheeler and Waite (2003).

During the progression of vulnerability into a disaster, individuals or groups as shall be fully explored shortly are not mere pawns or victims of disasters but they somewhat possess a lot of agency to lessen the impact or avoid it.

5.8 Structure-agency discourse

The relationship between structures and agency is crucial in the discourse of vulnerability because it provides a useful framework for the understanding of the dualistic nature of vulnerability for example, how structures constrain agency (Ho, 2007). The discourse focuses on action-oriented approaches, especially on the interaction and dialectic relationship between the external and internal side of vulnerability or, to speak in Giddens' (1996) terms, 'structure' and 'agency' (Lewis, 2014). The terms 'agency' and 'structure' are basic metaphors widely used across social science literature especially when applied to the analysis of migration (Bakewell, 2010). While 'structure' refers to the foundational societal frameworks that direct, organise and influence social relations (Bakewell, 2010:1694). Agency is described as the element of 'free will' exerted by individuals within these parameters or agency is the capacity for social actors to reflect on their position, devise strategies and take action to achieve their desires (Sewell, 1992:20).

Earlier in sections 2.3 and 2.5, it was established that neoclassical theorists (rationalism) are distinct from structuralists in that, structuralism emphasises that individuals and states do not make decisions solely on the basis of rational choice, instead, individual actors are not complete free agents capable of determining particular outcomes (De Haas, 2014:11). To a certain extent individuals are rooted in relational structures that shape their identities, interests and interactions (De Haas, 2014; Ho, 2007). Although traditional structuration theory places individual agency within the constraints of structural social practices, the nature of structure and agency relationship is intertwined in modern migration scholarship (Bakewell, 2010; De Haas, 2014). Structuralist thinking resonates with an actor-oriented approach to vulnerability (Bakewell, 2010).

Bohle (2007:14) posits that an actor-oriented approach situates vulnerability as a social practice, where human needs and human securities are continuously contested and struggled for. The geographies of vulnerability are considered as arenas where human freedom and rights are struggled for, negotiated, lost and won and during these struggles, the vulnerable are not mere pawns or victims, but they somewhat possess a lot of agency (Bohle, 2007). In these arenas, agentic forces constantly cope with threats to their livelihoods by deliberately adapting to the shifting systems of vulnerability, and they always seek to negotiate options that help to secure their livelihoods (Galtung, 1969; Bakewell, 2010). According to Bohle (2007:14) the actor-oriented approach to vulnerability addresses four basic building-blocks of the structure-agency discourse namely: the vulnerable actors and their activities; the agendas and arenas of vulnerability.

Birkmann and Wisner (2006) found that coping with vulnerability is frequently a process of failure and success, and similarly adapting to vulnerability can be a long process of trial and error, with uncertain outcomes. While it may not directly implicate the actor of violence, Bohle (2007) suggested that structure–agency discourse exposes a clear logic behind the systemic nature of how power and ultimately violence is distributed. Bohle (2007) further addressed the four blocks in the structure-agency discourse below:

- **Actors:** these are the most vulnerable groups and people (undocumented migrants) made vulnerable because of the violent structures that frame the irregular migrants' experiences at the macro-, meso- and micro-levels (national and transnational political and policy contexts)
- **Activities:** are the dominant coping strategies and counter strategies of the vulnerable (Muzondidya, 2008; Chauvin & Garcés-Mascreñas, 2012). Migrants are not passive pawns of policy measures or victims of capitalist logics; in contrast, they are active players capable of analysing the opportunity structures they encounter, developing strategies and circumventing state restrictions (Broeders, 2009)
- **Agendas:** are the strategic objectives or aspirations of the vulnerable in search for securing their livelihoods and Van Meeteren (2010:31) identified three main types of aspirations as: settlement (the objective is to settle in the host society) investment (the objective is to save money in order to return to the origin country) and legalisation (the objective is to regularise the status in order to start a new life).
- **Arenas:** are the 'geographies of vulnerability' where human freedom and rights are struggled for, negotiated, lost and won. Arenas focus on the ways in which the policies are implemented at the lowest echelons of the administration. Guiraudon and Lahav (2000) have enquired into the activities of police officers, public service employees, social workers, healthcare and education workers and their analysis revealed the existence of important boundaries of discrimination and discretion in the application of written laws.

Since a distinct analysis of the relationship between structures and agency has been established the next section examines factors that influence migrants' vulnerabilities.

5.9 Factors influencing migrants' vulnerabilities

Migrants whether documented or undocumented are often seen as a 'vulnerable group' at increased risk for poor physical, psychological, and social health outcomes and inadequate health care (Menjívar & Abrego, 2012). As outlined in the following sub-sections, vulnerability is shaped by many factors that include immigration status, socioeconomic and cultural factors, residential location and stigma and marginalisation.

5.9.1 Immigration status

Legal status determines migrants' access to social services and jobs with benefits in destination countries (Polzer 2010). Willen *et al.* (2011) show that being classified as 'illegal' can generate powerful feelings of fear, disrespect, humiliation and ridicule. Moreover, Staviľă (2015) stressed that such feelings can both accompany and exacerbate migrants' encounters with health stigma, discrimination, denial of services and other forms of exclusion. As an example Willen *et al.* (2011) and Staviľă (2015) found that undocumented pregnant women face dilemmas since they struggle to navigate the health system while at the same time trying to avoid deportation. The uncertainty and anxiety associated with 'irregularity' and 'deportability' can yield adverse mental health consequences including chronic stress, anxiety and depression (Willen *et al.*, 2011).

An irregular immigration status also refers to the institutional constraints facing migrants and typically reflects the lack of political commitment from the destination government or society (Sabates-Wheeler & Waite, 2003). Sabates-Wheeler and Waite (2003:13-15) further concurred that vulnerability is more pronounced for undocumented migrants who, by definition, are excluded from participation in political life, from access to legal institutions, and also social and economic benefits, refer also to section 5.4.4. The exclusionary processes resulting from this determinant of vulnerability often causes the 'illegal' migrants to become further marginalised over time, prone to exploitation and discrimination leading to a spiral into poverty (Sabates-Wheeler & Waite, 2003).

Governments may actively discourage legalisation of certain categories of migrants so that the economy is able to benefit from access to cheap (exploited) labour (3D jobs), refer to section 2.5 and section 4.5.2. The segmentation of labour markets by governments using immigration status or insider/outsider politics allows native workers to leave jobs with migrant job definitions and move to more lucrative professions, while migrants take up the '3D' (dirty, dangerous and difficult) now referred to as '4D' jobs (dirty, dangerous, demeaning and demanding) (Stavila, 2015:913). Willen *et al.* (2011:338-341) postulated that not only do

undocumented migrants tend to occupy the most 'dirty, dangerous, and demeaning' roles within local labour markets, but migrant 'illegality' also interacts syndemically with other risk factors to exacerbate vulnerability to illness, injury, and exposure to violence at both the individual and collective levels. Syndemics, according to Willen *et al.* (2011) is a set of linked health problems involving two or more afflictions that interact synergistically, and contribute to excess burden of disease in a population.

5.9.2 Residential location

Migrants' vulnerability can also be influenced by a migrant's place of residence (Derose *et al.*, 2007). Some residential locations especially urban informal settlements (Ghettos) are less likely than established destinations to have well-developed safety nets, culturally competent providers, and migrant advocacy or community-based organisations. In their assessment of causes of conflicts between South Africans and foreigners CoRMSA (2009) postulated that most poor black South Africans establish homes in urban informal settlements surrounding major cities where they avoid paying rent and rates to the municipalities. Similarly Murray (2011) concurred that undocumented migrants struggling to access housing and experiencing delays in gaining residence permits, also end up setting homes in these informal settlements providing the perfect breeding ground for xenophobia to take root and flourish.

On a different note, Crush (1999) finds that having no collateral to obtain loans from formal lending institutions or a lower income makes it impossible for undocumented migrants to acquire houses made up of permanent building materials suitable for family life. However it is common practice among undocumented African migrants in South Africa to reside with friends or extended relatives in hostels or flats (Murray, 2011).

Many migrants in South Africa due to their 'illegal' immigration status do not qualify for government-subsidised low-cost housing, leaving many with no option but to live in overcrowded self-built informal settlements (imikhukhu) without adequate service delivery (Landau & Duponchel, 2011). Some of the migrants will end up renting backyard shacks in overcrowded informal settlements with inadequate service delivery and without tenure of security (Landau *et al.*, 2005). Church-based shelters for 'illegal' migrants, especially those from Zimbabwe, have become a common feature in South Africa, while others sleep on the streets, at bus stations, vacant land, or construction sites (Worby, 2010). 'Illegal' migrants in South Africa are also unable to report incidences of rental irregularities or exploitation by landlords in the accommodation market (Mawadza, 2011).

Despite setting up homes in these urban informal settlements, residential accommodation especially in Johannesburg is in short supply (Dumba & Chirisa, 2010:15). Maphosa (2013:130) reported that in some cases both men and women share rooms which are often partitioned into smaller units with up to twenty people sharing one room. Such living conditions as shown by Maphosa (2013) encourage both casual and transactional sex especially newly arrived undocumented migrants who may be forced to offer sex in exchange for accommodation. The result is that undocumented migrants may be exposed to the Human Immuno-Virus and the Acquired Immuno-Deficiency Syndrome (HIV/AIDS) (Maphosa, 2013). Dumba and Chirisa (2010) further reported that some of the undocumented migrants without employment spend most of their time indoors for fear of apprehension by the police and one can imagine what they spend the day doing especially in this era of HIV and AIDS.

5.9.3 Socio-cultural and economic determinants

Although disparities in access to services for migrants are attributable in part to legal status, non-financial barriers especially socio-cultural and economic determinants, also play a major role (Derose *et al.*, 2007). Socio-cultural and economic determinants of vulnerability for migrants reflect differences in the norms, values and customs which constitute local constructions of the migrant (Sabates-Wheeler & Waite, 2003). Such constructions are often interwoven with culturally-held notions of race, gender and 'illegality' which can constrain the nature of migrants' participation in labour markets (Sabates-Wheeler & Waite, 2003; Derose *et al.*, 2007).

In view of the foregoing, undocumented migrants are often employed in jobs that are shunned by locals due to harsh working conditions, low pay, status and little protection by labour market institutions, refer also to section 5.9.1. Maphosa (2005) in his study found that a number of migrants were either unemployed, self-employed or doing 'piece jobs' described by Stavila (2015) as 4D jobs. Bloch (2008) reported systematic violations and abuses against undocumented migrant workers, primarily in low-wage sectors anchored at the lower end of the job market such as domestic work, agriculture and construction. Most undocumented migrant jobs are in the marginalised categories such as casual work, subcontracting and informal trading (Tengeh & Lapah, 2013). Maphosa (2013) also found that the South African labour market is highly stratified to such an extent that it is disadvantageous to women especially female undocumented migrant workers who are mainly found in the service sectors associated with traditional gender roles.

Jolly and Revees (2005) postulated that migrant women are adversely affected by sex-segregated labour markets, low wages, long working hours, insecure contracts and precarious legal status. Jolly and Revees (2005) further stated that coerced sex between the employer and labourer is not unheard of although it is likely to be under-reported especially amongst domestic workers, particularly amongst migrants who may not have legal papers to work. Such social constraints may militate against undocumented migrants taking up certain occupations and are likely to hamper migrants' search for employment, especially in situations of recession and unemployment (Jolly & Revees, 2005).

On a different fashion, Sabates-Wheeler and Waite (2003) pointed out that socio-cultural constraints for example limited proficiency in host country languages can cause migrants to be excluded from civic engagement as well as access to public goods, such as health and education. South Africa has got 11 official languages namely Afrikaans, English, Zulu, Ndebele, Xhosa Sepedi, Siswati, Sesotho, Setswana, Xitsonga and Venda (Crush & Tawodzera, 2011). Crush and Tawodzera (2011:4) further established that undocumented migrants in South Africa lack access to health care due to language barriers, lack of knowledge about the health care system and fear of detection by immigration authorities. However, for some Zimbabwean migrants, limited proficiency in South African languages is not an issue especially those from south western parts of Zimbabwe where Nguni dialects predominates, refer to section 3.4.2. Undocumented migrants with limited proficiency in South African languages are less likely to have medical aid as a source of health care, have fewer or no hospital visits than those who are able to speak some of the main South African languages (Vearey, 2012).

Limited proficiency in the host country's languages also affects patient safety and it increases the probability of an adverse medication reaction resulting from problems in interpreting instructions (Derose *et al.*, 2007). Moreover, Sabates-Wheeler and Waite (2003) proposed providing written instructions in patients' native language, however it is not always an effective solution, given that some migrants' especially older ones have less formal education and limited literacy in their native languages.

Crush and Tawodzera (2011:5) also reported that undocumented Zimbabwean migrants in South Africa, attempting to access the health system on their own are often harassed or services are withheld by officials who can also influence the way in which those services are delivered particularly in hospitals. Vearey (2012:6) also postulated that the current health care planning in South Africa does not adequately engage with the health of undocumented migrants especially HIV & AIDS programming which overlooks migrants.

5.9.4 Stigma and marginalisation

Undocumented migrants vulnerability can also be influenced by factors related to stigma and marginalisation such as differences in appearance (for example wearing traditional attire), cultural and religious practices, language barriers, speaking with a different accent and skin tone (Crush, 2001; Dodson, 2010). Stigmatisation of migrant populations can be exacerbated by community concerns regarding the effects of immigration on community resources resulting in xenophobic violence against foreigners (McConnell, 2009). A survey on public attitudes and perceptions conducted by the South African Migration Project in 1998 found that South Africans held negative attitudes towards immigrants, whom they perceive to steal jobs and women from them, carriers of diseases and also accused them of all acts of criminality (Crush & Dodson 2007:444-450).

Since the disintegration of apartheid in South Africa, many scholars noted that the ghost of *makwere kwere* (a derogatory term referring to African migrants) has been constructed and deployed in public discourse to render Africans from outside South Africa as the nation's bogeyman (CoRMSA, 2009; Crush, 2001; Dodson, 2010; Landau *et al.*, 2005; Matsinhe, 2011; McConnell, 2009). Refer also to xenophobic timelines in section 5.10. Xenophobic violence is an example of a category of black South Africans demonstrating their political and economic power by discriminating against a less category of migrants (Landau *et al.*, 2005). According to Duponchel (2013) many migrants are of the opinion that the violence against non-nationals is embedded in the South African culture and is increasingly a prominent feature of post-Apartheid South Africa.

5.9.5 Media as a determinant of vulnerability

Negative perceptions of undocumented migrants, according to Erjavec (2003:85) can be produced and maintained by representations in mass media through a number of ways namely: exaggeration of the seriousness of immigration; use of melodramatic words to describe immigration; the prediction of even more and worse consequences regarding immigration flows; and the symbolisation of immigrants as folk devils. When such settings are created by the media, xenophobia and hostility towards immigrants become legitimate public discourses, propagated by the media in the name of the nation carrying the will of the people (Erjavec, 2003). This prompts the police and other security arms of government to respond with interpellation to those who do not belong (Matsinhe, 2011; Simpson, 2009). In South Africa, Simpson (2009:24-25) has shown how the media constructed negative images of undocumented Zimbabwe migrants. The media in South Africa just like some government officials tends to group all Zimbabwean migrants together (whether documented or

undocumented) and uses language that is violent and emotive (makwere kwere, die swart gevaar, the African black threat). Simpson (2009) further alleged that the language used in both the electronic and print media paints a picture which suggests that Zimbabweans migrants without legal status are criminals. Immigration raids are often covered in the media in a way that associates undocumented migrants with criminality and perceived as lawbreakers even though immigration offences may be matters of civil law (CoRMSA 2009). Broadcasting of raids has become commonplace on South African Broadcasting Corporation (SABC) and eNews Channel Africa (eNCA) networks sustaining immigrants' fear of deportability (CoRMSA 2009). Such practices as alleged by Menjivar and Abrego, (2012:1390) solidify perceptions of migrants without legal status as criminals and portray them as less than human in the minds of viewers and listeners, which then justifies maltreatment against migrants. Given that media as a determinant of vulnerability has been established, institutional vulnerability is explored next.

5.9.6 Institutions as a determinant of vulnerability

Institutions are all public agencies that deal with risks on a collective level (Birkmann & Wisner, 2006). Institutions for instance, governments, markets or health systems may have more or less capacity to cope with extreme shocks and events (Rhodes *et al.*, 2012). Quesada *et al.* (2011) described institutional vulnerability as a way that various institutions impact on people's lives by making them more vulnerable. Birkmann and Wisner (2006:35) suggested that institutional vulnerability is determined by the arrangements which organise risk assessment, management and communication. In Birkmann and Wisner's (2006) view, institutional vulnerability can happen in two ways: firstly as a mismatch in the interplay amongst different institutions involved in risk assessment, communication, and management; and secondly, mismatches can also be between institutions and stakeholders Wisner *et al.* (2004). Thus to correctly capture institutional vulnerability, Birkmann and Wisner (2006) suggested that both aspects have to be assessed by measuring institutional settings (existing instruments, measures, procedures, responsibilities) including their performance in practice (decision making in disaster situations).

Menjivar and Abrego (2012:1386) advanced a different concept of institutional vulnerability in that it is about the imposition of categories of thought on dominated social groups, who then accept, evaluate and think of their predicament as normal thus perpetuating unequal social structures. In this conception, those dominated apply categories constructed from the point of view of the dominant, consequently making them appear as natural (Abrego & Lakhani, 2015). Thus, inequalities and rights violations in the social order go unquestioned because 'it is the law' (Quesada *et al.*, 2011). This can lead to a systematic self-depreciation or even

self-denigration (Farmer *et al.*, 2006). Individuals who endure these power inequalities are fully aware of the effects, but the conditions are so overwhelming and structures so omnipotent that there is little or no room for questioning this natural order of things (Quesada *et al.*, 2011). Consequently individuals come to understand their vulnerable positions as natural and become contributors to their own plight.

In South Africa, Vigneswaran (2008:2-3) has been critical of the government's involvement of South African Police Services (SAPS) in immigration enforcement. For the reason that police officers rarely possess the necessary language and cultural skills to deal with suspected 'illegal migrants' in a sensitive manner (Vigneswaran, 2008). Research has identified a range of police failures to act in accordance with the spirit of immigration laws, for instance, police have been reported to routinely confiscate and destroy refugees and asylum seekers' documents in order to justify arresting them as 'illegal migrants' (Crush, 2011; Polzer & Takabvirwa, 2010). According to CoRMSA (2009) police have also been accused of unreasonably using force to unnecessarily harass, arrest and extort undocumented migrants for bribes, such harassment make undocumented migrants more vulnerable and become afraid to report crimes against them because of their irregular status. Having discussed the factors that influence migrants' vulnerabilities the next section situates undocumented Zimbabwean migrants' vulnerabilities in South Africa.

5.10 Situating undocumented Zimbabwean migrants' vulnerabilities in South Africa

Undocumented migrants face different vulnerabilities associated with different points during the migration process, especially when in transit, at destination and the migrant's family at source. Idemudia *et al.* (2013) reported that undocumented Zimbabwean migrants witness and experience threatening physical violence in form of rape, sexual assault, robbery, aggravated assault, theft especially at hands of amagama guma, officials from Department of Home Affairs, SAPS, and South African Army, as well as by the general public of South Africa. While in South Africa, undocumented Zimbabwean migrants are at great risk of health care problems (Crush & Tawodzera, 2011), accommodation shortages (Dumba & Chirisa, 2010; Greenburg & Polzer, 2008; Landau & Duponchel, 2011), unequal education opportunities (Crush & Tawodzera, 2012), and lack of employment or exploitation in the labour market in form of low wages (Bloch 2008; Bloch, 2013; Crush, 2012; Rutherford, 2008), vulnerability in the streets (Duponchel, 2013; Bloch, 2010; Gordon, 2010) and domestic violence. These vulnerabilities progress and interact with each other as discussed in the PAR model in sections 5.6 and 5.7.

Undocumented migrants are also at great risk of many forms of victimisation that include xenophobic violence perpetrated by South African citizens especially those living in townships and informal settlements (CoRMSA, 2009; Crush, 2001; Dodson, 2010; Landau *et al.*, 2005; Matsinhe, 2011; McConnell, 2009). Research shows that the worst violent attacks against foreigners happened in Alexandra in May 2008 and spread like veld fire to many other settlements across the country (Dodson, 2010; Zimbabwe Independent newspaper, April 2015). The 2008 xenophobic attacks were the most violent with more than 62 foreigners killed and 670 injured, some with life threatening wounds, and more than 150 000 people displaced (McConnell, 2009). Research has shown that South Africans attacked foreigners as since 1994 through to February 2017 and to put the xenophobic attacks into perspective, Matsinhe (2011), Polzer and Takabvirwa (2014), Pokroy (2015) and Reuters (2017) compiled a chronology of xenophobic attacks since the attainment of democracy in South Africa:

1994

- December, in Alexandra, Gauteng, armed youth gangs destroy foreign-owned homes and property and demand that foreigners be removed from the area.

1998

- September. In Johannesburg, Gauteng, two Senegalese and a Mozambican are thrown from a moving train by a group of individuals returning from a rally at which migrants and refugees were blamed for the levels of unemployment, crime and AIDS in South Africa.

2000

- October. In Zandspruit, Gauteng, fighting breaks out between South African and Zimbabwean residents.

2005

- August. In Bothaville, Free State, Zimbabwean and Somali refugees are beaten.
- December. In Olievenhoutbosch, Gauteng, groups of South Africans chase foreign Africans living in the township of Choba's informal settlement from their shacks, shops and businesses.

2006

- July. In Knysna, Western Cape, Somali shop owners in a township outside Knysna are chased out of the area and at least 30 spaza shops are damaged.
- August. In Cape Town, Western Cape, during a period of just over a month, between 20 and 30 Somalis are killed in townships surrounding Cape Town.

2007

- February. In Motherwell, Eastern Cape, violence triggered by the accidental shooting of a young South African man (by a Somali shop owner) results in the looting of over 100 Somali-owned shops in a 24-hour period.
- May. In Ipelegeng Township, North West, shops owned by Bangladeshi, Pakistani, Somali and Ethiopian nationals are attacked, looted and in some cases torched.
- September. In Delmas, Mpumalanga, after a service-delivery protest by residents, 41 shops owned and staffed by non-nationals are attacked and looted. One death and two serious injuries are reported, and 40 non-nationals take refuge at mosques and with friends.
- October. In Mooiplaas, Gauteng, after a clash between a Zimbabwean and a South African family went awry, the local population retaliated by attacking the migrant community, killing two people, brutally injuring 18 and looting 111 shops.

2008

- January. In Duncan Village, Eastern Cape, two Somalis are found burnt to death in their shop. Police later arrest seven people in connection with the incident after finding them in possession of property belonging to the deceased.
- January. In Jeffrey's Bay, Eastern Cape, after a Somali shop owner allegedly shoots dead a suspected thief, a crowd of residents attacks Somali-owned shops, and many Somali nationals seek shelter at the police station.
- January. In Soshanguve, Gauteng, a foreign national is burnt to death, three others killed, 10 seriously injured and 60 shops looted after residents apprehend the suspects and attack foreign residents in retaliation for the alleged robbery of a local store by four non-nationals.
- January. Two Somali shop owners were murdered in the Eastern Cape towns of Jeffreys Bay and East London. In March 2008, seven people were killed including

Zimbabweans, Pakistanis and a Somali after their shops and shacks were *set alight* in Atteridgeville near Pretoria.

- May 11, an outburst of xenophobic violence in the Johannesburg township of Alexandra triggered more xenophobic violence in other townships. Firstly, it only spread in the Gauteng Province. After two weeks, the violence jumped to other urban areas across the country, mainly Durban, Cape Town and Limpopo Province.

2009

- 14 to 17 November, 3000 Zimbabwean citizens living in the rural community of De Doorns, an informal settlement near Breede Valley Municipality, in the Western Cape were displaced as a result of xenophobic violence. It selectively targeted Zimbabweans despite the presence of other foreign nationals (e.g. Lesotho nationals) living and working in the same area.

2013

- 27 February, eight South African police officers tied the 27 year old Mozambican man, Mido Macia, to the back of a police van and dragged him down the road. Subsequently, the man died in a police cell from head injuries. The incident happened in Daveyton, East of Johannesburg, South Africa.
- 26 May, two Zimbabwean men were killed by a South African mob in xenophobic violence in Diepsloot, South Africa.

2015

- January, Somali shop owner shot and killed a 14-year-old boy, Sipiwe Mahori, during an alleged robbery in Soweto Township. The boy was shot in the neck and died within 15 minutes. Lebogang Ncamla, 23, was another victim when he was shot three times in the arm. The incident triggered the waves of attacks and looting of foreign owned shops.
- March, xenophobic attacks occurred in Limpopo Province. Foreigners on the outskirts of Polokwane left their shops after protesting villagers threatened to burn them alive and then looted them. Violence erupted in the Ga-Sekgopo area after a foreign shop owner was found in possession of a mobile phone belonging to a local man who was killed.
- April 8, a spate of xenophobic violence occurred after Zulu king Goodwill Zwelithini remarked that foreigners should go back to their home countries because they are

changing the nature of South African society with their goods and enjoying wealth that should have been for local people.

- April, Attacks on foreign nationals continued in KwaZulu-Natal when shops in Umlazi and KwaMashu, outside Durban, were torched. In V Section, a shop owned by a foreign national was set on fire by a mob of suspects. Five people have been killed.
- April, Looting of foreign shops spread to Verulam, north of Durban following a day of clashes between locals, foreigners, and police in the city centre, KwaZulu-Natal. About 300 local people looted foreign-owned shops, and only two people have been arrested. A 14-year-old boy became the latest fatality. He was shot dead during looting in KwaNdlanzi, allegedly by two security guards.

2016

- December. Johannesburg. Democratic Alliance Mayor Mashaba reportedly told a media conference in Johannesburg that foreigners living in Johannesburg are illegal immigrants and should leave the city immediately. They must also be treated as criminals since they had come to South Africa 'illegally'.
- December. The mayors' utterances later sparked anti-immigrant protests.

2017

- 6 and 11 February. Rosettenville. Nigerians' properties burnt and Ethiopian-owned tuck shops were completely looted during an anti-immigrants march. This was despite the presence of the police who eyewitnesses said were powerless to stop the attacks.
- 18 February. Pretoria West. Three homes and numerous vehicles belonging to foreign nationals were set on fire. Additionally, numerous residences were raided and looted by a mob of around 300 local residents in anti-immigrant demonstrations.

The vulnerabilities affecting migrants in South Africa will be an incomplete discourse without looking at some of the challenges the South African government faces due to the presence of undocumented migrants as discussed below.

5.11 Challenges faced by the South African government due to the presence of undocumented migrants

Here in Africa, South Africa is a destination for the 'destitute', the 'promised land' for migrants and refugees from SADC, Great lakes region and Sub Saharan Africa (Crush, 2011). However, immigration is a contentious issue especially for the government officials, politicians and poor black South Africans who accuse their fellow Africans of being carriers of diseases, taking jobs away from them and being involved in criminal activities (Crush, 2001; Landau *et al.*, 2005; CoRMSA, 2009; McConnell, 2009; Dodson, 2010; Matsinhe, 2011; McConnell, 2009). Due to undocumented immigrants' presence, the South African government continues to struggle with regulatory frameworks that seem ineffective to deal with their foreign born population (Mthembu-Salter *et al.*, 2014). Below are some of the challenges the government in South Africa faces due to the presence of undocumented migrants.

5.11.1 Economic and social challenges

The number of foreign nationals without legal status in South Africa is on the increase and their presence is increasingly obstructing the process of service delivery within the municipalities (Palmary, 2002). This has caused tension among the different levels of government institutions, such as the national, provincial and local governments (Landau & Duponchel, 2011). Local governments especially Gauteng Province are in a Catch-22 situation of not being sure whether to share services among the South Africans and the undocumented foreign nationals residing within their jurisdiction or to ignore the foreign nationals (Palmary, 2009). Different municipalities find themselves carrying the burden of managing undocumented foreign nationals without health care and accommodation within their jurisdiction (Landau & Duponchel, 2011). Most foreign nationals are asylum seekers awaiting the finalisation of their refugee applications and according to the Refugees Act 130 of 1998 every citizen the right to access services such as health, education, water, housing and sanitation (South Africa, 1998). However, the Act is not specific as to how local governments should respond to undocumented foreign nationals (asylum applicants) who desperately need health care (Palmary, 2009). Such uncertainty leads to wrong interpretations of the Act by officials and may give rise to numerous litigations by advocacy groups. Undocumented foreign nationals tend to accept jobs with low income and in the process get manipulated by employers who pay less than the standard minimum wage (Dodson, 2010; Duponchel, 2013). Further to this, Pokroy (2015) noted that unskilled foreign nationals with lower levels of education compete for local jobs with citizens resulting in more frustrations among unemployed South Africans where foreigners are seen as 'the

threatening other'. Such frustrations tend to manifest themselves in xenophobic attitudes towards foreign nationals (Polzer, 2010). According to Landau *et al.* (2005), xenophobic attitudes began during the apartheid system when certain groups of people were banned from entering particular areas within the country. During this period, the xenophobic attacks were also not directed towards everyone, but only towards the black population and mainly those from African countries 'die swart gevaar' (Landau *et al.*, 2005). The government in South Africa is also challenged by the correct figures of its foreign-born population particularly Zimbabwean migrants as examined below.

5.11.2 Zimbabwean migrant population in South Africa

The 2011 South African Census figures shows that about 1.7 million people of the country's 51.7 million residents were non-citizens (Statistics South Africa, 2012). However, the guesstimate supposedly includes all kinds of immigrants with or without documents. Estimates of the number of Zimbabweans in South Africa vary widely from the barely plausible to the totally outlandish (Mthembu-Salter *et al.*, 2014). Since 2003, (the earliest date the figure was quoted) and the latest being 2013 (the most recent the figure was quoted) the media in South Africa claims that there are three million Zimbabweans living and working in South Africa (Crush & Tevera, 2010; Chiumia, 2013). The rhetoric is that the 2011 census figures estimate 1.7 million as the total number of non-citizens living in South Africa, while the World Bank put the number of all non-citizens in South Africa at 1.8 million. SW Radio Africa according to Chiumia (2013) estimated that 3 million Zimbabweans are said to be living in South Africa, a figure double that of all non-citizens from all corners of the world who were estimated to be in South Africa during the 2011 census.

The question that comes to mind is what are we to make of the inference that the number of Zimbabweans in South Africa has not increased or decreased since 2003? Does this mean that the 2003 figure was incorrect? And if it was correct, then what is the actual number now? To resolve this contradiction, it is helpful to know the Department of Home Affairs' position. By 31 December 2010, during the Dispensation for Zimbabwe Project (DZP) a total of 275,762 applications were received from Zimbabweans who wanted to regularise their stay in South Africa and 255,582 permits were granted (Crush, 2011). Zimbabwean Special Dispensation permit (ZSP) replaced the DZP at its expiry in 2014 and only those who benefited under the DZP programme were eligible to apply for work and study permits under ZSP (Amit, 2012). A total of 208,967 ZSP applications were made online and 197,790 ZSP were approved Mlilo (2015). Now the question is, how serious can any publication continue to speculate that there three million Zimbabweans living and working in South Africa when just over 200000 applied for the ZSP permits in 2014? There are no reliable estimates of the

number of Zimbabweans in South Africa making it even more difficult to assess what proportion of the Zimbabwean population the numbers represents (Amit & Kriger, 2014). While South Africa struggles to establish the figures of its foreign born population, the costs involved in policing undocumented migrants is insurmountable as examined below.

5.11.3 Deportation costs

In South Africa, the main policy response to undocumented migration is the arrest, detention and deportation of 'illegal migrants' (Crush, 2011:16). This is in line with the objectives and functions of the South African immigration control, as defined by section 2(1) (c) of the Immigration Act (Act 13 of 2002), refer also to section 4.5.2. Since 1990, the number of people deported from South Africa has been increasing, peaking at 312 733 in 2007 with Zimbabwean deportees making up 64% of that figure (Amit & Kriger, 2014; Mthembu-Salter *et al.*, 2014), please refer to table 4.4. The rising number of people deported shows no correlation with the total number of migrants in the country (3 million, 1.7 million and 1.8 million) which suggest that deportation is not an effective strategy for controlling immigration (Crush, 2011).

The current deportation system neither deters undocumented Zimbabweans from entering the country nor does it reduce the total number of Zimbabweans in the country, because most deportees return immediately to South Africa (Polzer, 2010; Crush 2011; Amit & Kriger, 2014). Most deportees re-enter or return to South Africa within days after deportation using various unofficial means as described as border evasion in table 3.1 of chapter 3. This may also explain why the Zimbabwean deportation figures keep on ballooning because in many instances, the same people are deported several times (Amit & Kriger, 2014). The former Minister of Home Affairs Naledi Pandor, back in 2013, provided a breakdown of the costs involved in deporting Zimbabwean nationals as R558 a person and R99 a day to accommodate one 'illegal' migrant at the Lindela repatriation camp (Mataboge, 2013). Simple arithmetic would tell us that in 2007 it costs the South African government R111, 600,000 million to deport 200000 and if it can be imagined that the deported Zimbabweans spent a night at Lindela, then a further R19, 800,000 million was incurred in extra detention costs. Even though the amount of money spent on deportations is relatively small by global standards, it is still not money well spent. This further suggests that deportation is not an effective strategy for controlling immigration in South Africa (Mthembu-Salter *et al.*, 2014).

5.11.4 Asylum system

The migration policy pursued by the South African government gave rise to a costly and ineffective asylum system that failed to achieve its intended goals (Polzer, 2010). The asylum system attracts individuals better suited to other forms of regularisation especially economic migrants who enter the system because of the lack of alternative paths to regularise their status, also refer to table 4.1 in chapter 4. Crush (2011) also noted that the asylum system is too backlogged that decisions tend to be made based on the country of origin of the claimant rather than on the individual circumstances of the applicant. Serious deficiencies in the status-determination process make it impossible to establish how many entrants in the asylum system are genuine economic migrants (Amit, 2012). Nonetheless, the government continues to rely on the flawed status-determination process to assert that the bulk of refugee applications come from economic migrants (Amit & Kriger, 2014). Due to the poor treatment of asylum applicants, this approach has its unintended consequences in form of corruption, wrongful arrests, detention and deportation (Polzer & Takabvirwa, 2014). Where such poor treatment of asylum applicants resulted in legal challenges, this has added to the state's legal bill for migration and an increase in tax payers' money (Polzer, 2010). Such poor treatment of asylum applicants has resulted in the alienation of migrant communities from the police and state institutions, which has negative repercussions for migrants and the communities where they reside (Amit & Kriger, 2014).

5.12 Conclusion

In this chapter, the following objectives were examined and achieved:

- to identify the vulnerabilities faced by undocumented migrants in South Africa
- to identify challenges faced by the South African government due to the presence of undocumented migrants.

The above objectives were achieved in that a theoretical grounding of vulnerability was given including the evolution and disciplinary differences of the concept of vulnerability. Vulnerability assessments including their applicability were discussed. Using the PAR model, the chapter managed to unpack how the violence hidden in structures (root causes into dynamic pressure, unsafe conditions and ultimately into a disaster) contribute and perpetuate the vulnerability of undocumented migrants especially an irregular immigration status. In other words migrants' vulnerability emanates from the ineffective immigration framework that also fails to recognise new forms of external displacement such as environmental stress, livelihood collapse, and state fragility. The chapter established that

legal status determines access to health care, housing, education and employment. Legal status also has been found to affect migrants' health risks, vulnerability in the streets and wages in the labour market. Migrants' vulnerabilities at the global level and in South Africa were identified as part of the discourse of the vulnerability. On the other hand challenges faced by the government in South Africa due to the presence of undocumented migrants were also identified as discussed in the literature including populist rhetoric about immigration at the global level. However, the two objectives will be fully answered after the completion of the empirical study which incorporates the views of the participants.

Having looked at discourse of vulnerability of undocumented migrants, the following chapter addresses research methodology.

Chapter 6 Methodology

6.1 Introduction

Conducting research with undocumented migrants means studying the lives of people who are vulnerable and on the margins of society with no recourse to the legal welfare state (Duvell *et al.*, 2008). This chapter outlines and justifies the research methodology or the underlying logic of the study examining the vulnerability of undocumented Zimbabwean migrants in South Africa. Since the selection of a particular methodology implies a particular type of logic, the type of reasoning used in this study is interpretive. An interpretivist research paradigm predominantly qualitative, focused on exploring and understanding of vulnerability faced by undocumented Zimbabwean migrants in South Africa. The study included several methods of collecting empirical data mainly from undocumented migrants, government officials and nongovernmental organisations for triangulation purposes.

This chapter also describes who the specific respondents of this study are and how the study was undertaken. The ethical quandaries involved in studying undocumented migrants as a vulnerable group are also discussed. Since ethics is involved in every step of the research process, it will be discussed where it is natural to mention the issue. The techniques used for the collection of primary data to achieve the objectives are shown in Table 6.2. The author further provides explanations of how the study areas were selected, sampling techniques used for investigation, as well as, the tools used for analysis of data to address the research objectives outlined in chapter one.

6.2 Research methodology

Early migration research mainly focused on the South - North phenomenon or less developed to developed areas and there was much emphasis on economic models and migrant statistics (De Haas, 2008). In this day and age, migration has become more irregular, undocumented and complex as people move between countries of the South and repeating this process many times throughout their lives (Bakewell *et al.*, 2009). The focus of migration research has broadened to include undocumented or irregular migration and this has led to new research designs incorporating origin and destination countries (De Haas, 2014). Attention has also been paid to migrant agency and coping mechanisms against state sovereignty (structures) in destination countries (Bakewell, 2010). These developments have led to a movement away from quantitative to qualitative research designs and also experimentation with newer research methods (Duvell *et al.*, 2008). Migration research is mainly different from other forms of research in that the populations involved are usually not fully known (Düvell, 2011). The sampling frames are almost absent and if present they may

not be accurate and adding to the complexity is the fact that traditional methods of data gathering and collection may seem inappropriate, offensive and insensitive (Duvell *et al.*, 2008). The same authors further pointed out that the research methods in such a study need to ensure sensitivity and sometimes creativity on the part of the researcher in order to access research participants who may be unwilling to be heard or known. This justifies recent calls by De Haas (2012) for innovative context-based research methods peculiar to the circumstances confronting migration researchers, particularly in Africa. Studying social processes and people's attitudes requires use of in-depth qualitative research methods. This research as presented in the coming section therefore follows a qualitative paradigm.

6.2.1 Qualitative research design

The research followed a qualitative design underpinned by the interpretive framework that views reality as existing within the human mind and reliant on human experiences and interpretation (Black, 2006; Lotz-Sisitka *et al.*, 2013). The same framework according to Black (2006) and Lotz-Sisitka *et al.* (2013) sees reality as not independent, but socially constructed and with varied meanings buried within superficially inconsequential inflections of voice, body language or situational details. The hidden character of the phenomenon under investigation prevented the researcher from drawing a representative sample for quantitative studies (such as surveys or secondary data analysis), since the distribution of relevant characteristics (such as age, gender and economic sectors) is not known (Jandl, 2011). As a consequence, researchers widely agree that due to the sensitive and difficult nature of the area of research, the use of qualitative empirical methods is essential especially constructivism (Jick, 1979; Denzin & Lincoln, 2002; Sixsmith *et al.*, 2003; Brannen & Moss, 2012; Creswell, 2013). Thus the qualitative methodology, particularly the ethnographic design was employed.

Since the thesis aims to explore and understand the vulnerability of undocumented migrants in South Africa, the interpretive framework was the most appropriate for the identification and analysis of individual and group constructions and interpretation of reality. As already discussed migration is a complex and multifaceted social phenomenon which has attracted on-going debate focused on terminology issues. Several terms and definitions have been used in the public debate namely: irregular, illegal, undocumented, clandestine, unauthorised, informal and unregistered (Taran 2001). For De Genova (2002), the choice of a term does not occur in a social vacuum and it is not surprising that the selection of terms by participants has assumed a contested nature. Negative social myths and images which are stereotypical, usually associated with crime, have been connected to the illegal migration

debate (Düvell, 2011). The sampling unit in this study was made up of Law enforcers who also happen to be citizens and migrants themselves.

Some considered the use of the term as contributing to the negative social myths and has a criminalising effect while others have stated that its use is simply incorrect since an act can be illegal, while a person cannot be so. Others have alleged that the term must be used, but in a critical way. From this perspective, the interpretation of illegal migration is precisely subjective and socially constructed with varied meanings. It is the consequences that need to be researched, in particular, the way in which migrants become “illegal” and vulnerable using Constructivism or Interpretivism. Fieldwork that combined ethnography and the collection of 64 in-depth interviews, narratives and focus group discussions with undocumented migrants was developed. The figure also includes ten in-depth-interviews with government and nongovernmental officials for triangulation purposes.

Ethnography involves the study of social interactions, behaviours, and perceptions that occur within groups, teams, organisations as well as communities (Reeves *et al.*, 2008:512). The method provided rich, holistic insights into people’s views, actions and the nature of the locations they inhabit. As pointed out by Reeves *et al.*, (2008:337), the major features of ethnographic research include a strong emphasis on exploring the nature of a particular social phenomenon, rather than setting out to test hypothesis about it. It works primarily with ‘unstructured data from a small number of cases, hence the analysis of data involves an explicit interpretation of meaning and functions of human actions (Anderson & Ruhs, 2010). Ethnographic analysis takes the form of verbal narratives and explanations and as Denzin and Lincoln (2002) argued, it goes beyond mere facts and surface appearances. This resonates with this study as it focused on the vulnerabilities experienced by undocumented Zimbabwean migrants during the migration process especially during transit, at destination and the migrant’s family at source and how these shaped their coping strategies to respond and learn from their negative experiences.

It is also worth noting that qualitative research is effective in the collection of specific data that depicts the culture of a community (Lotz-Sisitka *et al.*, 2013). Such cultural data include social contents, behaviours, norms, opinions and values of a population in an area (Denzin & Lincoln, 2002). Qualitative researchers are able to go with the flow and refocus or even abandon the original research questions (Birman, 2005; Brannen & Moss, 2012). Qualitative research uses tools that capture the participants’ minds such as interviews, narratives, stories of change and focus group discussions (FGDs) that enable the researcher to understand participants’ judgements, terms, experiences, perceptions and complexities

(Lotz-Sisitka *et al.*, 2013). The words of participants collected during fieldwork are important in the qualitative approach especially during interpretation since they help to decode the emergence of new themes in the field (Schram, 2006; Schwandt, 2007). As Newman (1991:144) explains, participants are able to attach meaning to events and learn to see events from multiple perspectives and rarely does one hear a qualitative researcher discuss variables or hypotheses. Schratz and Walker (1995) further supported qualitative research methods in that they share characteristics of flexibility in execution, deliberate interaction between the researcher and the researched and richness of data that stems from their largely textual nature and from their grounding in the language and experiences of the participants.

Qualitative research is very relevant in disaster risk reduction research and preferable over quantitative research that has inadequacy in identifying needs of vulnerable communities such as undocumented migrants (Newman, 1991; Schratz & Walker, 1995; Denzin & Lincoln, 2002; Lotz-Sisitka *et al.*, 2013). Jick (1979) further affirmed that quantitative methodologies are useful but over enthusiasm with the questionnaire as a tool often obscures details than inform situations prevailing within people's actions and within communities. The fieldwork in this study is not about quantifying but defining priorities, perceptions, attitudes, opportunities, problems and alternatives thus the following section discusses the selection of study areas.

6.3 Selection of study areas

Locating the study areas and population suitable to the success of this research was critical. Selection of study areas was based on 2001 and 2012 Census figures and also presumptions about densities of migrant populations and experiences of vulnerability (Statistics South Africa 2002; 2012). The selection of Gauteng province as an area of focus is premised on the fact that 46% of about 3 million international migrants in South Africa are found in the Gauteng province (Landau & Gindrey, 2008; Landau & Segatti, 2009; Vearey, 2012). According to Makina (2010) the 2001 South African census revealed that of the 131 886 Zimbabweans that were enumerated 52% were living in the Gauteng province. Further to this, the 2011 census estimated that of the 12 272 263 million people resident in Gauteng province 7, 1% were specified as non-citizens inclusive of undocumented Zimbabwean migrants (Statistics South Africa, 2012).

In terms of geographical area, the research was confined to Wards within the Johannesburg Metropolitan Council and focuses on undocumented Zimbabwean migrants. Contemporary studies have shown that inner city suburbs in Johannesburg are a magnet for migrants from

sub Saharan Africa particularly Zimbabwe due to their proximity to places where unemployed new migrants can search for casual jobs or enact diverse forms of livelihoods (Worby, 2010; Makina, 2010; Murray, 2011). Migrants have tended to cluster together in these distinct residential pockets for their protection from xenophobic threats as well as hiding from authorities (Murray, 2011). The close proximity and density of migrants in the inner city suburbs as shall be shown in the coming sections provided the researcher with an opportunity to observe closely the determinants of vulnerability (social, psychological, economic, environmental and physical).

6.3.1 Identifying the gap

The trajectory for undocumented Zimbabwean migrants follows a well-structured sequence, one headed for Johannesburg with arrival at the city's long-distance transport hub, Park Station in downtown Johannesburg (Tevera & Zinyama, 2002; Maphosa, 2013). Residential accommodation is made possible by the existence of social networks but if efforts to contact and meet relatives or friends fail, migrants often spend one or several nights at Park station and later find their way to inner city neighbourhoods with high densities of foreign nationals (Worby, 2010). Such neighbourhoods are old flats that offer low-rent spaces to 'hot-sleepers'²² aided by landlords who take advantage of the vulnerable migrants to raise rentals, and allow the overcrowding of residential units by subdividing the residential units to maximise occupancy (Murray, 2011: 143).

To identify areas with significant undocumented Zimbabwean migrants, the researcher followed a purposive sampling method (fully discussed in section 6.4.1) to select neighbourhoods that experienced violence against foreign nationals or where violence against foreigners was likely to occur. These neighbourhoods were likely to experience vulnerability due to factors that were discussed in sections 3.7.1, 5.7 and 5.8. The researcher identified the wards with significant numbers of undocumented Zimbabwean migrants based also on information obtained from the South African Police Services (SAPS) especially those apprehended pertaining to an 'illegal' immigration status and the residential locations where they were likely to hide from authorities. The researcher further selected the study areas based on housing types such as those dominated by old dilapidated flats, informal settlements and shacks (*imikhukhu*). Such areas have severely been in decline

22 Hot sleeping is a practice where some migrants have resorted to staying in warehouses or flats where owners rent out sleeping space only due to accommodation challenges in the inner-city areas. Some of the warehouses and flats are subdivided to accommodate a number of families in very constrained spaces. Hot sleeping is done on a on a shift basis for a relatively small amount per night or shift. See Worby (2010) and Murray (2011).

from affluence and some buildings are abandoned where landlords rent out ‘space’ at low cost to vulnerable migrants while some stay for free (Wisner & Uitto, 2009; Wilhelm-Solomon, 2015). The selected wards in the municipality of Johannesburg are similar in respect of social and cultural aspects; moreover the study areas are rich in Zimbabwean languages. These areas include Hillbrow, Berea, Yeoville, Alexandra and Joubert Park and are demarcated under wards (W59, W60, W62, W63, W64, W66, W67, W75, W76 and W123)²³.

Wards W75 and W76 are found in Alexandra township where there are informal settlements and contemporary studies have shown that there are limited provision of basic services, associated health risks and a range of social issues (Landau, 2006; Wisner & Uitto, 2009). Alexandra Township is also notorious for xenophobic attacks against African migrants including Zimbabweans since the dawn of democracy in 1994 (Crush, 2001; Dodson, 2010; Sinwell, 2011). Table 6.1 below further justifies the selection criterion.

Table 6.1 Areas of study: Wards in the City of Johannesburg

Ward number	Criteria for selection
W59	<ul style="list-style-type: none"> • close to the city’s long-distance transport hub, Park Station • informal migrant traders • high density of foreign nationals • in close proximity to central city where there are opportunities of casual employment
W60	<ul style="list-style-type: none"> • shacks (<i>imikhukhu</i>) • existence of social networks
W62	<ul style="list-style-type: none"> • High density of foreign nationals with various cultural diversities. • existence of social networks • shacks (<i>imikhukhu</i>)
W63	<ul style="list-style-type: none"> • high crime rates • perfect hide out for migrants without an immigration status
W64	<ul style="list-style-type: none"> • high concentration of foreigners without documents especially Zimbabweans

23 Delimitation of Wards was done in terms of Municipal Structures Act, 1998 (Act No.117 of 1998) for the 2016 Local Government elections in South Africa.

W66	<ul style="list-style-type: none"> • main ports of entry for expectant and hopeful migrants • high density of foreigners without documents especially Zimbabweans
W67	<ul style="list-style-type: none"> • existence of social networks • in close proximity to central city where there are opportunities of casual employment
W75	<ul style="list-style-type: none"> • Informal settlements inhabited by undocumented migrants • History of xenophobic attacks
W76	
W123	<ul style="list-style-type: none"> • High concentration of Zimbabwean migrant street vendors

6.3.2 Negotiating entry through gatekeepers

Access to respondents has been an issue in all studies that involve hard to-reach-populations (Sixsmith *et al.*, 2003). Different organisations (gatekeepers) working directly with undocumented migrants were contacted for the identification of participants. At the start of the research, the scope for establishing contacts with participants was broad but, gatekeepers became the most important entry points for meeting potential people for interviews. It is understandable that people and organisations are cautious about the researcher's access to participants and the sort of research that participants are asked or encouraged to take part in (Yin, 1989; Yin, 2013).

Without doubt some of this caution is related to trust, but having closely worked with some of the gatekeepers in some of the wards where the research was conducted meant that the researcher had existing relationships with some of these gatekeepers. The researcher was part of the Zimbabwean government officials who were issuing identity cards, birth certificates and passports to Zimbabwean citizens based in South Africa in preparation for the amnesty programme granted to Zimbabweans, refer to section 1.9. Even in situations where this was not the case, over time access became easier in that some of the organisations knew and trusted the researcher in what was to happen in interviews with respondents. Different gate keepers were used to ensure that findings would not be based from just one network. Visits were arranged through the gatekeepers of migrant associations who had contacts in each chosen ward. The entry into wards was also facilitated by the gatekeepers from migrant associations and this made it easy to collect data without many

challenges, as most of them were known in the wards visited. After successfully negotiated entry into the field the next section discusses the research process.

6.4 Research process

The study objectives required field observations and major inputs from undocumented migrants about vulnerabilities they face in South Africa. Officials from government and other institutions dealing with undocumented migrants like nongovernmental organisations were also approached. The involvement of undocumented migrants in the study afforded them the opportunity to be heard. Participation by undocumented migrants, government officials and civil organisations' was essential to establish the rationale on issues of vulnerability of migrants with an irregular status. The research study considered the impact of undocumented migration as very important, making it necessary for the study to be conducted over a period of one year, three months from July 2015 to November 2016. This was done so that there was adequate time to observe factors that contribute to the vulnerability of undocumented migrants during different seasons.

A preliminary exploration of the study areas was undertaken to determine the methods that would be appropriate for data collection to answer the research questions. Primary methods of data collection that included structured questionnaires, in-depth interviews and observations were used. The interview guide questions were discussed with the study leader, pre-tested and necessary changes made so that the research questions could be adequately addressed. Preliminary fieldwork was done to meet gatekeepers and people working in the field of migration as well as familiarising with the areas of study.

Preliminary fieldwork included the collection of a small number of interviews with key informants and organisations. Six (6) interviews were done in the Municipality of Johannesburg, (1 with an official from the City of Johannesburg Migrant Helpdesk, 1 with NGO volunteer who help undocumented migrants, 1 with a spiritual leader of a church in central Johannesburg, 2 with the senior government officials, 1 with a senior leader of Zimbabwe Exiles Forum). These interviews helped to establish the general contours of the phenomenon to be researched on. Besides, they offered a number of indications about possible contacts with undocumented migrants and locations where they were to be encountered. Interaction with stakeholders was constantly undertaken to obtain their views on undocumented migrants in the chosen areas of study. The next section discusses sampling methods and selection of participants.

6.4.1 Sampling and selection of participants

The target population included undocumented migrants from Zimbabwe, officials from government departments especially from the Department of Home Affairs, South African Police Services (SAPS) and other nongovernmental organisation employees for triangulation purposes. Sampling takes into consideration decisions about settings, people, events, social processes and behaviours that are observable (De Vos *et al.*, 2002). In social sciences there are two forms of sampling procedures namely probability and non-probability sampling (Rubin & Babbie, 2012). Probability sampling selects the research participants randomly and all participants have an equal chance of being selected for the study, while participants in non-probability sampling do not have the same chances of participating in the study (Babbie & Mouton, 2010: 166-171). In non-probability sampling, samples are selected in ways not suggested by probability theory and are reliant on many methods, such as snowball and purposive sampling (Rubin & Babbie, 2012). Given the nature of the study a non-probability sampling method was chosen as it bodes well with the phenomenon being studied. Identifying and recruiting of participants is a well-known challenge in research that involves undocumented migrants (O'Reilly, 2012). To overcome such challenges, the researcher used two forms of sampling methods: purposive sampling and snowball sampling to draw the research participants from the research population (De Vos *et al.*, 2005).

Purposive sampling enabled the researcher to select participants such as government officers (Department of Home Affairs and South African Police Services) and nongovernmental officials including Disaster Management officials who were able to answer questions based on their experiences. Snowball sampling is used in situations where the researcher is not familiar with the location of the research participants, such as undocumented migrants (De Vos *et al.*, 2005:329). One person gives the researcher contact information about the next person who fits the description the researcher would like to include in the research, and so forth (De Vos *et al.*, 2005). In this study, gatekeepers were approached first and asked to direct the researcher to undocumented migrants and so on and so on. Identification of entry points or social arenas where undocumented migrants can be found is a strategy used in conjunction with the snowball method with success in similar research studies (Brunovskis & Surtees, 2010). However, some undocumented migrants were reluctant to reveal whether they knew anyone in the same situation probably because migrants without a legal status protected each other and understand the vulnerability of being in an irregular situation. Migrants without a legal status also depend highly on social networks as discussed section 2.7 and were fearful of jeopardising other network members hence the next section examines the population of the study.

6.4.2 Population of the study

The population in a study according to Babbie and Mouton (2010) refers to a set of objects that the research focuses on. In this study the population refers to the total number of people from which the research participants were chosen from namely: the undocumented migrants from Zimbabwe living in South Africa, government officials especially those from the Department of Home Affairs and South African Police Services (SAPS) and members of the nongovernmental organisations (NGOs). Babbie and Mouton (2010) further discussed a 'sampling unit' which refers to the selected group of participants to serve as a representative of the research population. The 'sample unit' was made up of fifty-four (54) undocumented migrants (two of them were *omalayitshas*), that is thirty (30) face-to-face interviews and two focus group discussions that were made up of 9 and 15 participants respectively, three (3) members from SAPS that is one commissioned officer (senior) and two non-commissioned officers (junior), three (3) senior officers from the Department of Home Affairs, two (2) officials from Disaster Management Centres and two (2) from nongovernmental organisations. In total sixty four (64) respondents participated in the study. Interviewing of more people by the researcher stopped after the saturation point was reached, that is when no new data is being received from the research participants (Bless & Higson-Smith, 2000:84). Now that the sampling unit has been established, the following section discusses the various qualitative data-collection tools that were used.

6.5 Data collection tools

The researcher used multiple methods to collect data from primary and secondary sources namely:

- Documentation (official records, previously conducted studies, book publications, journal articles, reports, newspapers and policy documents were used to collect secondary data).
- Observation: the main tools used included: field recording and taking notes
- Semi-structured interviews
- Stories of change
- Electronic media: the researcher closely followed the current debates on undocumented migrants happening in the electronic media, as well as on social media in South Africa, Zimbabwe and abroad. All this information was paramount for the researchers' understanding of vulnerability of undocumented migrants in South Africa. These methods were also selectively used to achieve the different research objectives and are elaborated in the table below:

Table 6.2 Research tools

Research question	Data collection tools	Description of methods
<p>How does the history of migration by Zimbabweans into South Africa affect contemporary migration?</p>	<ul style="list-style-type: none"> • Observations • • • Documents content analysis • • Focus group discussions • Stories of change • • • 	<p>Observing undocumented migrants during their migration trajectories.</p> <p>Analysis of media articles, journals and policy documents</p> <p>Interviewing undocumented migrants and government officials and nongovernmental organisations</p>
<p>a) What vulnerabilities are faced by undocumented migrants in South Africa?</p>	<ul style="list-style-type: none"> • Participant observations • • • Recording and documentation • Focus group discussions • • Stories of change • Interviews (in-depth) • Checklists 	<p>Observing daily activities of undocumented migrants</p> <p>Identifying key participants through snowball sampling.</p> <p>Interviewing migrants, and government officials, identified.</p> <p>Life histories or stories of change of some people involved in undocumented migration and other practices (anecdotes)</p>
<p>c) To what extent does the presence of undocumented migrants</p>	<ul style="list-style-type: none"> • Interviews (in-depth) • Recording and 	<p>Interviewing government officials and nongovernmental organisations about the legal</p>

pose challenges to the South African government?	documentation <ul style="list-style-type: none"> • Document analysis • Checklists 	and regulatory framework governing migration in South Africa
d) How effective, are the current approaches used in dealing with undocumented migrants in South Africa?	<ul style="list-style-type: none"> • In-depth interviews • Document analysis 	Interviewing of officials from the government and other Disaster Risk Reduction officials from NGOs. Observations
e) How do the statutory and legal frameworks govern undocumented migrants in South Africa?	<ul style="list-style-type: none"> • Interviews with government officials (in-depth) • Documents analysis 	Interviewing of officials from the government and other Disaster Risk Reduction officials from NGOs
f) What are the benefits of regularisation programmes?	<ul style="list-style-type: none"> • Interviews (in-depth) • Documents analysis 	Interviewing officials and undocumented migrants
g) How do migrants' circumvent their vulnerabilities in South Africa?	<ul style="list-style-type: none"> • Interviews • Documents content analysis • Observations • Interviews (in depth) 	Interviewing of undocumented migrants and officials from the government and other Disaster Risk Reduction officials from NGOs

6.5.1 Document analysis

De Vos *et al.* (2005: 317) found different forms of documentation that can be analysed for research purposes, such as personal documents, newspapers, official documents such as government files, training manuals and archived materials in the museums and libraries. Document analysis was done to determine what the vulnerability of undocumented migrants generally entails. This enabled the creation of a theoretical understanding of vulnerability of undocumented migrants in Disaster Risk Reduction. Document analysis saves time and money required for visiting different research sites and prevents the study from being influenced by the researcher's preconceived ideas about the research topic (De Vos *et al.*, 2005).

6.5.2 Field observation

Ethnographic research paradigm is mainly associated with participant observation (Hoag, 2010). In this study, participant observation was employed to gain a deeper understanding of undocumented migrants as a group whose culture was different from the rest of the South African society (Creswell, 2013). The researcher wanted to obtain insights of how undocumented migrants can be fully excluded from the political system with much more existential difficulties but are still being able to generate income through work, find places to sleep, fall in love and even represent themselves in the public space (Cvajner & Sciortino, 2010). Thus field observations were undertaken. Observations were made and data collected was both audio-recorded and photographed using cameras (wherever possible) and notes were also written in field notebooks. Transect walks were also conducted in each ward and participant observations were used as complementary research methods to understand physical and environmental aspects of vulnerability (Reeves *et al.*, 2008).

The researcher took part in communal activities such as church gatherings and social soccer matches on weekends. Some undocumented migrants were visited at their workplaces (informal traders) observing them selling their wares/goods as well as their work environments. The researcher also befriended and accompanied one of *umalayitsha* (who was part of the sample unit) during one of his several journeys from Bulawayo, Zimbabwe to Johannesburg in order to observe the illegal transactions that take place during such journeys (crossing points, bribery and porosity of the border. Before embarking on the journey, the *umalayitsha* was debriefed about this study and in return ensured the researcher's safety and security concerns during the course of the journey as long as he remained anonymous. Polkinghorne (2005) found that researchers can observe participants'

behaviours, facial expressions, clothing and other non- verbal clues especially at their work environments such work places as well as homes. The researcher also shared meals (lunch and dinner) with some undocumented migrants at their places of residence where the researcher had an opportunity to observe their type of accommodation (dilapidated bachelors flat with some partitions of one room each).

Participatory observation is useful where there is potential for respondents to conceal or even forget to mention what they usually do on daily basis (Brannen & Moss, 2012). It has been shown in some studies that respondents give researchers what they want to hear, and not necessarily what they do, therefore participatory observation was used to circumvent such problems of intentional and unintentional hiding of respondents' practices (Brunovskis & Surtees, 2010). Participatory observation method which is widespread in ethnography, aims to gain an intimate familiarity with a given group of individuals and their practices through intensive involvement with them in their natural environment, usually over an extended period of time (Brunovskis & Surtees, 2010). Data gathered on migrants' vulnerabilities was recorded and documented as described in the following section.

6.5.3 Recording and taking of notes

Recording was done for various migrants' practices in the form of photographs. These photographs were used to illustrate migrants' vulnerabilities, livelihoods, strategies and for data interpretation. Photographs also captured physical aspects of vulnerability around the community (its immediate setting) and the activities in the communities where undocumented migrants live. Key informants with camera phones were requested to take photographs of scenarios they associated with undocumented migrants' vulnerabilities, livelihoods and strategies within the areas of study.

6.5.4 Semi-structured interviews

Interviews are meant to have an appreciation of another person's perspective which is regarded as meaningful (Patton, 1990; Polkinghorne, 2005). Interviews in general move along the continuum from structured to unstructured (Sixsmith *et al.*, 2003). The collection of data was through semi-structured interviews with key informants allowing the researcher to obtain views of participants through unbounded dialogue as well as capturing data from verbal and non-verbal cues. Hammersley (2008:91) hailed the interview technique as having the following advantages:

- provides a source of self-analyses by informants;
- provides an indirect source of evidence about the participants' orientations;

- being a source of witness about events and settings in the social world;
- being a source of evidence about the constructional or discursive work engaged in by participants through which interview data are produced.

Interview as a data collection tool have disadvantages in that there is interviewer bias and errors caused by the research participants' definitions of what they consider appropriate or what they think the researcher wants (Patton, 1990). However, Polkinghorne (2005) found that the quality of the information obtained from interviews is dependent on the interviewing skills of the researcher who is the main instrument of the research. The researcher aimed to unpack vulnerabilities (social, physical, economic, psychological) faced by undocumented migrants due their irregularity in South Africa, their coping strategies and livelihoods while in South Africa. Use of interviews was also meant to understand vulnerability from government's position as well as addressing the research questions.

The interviews were conducted in homes and popular leisure spots consistent with a qualitative approach (Sixsmith *et al.*, 2003). Participants' locations and households are not named to ensure anonymity. Ethical issues were also addressed in that participants were first briefed about the purpose of the research and were assured that the information was for research purposes only and that respondents' anonymity were guaranteed. Participants were also given an opportunity to opt out of the interviews should they feel uncomfortable with the issues that were being discussed (Artal & Rubinfeld, 2017). Interviews were not a once-off event, but follow-up interviews were repeatedly conducted until no new data transpired thereby ensuring the trustworthiness of the data (Bless & Higson-Smith, 2000).

The semi-structured questionnaires contained questions that could easily adapt to the conditions of the discussion (Yin, 2013). The researcher asked additional questions to solicit and collect more information. The focus was on eliciting a range of rationales, assumptions and potential value stances held by participants hence, questions were deliberately exploratory and open-ended and notes were made during or after the discussions depending on the situation at hand. Interviews were conducted by the researcher in Shona, Ndebele and English and no linguistic challenges were encountered. Only five respondents permitted the interviews to be audio-recorded while the rest did not wish to be audio-recorded and notes were taken instead. Interviews were in-person and lasted approximately 30 to 45 minutes. All interview data were transcribed following the interviews and data was read and reread and impressions noted. Participants were asked to answer the questions from their own perspective. Recurring issues were noted as novel/contradictory perspectives. Following this, responses and categories were cross-referenced. Patterns and relationships

that were particularly relevant for addressing the research objectives were highlighted for further discussion and integration with other data sets.

The key participant interviews with influential government and nongovernmental officials were also conducted (Rokeach, 1979:53). The focus of interviews with key participants was on the following:

- Their understanding of the regulatory frameworks governing immigration in South Africa;
- The impact of the regulatory framework on undocumented migrants, community and government;
- How they view and understand undocumented migrants vulnerability and agency
- Effectiveness of approaches used in addressing undocumented migration.

Site interviews were also conducted with members from organisations such as churches and other NGOs, to assess their role in risk reduction of undocumented migration. A list of all interviews is appended at the end of this thesis.

6.5.5 Stories of change

Life stories provide useful information about the experiences a person uses to make decisions (Babbie & Rubin, 2010). The main aim of this study was to get participants' narratives of their migration trajectories and lives as foreigners without legal permission to reside in South Africa. Narratives as defined by Riessman (2008:8) are stories told by research participants and interpretive accounts developed by the researcher based on interviews and field observations. Furthermore, narratives have diverse functions in that they help individuals remember, argue, justify, persuade, engage, entertain and even mislead an audience. The advantage of narratives as argued by Riessman (2008) is that they generate detailed accounts as compared to epigrammatic answers or general statements. Narratives are a cornerstone of this study as evidenced by the many accounts of vulnerability with regards to lack of documents in South Africa that were given by participants.

6.5.6 Focus group discussions

Two focus group discussions (FDGs) each lasting between 60 to 90-minutes scheduled on different days took place in homes and at social gatherings near Hillbrow Recreation Centre in ward W66 and in Ward W75 in Alexandra with groups ranging from 9 to 15 members. The prior arrangement of focus group discussions prepared the participants about the broad topics the researcher wanted them to discuss, which included:

- motivations for leaving Zimbabwe and perception of life in South Africa;
- challenges faced while migrating to South Africa
- vulnerabilities they experienced in South Africa and coping strategies and
- forms of livelihood in South Africa.

The purpose of the study was explained to participants, as were risks and benefits prior to the discussions. Informed consent was obtained by the researcher who also conducted the focus group discussions.

The researcher as a fellow Zimbabwean found that some participants in the focus group discussions were reluctant to elicit information due to their anxiety about authorities especially officials from the Department of Home Affairs or South African Police Services (SAPS). Many participants were suspicious that the researcher could be used as a front to 'sniff' out other undocumented Zimbabwean migrants. To ensure confidentiality, nametags were distributed, whereby participants freely printed pseudonyms that were used during the group discussions. The criteria for eligibility included being male or female, 18 years of age or older, Shona or Ndebele speaking Zimbabwean and must have migrated to South Africa after the year 2000. Those who met the eligibility criteria were invited to participate in the focus group discussions. Twenty-four eligible individuals, 10 women and 14 men, were scheduled for focus group discussions. A semi-structured focus group interview guide which assessed for the identified broad topics was developed. The researcher acted as a facilitator and kept records of the conversation by taking detailed notes. The focus group discussions were conducted in the two main Zimbabwe languages, to improve the level of participation by the members. Recording of the focus group discussions would have been ideal, but interviewing hidden populations about sensitive topics is highly problematic. Participants were uncomfortable and would have likely reduced their levels of participation. The frank and candid debate was considered more useful than what might have been gained by audio recording the conversations hence notes were taken. The fact that participants arranged their own time, made the discussions live, open and easy to analyse using Tesch's methods as shown below.

6.6 Data analysis

After the data had been collected, it was analysed and documented/transcribed. The data was analysed according to the eight steps of data analysis as outlined by Tesch (1990:142-145) which include:

- Step 1: Thorough reading and making themes of all transcribed material.
- Step 2: Consider the substance of interviews conducted looking for the underlying meaning.
- Step 3: Compile a list of all topics that came to the fore during the research.
- Step 4: Cluster these topics.
- Step 5: By using clustered lists, once again consider the data. Code the topics and correlate coding with data.
- Step 6: Elaborate on the topics with the aim to turn them into certain categories and determine interrelationship.
- Step 7: Make a final decision on the coding of the categories and alphabetise the list.
- Step 8: If necessary, recode existing data.

The analysis of data was carried out in steps as shown above. The transcribed data from the focus group discussions and in-depth interviews were subjected to qualitative analysis. As a point of final convergence themes, relationships and perceptions are presented in narrative form with supporting qualitative explanations (quoting of verbatim). As a way of enhancing the trustworthiness of the data collected the section below highlights the limitations encountered during the research.

6.7 Limitations

Creswell (2013) found that a research study is never without shortcomings emanating either from the researcher or from the research procedures. Though every reasonable effort has been made in this research to ensure that data collection is thorough in order to achieve valid and reliable results, the researcher is at the same time sensitive to factors that may affect the same. The main constraints were:

- Sampling frame and procedure. The research was based on undocumented Zimbabwean migrants in Johannesburg and the results are not transferable to the whole of South Africa. The study is a case of undocumented Zimbabwean migrants, which does not claim to represent other undocumented migrants in the whole of South Africa. Besides, the sampling unit comprised of 64 participants. This may be

considered to be a low sample, however, qualitative research, demands no specific rules for determining sample size (Schwandt, 2007; Twining *et al.*, 2016). Creswell (2013) recommended that guidelines can be based on the researchers' experiences as well as sample sizes reported in journals and other research such as phenomenology where an adequate sample size can be between six and ten respondents. In view of the foregoing the sampling unit was considered to be adequate.

- Scepticism/Fear. Most undocumented Zimbabwean migrants have reason to be sceptical about any form of research which they may feel or interpret as 'blowing their cover'. Thus, it is suspected that their answers were not always truthful. They may have given the researcher those responses which they thought the researcher was looking for. For example, it was unlikely that undocumented migrants would mention any criminal activities about their livelihoods in South Africa. To limit the impact, the researcher carefully explained the scope, purpose and nature of the research in the consent form and impressed upon the respondents to be honest. Furthermore, the triangulation explained in section 6.4 mitigated the limitation of dishonest responses relating to criminal activities.

Scepticism was also resolved through working with gatekeepers who were known in the areas of study. The constraints that were experienced did not impede the achievement of the research objectives but discussing them ensures the validity and reliability of the study as examined in the next section.

6.8 Validity and reliability of the research methodology

Reliability refers to the repeatability of measured variables and validity refers to the true value of research results (Hammersley, 2008). Validity in qualitative research means that the researcher checks for the accuracy of the findings by employing qualitative procedures, while reliability gives an indication that the approach used by the researcher is consistent (Creswell, 2013). To ensure the validity of the research findings, the researcher followed Terre Blanche *et al.* (2006) recommendations in that:

- the researcher spent enough time (one year and three months) carrying out field interviews in order to gain a greater and more detailed understanding of undocumented migrants in Johannesburg.
- The researcher triangulated the information from the field notes, for example, focus group reports generated from focus group sessions and interviews against the

theoretical chapters of the research. Informal interviews, structured interviews and observations were also used as forms of triangulation to verify and validate the qualitative data. Consistent with a qualitative approach, interviews were not a once off event, but follow-up interviews were conducted. This was intended to achieve data-saturation and ensure trustworthiness. In this study triangulation was done to further prevent the researcher from accepting too readily the validity of initial impressions (Hammersley, 2008).

In order to ensure the reliability of the qualitative data, the researcher employed a reliability measure by:

- checking transcribed information to make sure that it was correctly done (De Vos *et al.*, 2011). The recordings were played and the researcher went over the transcribed notes. Where mistakes and omissions were noted, these were corrected. This worked towards the reliability of qualitative interviews.
- The researcher also interviewed nongovernmental organisations officials to validate some of the claims and findings from the undocumented migrants' interviews.

Generally, most evidence in research helps to build a case for research questions, aims, objectives and hypotheses (Creswell, 2013). The data gathering process was also subjected to a peer review process. This helped to clarify issues that emerged during field work with key participants and focus on the content that was deemed important to address the research problem.

On a more important note, the North-West University Research Ethics Board approval was obtained first. The approval for fieldwork was also sought from the study leader. This was to ensure that the data collection tools were of the required standard in terms of quality and consistency with the research objectives. To this end, the data-collection tools and interview schedules were also approved by the study leader before distribution to the participants of (refer to appendix). Having discussed the validity and reliability issues the following section briefly presents ethical consideration for the study.

6.9 Ethical considerations

To ensure the protection of participants, ethical issues were addressed by adopting the principles identified by the Belmont Report (Artal & Rubenfeld, 2017). The three ethical principles emphasised by the report on the do's and don'ts when conducting a study that involves human subjects are: respect for people, beneficence and justice (Twining *et al.*, 2016). The research involved human participants in exploring undocumented Zimbabwean migrants' vulnerabilities hence ethical issues that include respect for people, beneficence and justice were involved. In research there are many issues that arise and these cannot be resolved by one method during the course of the research (Twining *et al.*, 2016). In addition most of the research ethics theories are based on the Global north ideals which fail to capture aspects that apply in other regions of the world such as in Africa (Ninomiya & Pollock, 2017). The researcher in this thesis did what was right in the context of South Africa and Zimbabwe by simply following the three ethical principles:

6.9.1 Respect for people

Participants were initially briefed about the purpose of the research and were assured that the information was for educational purposes only and that no names were to be mentioned in the write up. Participants were also given the right to opt out of the study should they feel that the issues being discussed were against their conscience. The researcher also obtained ethical approval for data collection where human participants are the target group.

6.9.2 Beneficence

The principle of beneficence obliges researchers to minimise harms and risks and maximise benefits from participating in the study (Lotz-Sisitka *et al.*, 2013). By doing this, researchers will be aware of the risks or benefits that may accompany their studies (Ninomiya & Pollock, 2017). Literature has shown that undocumented Zimbabwean migrants are perceived in a negative manner in South Africa (Pokroy, 2015). As such this study does not intend worsening this situation, but rather seeks to achieve the opposite by deconstructing the widespread discourse of negativity about undocumented migrants and this may help reduce the harm. The researcher according to strategies by Ninomiya and Pollock (2017:32-34) faithfully stuck to the conditions of anonymity and confidentiality, fully cognisant of how the negativity surrounding undocumented migrants may compromise anonymity and confidentiality.

6.9.3 Justice

The justice principle states that the researcher should be equitable when selecting research participants and should also ensure equitable distribution of benefits and risks/harms (Jandl, 2011; Artal & Rubenfeld, 2017). This means that the participants should be selected because they fit the purpose of the study and not based on their weaknesses. As a way of adopting the three principles recommended by the Belmont Report, the researcher used a checklist to ensure that ethical issues were observed and to address issues of illiteracy in the study areas. Participants were given the consent forms to read the contents before appending their signatures to the form. The checklist in table 6.3 below was part of the toolkit referred to during fieldwork. Before going into the field to collect data, ethical procedures had to be done since the research involved human subjects in the collection of data in the form of interviews, observations and personal interactions.

Table 6.3 Checklist for ethical issues

Ethics aspect	Guidance notes
Purpose of the study	Explaining the purpose and importance of, and reasons for, the study in simple understandable language, the expected value or benefit of the study to the participants
Risk assessment	Conscious of the psychological stress the interviews or observations might cause undocumented migrants
Confidentiality	Participants' identities would remain confidential and anonymous in the study documents, unless they chose otherwise. This was particularly important in socially stigmatised environment at the time of the study.
Promises	Explaining what the study would be able or unable to deliver or attend to some issues raised by participants, which were beyond the scope of the study.
Informed consent	Before data collection and during participation, consent was sought. Participants were informed and could withdraw their consent at any point.

Source: Patton (2002)

6.10 Conclusion

This chapter outlined and justified the qualitative methodological processes that address the study's research questions. The researcher followed a qualitative ethnographic methodology in his quest to explore, describe and understand in detail the vulnerabilities of 54 undocumented Zimbabwean migrants in ten wards under the Johannesburg Municipality. A sample of 64 participants was determined based on non-probability sampling. In-depth face-to-face interviews were conducted with the sample population following the guidelines of interview protocols. Johannesburg municipality especially the inner city suburbs are suitable to conduct research on undocumented Zimbabwean migrants in that Johannesburg is generally a popular destination for international migrants. The deliberate use of stories of change to collect data was meant to give participants room to air their views on how they experience different forms of vulnerability in a foreign country. The next chapter considers the evidence from the interviews to establish the vulnerabilities faced by undocumented migrants

Chapter 7 Data analysis and presentation

7.1 Introduction

The preceding chapter 6 provided a detailed research methodology applied in the study, highlighting the design and methods used to collect and analyse empirical data. This chapter presents and analyses the empirical data and fully addresses the study's research questions and objectives. The face to face interviews with the respondents (undocumented migrants, government and non-government officials) and two focus group discussions in wards 66 and 75 were used to explore the vulnerabilities of undocumented Zimbabwean migrants in South Africa. Findings were analysed following Tesch's (1990) method of data-analysis. During the data-analysis process, all the recorded interviews were translated into transcripts and used as units of analysis. All transcripts were read and reread by the researcher to be fully acquainted with the information. Observations, photographing of forms of livelihoods and transect walks were undertaken in the selected wards. See chapter 1 and chapter 6 for the detailed presentation of the research methodology applied in this study.

The researcher then used codes on the segments of texts that were found to be important see appendix F. These were grouped into categories called 'themes' as per the interview schedules. For example, the codes yielded the following themes: reasons for migrating, vulnerabilities faced by irregular migrants', migrants' expectations and solutions, migrants' livelihoods in South Africa. Themes in this study were identified from ideas and experiences described by respondents which can be meaningless when explained alone. The relevance of themes in this study is based on the focus of the study, research questions, context and the theoretical frameworks within which the study was conducted. All the names used in this study have been changed consistent with the ethical considerations declared in section 6.9 of chapter 6. Detailed synopses of other interview excerpts are included without naming respondents. Having provided the chapter outline the findings are discussed starting with participants' profiles.

7.2 Participants' profiles'

The participants' profiles relate to age, gender, and level of education, general skills and ethnicity. In total, sixty-four (64) respondents participated in the study. The information on participants provided a general contour of the profiles of the undocumented migrants, who participated in the face-to-face interviews and two focus group discussions. The profiles of participants from government and non-governmental organisations were not deemed central to the study after the analysis of data, though their contributions were pivotal.

Participants' ages were arranged into three groups: 18-30, 31-40 and 41-50 according to the distributional pattern. The participants' average age range was 29 years. There were 36 participants in the 18-30 age group. The participants' average age range is significant for the study since the majority of them had left Zimbabwe during the 2007 and 2008 period when they were still fairly young. The 2007 and 2008 period is symbolic in that Zimbabwe experienced its worst and deepening economic crisis operating at its lowest capacity (Zanamwe & Devillard, 2009). During this period, the inflation rate reached hyperinflationary levels and there was high unemployment due to companies' closure making resource mobilisation difficult for the Zimbabwean government. The situation for this age group became desperate and they responded by migrating as a livelihood strategy as discussed in section 1.5.1. This is consistent with Crush *et al.*'s (2012) findings about third wave migrants who were young and had left Zimbabwe after completing their ordinary and advanced level education.

There were 15 participants in the 31-40 age group and most of them arrived in South Africa before the 2010 FIFA Soccer World Cup hosted by South Africa hoping to take advantage of opportunities to make quick money. This age group had remained in Zimbabwe with the hope that the formation of the Government of National Unity (GNU) between ZANU PF and MDC that happened in 2009 was going to change their fortunes for the better. Three participants were in the 41-50 age group and these ones left Zimbabwe soon after 2000 when Zimbabwe started experiencing its economic downward spiral.

7.2.1 Gender composition and migration

There were 22 women who participated in the study. Gender representation among the participants made it possible to gather vulnerability issues that affect women and roles which they play during the migration process. As shall be noted in the coming sections, dialogues with research participants revealed that legal status affected women's access to health care more than their male counterparts.

7.2.2 Participants' Level of education

Most respondents (37) had attained secondary level of education in Zimbabwe which is the Ordinary level, 10 had reached Advanced level, while 2 were Diploma holders in Refrigeration and Auto Electrics and 2 were Degree holders in Human Resources Management and Development Studies respectively. Only 6 respondents had junior level of education and these are the respondents who cited peer pressure as their main motivation for migrating to South Africa. When they left Zimbabwe during the 2007-2008 period, most of them had not reached the legal age majority (18) in Zimbabwe and had no Zimbabwean Identity cards (IDs) which are applied for when one turns 16. This means that most of them were unaccompanied minors during the time they embarked on the journey to South Africa as shall be noted in the coming sections. These findings also confirm studies by Palmary (2009).

Table 7.1: Respondent's (undocumented migrants') level of education

Level	Frequency
Junior	6
Ordinary	34
Advanced ²⁴	10
Diploma	2
Degree	2
Total²⁵	54

7.2.3 Participants' place of origin and dominant language in Zimbabwe

Thirty-four (34) respondents were from dominant Ndebele-speaking provinces in Zimbabwe namely Matabeleland North (12) Matabeleland South (12) and Bulawayo (10), while respondents from Midlands (5) spoke both languages. Historically, migrants from dominant Ndebele-speaking provinces of Matabeleland find it relatively easy to settle and integrate in South Africa unnoticed due to indistinguishable cultural and linguistic ties with Nguni ethnic groups (please refer to section 3.4.3). Respondents from Harare (6), Masvingo (4), Mutare (5) were predominantly Shona-speaking.

24 Advanced level is the last stage of high school in Zimbabwe before tertiary level (colleges and universities)

25 This is the total number of undocumented Zimbabwean migrants who participated in the study see section 6.4.2

Table 7.2: Place of origin and dominant language in Zimbabwe

Province	Dominant language	Frequency
Matabeleland North	Ndebele	12
Matabeleland South	Ndebele	12
Bulawayo	Ndebele	10
Midlands	Both	5
Harare	Shona	6
Masvingo	Shona	4
Mutare	Shona	5
Total		54

7.2.4 General skills before leaving Zimbabwe

Almost half of the respondents (25) cited trading - the buying and selling of goods as the basic skill which they possessed before leaving Zimbabwe. These respondents were also in the 18-30 age group, the majority of which migrated to South Africa during or soon after the 2007-2008 period dubbed the 'multi-layered crisis' or the 'Zimbabwean crisis' refer to section 3.4.3. The majority of the respondents including women also reported having trading as a general skill. Tevera and Zinyama (2002) found that most people in Zimbabwe are exposed to trading in petty goods and crafts at very tender ages in order to raise money for school fees and subsistence. Farming, especially subsistence farming, is a skill generally possessed by the majority of people hence all respondents indicated having acquired such skills when growing up.

All the women (22) who participated in the study reported having skills for domestic work, but they acquired such skills as part of their household chores duties when they were growing up. It relatively became easy for them to apply such skills in their work environments or use them as reference to look for work in South Africa. More than half of the respondents employed as domestic workers confirmed being employed by Zimbabweans legally staying in South Africa (with permits). On other skills possessed by the respondents, there were four respondents with tertiary qualifications such as diplomas and degrees.

Table 7.3: General skills of respondents before leaving Zimbabwe

Skills	Frequency
Trading	25
Farming	-
Handcrafts	-
Domestic work	22
Others	4
None	3

7.2.5 Marital status

Only (8) respondents who cited family reunion as the reason for migrating were legally married. There were 16 single parents, while 30 were cohabiting. Respondents who were cohabiting also confirmed leaving Zimbabwe during the 2007-2008 era after completing their ordinary and advanced levels of education and these were also in the 18-30 age category. Cohabiting, or (*masihlalisane*) in Ndebele or (*kubika mapoto*) in Shona is a common practice among undocumented Zimbabwean migrants in South Africa. According to Maphosa (2013) *Masihlalisane/kubika mapoto* is a convenient or semi-permanent sexual relationship that develops between migrants and locals (South Africans).

Respondents pointed out that some migrants eventually formalise such relationships into marriages through payment of the bride price (*lobola*) for the woman. Although such relationships between migrants and locals exist, most *masihlalisane/kubika mapoto* arrangements develop between and amongst migrants from their ethnic communities as discussed in section 2.7.3. It is within these ethnic communities that many kinds of social, economic, political and religious relationships grow resulting in strong social capital. *Masihlalisane/kubika mapoto* relationships frequently develop between established undocumented male migrants and newly arrived female migrants. As shall be seen in the coming sections, undocumented male migrants take advantage of newly arrived undocumented young female migrants whom they offer accommodation, food and even work in exchange for sex. Even married men or those with partners back home enter into *masihlalisane/kubika mapoto* relationships. Having discussed participants' profiles the next section presents thematically the findings of the study. The respondents' individuals and shared views and experiences are grouped thematically to give a complete picture of their daily struggles starting with reasons for migrating to South Africa.

7.3 Thematic area 1: Reasons for migration

A large majority of respondents cited economic reasons as the major motivation for leaving Zimbabwe and migrating to South Africa. According to the respondents economic reasons were varied and meant coming to South Africa to look for work, seek better health care and improved standard of living. What the answers suggest is a considerable variety of motives for migrating to South Africa but all are linked to the economy. Respondents generally argued about the 'bad shape' of the Zimbabwean economy especially during 2007 and 2008 period as the main reason for them to migrate. The decision to migrate also tended to be an outcome of a combination of macro (economic environment) and micro (individual) factors in line with neoclassical theories discussed in section 2.3.

At macro-level, section 3.5.1 established that South Africa is the leading economy both in the SADC region and in the continent at large due to its higher standard of living as shown by its high annual Gross Domestic Product (GDP) per capita and this is a major pull factor to the majority of undocumented migrants from Zimbabwe. At micro-level, section 3.5.1 also made it public that income differences between Zimbabwe and South Africa have influenced migration due to the widening gap between earning opportunities in South Africa's favour. Due to the wide differentials in income levels, considerable flows of undocumented migrants have been witnessed since the year 2000 from Zimbabwe to South Africa aided by the short distance between the two neighbouring countries and this is supported by the following comments from respondents.

'My salary during the 2007-2008 period was not even enough to buy a loaf of bread. I had children to look after so I decided to come to South Africa to look for any job because the Rand was a more powerful currency than the Zimbabwe Dollar'.

Some respondents cited joining their family members (spouses), who were already in South Africa as their motivation for migration and such decisions were related to perceived better living standards that are largely economic.

'The filling station where I was employed as a petrol attendant in Zimbabwe had closed but my wife was a cross border trader and was already working as a maid here. So it was easy to join her'.

A small number of respondents highlighted peer pressure as their main motivation for migrating. These findings defy the neoclassical micro-level view explained in section 2.3.1 that individual migrants are rational and income-maximising actors, who decide to move on

the basis of a cost-benefit calculation. Respondents motivated by peer pressure also left Zimbabwe when they were still in school and had not attained the legal age majority (please see section 7.2.2 above). These findings confirm that the vulnerability of some undocumented migrants is self-inflicted because during the time they migrated (2007-2008), they were below the legal age majority. Some respondents who cited peer pressure as the motivation for migrating further confirmed not having Zimbabwean identity cards which enables them to apply for passports to travel safely. Since they left for South Africa without finishing their education indicates that they had a lower level of education (junior level see table 7.1) and unskilled. Unskilled migrants are ineligible for quota work permits and neither are they granted legal status according to the stipulations of the South African Immigration Act 13 of 2002 discussed in sections 1.10, 4.5.2 and supported by comments from the respondents.

'I was told good stories about Johannesburg and I saw some of the nice clothes and good tekkies they were sending to their relatives. That's when I left school and migrated to South Africa'.

Other respondents cited joining family members as their main motivation for migrating to South Africa but with the intention of looking for work. This finding is in tandem with the New Economics of migration theory's view that households make a series of decisions within the context of intra-family relationships to control risks by diversifying the allocation of household resources, such as labour see section 2.4. During the 'multi layered crisis' especially between 2007-2008 period Zimbabwe experienced a fiscal crisis and decline in economic activities in all sectors of the economy that made resource mobilisation difficult for the government (Crush *et al.*, 2012). In the absence of other ways to control such risks, diversification of the family's labour as supported by the respondents' comments below minimises overall family income risk and migration is sometimes a risk-diversification strategy for households in this situation see section 1.5.1. Under such situations international migration as an adaptive strategy becomes effective because international borders create discontinuities that promote independence of earnings at home (Zimbabwe) and abroad (South Africa) and good times abroad can match hard times at home.

'My sister and her husband migrated a long time ago and they have papers to stay here in South Africa. I had finished my ordinary level examinations and I was just seated at home so my father and mother talked to my sister that I join her to look for work and help support the family since there were no jobs in Zimbabwe. She organised everything. Omalayitsha came and picked me from Zimbabwe'.

Unlike some previous studies (Polzer, 2010; Crush *et al.*, 2012) there were no respondents who cited political reasons as the main motivating factor. The reason could be the timing of this research study when it was a relatively quiet political period in Zimbabwe. Migrants tend to cite political reasons as the major motivation for migrating to South Africa as confirmed by Polzer (2010) and Crush *et al.* (2012). On the other hand, the fact that political reasons were not given as a push factor for migrating to South Africa signals that the majority of undocumented migrants from Zimbabwe are economic migrants and not political refugees. This further confirms the Department of Home Affairs' position that undocumented Zimbabwean migrants' are not political refugees but economic migrants because 'there is no war in Zimbabwe' thus, the majority of undocumented migrants are 'bogus' asylum seekers and therefore do not qualify for refugee status in South Africa as discussed in section 4.5.3. Having discussed motivations for leaving Zimbabwe or migrating to South Africa, the next section looks at migrants' experiences of crossing the border into South Africa.

7.3.1 Crossing the border into South Africa

On several occasions during field trips to South Africa to collect data, the researcher observed haulage truck drivers, bus drivers and *omalayitsha* working in cahoots with immigration officials from both sides of the border to facilitate movement of undocumented migrants, including children under the age of 18. The formal clearing or immigration procedures at Beit Bridge Border Post is where bus and truck drivers declare their passengers or goods and are searched, but some drivers bribe immigration officials to turn a blind eye so that drivers may proceed without going through formal border procedures (not searched). The undocumented Zimbabwe migrants reportedly pay over R1, 500 each to enter South Africa without a passport (border evasion) which is shared amongst the drivers and immigration officers as one of the respondents remarked:

'When I came to South Africa I had no passport. I was assisted to cross the border by one truck driver who charged me R2000. When we were on the South African side the driver asked us to remain seated in the truck, and there were six of us. The immigration officers came to search the truck and did not even ask for our passports.'

Bus companies are also involved in the smuggling of people into South Africa without passports as supported by respondents' comments below. For bus companies, their strategy is to maximise profit by having a fully booked bus rather than turning people away because they have no passports. In Bulawayo it is now the norm to book passengers travelling to South Africa without even asking their passports because management is aware that people will cross the border into South Africa whether they have passports or not. Once passengers

pay their bus fares, the rest will be between the passenger and the driver to negotiate entry into South Africa.

'My friend who was working in Johannesburg called one Sunday morning and asked me to be in Johannesburg the following morning. I had applied for a passport but it was not yet processed. He advised me to approach a certain bus operator where I bought my ticket to Johannesburg without any hassles. When we reached the border, the driver gave me a passport belonging to someone. It was not meant to be stamped but to be used as a disguise at check points within the border area and at roadblocks on our way to Johannesburg'.

While at Beit Bridge Border Post on the South African side, immigration officers instruct Zimbabwean bus drivers to tell border jumpers (evaders) to disembark from their buses so that they avoid detection by other government officials such as the HAWKS during their routine checks while immigration officers will be attending to those with passports.

'As soon as the bus arrived on the South African side of the border, we were instructed to disembark and mill around while drivers processed papers and those with passports were attended to, and only embark when the bus has been searched and ready to leave Beit Bridge Border Post'.

Those travelling with *omalayitsha* generally follow the same strategy used by bus or truck drivers however, some syndicates that also involve some *omalayitsha* operate in cahoots with *amaguma guma* in the border areas. Potential migrants (without passports) pay up to R1500 are dropped by *omalayitsha* in a forest called Lutumba, 20 kilometres outside Beit Bridge on the Zimbabwe side. They are handed over to *amaguma guma* who escort them through forests and assist them to cross the sometimes flooded and crocodile infested Limpopo River into South Africa. Respondents narrated chilling stories of women, who are robbed, gang raped or killed by *amaguma guma* while using the illegal crossing points. Once on the South African side undocumented migrants are handed back to *omalayitsha* who will be waiting for them, approximately 30 kilometres outside Musina town to proceed with the journey to Johannesburg, South Africa.

The researcher befriended and accompanied one of *omalayitsha* to one of the illegal crossing point called *Kwamumbengeyi* to establish how porous the border is. There are over 200 undesignated and risky crossing points along the Limpopo River between Zimbabwe and South Africa. Half of the respondents pointed out that they were in possession of passports to legally travel to South Africa but preferred using border evasion methods

because they had pending fines for overstaying their visas or were banned and this strikes a chord with the literature as presented in table 3.1. Overstaying a visa attracts different penalties determined by the time or period one overstays in South Africa. The penalties are in form of fines ranging from R1000 to total banishment from entering South Africa.

'I travelled to South Africa, immigration officers at the border gave me 10 days to visit in South Africa. When the days were about to expire I left Johannesburg a day before the expiry of my visa hoping to come back the next day after extending more days at the border. Along the way there were too many roadblocks delaying the bus. We arrived at the border a few minutes after midnight. The immigration officer refused to grant me more days because I was late by 5 minutes and cancelled my passport. The immigration officer said I can only come back to South Africa after I appeal my ban to the Home Affairs Minister. What it means is I can only go back to South Africa using dabulaphu (border evasion).'

Once in South Africa, migrants move in and out of different immigration statuses. For those that used passports to enter South Africa, are normally in regular entry and regular residence status during the validity of their visa. For those that use border evasion to enter South Africa, start with an irregular entry and irregular residence status as reflected in the literature review in table 3.2. Migrants with an irregular entry, irregular residence and irregular employment face multiple risks due to their 'illegality' in South Africa as examined in theme 2 below.

7.4 Thematic area 2: Vulnerabilities faced by undocumented Zimbabwean migrants

Interviews and discussions conducted during the study identified a group of risk factors that affect the daily lives of undocumented migrants which have a direct bearing on their overall wellbeing. The risk factors have been further grouped into sub themes to clearly reflect the vulnerabilities faced by the undocumented migrants starting with deportation.

7.4.1 Deportation of undocumented migrants

The precarious situation of their immigration status provokes one of their most significant concerns: deportation. The fear of deportation was expressed in all the interviews and focus group discussions, however, it is important to provide some definitional elucidations. According to Anderson *et al.* (2011) deportation is the expulsion of persons from state territory by the threatened or actual use of force. It also includes people who have received an enforcement or deportation order and decide to leave the country before being actually or physically removed (Anderson *et al.*, 2011). The critical aspect is that a person is placed

under the obligation to leave the country and cannot therefore decide to remain. The key role played by deportation lies in the fact that it is a power that governments use to regulate the social space and by so doing, differentiating citizens from non-citizens. This correlates with section 2.10. In section 4.5.2, the Immigration Act 13 of 2002 as amended in 2011 identified populations that are targeted by deportation policies as visa over-stayers, undocumented migrants, 'failed' asylum seekers and other foreigners convicted of crimes.

From the focus groups and interviews held, undocumented Zimbabwean migrants' fear of deportation was wide-ranging in intensity depending on the gravity of the prevailing situation in the migrant's life, the length of time spent in South Africa and the migrant's personal reasons for migrating. Undocumented migrants' fear of deportation is at their lowest ebb once they are arrested for not having a legal status, bundled into police vehicles and head for detention. Most respondents told stories of Zimbabweans who on being arrested on suspicion of being 'illegal' migrants are not allowed to go back to their homes to collect their belongings as narrated in the following case:

In 2016, Thulani 25, a motor mechanic living in the Setswetla informal settlement (ward 75) in Alexandra since 2000, made the mistake of going out to a local shop without his asylum-seeker permit and got arrested. He wasn't also carrying his cell phone to call home and ask someone to bring it. The police who arrested him and the immigration officials, who detained him, did not bother to verify Thulani's legal status before deporting him to Zimbabwe, the country of his birth. Thulani was brought by his father to South Africa when he was eight years old and does not know any relatives in Zimbabwe.

Thulani's story is not unusual; another respondent narrated a case of an undocumented Zimbabwean mother who was arrested in ward 63 at a day-care centre where she was working without a permit. She was bundled into a police vehicle and taken to Lindela detention centre. The woman was never given an opportunity to collect her two-year-old baby she had left at home because once SAPS officers suspect a person to be an 'illegal' migrant they arrest first and ask questions later as examined below.

7.4.1.1 Arrest first, ask questions later

Section 4.5.2 established that the immigration inspectorate, set up by the Immigration Act 13 of 2002, has wide-ranging powers, which include the authority to enter and search premises, to seize suspected evidence on provision of a warrant, and to arrest and detain suspected 'illegal' foreigners. The police together with immigration officials who fall under the immigration inspectorate have the authority to detain an individual on suspicion of being an 'illegal foreigner' and it is on the basis of this power that they arrest first and ask questions later as echoed by comments from a senior SAPS officer below.

'Anyone suspected of being an 'illegal' migrant is arrested first and questions will be asked later. 'Illegal' migrants cause problems with crime; we arrest them and protect them with resources that are intended for our citizens'.

However, the Act also requires of police and immigration officials to verify the individual's immigration status within 48 hours once an individual has been detained on suspicion of being 'illegal' and this bonds well with section 4.5.2. On the flip side, respondents pointed out that once they are detained on suspicion of being 'illegal' police and immigration officials do not make any attempts to verify migrants' immigration status. Respondents further pointed out that even documents which they carry on their persons and produce as a form of positive identification and proof of legality in South Africa are torn up by police because they consider them fake. After being arrested, many respondents indicated that they have spent more than a month in police holding cells at John Foster Square awaiting transport to Lindela repatriation centre for final deportation. Their stay in police holding cells is where the legal system first fails them. Section 4.6.2 ascertained that foreigners whose identity would have been established as 'illegal' are supposed to be held for a maximum of 48 hours in police holding cells before being taken to Lindela repatriation centre for final deportation, but this is not the case.

While in police holding cells respondents' narratives ranged from being ill-treated by the police, to being robbed by jailed South Africans in the overcrowded cells, to demands for sexual favours and soliciting of bribes in return for contact with their families. Respondents who once went through the deportation procedures during the past ten years expressed uneasiness and distress over the issue of deportation. One respondent said that their fear of deportation was further heightened after the Marikana massacre of miners by police in 2012 see (Tolsi, 2013). The respondent further said that the fear is even more real to those migrants who have never been deported, but heard stories about the brutality of South African police and the harrowing experiences undocumented migrants face at Lindela

repatriation centre. However, the most disturbing narratives were of those who spent long periods of time at Lindela repatriation centre.

'You hear about people being there for months and you doubt it and you only believe it when you meet someone who has been there for more than a year,' said one respondent who is a former inmate.

Such detentions contravene the Immigration Act as amended in 2011, which places a ceiling of 120 days on immigration detentions as discussed in section 4.6.2. Respondents identified reasons why inmates are detained for more than a year at Lindela and these include: a lack of resources to transport detained foreigners especially those who need to be flown to their countries of origin; and failure by officials at Lindela to verify the detained foreigner's nationality. In cases where officials from Lindela fail to ascertain a person's nationality, one interviewee from a non-governmental organisation said that an official from the purported migrant's country of origin familiar with the detained migrant's language is invited to South Africa to interview the person in that country's native languages.

Such a process is bureaucratic and it can take more than a year while the undocumented migrant remains in detention. Some studies have simply mentioned that foreigners are kept in detention for more than a year without disclosing reasons (Crush, 2011). This study has gone a step further to establish the reasons behind the prolonged detention of undocumented migrants at Lindela and by so doing adding to the current body of knowledge.

While undocumented migrants are in detention at Lindela, their stay is always characterised by trouble. The word 'trouble' according to the respondent refers to everything from hunger strikes to full-blown riots. Respondents indicated that there are disagreements between detainees from different countries that end in scuffles and there are not enough guards to intervene. Disagreements are often born out of simple complaints rather than out of the bureaucracy of deportation. For instance, the complaints by detainees when basic toiletries run out can lead to a riot which respondents (former detainees) blamed Lindela officials and security guards.

Respondents also talked about how detained migrants suffering from chronic ailments like HIV and tuberculosis are not able to access lifesaving medication such as Anti-retroviral drugs. Most undocumented migrants' are arrested on their way to or from work and are never given a chance by the police to get their medication and prescriptions from home once they are arrested on suspicion of being 'illegal' (see above). Respondents also highlighted

that continuous detention of undocumented migrants at Lindela put them at risk of developing resistance to drugs or catching multi drug resistance TB because of failure to take their medication religiously as per their doctors' instructions. Respondents further pointed out that sometimes undocumented migrants are given pain killer tablets for different ailments without diagnosis from doctors or nurses and these make them very weak as supported by comments from the respondents.

'At times, food at Lindela is mixed with pills that make detainees feel weak and numb to stop them from rioting'.

After spending time at the Lindela repatriation centre awaiting deportation, detainees are taken by train to Beit Bridge border post in Musina, then across the border into Zimbabwe in police trucks. Most respondents said that they plan their return journey to Johannesburg as soon as the South African Police hand them over to Zimbabwean officials not because they will be defying efforts to be sent back home, but to collect their belongings, reunite with families and also collect outstanding salaries. The issue of deportation is also one of the reasons why undocumented migrants prefer cohabitation instead of permanent relationships, as discussed in section 7.2.3. One interviewee from a humanitarian organisation that helps undocumented migrants recover their belongings after they have been deported also shared the same opinion with respondents from focus group discussions.

'Most undocumented migrants are chucked out without collecting even their clothes, let alone outstanding wages from wherever they would be working and this is not the way deportations should be carried out. Based on our calculations about 20% of them find their way back to South Africa as soon as the Zimbabwean authorities release them to go to their respective homes not because they want to, but they want to recover their properties, 'We normally intervene on behalf of those with belongings by engaging our counterparts in South Africa and so far we have managed to recover about US\$12 000'.

Being subject to deportation also explains undocumented Zimbabwean migrants' inability to consider their own health care because of fear of being reported to the authorities. As shall be noted below, an irregular status has a considerable effect on their overall health of an individual once a problem arises.

7.4.2 Lack of access to healthcare

Another major obstacle facing undocumented Zimbabwean migrants in South Africa is the lack of access to health care due to their 'illegal' status. Undocumented Zimbabwean migrants incur greater health problems and experience increased vulnerability due to inadequate recourse to curative and preventive care as a result of their 'illegality' in South Africa. The irregular status of Zimbabwean migrants instigates a level of general stress and fear, which greatly impacts on their wellbeing and their access to the health care system in South Africa. The majority of the respondents said that it is very difficult to get healthcare (treatment) in Johannesburg's public health institutions if one is a non-citizen. Respondents further indicated that foreigners who cannot produce evidence of being legally resident in South Africa are regularly refused treatment or turned away from government hospitals and clinics, no matter how sick they are as supported by respondents' comments from the following section.

7.4.2.1 No document no doctor

One respondent from a charity organisation indicated that she came across the case of a five-year-old orphaned boy who lives with his grandparents in Ward 64. The grandmother took the boy to two different clinics in Johannesburg after he fell ill but both clinics refused to treat him because he did not have any documentation (South African birth certificate). After the grandmother failed to produce any identity document (green book) needed for her grandson to get treatment, the grandmother, an asylum seeker from the Lupane District in Matabeleland North Province in Zimbabwe turned to the charity organisation for help. When officials at the organisation saw how sick the child was, they were infuriated that many foreigners do not have access to health facilities and do not have anyone to fight for them to get the treatment they deserve. Officials quickly referred the boy to Naz House, a hospice which is an association of non-governmental organisations that assists the needy in Johannesburg. Below is a narrative from the officials of how the boy's life was later saved.

'When we took the boy to NAZ house, the doctor there was so shocked to see the condition the boy was in, he was at death's door. The Doctor immediately referred the boy to Charlotte Maxeke hospital where he tested positive for HIV and tuberculosis and was put on treatment. Today he is doing well and is still on antiretroviral therapy. But what clinics and hospitals in Johannesburg are doing is discrimination and xenophobic, you don't refuse treatment for non-citizens'.

Sometimes officials pay from their own pockets to make sure that non-citizen patients get treatment. The above story is not an isolated one. Respondents further pointed out that before they receive any treatment, they are often asked to provide proof of residence in form of utility bills bearing their names that also indicate their residential addresses. However, for one to have utility bills bearing one's name or to open a bank account in South Africa, a green identity book (South African ID) or valid permit if a foreigner, bearing the *bona fide* owners' photo is needed. Many respondents pointed out that they are unable to open bank accounts or transact on issues that require paperwork because they are foreigners whose legal status prohibits them unless through fraudulent means.

Evidence from both focus group discussions in wards 66 and 75 suggests that when undocumented migrants are denied treatment by public health institutions in Johannesburg, some undocumented migrants make use of underground 'clinics' or use health care networks, while others return home and continue to suffer from the ailment until it goes away on its own or they succumb. Interviewees indicated that those who prefer to use underground healthcare networks to treat their ailments sometimes experience the double structure of vulnerability; which is susceptibility to harm, powerlessness and marginality as explained in section 5.2.

One focus group respondent in Ward 75 described the dangerous manner in which her cousin's abortion was carried out by a traditional healer after she was denied abortion services at one of the referral hospitals in Alexandra. At the time of the focus group discussions, she was said to be suffering from ovarian cancer arising from the abortion. Thus, lack of documents not only denies undocumented Zimbabwean migrants' access to health care in South Africa, but also exposes them to underground health-care networks that sometimes heighten their vulnerability to other ailments due to improper treatment by unqualified medical personnel.

7.4.2.2 No medication for certain ailments for foreigners

Sometimes undocumented migrants' are denied medication for certain types of ailments they might be suffering from. When non-citizen patients collect medication from the public pharmacies for rare ailments like kidney failure, they are told that the medicine is out of stock even if it is there. Whilst respondents agreed that treatment for ailments like HIV and TB can be accessible even to undocumented migrants, treatment for other chronic ailments like kidney failure is not accessible to migrants without legal status even if it is available in stock at public hospitals and this is supported by comments from respondents below.

'In 2015, I had severe diarrhoea. I could not go to the local clinic for tests because I had no papers so a friend of mine from Zimbabwe accompanied me to a certain organisation. Their doctor ran some tests and told me that I was HIV positive and was also suffering from kidney failure which needs dialysis or replacement. I get HIV treatment from Johannesburg hospital (Charlotte Maxeke), but for the kidney they said there is no medication for foreigners. It's as if there are some diseases that undocumented migrants don't have the right to be treated for, like kidney failure'.

Part of the explanation why such medication is inaccessible to undocumented migrants could be the costs involved in procuring them hence they are reserved for citizens. However section 27(3) of South Africa's Constitution guarantees health care for everyone. This section of the constitution is silent on the citizenry of the people whose rights are conferred, but it is universally interpreted as applying to citizens and foreigners alike resident in South Africa. Further to this section 4.2.1 posited that states are required under the Universal Declaration of Human Rights to respect the right to health and refrain from denying or limiting equal access for all persons, including prisoners or detainees, minorities, asylum seekers and 'illegal' migrants preventive, curative and palliative health services²⁶. South Africa is a signatory to the Human Rights framework and recently ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR). However, as a signatory South Africa undertakes not to undermine the object and purpose of the Human Rights Framework. Having looked at undocumented migrants' lack of access to health care, the next section discusses health care xenophobia.

7.4.3 Healthcare xenophobia

Another problem reported by respondents commonly faced by undocumented Zimbabwean migrants' trying to access health care is the xenophobic attitudes of medical personnel at some of the city's hospitals and clinics. Respondents indicated that xenophobic attitudes directed against undocumented Zimbabwean migrants and the draft guidelines (see Figure 7.1 below) for treating non-citizens at hospitals and clinics in Johannesburg were a major barrier to getting basic health services. Although xenophobia is widely believed to be perpetrated by South African citizens against their fellow African foreigners as discussed in section 5.10, this study unearthed another dimension of xenophobia which respondents referred to as 'Health care xenophobia' perpetrated by health care staff in Johannesburg's public health institutions.

26 Constitutional courts in South Africa normally rely on ICESCR as a tool of interpretation when passing rulings to do with right to health see <https://www.escr-net.org/news/2015/government-south-africa-ratifies-icescr>. See also <https://section27.org.za/wp-content/uploads/2010/04/Chapter5.pdf>

Respondents in this study coined the term 'Health care xenophobia' due to discrimination they face when trying to access health care in Johannesburg's public health institutions. Undocumented Zimbabwean migrants' were denied health care including emergency treatment after a set of guidelines were circulated to all public health institutions in Gauteng Province by its health department requiring non-citizen patients without documentation to pay in full before accessing healthcare services (see figure 7.1 below). One participant from a non-governmental organisation also described the set of draft guidelines for treating non-citizens as xenophobic and had this to say:

'This kind of institutionalised xenophobia sends the wrong message to society that non-citizens are a burden to health care in South Africa and can easily influence xenophobic tendencies'.

The draft guidelines contradict the South African legislative policy on health care. Health care in South Africa is guided by three pieces of legislation namely, the National Health Act 61 of 2003 which submits that all pregnant and lactating women including children below age of six are eligible for free health care services at all levels (South Africa 2004). Secondly, section 27(3) of the constitution guarantees everyone the right to access health care as discussed in the section above. Section 27(3) of the South African constitution is further supported by the International bill of rights please see section 7.4.2.2 above. The negative health implications of the guidelines could be far-reaching, especially if a migrant without a legal status has tuberculosis (TB). Without treatment, he or she may run the risk of developing resistance to the disease or catching multidrug resistant TB which could be transmitted to others.



Figure 7.1: Part of the draft guidelines for the treatment of foreigners.

Source: Researcher's photographic library.

7.4.3.1 No emergency medical treatment for undocumented migrants

The Gauteng health department's guidelines (figure 7.1) are in contradiction with South Africa's supreme law (constitution) and national legislation on health, which is the National Health Act 61 of 2003 whose preamble clearly states that '...no one may be refused emergency medical treatment' (South Africa 2004). The draft guidelines shown above exacerbate the vulnerability of many undocumented Zimbabwean migrants in that some of those denied health care, including emergency medical treatment eventually succumb to their ailments as supported by the respondents' testimonies below.

'When Thandi (17) tried to terminate her pregnancy with an overdose of pills, the ambulance that Sisa (Thandi's mother) called took them to nearby Rand Hospital, in the Johannesburg suburb of Berea. But when nurses realised that Sisa's ZDP permit had expired they refused to admit her pointing to a notice on the wall saying that non-South Africans have to pay R5,000 (US\$400), recalled Sisa (see figure 7.1). She offered her mobile phone, but they said no, this is not a pawn shop. Sisa later begged for a lift from a Zimbabwean friend to take her unconscious daughter home where she succumbed to the overdose.'

Stories like Sisa's are commonplace among undocumented Zimbabwean migrants in Johannesburg. Respondents from Disaster Management Organisations interviewed were of the opinion that the guidelines being applied at public health institutions in Johannesburg were inconsistent, vague, and seemingly not well understood by medical staff leading to increased vulnerability of undocumented Zimbabwean migrants. Respondents further pointed out that the guidelines shown in figure 7.1 can potentially provide fertile grounds for xenophobic viewpoints to flourish at public health institutions in Johannesburg. Female respondents also complained of mistreatment by medical staff during their ante-natal care visits as evidenced by the narratives given in the section below.

7.4.4 Undocumented pregnant women giving birth to stateless children

Undocumented pregnant women are the most affected when it comes to ante-natal care and child birth in South Africa. Due to their precarious immigration status, most of them are afraid to seek ante-natal care at Johannesburg's public health institutions for fear of being reported to Home Affairs' officials as 'illegal' and deported see section 7.4.1. Other female respondents pointed out that draft guidelines shown in Figure 7.1 affect their visits for ante-natal care and prefer giving birth at home (places of residence) rather at the clinics or hospitals because of the prohibitive fees charged if one is foreign (see figure 7.1). Respondents also gave accounts of some undocumented pregnant women who are so daring that they use cloned documents in order for them to access ante-natal care services and be able to give birth in hospitals.

However, those that use fake/cloned documents found it difficult to register their children's birth certificates and for enrolment in schools both in South Africa and in Zimbabwe because of the pseudo names they use to conceal their Zimbabwean identities or the unavailability of persons who would have borrowed them their identities (South African IDs). Other women participants recounted stories of Zimbabwean pregnant mothers being slapped while giving birth, or told to 'hurry up'. Some gave birth on the floor of labour wards or on waiting room benches because nursing staff taking their time or refused to attend to them. The following accounts from respondents and interviews corroborate the issues discussed in this section.

'I went to the local clinic in (Ward 66) to register for ante-natal care. My passport was valid but my student permit had expired. The deep Sotho or Zulu language nurses speak made it very difficult for me to approach them. I felt intimidated and feared that I will be reported to the authorities as an illegal migrant and deported. They don't want to hear us speaking even the slightest English because it's for white people'.

'I paid a certain lady R200 to use her South African identity document (ID) to register my pregnancy. The strategy worked and I delivered at the clinic using a false identity. But I cannot find my child a place to learn both in South Africa or Zimbabwe, or even apply him a passport because he doesn't have a birth certificate because the lady whose South African ID I used when I registered for the ANC is nowhere to be seen. My child can only travel to and from Zimbabwe using omalayitsha because I cannot get him documents'.

'I collapsed in a hair salon where I was working as a hair dresser and the next moment I woke up I realised I had given birth. When the nurses asked for my ID I produced a fake asylum permit. I can't go back to get a birth record because they will ask me many questions and I fear getting arrested and deported. I have even lost the fake asylum permit I used at the hospital and have another one with a different name'.

The above accounts given by respondents show the progression of vulnerability if root causes are not solved leading to disastrous consequences and this discussion links with section 5.6. Language barriers also add to the xenophobic problem at Johannesburg's public health institutions as discussed below.

7.4.5 Language barriers and health care

A section of the respondents reported facing language related challenges in their bid to access health care in South Africa. The respondents indicated that their most common problem with public health care providers in Johannesburg was language-related. Respondents who were found to be having challenges communicating with health personnel around Johannesburg hospitals were from dominant Shona-speaking provinces for example, Harare, Mutare and Masvingo (refer to table 7.3). Respondents from the south-western parts of Zimbabwe did not report having communication challenges with the health personnel due to the similar dialects with certain South African languages and this is in line with section 3.4.2. This is also the first time such a comparison has been discussed in empirical research regarding language barriers and healthcare in Johannesburg.

Communication is an important aspect of every organisation the world over (Crush & Tawodzera, 2011). If communication is poor or does not exist, there is a great danger that patients may suffer the consequences in form of inadequate attention to their problems or wrong drugs being prescribed leading to wrong treatment.

One respondent named Rumbi (35) from Harare had this to say:

'The last time I went to the local clinic, I addressed my problem in English and the nurse asked me how long I have been in the country. I told her 2 years and she started insulting me saying that I wanted to show off that I was learned and English is for abalungu (white man) I did not respond for fear of angering her more. She took my card and told me to re-join the long winding queue at the back'.

Respondents further indicated that some undocumented Zimbabwean migrants are caught between speaking in English and speaking in a broken South African language both of which anger the health care personnel. South Africa maintains 11 native languages namely: Afrikaans, English, Zulu, Ndebele, Xhosa, Sepedi, Siswati, Sesotho, Setswana, Xitsonga and Tshivenda, ten of which are native only to South Africa with the exception of English. Health care personnel in Johannesburg hospitals seriously take offence at their native languages being pronounced incorrectly, especially Zulu. One respondent spoke about the humiliation he suffered for trying to speak in broken Zulu at a local clinic in Alexandra.

Health care personnel may find it socially unacceptable and culturally offensive, for undocumented Zimbabwean migrants to impose their language (English) on them. One respondent, Luba 39, who stays in ward 66 and could not speak Zulu was told by clerical staff at the help desk when she visited the clinic to bring an interpreter if she was to get any treatment. Under such circumstances, it is highly unlikely that migrants are able to effectively communicate their health problems and needs. Some respondents said that the best they could do is to speak as little as possible and hope that the medication they get is the right one for their ailment. Other respondents indicated that they simply point to the problem area (head, stomach, teeth or pubic area) and hope that the nurses can figure out the rest for themselves.

The fear and the anxiety experienced by undocumented Zimbabwean migrants when communicating their health problems are real and act as a barrier to accessing health care in South Africa. This can also limit the ability of migrants to adapt linguistically, thus reinforcing the language barrier. Lack of legal status further explains undocumented Zimbabwean migrants' inability to consider their own future plans as discussed below.

7.4.6 Lack of financial planning (future plans)

Most respondents, reported being financially insecure because of their ‘illegal’ immigration status which did not only affect their daily lives, but also their future plans. Furthermore, their sense of uncertainty about being able to reside in South Africa on a long-term basis means that their prospects and actions are geared towards the short-term. As a result of this acute concentration on the present, participants indicated that they are preoccupied with the more immediate and urgent questions in their lives.

Some respondents indicated that they lost some savings after their accounts were frozen by banks on expiry of their ZDP permits in 2014. Under the Financial and Intelligence Centre Act (FICA) of 2003, foreigners are required by South African banks to produce a valid passport and a permit for their accounts to remain active. Other respondents further reported that companies they were working for even refused to pay their salaries after the permits expired. Some respondents during a focus group discussion, like Mandlovu (38), was of the opinion that having some form of savings for unseen eventualities was not in their best interest since they can be deported anytime (see section 7.4.1) given their ‘illegality’ in South Africa:

‘It’s a waste to save money here in South Africa because you can be deported or become sick and eventually die and no relative of yours will claim it from the banks’. The most important thing at the moment is to feed my two children, pay their school fees, and send some money to my parents back in Plumtree, when you get sick, the best way to avoid problems for your family is to go back to Zimbabwe as soon as your health deteriorates.’

Some undocumented migrants’ join burial societies which, in the event of their deaths, will cover the cost of repatriating their bodies back to Zimbabwe as well as covering funeral expenses and this resonate with section 2.7.4. Some respondents felt that the monthly subscriptions charged by such burial societies were too much to part with given that they were unemployed or their wages were not enough or feared losses in case they were deported. Mandlovu’s story signifies that financial investment (for example, life insurance or medical cover) represents a luxury. The situation of certain interviewees appeared even more difficult in that it was as though their lives were on hold. The general insecurity coupled with the fear of deportation prevented many migrants from preparing for death. Without a contingency plan, relatives of deceased migrants’ face acute difficulties repatriating bodies of their loved ones to Zimbabwe. Some are forced to use the unorthodox means of repatriating bodies as narrated in the stories that follow.

7.4.6.1 Smuggling of corpses due to high costs of repatriating the dead

Respondents' insecure status in South Africa not only affects their present lives as human beings but continues to haunt them into their graves. In most cases it is the relatives of the deceased migrant who are left behind to shoulder the costs of repatriating the remains from South Africa back to Zimbabwe because of lack of assurance policies. Most undocumented migrants are unable to provide assurance cover when the inevitable happens due to poverty wages they get from their 4D jobs (dirty, dangerous, demanding and demeaning, see section 5.9.1) which are just enough to cover the basics only. Most of them are employed in the informal sector as domestic workers, shop assistants, and security guards where they have reported rampant and systematic violation of employment conditions by employers. However, other undocumented Zimbabwean migrants are able to hedge against the high costs of repatriating the deceased by subscribing to burial societies see section above and also 2.7.4.

One participant reported that in early 2016, his neighbour Temba Mncube (68), once a migrant himself (Injiva) resorted to smuggling home (Tsholotsho District, Zimbabwe) the body of his unemployed daughter (22) who died of an unknown illness. Temba Mncube could not raise the minimum R10 000 (just over US\$700) needed to process the papers for repatriation and transportation of the corpse. Temba Mncube hid her daughter's body in a *malayitsha's* vehicle that was transporting goods to Zimbabwe and paid a bribe of R350 at the border in order for the vehicle not to be searched. Temba Mncube took his daughter's body to his rural village in Tsholotsho district about 120km southwest of Bulawayo where she was buried without the burial order as required by Zimbabwean law. At times unidentified undocumented Zimbabweans are given paupers' burials without the relatives knowing about their fate as discussed in the section below.

7.4.6.2 Paupers' burials for unidentified Zimbabwean migrants'

Many Zimbabweans without a legal status have a tendency of throwing away their Zimbabwean documents or not having them on their persons once they arrive in Johannesburg, South Africa, for fear of being caught and easily identified as Zimbabwean. South African Police together with Immigration officials jointly conduct random 'Stop and Search' operations for example (Operation Fiela-Reclaim) targeting criminals and migrants without a legal status and this also links with section 5.9.5. The throwing away of documents is a strategy to delay their swift deportation once they are arrested on suspicion of being an 'illegal' migrant (see also section 7.4.1.1). Not having Zimbabwean documents (for example, Zimbabwean identity cards or passports) perpetuates their vulnerability (dynamic pressure)

(see figure 5.1 or section 5.6), especially those living in Johannesburg in the study areas. Johannesburg is one of the cities in the world with a high rate of violent crime (Crush *et al.*, 2012). One respondent from the focus group discussion recounted the following story:

'Biggie Zuze (26) from Harare was attacked and killed by thugs on his way from work in the Johannesburg suburb of Hillbrow (Ward 63) near Pretoria and Edith Cavell streets. His body was discovered the following morning in a nearby ditch and still lies unclaimed in a Johannesburg mortuary. Biggie Zuze crossed into South Africa through border evasion and never had a Zimbabwean passport. Even if his relatives are to be found, Biggie Zuze's lack of a Zimbabwean identity would likely make it impossible to repatriate his body because officials here in South Africa need to positively identify him. Biggie Zuze might end up being buried here in South Africa as a pauper and his parents and relatives are likely to go for years believing that he is still alive.'

Having shown how some Zimbabweans end up being buried as paupers because of lack of documents, some undocumented migrants struggle to make ends meet because of unfair labour practices examined below.

7.4.7 Unfair labour practices and unemployment

Southern Africa has a long history of labour migration characterised by both highly regulated contract employment in the mining industry and unregulated informal employment characterised by undocumented migration (as discussed in section 3.3). In this study, most respondents frequently gave reasons relating to the decline of the Zimbabwe economy and looking for employment in South Africa as the main motivations for migration (refer to table 7.1). However, their perception of South Africa and what they experience are contradictory.

The findings of this study revealed systematic violations of undocumented Zimbabwean migrants' labour rights in form of long hours and low pay due to their legal status. The study's findings are also in incongruence with studies by Rutherford and Addison (2007), Bloch (2008), Crush and Tevera (2010) and Crush *et al.* (2012). The violations are an infringement of the international labour standards to which South Africa is a signatory as explained in section 4.2.1. Respondents indicated that the main areas of work for undocumented Zimbabwean migrants are security guards, domestic work, pub or restaurant work, and small enterprises/businesses in the informal sector. These too are characterised by low pay and long hours. Respondents also pointed out that undocumented Zimbabwean migrants in South Africa take up 4D jobs (see section 5.9.1) which locals shun or they look

for work in the informal sector. Work is uncertain and is often seasonal in nature as narrated in the following stories.

'There are jobs here in South Africa for those who want to work hard especially in the restaurants, as maids or security guards, but the problem is they pay below the minimum wage, there are unlawful deductions and overtime without your consent because you don't have a green identity book (South African ID).'

'Most employers do not want to employ us because they do not recognise the asylum permits because some say they are fake even if they are valid'

'If you complain about pay owners report you to the police towards month end so that you don't get your pay. They will rehire another Zimbabwean without papers and do the same thing again. It's a common practice especially among Asian restaurants owners or managers. They bribe the police to come every month end to arrest Zimbabweans without papers working at this restaurant.'

On average undocumented Zimbabwe migrants in South Africa are paid much less than others due to their 'illegal' status and the nature of their employment which is segmented in low-paid, low-skilled secondary sector jobs, as discussed in section 2.5. Most of the respondents were of the opinion that employers take advantage of their desperation because of the economic situation in Zimbabwe. Other interviewees indicated that they have little or no recourse by reporting their violations, because they are vulnerable (irregular legal status). Complaining to police can easily find themselves detained and deported, as in Ntando's case below.

Ntando (20) crossed the border into South Africa when she was 16 with *umalayitsha* who promised her a job and a place to stay. She was looking for domestic work to support her family after the death of her father and hoped to generate enough money to pay for her siblings' school fees and ailing mother's medicine.

'I worked for six months, doing all household chores, but was never paid when I demanded the money I worked for, he said he would have sex with me first because I did not pay when he smuggled me into South Africa. I refused and got beaten for demanding my dues. After this I became afraid to ask for my money so I would comply with whatever he asked.'

Ntando's sexual abuse was unrelenting for several months. She could not report the abuse to the police because she feared to be deported. Ntando later discovered that she was pregnant and finally reported the abuse to the police.

'But ...the police did not do anything. In fact, I was detained in a cell with adults and they deported me'.

A participant from a non-governmental institution that helps young girls like Ntando had this to say:

'Here in South Africa issues of forced labour and sexual abuse are very common especially against young girls without a legal status. Migrants are unaware of their rights and are afraid to go to the police because they don't want to be deported or are afraid the police will not act. Those migrants that are lucky to secure work often face exploitation or are paid less than South African workers and sometimes their salaries are withheld for months. If they protest they risk losing their jobs or being reported to the authorities'.

Having discussed the exploitation and violation of migrant labour rights by employers in South Africa, some respondents decried lack of decent accommodation as a major contributory factor to their vulnerability as discussed below.

7.4.8 Accommodation and natural hazards' contribution to vulnerability

Accommodation in Johannesburg as explained in section 1.14.4 and 6.3.1 is acutely in short supply especially for undocumented migrants. According to the majority of respondents undocumented Zimbabwean migrants look for accommodation in informal settlements for example Setswetla (Ward 75) in Alexandra as a transition to adapt to their arrival in Johannesburg. Respondents also indicated that newly arrived undocumented migrants struggle to find their feet due to lack of sustainable livelihoods, hence they prefer informal settlements as safe neighbourhoods because there is limited or no surveillance from police and rent is cheap.

However, transect walks in the study areas especially ward 75 and 76 revealed that undocumented migrants are more vulnerable to natural hazards than being safe from surveillance by the police and cheap accommodation. Some of Setswetla informal settlement shacks are built along the Jukskei River which burst its banks during the flash floods and heavy rainfall in November 2016 (News 24, 2016). Setswetla residents lost lives and property worth thousands of Rands but for many migrants whose homes were

destroyed their grave concern was the loss of their documentation (asylum seeker permits and ZSP permits see section 5.11.2) as described below.

‘ I was allocated space by one traditional healer who claims ownership of this place and I pay him R300 a month to rent the space. I managed to build my shack but the problem is that it is on the edge of the Jukskei river bank and there is no more space. Off course it is dangerous to live on the riverbank but there is no other alternative. The rains caught us off guard and the water level was higher than the roof of my shack and I lost everything. However I’m not worried about food, clothes and property because these ones I can buy. What I’m mostly worried about are my documents and these you can’t buy. I went to Home Affairs and they said they cannot find my name in the system unless I bring a copy of my ZDP permit and now I am an ‘illegal’ migrant’.



Figure 7.2 Respondent’s shack built on Jukskei river bank.

Source: Researcher’s photographic library

Whilst some undocumented Zimbabwean migrants are worried about recovering their documents that were lost as a result of their shacks being swept away by floods, some who preferred staying in the inner-city suburbs as groups lack privacy. Other respondents indicated that due to the unrelenting xenophobic attacks discussed in section 5.10 which are common in informal settlements, they prefer staying in inner city residential suburbs where they live in groups for their safety. But landlords in these inner-city suburbs take advantage of undocumented migrants’ ‘illegal status’ to charge exorbitant rentals by renting out space or charging rent per person see section 1.14.4. Exorbitant rentals also force undocumented migrants to stay in groups as a cost-cutting measure; however, overcrowding makes it

difficult for married couples to find opportune times to enjoy their conjugal rights as narrated below:

'My wife and I together with our two children shared a bachelor's flat since I came to South Africa in 2004 but during the height of the economic crisis during 2007-2008 period, my brother-in-law and his wife also joined us from Zimbabwe. As if that was not enough, my sister and her husband and two other cousins also joined us in 2008 from Setswetla informal settlement in Alexandra where they were fleeing from xenophobic violence. The living arrangements became embarrassing and unhealthy because at one point there were 15 of us sharing a bachelor flat and my children would wake up to the noise of my in-laws having sex. I ended up dividing the bachelors' flat using curtains not to expose my young children to such behaviours at their tender ages. To make matters worse, one of my cousins was diagnosed with TB and everyone was at risk of infection but there was no choice'.

Now that undocumented migrants' vulnerabilities have been ascertained, the next thematic section looks at how migrants seek to improve their livelihoods as a way of reducing their vulnerabilities while in South Africa.

7.5 Thematic area 3: Undocumented Migrants' livelihoods while in South Africa

The Zimbabwean economy has been slowly de-industrialising since the year 2000, resulting in the widespread lay-off of workers due to the economic crisis as discussed in section 3.4.3. The majority of the workers laid-off became self employed by engaging in cross-border trading seen as the most viable strategy during the crisis period see table 3.1. This was confirmed by most respondents who reported having trading skills which they acquired before migrating to South Africa see also table 7.3. Migration as discussed in section 1.5.1 is often part of a household livelihood survival strategy that brings with it commitments to build social resilience within households. Once migrants are in South Africa, they are confronted with the problem of sustaining their livelihoods due to structural barriers they face (legal status) in the labour market.

The social network theory as shown in section 2.7 has been used to explain the persistence of migration. The same theory can also be used to explain the establishment of immigrant businesses and the choice of new niche markets by undocumented Zimbabwean migrants for their livelihood strategies in South Africa. Undocumented migrants struggle to find employment in South Africa due to their 'illegality' see section 7.4.7. However, some with the help of social networks decide to be their own employers by establishing immigrant

businesses and this correlates with section 2.7.1. Undocumented migrants traditionally establish themselves in the vending business by selling fruits, vegetables and food as shown in figure 7.3 below. Others establish barbershops, or run car-repair and panel beating shops or sell arts and crafts (curios) at traffic lights all of which depend on skills and also require low capital to start the business (Light 2000; Matshaka, 2009; Tengeh & Lapha, 2013). Such immigrant businesses are also referred to as ethnic economies see section 2.7.



Figure 7.3 Migrant Street vendors in Ward 59.

Source: Researcher's photographic library.

This study has witnessed a paradigm shift by undocumented Zimbabweans from traditional migrant businesses of vending goods and services to more risky businesses with quick returns or profits as a way of circumventing their vulnerabilities and for that reason this research is filling that empirical gap. Such businesses include operating pirate taxis, car washes, repairs of cell phones, street food stalls (figure 7.3), smuggling and selling of prohibited goods into Zimbabwe and illegal mining. As shall be seen in the following sections 7.5.1, 7.5.2 and 7.5.3, undocumented Zimbabwean migrants in South Africa are energetic transnational actors who capitalise on economic opportunities in the host country to facilitate transnational activities with their country of origin with the help of social capital.

7.5.1 Operating unregistered taxis

Joe (35) a university graduate arrived in South Africa in 2010. He found a job selling curios at a stall outside one of the Game stores in Johannesburg, but later left it. Joe, through the help of a friend (use of social capital section 2.7.5) started his own taxi business targeting Zimbabwean shoppers coming to Johannesburg to buy goods that are in short supply back home.

'I wasn't very good at it but it was a job. After 3 months or so I realised that it was not working out, this is not the gold that I came to look for in Johannesburg (the city of gold). A friend of mine whom we went school together in Bulawayo and with a permanent residence permit in South Africa gave me one of his small vehicles to use as a pirate taxi after I realised that most Zimbabweans coming to Johannesburg for shopping were having difficulties moving between different malls while shopping'.

Joe saw an opportunity whereby the majority of Zimbabwean shoppers were struggling to find an honest person to assist them with their shopping since most shopping malls in Johannesburg are a distance apart. Most would buy their goods on arrival in the morning and return to Park Station in the evening where they would catch buses and return to Zimbabwe on the same day without finishing their shopping.

'Because of the level of trust I have built with some of the shoppers, they have given me their credit cards to order and pay for their goods while they remain in Zimbabwe. For each errand I charge R400 and I can do three errands a day for different customers when business is good'.

The ordered goods are given either to bus drivers or *omalayitsha* who smuggle them into Zimbabwe without paying import duty. The goods are later delivered to their owners back in Zimbabwe. Goods ordered range from groceries, car parts, electrical and some pharmaceutical products. Due to his good business acumen, Joe managed to expand his customer base and now includes South African citizens. He has managed to buy one more taxi and employed a driver who is South African for customers whose errands involve driving outside Johannesburg.

Due to Joe's strong social networks see section 2.7.5, he complements other undocumented Zimbabwean migrants' businesses by hiring out his taxis to deliver pharmaceutical goods bought as medicine in South Africa but sold as contra band in Zimbabwe such as Broncleer discussed below.

7.5.2 Supplying medicine (Broncleer cough mixture) as contraband to Zimbabwean markets

Stan (34) another university graduate came to South Africa in 2010 hoping to take advantage of the 2010 FIFA World Cup to look for opportunities to make quick money. Opportunities of making money were few and far during the hosting of the World Cup in South Africa but Stan learnt that some soccer fans were abusing cough mixtures like Broncleer to get high during soccer matches. Stan also realised that the economic situation

in Zimbabwe where the majority of the youths just spend time roaming the streets due to unemployment was ideal to sell 'Bronco' street lingo for Broncleer in Zimbabwe.

A 100ml bottle of Broncleer costs R15 over the counter in South Africa and the same 100ml bottle is resold for \$4-\$5 in the urban streets of Zimbabwe's major towns depending on demand. Each box contains 50 bottles of 100ml of 'the feel good drug'. In South Africa the cough mixture (Bronco) can be bought over the counter (OTC drugs) but it is a Schedule 2 drug²⁷ and pharmacists have the duty to take down details of buyers for easy monitoring. Stan does not buy the medicine over the counter but deals with pharmacy owners or pharmacists because he pays cash even up to R20 000 per transaction. Stan hires Joe's pirate taxi (see section above), to collect his orders from pharmacists and deliver his contraband to Stan's different Zimbabwean customers who make the journey to Johannesburg to place orders for the 'feel good drug'. Stan acts as the middlemen (Kingpin) and maintains no contact between his buyers and suppliers (pharmacists). In other words, his buyers and suppliers do not know each other. Due to 'Bronco's excessive demand in Zimbabwe at times the cough mixture runs out of stock in Johannesburg pharmacies. When this happens Stan substitutes it with another cough mixture called DPH which he supplies in repackaged Broncleer containers as shown in figure 7.4 below. DPH which comes in 200ml bottles is repackaged into 100ml bottles of Broncleer in order to meet the demand from Zimbabwe and also sustain his livelihood. Stan has also employed four South Africans (runners) who collect used bottles of Broncleer from the rubbish dumps which they clean and reuse when repackaging DPH into Broncleer bottles. Sometimes Stan buys unlabelled empty bottles and tops from different companies and also pays someone to print the Broncleer labels which they later stick on the bottles,

27 Substances in this schedule have a high potential for abuse which may lead to severe psychological or physical dependence (Medicines and Related Substances Act 101 of 1965).



Figure 7.4 A 200 mill litre bottle of DPH and 100 mill litre bottle of Broncleer.

Source: Researcher's photographic library.

However, Stan's customers in Zimbabwe are unaware that many a time they buy DPH cough mixture disguised in Broncleer packages as narrated by Stan below.

'If Broncleer runs out in pharmacies I cannot wait for it to be restocked because I will go hungry. One pharmacist told me to repackage DPH contents into Broncleer containers because they taste the same and are manufactured by one company though DPH has low alcohol content than Broncleer. Due to the high demand of Bronco my customers in Zimbabwe only want the name Broncleer even if you put water inside'.

The cough mixture is banned in Zimbabwe because it contains codeine (see figure 7.4) an opiate drug derived from poppies used to make heroin mainly used for pain relief (Green, 2014). When taken codeine interacts with opioid receptors on nerve cells in the body and alters brain functioning resulting in temporary changes in perception, mood, consciousness and behaviour (Zaprutko *et al.*, 2016). If taken in large doses it produces feelings of euphoria which makes it popular among substance abusers (Green, 2014). Codeine is also highly addictive and habit-forming and dependent users suffer withdrawal symptoms when they

stop taking it (Zaprutko *et al.*, 2016). Since the cough mixture is banned because of its abuse and side-effects that are often fatal, it is smuggled either in small volumes hidden in secret compartments of Zimbabwe-bound buses, or smuggled in large quantities repackaged into 20-litre containers disguised as diesel or in or sealed fridges by trucks or *omalayitsha*. Having discussed the supplying of banned cough mixtures to Zimbabwe as a livelihood strategy, the section below explores illegal mining by the *Zama Zamas* in South Africa as another livelihood strategy to circumvent their vulnerabilities

7.5.3 *Zama Zamas* (trying of luck)

Zama is a Zulu name for ‘those who try their luck’ to earn a living. The *Zama Zamas* as they are popularly known dig gold nuggets in the ageing shafts of disused mines along Main Reef Road in the Witwatersrand area of Johannesburg. One of the mines, Langlaagte along the Main Reef Road, is where gold was first discovered in the Witwatersrand area of Johannesburg in 1886 (Crush *et al.*, 2005; Mlambo 2010)(see also discussion in section 3.3). Mbuso (29) left Zimbabwe at the height of its economic decline in 2007 hoping to find employment in Johannesburg, South Africa. When he arrived in South Africa things got even worse. He could not find employment and stayed in a makeshift shack (*umkhukhu*) He tried his hand in crime by mugging people targeting Zimbabweans without a legal status to make ends meet but actually found himself in more trouble when he was arrested and served time in prison. When he was released from prison he was introduced to illegal mining by his Zimbabwean friends.

The disused mines are deep such that *Zama Zamas* walk and crawl in small tunnels for about 1.5 to 2 kilometres to get to the gold reefs. Sometimes *Zama Zamas* can live underground for up to 2 months manually digging gold deposits. At times they use explosives that are smuggled from Zimbabwe and generators for blasting and drilling. Whilst they spend months underground digging gold, there are other undocumented Zimbabweans who set up *Spaza* shops also underground that sell foodstuffs to the illegal miners but prices are a thousandfold higher than those sold on the surface and this is corroborated by comments from the respondent who runs a *Spaza* shop underground a disused mine.

‘I am not an illegal gold miner but I run a Spaza shop that sells food to the Zama Zamas underground. Most of the goods I sell underground are expensive because they reflect the cost of bringing them underground. The other issue is that I also pay entrance fees to security guards. A loaf of bread costs R100, a 2 litre cool drink bottle cost R150 and a cigarette can cost up to R20 including a match stick’.

The gold which the *Zama Zamas* extract is sold in the informal settlements (*imikhukhu*) where a gram of gold fetches R420 and each individual can make as much as R42 000 on a good day. At times the grams of gold are sent with *omalayitsha* to Zimbabwe and sold in US dollars if the Rand is weak in South Africa but it depends on the exchange rate.

Despite *Zama Zamas*' rich pickings there are many risks involved. The conditions underground the disused mines are very dangerous and difficult because the mines are very old. There are also toxic and poisonous gases that *Zama Zamas* inhale from blasting explosives and fumes from generators they use. *Zama Zamas* constantly take smoking breaks to calm their nerves about the ever-looming dangers in form of heavy rocks that fall on them and rival armed gangs that can attack them also claiming ownership of the old shafts believed to be laden with gold deposits. Vicious fights between rival *Zama Zamas* have resulted in deaths because of a lack of intervention by SAPS as confirmed by comments from the respondents:

'Rival gangs who attack us are South Africans because they know that most Zama Zamas are foreigners from Zimbabwe, Lesotho and Mozambique and cannot report to police because we have no papers. My three friends were kidnapped and used as their workforce to dig underground. If you are lucky kidnappers take a cut from every 10-kilogram bag of ground mined, significantly reducing a miner's personal share. Police are afraid to come directly to the disused mines due to the dangerous nature of the trenches we navigate to reach the gold reefs. It is also too dangerous for the law enforcement agencies to go underground because illegal miners are often armed to the teeth, have explosives and set ambushes and booby traps for rival groups of illegal miners. Despite all these challenges I am determined to go back underground for another two months because that's where my bread is buttered.'

Gold produced by the *Zama Zamas* in South Africa is estimated at 5% to 10% of the country's annual gold production (SAPA, 2014; News 24, 2016). Though illegal mining activities by the *Zama Zamas* have been reported in the media in South Africa little has been empirically discussed about the scope of foreign involvement in illegal mining by foreign *Zama Zamas*. It is for this reason that this study is filling in that empirical gap. Having discussed *Zama Zamas* livelihoods to circumvent their vulnerabilities in South Africa the following section looks at how undocumented Zimbabwe migrants' use their agency to solve some of the vulnerabilities they face in Johannesburg South Africa.

7.6 Thematic area 4: Undocumented migrants' coping strategies

Most respondents' expectations were a better life than their experiences in Zimbabwe but things were not the same in reality. Respondents recounted how they were not at 'peace' because of daily threats of deportations, their inability to access health care, employment opportunities, housing, worrying about their next meal and a general feeling of anxiety because of their 'illegality'. This meant changing lanes in terms of their expectations about the new challenges in South Africa. Respondents indicated that their new challenges needed strategies to navigate the treacherous life and to remain in South Africa and this tie in the discussion in section 5.8 which situated that vulnerability is a social practice where undocumented migrants constantly cope with threats to their livelihoods, but they always seek to negotiate options that help to secure their livelihoods.

What this implies is that for most of their vulnerabilities they faced especially those discussed in section 7.4, thematic area 2, they developed strategies to get themselves out of those situations. The discourse of vulnerability is incomplete without looking at the relationship between structures and agency because it is crucial in the understanding of the dualistic nature of vulnerability (Ho, 2007). As already revealed in this chapter, coping with vulnerability is frequently a process of failure and success, and similarly adapting to vulnerability can be a long process of trial and error, that requires sustainable migrant strategies discussed below.

7.6.1 Bribing of government officials (Police and Immigration officers)

Bribing of police and immigration officials is common practice in South Africa as already revealed by discussion in sections 7.3.1 and 7.4.1. These findings have also been confirmed by most studies conducted on migrants in South Africa including Polzer (2010), Crush *et al.* (2012), and Polzer and Takabvirwa (2014). Most respondents indicated that they keep at least a few hundred Rands in their pockets in case they are stopped by the police.

'These days you only get deported if you do not have money for a cool drink to give to the police officers'.

Other respondents pointed out that they have befriended some SAPS officers such that when they are broke they call them for 'bail outs'²⁸. One respondent further pointed out that their friends within SAPS normally advise them in advance if there is an operation for example (Operation Fiela-Reclaim) targeting undocumented migrants. Having looked at the

28 Money normally given to police by undocumented migrants as protection fees or as a ransom.

bribing of government officials the next section looks at attempts by undocumented migrants to remain in South Africa by legitimising their stay.

7.6.2 Legitimising stay

A sizeable number of the respondents indicated that staying under the radar put their lives on hold as if they were in the standby mode because of lack of legal status and they made efforts to legitimise their stay. Contrary to popular perception that Zimbabweans were deliberately staying in South Africa 'illegally', the majority indicated that despite entering South Africa as 'border jumpers', they tried acquiring legal documents for example asylum permits once they were resident in South Africa, but their efforts were thwarted. Attempts at acquiring legal documents were meant to avoid deportation as well as enabling access to healthcare. It was even amazing to discover that most respondents were able to interpret the provisions of the 2002 Immigration Act No 13²⁹, relating to those with special skills and wished if the same Act can also provide a category for the lower no skilled migrant.

'I have applied and renewed my asylum permit on several occasions though it was expensive. I had a ZDP permit which also expired in 2014. We are not wanted here.'

Some women respondents said that they tried marrying South Africans to legitimise their stay but such relationships were problematic due to deportation issues and also lack of commitment by their local partners. This explains why most respondents were cohabiting as discussed in section 7.2.5.

7.6.3 Overstaying

When Zimbabweans travel to South Africa, they are only issued a few days at the border to visit South Africa even if their intentions are for purposes of looking for work which needs more days. Overstaying of visas suits those who are employed as domestic workers or some other general forms of employment in restaurants or retail businesses which do not require the production of work permits, but are based on 'mutual understanding'. Unlike in the past whereby migrants deliberately overstayed their visas, respondents said that undocumented migrants have come up with new strategies to remain in South Africa by sending back their passports to Zimbabwe (for a fee) before the expiry of the visa to avoid fines and bans and this also resonate with the discussion in section 7.3.1. This is facilitated by bus drivers and *omalayitsha* by bribing the immigration officers to stamp out the passport (departure) while

29 Section 19(1) of the immigration act no 13

the owner physically remains in South Africa. This practice is rife at the Beit Bridge border post.

'When the visa in my passport was about to expire I gave it to the bus driver for stamping out at the border and who later gave it to my mother in Zimbabwe'.

The new form of overstaying also explains why most respondents and undocumented migrants quickly return to South Africa within days after they have been deported. Narratives from the respondents also showed that there are high chances that one person can be deported twice during the year (revolving door syndrome see Waller 2006:3). Given such narratives this study has proved that the South African government's deportation programme is ineffective, a waste of resources and not solving the problem. One respondent had this to say:

'On the two occasions I have been deported from South Africa, I simply collect my Zimbabwe passport from home and the next day I'm back in South Africa. On arrival in South Africa I give it back to the bus drivers or omalayitsha for stamping out (departure stamp). The next time I get deported I will simply use the same strategy again'.

The departure stamp will register in the Department of Home Affairs migration management system that a person has exited the country while in actual fact he or she has physically remained in South Africa. This form of overstaying by undocumented Zimbabwean migrants has not been discussed in any empirical studies and this research fills that gap. The departure stamping of passports by immigration officials while the Zimbabwean owners remain in South Africa started when the visa entry system was scrapped in 2009, and the introduction of the ZDP (as discussed in section 1.9), which allow Zimbabweans only 90 visa free calendar days per year to be South Africa. It is only at Beit Bridge Border Post where immigration officers give travellers a few days per visit to South Africa.

Respondents were of the opinion that withholding the number of days will force travellers to negotiate more days at the Border when entering South Africa and this gives immigration officials more bargaining power to charge higher bribes. The researcher made comparisons and found that the situation is different at other ports of entry for example Grobler's Bridge (land) and O.R Tambo (Air). Those who Grobler's Bridge (between Botswana and South Africa) or O.R Tambo airport get their full 90 days unlike those who use the road through Beit Bridge border post. Now that overstaying as a strategy has been fully discussed, the

next section focuses on how undocumented migrants make use of underground 'clinics' and health care networks in the absence of public health care providers

7.6.4 Underground 'clinics' and health care networks

Underground 'clinics' and health care networks are strategies used by undocumented migrants' who fail to access public health care in Johannesburg due to a lack of a legal status as discussed in sections 7.4.2.1 and 7.4.2.2. Use of underground clinics and health networks could have been in practice before but this is the first time such issues have been researched empirically especially in Johannesburg. Networks in general are undocumented migrants' weapons of the weak (undocumented migrants' everyday forms of resistance) as discussed in section 2.7.1 and section 5.4. For underground 'clinics', foreigners without a legal status and suffering from different ailments are referred to a hospice called NAZ (not real name) which is a consortium of organisations from different backgrounds for example churches and non-governmental organisations. NAZ brings together a number of doctors and other medical personnel in one place once every week, preferably in the evenings where they invite those without a legal status and in need of treatment. NAZ is hosted in one of the churches in central Johannesburg and their target group is undocumented migrants. Treatment is free of charge and patients are not required to produce any documents in order to access treatment. Those with chronic ailments are referred to tertiary hospitals accompanied by an official from NAZ who takes up their plight and ensures that they obtain better medical and administrative treatment.

Apart from the underground 'clinics', respondents said they also make use of underground health networks which consist of medical personnel, traditional healers and prophets who assist undocumented migrants at their own homes or work places. Undocumented Zimbabwean migrants get in touch with the network by phone and whoever responds to the phone call tries to obtain as much information about the medical problem or ailment as possible. Interviewees also pointed out that meetings are arranged through the phone for the collection of drugs or medication (*muti*) and holy water in the case of prophets.

Respondents also indicated that they prefer Zimbabwean traditional healers or prophets in Johannesburg because their charges are reasonable and they are able to describe their ailments in a language they better understand. Most health network contacts are advertised at street corners or some other places that are eye catching or obtained from friends, and meetings are by arrangement.

7.6.5 Use of fake or cloned documents/identities

Respondents said that undocumented migrants make use of fake documents especially when in desperate circumstances as discussed in section 7.4.4 known as *khupa faka* (using fake identity). According to the respondents, there are several syndicates that manufacture counterfeit documents which authorities like police and immigration officials might mistake as genuine. Respondents said that they prefer bribing officials instead of producing counterfeit documents.

‘Officials normally double check with their computer systems if always in doubt and if your name is not found that’s when trouble starts’.

Counterfeit documents are only produced in situations where service providers are not able to verify the authenticity of such documents like in hospitals, looking for secure accommodation, employment or getting a loan. Having discussed migrants’ solutions to their problems the next section focuses on what drives undocumented migrants’ immense trust in *omalayitsha*.

7.7 Omalayitsha’s role in undocumented Zimbabwean migrants’ vulnerability

Omalayitsha as discussed in section 3.5.3 are cross border transport couriers who smuggle people into South Africa. The prominent role *omalayitsha* play according to respondents is more than being transport couriers or the smuggling of people into South Africa. If the migration process of undocumented Zimbabwean migrants is to be told or shown as a movie, then *omalayitsha*’s role will be that one of a movie director. As discussed in literature review (section 3.5.3) and in the empirical findings (section 7.3.1) *omalayitsha*’s primary role is to smuggle people without proper documents into South Africa for a fee see section 7.3.1. Their fees (R1500-R2000) are very exorbitant due to the level of risks involved and they offer different packages to those who prefer using border evasion to enter South Africa. They can use a facility called ‘pay forward’ for those who have sponsors in South Africa where payment is guaranteed on arrival at the Park station in Johannesburg or upon delivering the beneficiary at the sponsors’ door step and this also connects with section 7.3.

At times, *omalayitsha* work in cahoots with *amagama guma* (criminal gangs who operate in the Beit Bridge border areas) who facilitate the smuggling of people using undesignated crossing points along the Limpopo River. Most respondents who used this method of border evasion reported facing great risks in the form of natural and man-made hazards like crocodile attacks, drowning due to a flooded Limpopo River and women being gang-raped and this also links to a discussion in section 7.3.1. Whilst in South Africa, respondents also

reported that *omalayitsha* are also part of a web of networks dealing in the production of cloned/fake documents see section 7.4.4. They either sell fake documents or they can refer undocumented migrants to syndicates that deal in fake documents.



Figure 7.5 A *malayitsha* vehicle

Source: Researcher's photographic library

Omalayitsha vehicles carrying people and dragging enormous trailers packed perilously high, with mostly second-hand goods that include bicycles, lounge suites, wheelbarrows, window frames, and groceries are a familiar sight along the Johannesburg-Beit Bridge-Bulawayo road.

Omalayitsha are also conduits of remitting goods and money from undocumented Zimbabwean migrants in South Africa to their families in Zimbabwe and this connects with section 7.4.6. *Omalayitsha* provide expedient courier services from Johannesburg to Bulawayo on the same day or overnight right up to the doorstep. As pointed out by respondents their services are expensive and normally charge between 20% and 40% of the value of goods/money delivered. *Omalayitsha* systems operate entirely on trust and are surprisingly reliable, but at times they also contribute to migrants' vulnerability as they also exploit their fellow Zimbabweans as explained in section 7.4.7. Goods are sometimes not delivered, or are delivered to the wrong person. When the business of remitting goods and money is low, *omalayitsha* also traffick people and corpses back to Zimbabwe as discussed

in sections 7.4.4 and 7.4.6.1. In a nutshell *omalayitsha* reduce or contribute to undocumented migrants' vulnerability depending on the situation at hand.

7.8 Conclusion

This chapter discussed and presented the study's empirical findings starting with the profiles of undocumented Zimbabwean migrants who participated in the study in Johannesburg. The findings revealed that 'illegal' migration is triggered by issues of desperation and survival that strongly point towards economic rather than political reasons and this falls within the ambits of the neo classical and new economics of labour migration theories. The findings also revealed that many respondents came to South Africa through 'illegal' means (border evasion) facilitated by transport operators and *omalayitsha* who bribe immigration and police officers. Empirical findings further revealed that undocumented migrants do not qualify for permits because they do not possess the critical skills as dictated by the Immigration Act 13 of 2002. While in South Africa empirical evidence also revealed that undocumented migrants face a multiplicity of vulnerabilities (multiple exposure to hazards) for example they are vulnerable to deportation due to lack of a legal status, they lack access to health care, give birth to stateless children and are always at risk from other social and economic hazards. The following chapter adopts and remodels the PAR framework discussed in chapter 5 as its major contribution to the study to explain the progression of vulnerability of undocumented Zimbabwean migrants in Johannesburg, South Africa.

Chapter 8 Contribution of the study: Adopting the PAR model to explain the progression of vulnerability of undocumented Zimbabwean migrants in Johannesburg, South Africa.

8.1 Introduction

The PAR model discussed in chapter 5 (Figure 5.1) evaluates disaster risk and describes the progression of vulnerability (physical, environmental, social, and economic) as a string of connections from root causes that convert dynamic pressures into unsafe conditions. The pressure component of the model is depicted by Wisner *et al.* (2004) as represented by the collision of vulnerability and hazards leading to a disaster. This study adopts Wisner *et al.*'s (2004) model as a major theoretical reference point which helps to explain the progression of vulnerability and every day risks faced by undocumented Zimbabwean migrants in Johannesburg, South Africa. For some scholars, the PAR framework was developed to look at "natural disasters" but disasters do not only result from natural events, but are also influenced by human activities that are the product of the social, political, and economic environment (distinct from the natural environment) (Blaikie *et al* 2014). As a matter of fact, vulnerability theory discussed in chapter 5 guides disaster research in this thesis to focus on structural and social causes of disasters.

The understanding of the progression of vulnerability of undocumented Zimbabwean migrants in this study requires a close consideration of the specific disaster risk construction processes such as those described in chapter 4 and 5. Such processes limit undocumented migrants' ability to cope with shocks and stresses which ultimately expose them to hazards and disasters. Vulnerability as discussed in sections 5.4.1 to 5.4.3 is a function of exposure, sensitivity and resilience (coping or adaptive capacity). As already shown in the empirical findings this study advances an important concept of vulnerability known as multiple exposure, or the idea that synergies among multiple dynamic processes as described in the model combine to cause vulnerability at the same time, such as unemployment, lack of health care, xenophobic violence and other social and economic risks faced by undocumented migrants. The model therefore describes the progression of vulnerability of undocumented Zimbabwean migrants in Johannesburg, South Africa starting with root causes as explained below.

8.2 Root causes

Root causes signify structures that are social, economic, environmental, political, legal, religious and cultural which put individuals or groups in harm's way (Ho, 2007). According to the study's findings, root causes of undocumented migrants' vulnerability are two-fold; the push factors in Zimbabwe and the structures (illegal status) in South Africa. In Zimbabwe, the country's economic crisis which started in 2000 and reached its peak during the 2007-2008 period is the major root cause of undocumented Zimbabwean migrants' vulnerabilities, please refer to sections 3.4.3 and 7.3. In addition, push factors identified in section 3.6 also played a crucial role in contributing to their vulnerability. Literature review and empirical evidence chapters show that, since the year 2000, there is a range of new push factors (drivers) of external displacement that emerged related to livelihood collapse, and state fragility see sections 3.4.3 and 7.3 (Zimbabwe's multi-layered crisis characterised by hyperinflation, company closures and unemployment leading to the fiscal/economic crisis).

The economic collapse also contributed to the changing patterns of migration from Zimbabwe to South Africa in that it triggered unprecedented outward migration (stream to wave) of both skilled and unskilled individuals and the most notable were professionals (Doctors, Nurses, Teachers...). The Zimbabwean case is a classic example of a disaster induced migration where people were forced to migrate to find other means for economic livelihoods because of governance and development failures or state fragility. This also resonates well with section 2.13 where there is need to embed DRR in migration theories when explaining causes of international migration. On the basis of this perspective the study adds to the current body of literature. On the contrary, undocumented Zimbabwean migrants' also contributed to their own vulnerability in that some of them choose to travel without proper documents as evidenced by the study's findings in section 7.2.2. Further to this, section 4.4 noted that the Zimbabwean Immigration Act of 1979 (chapter 4:02) considers exiting the country without documents criminal and there are penalties for violating this provision.

In South Africa, the unintended consequences of the structures (Immigration frameworks) are the major root causes of undocumented migrants' vulnerability especially the Immigration Act 13 of 2002 together with its amendments and the Refugees Act 130 of 1998 and its amendments. The immigration policies as explained in section 1.10 favour the entry and stay of the skilled rather than low-skilled workers and there are, for example, no traders' permits, job seekers' permits or permits for unskilled workers despite the history of migration between the two countries which shows free movement of people and crossing of borders

without regard to immigration requirements or laws, see sections 3.2 to 3.4. The study's empirical findings (table 7.1) and the review of literature (section 5.6) revealed that the majority of respondents do not qualify for legal status in South Africa because they do not possess critical skills such as those required by the Immigration Act 13 of 2002.

Their inability to qualify for quota work permits specified by the Immigration Act 13 of 2002 means that their options for work are narrowed to the underground economy (informal sector) where most of them face unimaginable exploitation by employers or end up as *Zama Zamas* as described in sections 7.4.7 and 7.5.3. Most of them possess skills which are not critical (lower to middle categories) that are not considered for Quota work permits by the South African Immigration Act 13 of 2002 see section 7.2.2 and 7.2.4. The South African government could be concerned that the further opening of borders for skills in the lower to middle categories of international migrants may bring them into direct competition for jobs with South Africa's poor. But findings from this study revealed that locals (South Africans) shun 4D jobs (dirty, dangerous, demanding and demeaning) that undocumented Zimbabwean migrants accept with open arms (see sections 7.4.7 and 7.5).

On the other hand, the Department of Home Affairs' narrow interpretation of the Refugees Act 130 of 1998 coupled with the perception that Zimbabwean asylum applicants are not genuine asylum seekers, please see tables 4.2 and 4.3 is also the root cause of undocumented Zimbabwean migrants' vulnerabilities. The continued historical focus on war (there is no war in Zimbabwe) by the Department of Home Affairs means that only a limited ratio of Zimbabweans believed to have experienced individual political persecution as dictated by the 1951 Geneva framework qualify for the narrowly interpreted conditions for asylum.

This leaves the majority of undocumented Zimbabweans migrants in South Africa without documentation options and this connects well with section 4.5.3. However, the Refugees Act 130 of 1998 is also very explicit and shows that refugee status can also be conferred on the grounds that one was forced to leave his/her native country because of external aggression, foreign domination or events that seriously disturb public order and this also links well with section 4.5.3. The multi-layered crisis discussed in section 3.4.3 characterised by hyperinflation, company closures and unemployment that led to the economic crisis is one such period in the history of Zimbabwe which seriously disturbed public order that triggered unprecedented outward migration to South Africa.

Based on these events and coupled by the correct interpretation by the Department of Home Affairs in South Africa, undocumented Zimbabwean migrants who left the country during the

third wave see section 3.4.3, can qualify for refugee status. It can be precisely noted that the South African Immigration framework contributes to the progression of undocumented Zimbabwean migrants' vulnerabilities because it focuses more on securitisation (Mthembu-Salter *et al* 2014), for example arresting, detaining and deporting of undocumented migrants rather than migrant disaster risk reduction legislation see section 7.4.1. The review of the regulatory frameworks in chapter 4 responsible for protecting those who are displaced by humanitarian crises showed that they are woefully inadequate (for example the 1951 refugee convention and the immigration Act 13 of 2002 and Refugees Act 130 of 1998). There is little or no legislation on disaster induced migration especially migrants with an irregular status see figure 7.1. In this study the economic crisis in Zimbabwe was the shock or stress that triggered people into a vulnerable state by migrating 'illegally' to South Africa (undocumented migrants), however other shocks such as immigration policy frameworks in South Africa coincided with or contributed to this underlying vulnerability causing dynamic pressure which is discussed in the next section.

8.3 Dynamic pressure

The category of dynamic pressure encompasses all processes and activities that transforms and channels the effects of root causes into unsafe conditions, such as the 'illegality' of migrants which constrains them from accessing public resources while in South Africa. The push factors and the economic crisis in Zimbabwe forced some respondents to travel 'illegally' using border evasion methods described in table 3.1. Border evasion methods exposed undocumented migrants to vulnerabilities associated with crossing flooded rivers (drowning and crocodile attacks) or physical and sexual assaults by *amagama guma* (armed gangs). Undocumented migrants' vulnerabilities are further increased during and after such attacks because of migrants' remoteness from points of help as described in table 5.2. By the time border evaders (migrants) reach Johannesburg (most migrants' intended destination), immigration frameworks (structures) would have cast them an 'illegal' status due to the mode of entry used and this correlates with section 4.5.2. While in South Africa the Immigration Act 13 of 2002 excludes them from legal status see section 4.5.2.

Effects of not having a legal status in South Africa, such as lack of access to health care, better housing, education, xenophobia, domestic violence and employment were discussed in thematic area 2. Such unintended consequences of immigration laws are referred to as *legal violence* by Menjivar and Abrego (2012:1383) because of their harmful effects that potentially obstruct and derail undocumented migrants' livelihoods. Abrego and Lakhani, (2015) also asserted that immigration laws' effects are *legal violence* because they are embedded in the legal practices, which are sanctioned, implemented and legitimated

through formal procedures. As discussed in section 2.10 the ‘illegality’ of migrants’ is a politico-juridical construction of power to delimit the ‘social space’ and regulate the movement of factors across the state’s territory. *Legal violence* is embedded in the body of laws (structures) that while they profess to have the positive objective of protecting rights or controlling behaviour for the general good they simultaneously give rise to practices that delimit and shape undocumented migrants’ lives on a routine basis for example the ‘illegality’ of migrants leading to their deportation. Such ‘harmful’ effects of the law as evidenced by the draft guidelines issued by Gauteng’s Provincial health department made undocumented migrants more sensitive to, and less resilient to preventable harms such as diseases, ill health or death see figure 7.1 and section 7.4.3.1.

Negative media reporting as discussed in section 5.9.5 was also found to be a significant contributor of undocumented Zimbabwean migrants’ vulnerability through the exaggeration of the seriousness of migration, use of melodramatic words and symbolisation of undocumented migrants as ‘carriers of diseases’, ‘folk devils’ and ‘criminals’. According to respondents, one common theatrical word used by the media in South Africa which fuels xenophobic tendencies is the term ‘foreign owned’. Small shops for example *Spazas* and Tuck shops owned by undocumented Zimbabwean migrants in the inner city and in informal settlements (study areas) are referred to as ‘foreign owned’ by the mass media while large retail outlets are described using their trading names such as Shoprite, Makro and Game even though they are also ‘foreign-owned’. When such settings are created by the media, xenophobia and hostility towards migrants become legitimate public discourses, propagated by the media in the name of the nation carrying the will of the people.

Undocumented Zimbabwean migrants often internalise their status, accept these conditions as normal, and may even feel deserving of mistreatment as evidenced in section 7.4.2.2 and 7.4.7. The majority of respondents who have been in situations just described inaccurately believed that they have no legal protection, thus, to evade detention and deportation, they avoid denouncing physical and sexual abuse, crime and refrain from seeking formal health care leading to unsafe conditions discussed below.

8.4 Unsafe conditions

Unsafe conditions are specific forms in which human vulnerability is finally revealed and expressed as temporal and spatial dimensions which may interact during the migration process. Review of literature in section 4.5.2 and empirical findings in section 7.3.1 have revealed that the ‘illegality’ (caused by structures) of the migrants and the constant need to remain hidden and ‘unidentified’ (dynamic pressure) leads to exclusion (unsafe conditions)

from livelihood promoting possibilities. Explained from a different angle, the 'illegality' of Zimbabwean migrants in South Africa leads them to dangerous or risky livelihoods and this draws parallels with the *Zama Zamas* or illegal miners in section 7.5.3 where most lives are lost due to poisonous gases, falling rocks and gang rivalry. Such livelihoods are dangerous not only to undocumented migrants in terms of their safety, but also to the South African government in terms of environmental degradation. Unsafe conditions also refer to insecurity in wages, use of cloned documents that promote criminality, profits to criminal enterprises, unequal opportunities to receive an education, predominance of diseases and a constant general uncertainty that effectuates a slow death for vulnerable communities. Vulnerability as noted in this study can be caused by multiple stressors and is the product of complex interactions during its progression however, human needs and human securities are continuously contested and struggled for by employing coping strategies discussed below.

8.5 Migrants' coping strategies

Whilst the PAR model is a useful concept that represents factors leading to a disaster as described in the preceding sections, it misses an important piece of the puzzle that helps to fully explain the progression of vulnerability of undocumented migrants. The missing piece of the puzzle is migrants' agency or coping strategies explained by this study in the structure-agency discourse in sections 5.8 and 7.6. During the progression of vulnerability, human freedom and rights are struggled for, negotiated, lost and won against the structures. During these struggles, the vulnerable are not mere pawns or victims, but they also possess a lot of agency to reduce their vulnerability and this correlates with sections 7.3.1, 7.4.2.2, 7.4.4, 7.4.6.1, 7.5.1, 7.5.2, 7.5.3 and 7.6. In all these situations, undocumented Zimbabwean migrants' constantly cope with threats to their livelihoods by deliberately adapting to the shifting systems of vulnerability which are a direct result of existing structures of power (root causes for example South African Immigration framework described in chapter 4) that distinguish the citizen from the 'alien' and this also bonds well with section 2.10.

Wisner *et al.*'s (2004) model is silent on how some individuals and households are able to reduce vulnerability before it gets to the pressure component of the model (disaster). The PAR model's singular progression of vulnerability implies that it does not take cognisance of different functions, classifications and interpretations of vulnerability that were discussed in section 5.2. Vulnerability assessments such as exposure, sensitivity, resilience and exclusion as examined in sections 5.4 illustrate that vulnerability is heterogeneous as shown by the different levels of exposure of undocumented Zimbabwean migrants to hazards which is not reflected in the PAR model. The model as presented by Wisner *et al.* (2004) does not recognise heterogeneity in migrants' vulnerability. This study's empirical findings made it

public that undocumented Zimbabwean migrants' vulnerability is heterogeneous due to different levels of coping capacities employed against *legally violent* structures. Undocumented migrants' levels of coping capacities are determined by their access to assets or entitlements (quantity and diversity) which they control to be less vulnerable please refer to section 5.4. In this study, undocumented Zimbabwean migrants' who controlled fewer assets meant that their coping capacities were short-term, reactive and unsustainable eventually leading to risks or succumbing to the problem see sections 7.4.2.1, 7.4.2.2, 7.4.3.1, 7.4.4, 7.4.6.1. Whereas those with 'more' assets were proactive and showed resilience or adaptive capacity which is the potential to adapt to future uncertain changes without increasing vulnerability see sections 7.5, 7.5.1, 7.5.2, 7.6 and this is shown in figure 8.1.

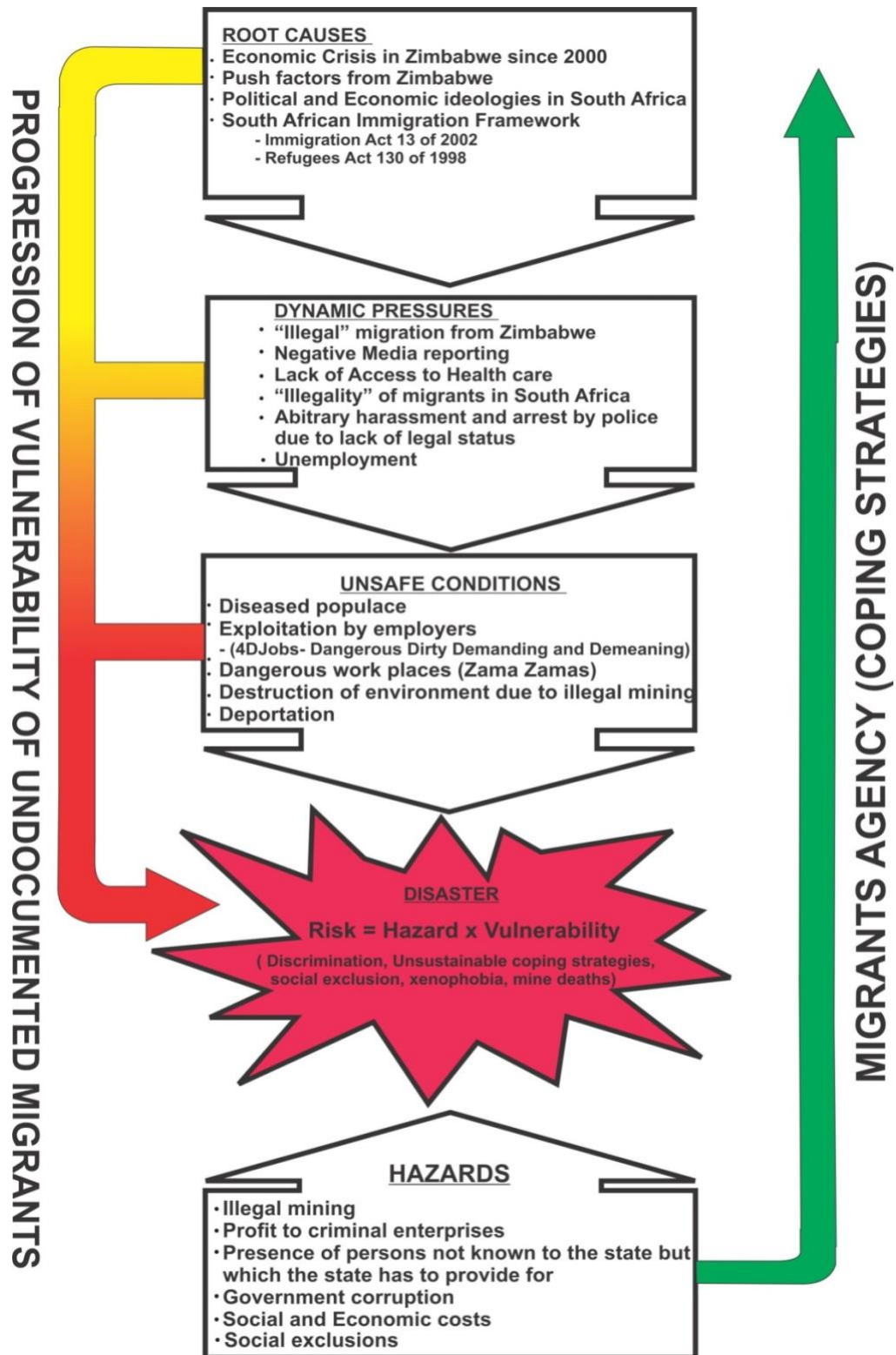


Figure 8.1 Remodelled PAR model.

Source: Adapted from Wisner *et al.* (2004) and remodelled by the Author.

In the remodelled PAR model above undocumented Zimbabwean migrants' coping strategies that are adaptive (long term) are represented by the green arrow. The arrow has been deliberately painted green to represent undocumented migrants' agency in reducing vulnerability against *legally violent* structures which conspire from root causes to dynamic pressure and finally into unsafe conditions shown by the amber and red arrow on the left side. Undocumented Zimbabwean migrants' whose coping strategies are short term and unsustainable found themselves in risky situations (pressure component of the chamber) (see section 7.4.8).

Those with adaptive capacity progressed to safety, for example operators of pirate taxis in section 7.5.1 or those economic migrants who attempted to legitimise their stay by applying for asylum permits as refugees in section 7.6. This study observed that assets (social capital) which undocumented migrants controlled contributed to the mitigation of their vulnerability and strengthened their resilience towards economic, health and physical risks and this links well with the empirical findings early in this chapter. The more assets undocumented migrants controlled, the less vulnerable they become and the greater their capacities to successfully cope with risks, stress and shocks and those with unsustainable strategies found themselves facing multiple risks or in disaster situations as described below

8.6 Disaster

The pressure (disaster) phase in the PAR model sets in when the two opposing forces (unsafe conditions and hazards) collide in time and space (Wisner *et al.* 1994). Disaster, vulnerability and hazards broadly form a relationship, represented by the equation $Risk=Hazard \times Vulnerability$ as discussed in section 5.2 and also shown in figure 7.6. This implies that disasters are made up of a string of connections between vulnerability and the impacts hazards have on people. In this study hazards were found to impact on both undocumented Zimbabwean migrants and the South African government as depicted in figure 7.6, however the focus of the study is on the vulnerability of undocumented Zimbabwean migrants.

As revealed by the study's findings, immigration frameworks in South Africa are strongly controlled resulting in many Zimbabweans being 'illegal'. The 'illegal' immigration status weighs heavily against their security and livelihoods in that they are vulnerable to deportation which explains their everyday anxieties, they cannot obtain safe buildable accommodation which explains why they stay in informal settlements that are prone to flooding (see section 7.4.8). They lack access to health care which explains the many migrants' deaths and hearses carrying corpses to Zimbabwe (see section 7.4.6.1) Undocumented Zimbabwean

migrants cannot obtain decent jobs because of lack of permits and are unfairly treated at workplaces (see section 7.4.7). Ultimately, it is the combination of these vulnerabilities and the absence of rights to access public services and the subsequent lack of power to claim such services, which explain the prevalence of a disaster as unpacked by this study.

As a way of summarising the vulnerability of undocumented Zimbabweans, there has been total disregard for the protection of their welfare in South Africa as shown by the rising number of xenophobic deaths chronicled in section 5.10 since 1994. Since the promulgation of the Disaster Management Act in 2003, Van Niekerk (2014:866) observed that a state of disaster pertaining to xenophobic attacks on foreigners was only declared once in June 2008 despite such disastrous occurrences happening at regular intervals and are still ongoing. States shoulder the responsibility of ensuring the safety of all the people in their territories during disasters, regardless of their nationality or migration status. In South Africa as shown in this study, undocumented migrants often go completely unaccounted for in disaster risk management see sections 4.6.4 and 5.10. As a consequence, migrants persistently face challenges long after a disaster's emergency phase has passed and often struggle to access resources, services, opportunities and information that is key to ensuring safety in ordinary and disaster times and this greatly undermines their own integration efforts and livelihoods.

Although the study adopted the PAR framework to illustrate how the intersection of hazard, vulnerability and coping recovering capacities of undocumented Zimbabwean migrants correspond to disaster risk, the PAR framework also prompts a recalibration of the society's infrastructure. Literature review and empirical evidence chapters indicate that the "illegalisation" of undocumented migrants tends to associate migrants and migration with myths and images which are stereotypical such as criminality, unemployment and diseases and this is not warranted in the presence of empirical research. Hence this study adds to literature by dispelling some of the myths held by a section of South African citizens, government officials which are propagated by the mass media.

8.7 Dispelling the myths

Literature review especially section 5.9.4 and empirical evidence in chapter 7 ascertained that there are at least three most prominent myths about undocumented Zimbabwean migrants in South Africa that perpetuate their vulnerability. As a way of contributing to the knowledge, it is important to address the myths based on the review of literature and empirical findings.

8.7.1 Myth 1: Undocumented migrants are ‘criminals’

Empirical findings revealed that public discourses and portrayal of undocumented Zimbabwean migrants as ‘criminals’ are produced by government officials (section 7.4.1.1) and further propagated by media refer to section 8.3. Such negative perceptions are manifested through joint crime fighting operations (for example Operation Fiela-Reclaim) by the Police, Army and immigration officials targeting both undocumented migrants and criminals. Such operations are normally broadcast on televisions and Police and Army are seen busting into people’s homes looking for ‘illegal’ immigrants in the same way they arrest and detain drug dealers including people in illegal possession of firearms.

Such practices send wrong messages to the general public that undocumented migrants are on the same footing with drug dealers and criminals when theirs is only an administrative offence. This further solidifies and perpetuates the view that undocumented migrants commit the majority of crimes in South Africa which then justifies xenophobic attacks against them. If the truth is to be told, the ‘illegality’ of Zimbabweans is facilitated by the same officials busting down doors to prevent crimes and are also guilty of breaking the law prompting the study to ask the question, who will guard the guard? Hence sections 7.3.1, 7.4.1.1, 7.4.6.1, 7.6.1 and 7.6.3 perfectly link with this discussion.

Corruption has also permeated all areas of the deportation process at Lindela Repatriation Centre from security guards to officials involved in the deportation of migrants. Some respondents cited stories of migrants wrongfully arrested and detained under Operation Fiela-Reclaim only to be released after the direct intervention by non-governmental organisations that approach the courts compelling the Department of Home Affairs to release them. Unfortunately, the Department of Home Affairs is notorious for flouting court orders, resulting in huge legal costs on the part of the South African government see section 5.11.3. The myth that undocumented Zimbabwean migrants are ‘criminals’ is not only inaccurate but dangerously misleading and places the blame for South African government’s inefficiencies squarely at the feet of those desperate for its protection and powerless to access it.

The majority of respondents indicated their willingness to be regularised but their efforts are being thwarted by the system (see section 7.6.2). Choosing to remain undocumented would mean being unable to access services such as healthcare and education see also sections 7.4.2. This further creates vulnerability and a lack of ability to integrate migrants into communities. The next section focuses on another blanket term they ‘steal our jobs’

8.7.2 Myth 2: Undocumented migrants ‘stealing jobs’

History has a tendency of repeating itself. The terms *makwere kwere* and *die swart gevaar*, meaning ‘African black threat’ were carefully constructed tools used during apartheid (Matsinhe 2011). The imprint of this ideology was so successful that it continues to dominate South African life and has recently raised its ugly head again as the ‘threat of the African foreigner’ (Glaser, 2013)

The perception that undocumented Zimbabwean migrants in South Africa ‘steal jobs’ from locals has become the most common catchphrase used to justify the horrific attacks against the undocumented migrants and this links well with section 5.10. Findings from this study revealed that most undocumented Zimbabwean migrants create self-employment by operating informal businesses (see section 7.5). Despite their ‘illegality’ they are also able to employ South Africans (refer to sections 7.5.1 and 7.5.2). Seen through an immigration policy framework (refer to chapter 4 section 4.5.2) that does not acknowledge undocumented migrants to work and trade in South Africa, there is little credence given by this new incarnation of *makwere kwere* or *die swart gevaar* (threat of the African foreigner) or any of its corresponding myths. In fact, there is no evidence to suggest that undocumented Zimbabwean migrants ‘steal jobs’. Undocumented Zimbabwean migrants endure the barrier of being unable to obtain business licences, and are sent from pillar to post in attempts to register their businesses resulting in them operating without licences (see section 7.5.1). Other little-known facts include how South African property owners in the inner city suburbs benefit from high rentals they charge undocumented Zimbabwean migrants and this also bonds well with section 7.4.8. The next section focuses on the myth of health care.

8.7.3 Myth 3: Undocumented migrants are ‘carriers of diseases and only come to take our healthcare’

South Africa being Africa’s leading economy has got a superior healthcare system that is not comparable to many countries on the continent; however, is it true that undocumented migrants are carriers of diseases using up valuable medical resources which are ‘meant for’ South Africans? What this myth misses is the complexity of reasons that push migrants from Zimbabwe especially those whose vulnerability stems from displacement due to economic failures, livelihood collapse and state fragility and this correlates well with sections 3.6.3, 4.3 and section 7.3. These are some of the situations facing undocumented Zimbabwean migrants who are desperate for protection from South Africa, due to no fault of their own. Nobody chooses to get sick.

Empirical findings revealed that this myth is untrue because some undocumented Zimbabwean migrants contract health problems while already settled in South Africa and they also experience increased vulnerability due to inadequate recourse to curative and preventive care see section 7.4.2. Accessing health care in South Africa as a non-citizen is often a game of Russian Roulette as evidenced by undocumented migrants who die while waiting for treatment see section 7.4.3 and figure 7.1. Undocumented migrants also find it difficult to access healthcare treatment in Johannesburg's public institutions because they fear to be deported once they are caught seeking healthcare from these institutions, see section 7.4.1.

As a result, most of them prefer using underground 'clinics' or underground health care networks to cure their ailments, and this correlates with section 7.6.4. Literature review also revealed that figures of foreign nationals in South Africa are surprisingly small compared to its total population see section 5.11.2. The impact of undocumented migrants is minuscule compared to the estimated 55-million South Africans accessing healthcare services. In addition, the concept of healthcare being 'meant for South Africans only' is not justifiable using the law as a large part of the stigma and marginalisation can be traced to a misunderstanding of the law on healthcare especially the draft guidelines for treating non-nationals that were released by the Gauteng health department (refer to section 7.4.3.1 and figure 7.1).

These provided that non-citizen patients should be charged in full before they can be treated and is further proof that foreign nationals do not take healthcare away from South Africans but pay for it. Legally speaking, the South African Constitution and accompanying legislation guarantees that a person may not be turned away from emergency healthcare, primary healthcare, and maternal health care or medical care for children under the age of six (see section 7.4.3.1). This means that findings from the study about incidents of clinics and hospitals turning away patients are both morally reprehensible and entirely unlawful. To this end the next section concludes the chapter.

8.8 Conclusion

The study adopted and remodelled Wisner *et al.*'s (2004) model to explain the progression of vulnerability of undocumented Zimbabwean migrants as its contribution to literature. A new range of push factors of external displacements that are disaster related, for example livelihood collapse, governance failure and state fragility forced people to migrate to South Africa for their livelihoods. On the basis of these root causes, the study challenged the existing theories of migration as inadequate because they explain international migration as being triggered solely by economic mechanisms. The economic crisis in Zimbabwe (state fragility) and the structures in South Africa were found to be the root causes of undocumented migrants' vulnerability.

The economic crisis forced people to migrate 'illegally' to South Africa while the structures in South Africa forced them to live 'underground' because the regulatory frameworks responsible for protecting those who are displaced by humanitarian crises showed that they are woefully inadequate (for example the 1951 refugee convention and the immigration Act 13 of 2002 and Refugees Act 130 of 1998). There is little or no legislation on disaster induced migration that protects migrants with an irregular status. Despite the risky situations undocumented migrants' faced, some of them are able to fall in love, own property and represent themselves in public spaces due to the coping strategies they use aided by social capital and this is the concept that was not reflected by Wisner *et al.*'s (2004) model. The study's findings actively dispel some of the damaging myths about undocumented migrants and migration that breed xenophobia embedded in political-judicial, social and economic structures that cause the vulnerability of migrants in South Africa. The next chapter provides recommendations and conclusions.

Chapter 9 Recommendations and conclusion

9.1 Introduction

The main purpose of this chapter is to show evidence that the study's objectives were achieved through the synthesis of the literature and in light of the new perspectives generated from the empirical findings. Moreover, the chapter serves to make conclusions and recommendations on ways to reduce the vulnerability of undocumented Zimbabwean migrants in South Africa. The chapter also provides an overview of the thesis, followed by an assessment of the achievement of the individual and overall objectives of the study. The chapter further assesses the contribution of the study to the current body of knowledge on migrants in disaster risk reduction. Areas for further research are also identified including the chapter's overall conclusion of the study.

9.2 Overview of chapters

Chapters in this study are chronologically linked together to ensure the achievement of the study's objectives. **Chapter 1** of this study provides an overview, orientation and background. The chapter conceptualised the problem of the vulnerability of undocumented migrants in South Africa and identified seven research questions and objectives where it is anticipated that addressing both sets of research and objectives would achieve the purpose of the study. The central theoretical statements that inform the study were outlined. The methodology used in carrying out the study was also highlighted and the chapter concluded by providing an outline of the remaining chapters.

Chapter 2 lays the foundation of the study by discussing the theories of migration. Discussing migration theories was deemed important to assess and examine their applicability to the study. Dominant theories explaining the causes of migration identified include the macro and micro level neoclassical theory focusing on wages and income differentials, the new economics of migration, theory which emphasises the importance and role played by households in cushioning themselves against risks. The Dual labour market theory and World systems theory offers a set of structural variables, derived primarily from national and international levels (Piore, 1986:27). The network theories operate across different levels of analysis (micro-, macro- and meso-). The different theories posited different explanations for the nature, genesis and growth of migration.

The differing viewpoints of the theories of migration shows that there is no single driver of migration and all are fragmented. Their fragmented nature is also evidenced by different reasons that trigger migration between Zimbabwe and South Africa. Notwithstanding their

fragmented viewpoints the study found the New Economics of migration and Social network theories to be offering better explanations for the causes of migration between Zimbabwe and South Africa. There is also no doubt that colonialism influenced the patterns of migration in Southern Africa, however, pre-colonial paths continue to echo in contemporary movements especially between Zimbabwe and South Africa. None of the theoretical approaches deal well with forced migration (disaster induced migration) as a result of state fragility and livelihood collapse which is currently happening in Zimbabwe (Betts, 2010). As has already been seen, there is a gap in migration literature because most migration theories focus on “economic reductionism”. There is little literature on theories of migration if any on disaster induced migration or the vulnerability of migrants with an irregular status. Migration drivers have changed and become complex in the post –industrial, globalising world and most research on migration has omitted Disaster Risk Reduction (DRR) issues.

Chapter 3 is linked to chapter 2 in that it describes the history of labour migration between Zimbabwe and South Africa. The central point in this chapter is that just like in the past, people will continue to migrate from Zimbabwe to South Africa in search of employment and better opportunities. The chapter noted differences in the volume of migration with contemporary migration from Zimbabwe to South Africa much higher compared to the past due to the political and economic problems. What used to be a migration stream in pre-colonial times is now described as a ‘flood’ with many preferring border evasion methods by enlisting the services of *omalayitsha* and bus drivers to enter South Africa without proper documentation. The chapter also noted that in the past most undocumented migrants were mineworkers and farm workers while contemporary migration especially after the year 2000 includes rising numbers of low, semi and skilled labour leaving Zimbabwe because of adverse economic and political factors. The chapter also established that women comprise a sizeable and growing number of migrants unlike in the past when migrants were mostly young and male.

Chapter 4 focussed on the frameworks that govern immigration in South Africa namely the Immigration Act 13 of 2002 and its amendments and the Refugees Act 130 of 1998. The chapter further identified international and regional frameworks responsible for the protection of international migrants starting with the 1951 Geneva Convention, the Universal Declaration of Human Rights (UDHR) and the 1969 OAU convention. By virtue of South Africa being a signatory and recently ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) it means that it has to consider these international bodies’ treaties when formulating its migration policies. The international frameworks were discussed as a way of highlighting the gaps that exist between the meso-level and macro-

level (International frameworks vs. South African frameworks) and how such gaps contribute to the vulnerability of undocumented migrants in South Africa. The chapter also examined the juridical nature of the frameworks that govern immigration in South Africa and how their unintended consequences lead to the vulnerability of undocumented migrants. The chapter also discussed benefits of regularisations as an approach to dealing with undocumented migrants.

Chapter 5 provided a theoretical grounding of vulnerability including the concept's applicability to the study. The chapter also applied the PAR model as a way of unpacking the progression of vulnerability of undocumented migrants. In other words undocumented migrants' vulnerability in South Africa is embedded in the structures that are *legally* violent in that the immigration framework fails to recognise new forms of external displacement such as livelihood collapse and state fragility in Zimbabwe. The chapter also established that legal status in South Africa determines access to health care, housing, education and employment. Legal status also has been found to affect migrants' health risks, vulnerability in the streets and wages in the labour market. On the other hand challenges faced by the South African government due to the presence of undocumented migrants were also discussed.

Chapter 6 justified the qualitative methodological processes that were used to address the study's research questions. The researcher followed a qualitative ethnographic methodology in his quest to explore, describe and understand in detail the vulnerabilities of undocumented Zimbabwean migrants in the chosen study areas (W59, W60, W62, W63, W64, W66, W67, W75, W76 and W123) under the Johannesburg Municipality. A sample of 64 participants was determined based on non-probability sampling. In-depth face-to face interviews were conducted with the sample population following the guidelines of interview protocols. The inner city suburbs of the Johannesburg municipality were chosen as study areas in that they are a popular destination for international migrants especially from Sub Saharan Africa (Murray 2011). The deliberate use of stories of change to collect data was meant to give participants' room to air their views about experiences on vulnerability in South Africa.

Chapter 7 discussed and presented the study's empirical findings, starting with the profiles of undocumented Zimbabwean migrants who participated in the study in Johannesburg. Four major themes emerged from the findings namely; reasons for migrating; vulnerabilities faced by irregular migrants; migrants livelihoods in South Africa and migrants' expectations and solutions (coping strategies). Empirical findings revealed that undocumented migrants' vulnerability emanates from the *legally* violent structures that are both in Zimbabwe and

South Africa. In Zimbabwe, the economic crisis and push factors were identified as the major root causes of migrants' vulnerability see sections 3.6 and 7.3. In South Africa, migrants vulnerability is embedded in the structures (the 2002 immigration Act no 13 and the Refugees Act 130 of 1998) and manifested itself in form of deportations, lack of healthcare, giving birth to stateless children, lack of decent accommodation, exploitation by employers and dangerous work places.

In other words the unintended consequences of the structures in South Africa are the major root causes that accelerate the progression of vulnerability of undocumented migrants. Despite their vulnerabilities, undocumented migrants are able to fall in love, own property and represent themselves in public spaces due to the coping strategies they use aided by social capital.

Chapter 8 adopted and remodelled Wisner *et al.*'s (2004) PAR model to fully unpack the progression of vulnerability of undocumented Zimbabwean migrants. However, undocumented migrants' vulnerability was found to be heterogeneous due to their coping strategies and on the basis of this new perspective, this thesis adds to literature on migrants in disaster risk. Undocumented migrants' whose coping strategies were sustainable helped them in the reduction of disaster risk, but those whose strategies were weak succumbed to their problems or became more vulnerable.

The last **chapter 9** provides conclusions and recommendations. Most importantly, the chapter provided evidence of how the study's objectives were achieved through the synthesis of the literature and in light of the new perspectives generated from the empirical findings.

9.3 Achievement of the overall objective of the study

This study sought to unravel the vulnerability of undocumented Zimbabwe migrants in Johannesburg, South Africa. Indeed, undocumented migrants from Zimbabwe are vulnerable despite their agency (see chapters 5 and 7). The achievement of the overall objective was made possible through the review of literature from chapters 2 to 5, the employment of a suitable methodology to collect data in chapter 6, and the presentation of empirical findings in chapter 7. To this end, the individual addressing of research questions and objectives in each and every chapter and the adoption of Wisner *et al.*'s (2004) PAR model remodelled by the author contributed to the achievement of the study's overall objective.

9.4 Achievement of individual objectives

To achieve the overall success of the study, objectives were formulated to complement each other as they are presented in chapter 1. Formulation of objectives ensured that chapters were in sequential order and the alignment of context. The achievement of each objective is summarised below:

9.4.1 Objective 1: to describe the history of migration by Zimbabweans into South Africa including SADC

This objective was achieved using literature review by analysing theories of migration in chapter 2, describing the history of migration in chapter 3 and the presentation of the empirical findings in chapter 7. Literature review showed that labour migration between Zimbabwe and South Africa has been a constant feature of the southern African history. In the past, migration was varied, prompted by barter trade, natural disasters and the search for employment (Adepoju, 1995). The empirical findings in chapter 7 also confirmed that contemporary migration is varied but largely driven by economic reasons. Pre-colonial movements were not systematic and entire villages, clans and tribes were known to move to avoid unfavourable climatic conditions that resulted in famine and drought or to escape the ravages of tribal wars (Crush & Tevera, 2010).

European colonialism and the drawing of colonial boundaries set new patterns of migration deriving from the labour requirements for plantations and mines. The discovery of gold in 1886 on the Witwatersrand created a huge demand for both regulated and unregulated unskilled labour (Mafukidze, 2006). Most of the labour became linked to the economic strategies of the colonial governments which prioritised the core (European countries) through the development of the foreign export markets at the expense of the periphery (other SADC countries) consistent with world systems theory of migration (Piore, 1986). Empirical findings in chapter 7 confirmed that contemporary migration trajectories have changed and are now individualistic, systematic and irregular facilitated by middlemen such as *omalayitsha*, bus operators and drivers due to the increased barriers to entry such as visas and permits.

Some differences were noted in that the volume of contemporary migration from Zimbabwe to South Africa is much higher than in the past due to the political and economic problems engulfing SADC countries (Mlambo, 2010). As a consequence what used to be a migration stream in the past became a flood with many resorting to border evasion by crossing the flooded Limpopo River and enlisting the services of *omalayitsha* to enter South Africa without proper documentation. In the past female migrants could not migrate legally for work

because colonial regulations and the migrant labour contract system of recruitment (TEBA and WENELA) was gender-biased (Mlambo, 2010; Crush *et al.*, 2005).

Crush and Tevera (2010) found that the lack of gender sensitivity by the contract system had its unintended consequences since many women migrated illegally to reunite with their spouses and they continue to do so up to this day see chapter 7. The fact that women stayed behind while their husbands went to look for work in South Africa resonates with the New Economics of Labour migration theory that unitary households make a series of decisions within the context of intra-family relationships to control risks by diversifying the allocation of household resources such as family labour. Another important issue to note is that while most migrants in the past were mine and farm workers, empirical findings from this study confirmed that modern migration trends especially after the year 2000 includes rising numbers of well-educated and qualified people.

9.4.2 Objective 2: to identify the vulnerabilities faced by undocumented migrants in South Africa

This objective forms the core of the study and it was achieved using literature review and empirical findings. Literature review provided a theoretical grounding of vulnerability by explaining the evolution and disciplinary differences of the concept of vulnerability. Using the PAR model, the chapter managed to unpack how the violence hidden in structures is converted into dynamic pressure, unsafe conditions and ultimately into a disaster. By adopting the PAR model discussed in figure 5.1 as a reference point, undocumented Zimbabwean migrants' vulnerability emanates from legally violent structures in Zimbabwe and South Africa. In Zimbabwe, the structures are legally violent due the fragile economy since the year 2000 which has seen the unemployment rate now at 90%.

In South Africa, the structures are legally violent in that migrants' 'illegality' embedded in the immigration framework that fails to recognise new forms of external displacement such as livelihood collapse due to state fragility in Zimbabwe. Migrants' 'illegality' in South Africa denies them access to health care, to better jobs, safe and decent housing, stateless children and lack of education (dynamic pressure and unsafe conditions). The dynamic pressure or unsafe conditions will lead to systemic violation of migrants labour, illegal mining activities, increase in criminal enterprises and gangs, corruption among government officials and xenophobic violence (disaster risk). The objective was also achieved in that the study was able to show that undocumented migrants experience vulnerability differently due to their different levels of coping capacities represented by the green arrow in Figure 8.1. Assets were found to play a crucial role in migrants' experiences of vulnerability. The study

was able to highlight how unequal access to assets such as social capital (sections 2.7.1 to 2.7.7) by undocumented migrants can contribute to different levels of vulnerability as discussed in chapter 7 and 8.

9.4.3 Objective 3: to identify challenges faced by the South African government due to the presence of undocumented migrants

These were identified mainly from the literature review and also empirical findings. Those identified from the literature review spoke about economic and social challenges faced by the government due to the presence of undocumented migrants as discussed in section 5.11.1. The study further unearthed the ethical and moral challenges faced by the government due to employee involvement in corruption and these were discussed in section 7.3.1, 7.4.1, 7.5.3 and 7.6.1. Though it is empirically difficult to measure levels of corruption, it is possible to explore the perception of corruption within the government especially SAPS and the Department of Home Affairs.

9.4.4 Objective 4: to evaluate the current approaches used in dealing with undocumented migrants;

This objective was achieved using literature review and empirical findings. The current approaches South Africa uses in dealing with undocumented migration are arrest, detention and deportation of undocumented migrants as discussed in section 4.6. The approaches were found to be ineffective policy tools given the ever increasing and shifting undocumented migrants' agency or coping strategies discussed in section 7.6. Deported migrants return to South Africa within days and empirical evidence revealed that one person can be deported twice (revolving door syndrome) as shown in section 7.6.3. The Asylum system meant for refugees is clogged by economic migrants who enter the asylum system in order to remain in South Africa due to lack of regularisation options see section 4.5.3.1 and tables 4.1, 4.2 and 4.3

These policy tools are part of the frameworks governing immigration in South Africa which are the Immigration Act 13 of 2002 and its amendments and Refugees Act 130 of 1998. Other entry restriction approaches like visa regulations see section 4.6.1 were only sugar coated and changed from external control to internal or in-country migration control. For example visa regulations that restricted entry of Zimbabweans up until 2009 have since been replaced by 90 visa-free days per year after which one should apply for a permit to be in South Africa. This approach is open to abuse by the immigration officials who deliberately withhold days from travellers for them to overstay. Once migrants overstay they will

approach bus drivers or *omalayitshas* who then bribe immigration officers to backdate exit stamps for a fee (see sections 7.3.1 and 7.6.3).

9.4.5 Objective 5: to explore the statutory and regulatory frameworks including international treaties governing immigration in South Africa

This objective was achieved using literature review. Immigration to South Africa is governed by two pieces of legislation namely, Immigration Act 13 of 2002 with its amendments and the Refugees Act 130 of 1998 (Crush 2011). The South African Constitution preamble further states that: ‘..... South Africa belongs to all who live in it, united in our diversity.....’ (South Africa 1996). Though South Africa is a sovereign country with its own national interests to protect, it is at the same time a signatory and is bound to align its policies with the international institutional frameworks responsible for the protection of international migrants. These include the 1951 Geneva Convention, the Human Rights Framework also known as the Universal Declaration of Human Rights (UDHR) and the 1969 OAU convention. Gaps from these international frameworks that also contribute to the vulnerability of undocumented migrants were also discussed. Examination of the regulatory frameworks that govern immigration in South Africa was done and how failure by policy makers to correctly interpret them lead to the vulnerability of undocumented migrants, for example the denial of healthcare to undocumented migrants as elucidated in sections 4.5.3.1, 7.4.2 and 7.4.3.

9.4.6 Objective 6: to assess the benefits of regularisation programmes

This objective was achieved through the review of literature. Benefits of regularisation were identified in section 4.8 citing examples of countries where such programmes have been implemented with great success. South Africa has also implemented some amnesty programmes without much success for example the ZDP and ZSP see sections 1.9, 4.6.5 and 5.11.2 and reasons for their failure were also identified.

9.4.7 Objective 7: to identify migrants’ coping strategies in South Africa

Coping strategies or undocumented migrants’ agency were discussed in the literature review and empirical findings. Generally undocumented migrants bribe government officials as a strategy to avoid deportation and remain in South Africa. This study identified some strategies that have never been discussed empirically, such as the use of underground ‘clinics’ and health networks by undocumented migrants without healthcare and the departure stamping of passports by immigration officials while owners remain in South Africa see section 7.6 (thematic area 4). Departure stamping of passports could be one important reason which explains why undocumented migrants return to South Africa within days after

being deported (revolving door syndrome) refer to section 7.6.3. The revolving door syndrome is one of the biggest challenges facing the Department of Home Affairs' deportation policy. Other migrant livelihood strategies were also identified such operating pirate taxis, dealing in 'Bronco' and illegal mining activities see section 7.5, thematic area 3.

9.5 Contribution of the study

The study adds to literature in that it demonstrated that migration from Zimbabwe to South Africa is a complex phenomenon punctuated by events that are either economic or political or a combination of both, which then trigger the movement of people. The study further demonstrated that the phenomenon is historical in that pre-colonial movements were mixed, prompted by barter trade, natural disasters, search for employment and tribes were known to move to avoid unfavourable climatic conditions or to escape the ravages of tribal wars disregarding the colonial boundaries (Mlambo, 2010). Contemporary migration movements are also mixed, prompted by reasons that are largely economic and are increasingly becoming complex because of the role played by middlemen such as *omalayitsha* and bus drivers due to barriers to entry. The study also adds to literature in that it challenged the existing international migration theories as being inadequate since most of them focus on "economic reductionism" whether it relates to wage disequilibrium between regions (push-and-pull approach), the demand for unskilled labour in the secondary sectors of developed economies (the segmented labour market theory), or global core-periphery economic dependence (the world-system model). There is little or no literature on disaster induced migration or legislation. Including (embedding) migration literature and migrants in DRR efforts is fully consistent with the approach adopted by the Sendai Framework for Disaster Risk Reduction 2015–2030.

The study adds to literature in that the gaps in the current institutional frameworks that inform policy formulation both at international level and in South Africa were identified and were found to be inadequate, for example, the 1951 refugee convention and the immigration Act 13 of 2002 which focuses mainly on securitising migration. Many destination countries including South Africa are reluctant to ratify the UN Convention on the Rights of all Migrant Workers or to open up the 1951 Refugee Convention to renegotiation because of concerns about over-reach, particularly with regard to irregular migrants. Despite the fact that the majority of SADC's migrants are labour migrants, labour migration within the region remains under a very weak legal regime that has not been adopted and ratified by destination countries see section 4.2.3.

It was further shown that immigration Act 13 of 2002 favour the entry and stay of skilled rather than low-skilled workers and there are, for example, no traders' permits, job seekers' permits or permits for unskilled workers (South Africa 2002). This is despite the history of migration between South Africa and Zimbabwe showing or proving that it is complex (see above). The Immigration Act 13 of 2002 does not grant legal status to undocumented migrants. Such gaps were identified as the vulnerability of undocumented migrants because they are embedded in the frameworks (structures). As a result most undocumented migrants from Zimbabwe were found to be vulnerable to arrests and deportation, diseases, unemployment, lack of decent accommodation, extortion, attacks by criminal gangs leading to deaths, giving birth to stateless children, paupers' burial and other related vulnerabilities.

Some of the vulnerabilities, for example stateless children, paupers' burials, and smuggling of corpses due to high repatriation costs are being discussed empirically for the first time and on the basis of these new perspectives generated the study integrates and extends research on the vulnerability of migrants in disaster risk. Due to a lack of social protection in South Africa, undocumented migrants devise strategies to remain in South Africa and also to solve some of their daily challenges. Without glorifying some of the strategies, the study contributes to literature in that it managed to bring to the fore some of the strategies that have not been empirically discussed and these include: use of underground 'clinics' and health networks and the departure stamping of passports facilitated by *omalayitsha* while undocumented migrants physically overstayed in South Africa.

This strategy is meant to conceal undocumented migrants' identities as Zimbabweans and to counter Police 'stop and search' tactics used during operations that target 'illegal' migrants. If undocumented migrants happen to get deported they later use their 'clean' passports for a quick return to South Africa after deportation (revolving door syndrome). The study also adds to literature in that it managed to identify a paradigm shift in migrants' livelihoods. There is a movement away from the traditional little profit or loss making businesses of vending fruits to high risk high returns entrepreneurships like dealing in banned cough mixtures 'Bronco' operating pirate taxis and the *Zama Zamas* (illegal miners). This is new data that is being discussed for the first time in empirical research and on the basis of these new perspectives, this thesis adds to literature on the vulnerability of undocumented Zimbabwean migrants.

The study adds to literature in that it adopted and remodelled Wisner *et al.*'s (2004) progression of vulnerability model in order to fully unpack undocumented migrants' vulnerability. Undocumented migrants' underlying vulnerability emanating from Zimbabwe (economic crisis) coincides with the vulnerability embedded in the structures (illegal status)

in South Africa. Migrants' illegality in South Africa means they cannot access health care, decent accommodation, better jobs. Others face exploitation by employers or end up doing risky jobs. Most are vulnerable to arbitrary arrests and deportation and may later become paupers see chapter 7. Despite undocumented migrants being vulnerable as a group, their level of exposure to vulnerability is different (heterogeneous vulnerability) because of their different coping capacities and this is the concept Wisner *et al.* (2004) did not include their PAR model. However, migrants' heterogeneous vulnerability due to migrants' agency (coping strategies) was fully discussed by this study and provided reasons why some migrants despite their 'illegality' in South Africa are able to put food on their tables, fall in love, own property and lead normal lives. Having looked at the study's contribution to literature the next section focuses on recommendations

9.6 Recommendations

This thesis tenders an indication that undocumented Zimbabwean migrants are indeed vulnerable. The following recommendations can be made based on study's findings:

9.6.1 Recommendation 1: Addressing push and pull factors of 'Illegal migration' to create an environment conducive for investment in Zimbabwe.

One of the thesis's main findings is that economic reasons were cited by the majority of respondents as the major motivation for leaving Zimbabwe and migrating to South Africa, see section 7.3. Since the year 2000, the Zimbabwean economy has been experiencing a structural regression, coupled with an acceleration of de-industrialisation and informalisation. The Zimbabwean government must resolve the economic crisis by dealing with the push factors of migration to South Africa discussed in section 3.4.3. Economic and political issues are two sides of the same coin and collectively addressing both (root causes according to the PAR model) will improve the country's business environment and help activate foreign direct investment (FDI) inflows that will see the creation of more jobs and help to stop 'illegal' migration to South Africa. On the other hand, South Africa is a major pull factor because it is a middle-income country in the immediacy of low-income countries, see section 3.5. Instead of continuously investing in policies like deportation and a clogged asylum system that have been proved to be ineffective due to the revolving door syndrome, South Africa can engage some of its corporate companies or use part of taxpayers' money by investing in the south-western parts of Zimbabwe which are known traditional migrant sending regions (upstream policy of reducing 'illegal migration'). Resolutions of both the push and pull factors lie in both countries' abilities to re-capitalise Zimbabwe's industries and invest in critical infrastructure projects in traditional migrant sending regions.

9.6.2 Recommendation 2: Changing the status quo

South Africa should consider introducing a regime of permits for economic migrants from neighbouring SADC countries and discontinue securitising migration from the region. The current regime of permits as shown in sections 1.10 and 4.5.2 marginalises migrants with lower levels of skills from the SADC region despite the current and historical migration flows see chapter 3. Failure to provide permits for SADC labour flows (low-skilled workers) is one of the most serious gaps in the Immigration Act 13 of 2002 and the current White Paper on migration drafted in 1999. The huge demand for low-skilled labour in South Africa not catered for by the country's immigration policy creates significant and inevitable irregular migration currently being witnessed.

Excluding low skilled migrants from immediate countries (SADC) seeking work in a largely informal and stronger economy (South Africa) is a game of Russian roulette. There are limited working opportunities in Zimbabwe and other neighbouring countries within the SADC meaning that migrants are more willing to work for lower wages, and this tie in the neoclassical theory discussed in section 2.3. A permit regime for SADC economic migrants is historical in that during the 1900, the supply of cheap and unskilled labour was obtained from neighbouring countries to work on the South African mines and farms under a recruiting system regulated by TEBA and WENELA see section 3.3. In other words, South Africa inherited a legacy of bilateral labour agreements with its neighbouring countries which supported the supply of cheap labour to various targeted economic sectors during colonialism. Permits will allow managed legal migration by economic migrants however, there is need to assess the short and long term unintended consequences of such a regime. The following types of permits can be implemented, supported by the amendment of labour and migration laws to ensure that locals are not disadvantaged by employers paying economic migrants lower wages.

9.6.2.1 SADC automatic visas

A SADC automatic visa is a 30 day 'non-negotiable' (one that cannot be corruptly bought, sold or exchanged (see section 7.3.1) visa for free labour mobility granted to all SADC passport holders on arrival as a way of supporting regional economic development and integration. 'Non-negotiable' automatic visas will eliminate those who facilitate border evasion for example bus drivers and *omalayitsha* and criminal gangs operating in the border areas and also reduce overstaying. Development will accelerate as capital will have greater access to a large pool of labour. Under the current visa regime, a permit is needed after one has exhausted his/her 90 days per year.

9.6.2.2 SADC special work permit

A SADC special work permit will allow unskilled to semi-skilled workers (job seekers) to work in South Africa for a set period of time. Holders of this permit can be on tolerated status and will not qualify to progress to permanent residence on the basis of years spent in South Africa. The permit would be a quota-based regime implemented through bilateral agreements which will specify the areas of work including responsibilities for the signatory and contracting States. Economic migrants from SADC have low to middle levels of skills and they often compete directly with unemployed South Africans see section 7.5.

9.6.2.3 SADC traders' permit

This permit will be long-term with multiple-entries for cross border traders who enter and exit South Africa on frequent basis. The study found that migration by Zimbabweans is a livelihood strategy and most of them frequently remit money or goods through *omalayitsha* see sections 7.5. Notwithstanding some of the immigration harms they facilitate or involve themselves in, they are conduits of intra-African trade, which benefits the regional economy see section 7.7.

9.6.2.4 SADC Short to Medium Enterprises (SMEs) permit

This permit will cater for people who want to establish small to medium businesses as established in theme 3. These migrants will pay taxes and follow South African business regulations. South African Revenue Services (SARS) would also form part of the application process to ensure compliance and payment of taxes.

9.6.3 Recommendation 3: Risk management

The South African government should consider introducing training programmes and policies related to risk management for government officials for the enforcement of policies affecting non-citizens. Such policies may require officials to be humane when deporting undocumented migrants, or may require all incidences of health care treatment denials and referrals be documented and signed by the employee making the decision. The South African government should also introduce formal protection schemes aimed at the health needs of migrants, by partnering underground 'clinics' (see section 7.6.4).

The government can also improve access to information in migrant communities (for example in the study areas) about their health entitlements as dictated by the supreme body of the law (South African Constitution) and the national legislation. This can be done by posting a list of patients' rights, including migrants' rights, prominently near the front desk of

each public institution. The list of rights can include contact information and instructions to report grievances, in languages common to migrant communities obtained from migrants' Embassies or Consular offices.

9.6.4 Recommendation 4: Regulating illegal mining activities

The increasing number of *Zama Zamas* shows the absence of policy and regulation for artisanal miners in South Africa and this indicates missed opportunities in terms of self-employment. The South African government should consider regulating artisanal mining activities to stop organised crime and tax evasion by buyers of gold from informal settlements see section 7.5.3. The lack of policy to regulate artisanal mining seriously undermines environmental health and safety. Notwithstanding the livelihoods *Zama Zamas* get from illegal mining in the disused mines, there are more deaths of undocumented Zimbabweans due to poisonous gases, old collapsing structures, falling rocks and gang rivalry see section 7.5.3.

The South African government should seal off mine entrances and exits of all disused mines and provide enough security at all the abandoned mines. Examples of good practices of regulated artisanal mining in other regions are well documented in the literature and South Africa would do well to draw lessons from Zimbabwe, where there is no more illegal mining after the formalisation of small scale mining. As an example, Netherlands has far less problems associated with the sex trade than in countries where it is illegal. South Africa needs something similar to that for small scale mining.

9.6.5 Recommendation 5: Develop a South African international migration policy in line with African Union (AU) Agenda 2063

The South African government should consider developing a White Paper for managing international migration which is Africa oriented as opposed to the current one which is based on historical ties with Europe. Development of the new white paper will be in tandem with Agenda 2063 as envisioned by the continental body the African Union (AU). The African continent is experiencing an increase in intra-regional migration or south–south migration as discussed in section 2.12 and these migratory flows are occurring in an African context. A new South African White Paper needs to take these migration flows into consideration. The African continent has at least eight regional bodies which make up the African Economic Community (AEC) established in 1991 by the Abuja Treaty. The 1991 Abuja Treaty is the founding policy framework for the management of international migration in Africa and further provides the overarching framework for continental economic integration. In 2015, the 24th Ordinary Assembly held in Addis Ababa, Ethiopia, took the commitments of the Abuja

Treaty a step further by adopting Agenda 2063 both as a Vision and an Action Plan for an integrated, prosperous and peaceful Africa. Agenda 2063 is a call for action to all segments of African society to work together to build a prosperous and united Africa based on shared values and a common destiny and implementation of continent-wide visa free regimes to African citizens is also part of it.

9.6.6 Recommendation 6: Speedy ratification and signing of SADC Protocol on Facilitation of Free Movement of Persons drafted in 1995.

SADC hugely lags behind other regional economic communities such as ECOWAS in implementing the regional migration policy frameworks. ECOWAS adopted its Protocol on Free Movement of Persons, Residence and Establishment in 1979. The Protocol grants ECOWAS citizens the right to enter, reside and establish themselves in member states. The SADC Protocol's ultimate objective is to develop national policies aimed at the progressive elimination of obstacles to the movement of persons of the region within the territories of State Parties as discussed in section 1.7. Obstacles to ratification include concern over mobility within a region marked by large economic inequalities between countries.

The Protocol is also not clear on the extent to which states are obliged to comply and make adjustments on a range of legislative and logistical policies especially those related to residence and establishment. In reality, all the provisions of the Protocol are in the end subject to domestic legislation even if member states have signed and ratified the protocol (Mawadza, 2011; Crush, 2011). The Protocol will become binding after it has been ratified by two-thirds of the Member States. To date (2017) the Protocol remains a slow work in progress towards the ideals of the 1991 Abuja Treaty because two-thirds of the members are yet to ratify the Protocol.

9.6.7 Recommendations 7: Establishment of One-Stop Border Posts

Both the South African and Zimbabwean governments should consider establishing a one-stop border post. The concept implies that either or both of the countries' authorities must operate in each other's territory. The implementation of a one-stop concept requires that the border agencies of each state to apply their national laws in the territory of the adjoining state and this will help to eliminate smuggling of goods, unnecessary delays and facilitation of 'illegal' migration. However, this calls for specific provisions to be developed to give such agencies extra-territorial jurisdiction.

9.6.8 Recommendation 8: Regulation of informal/community border crossings

South Africa should also consider strict regulation of community border crossings according to the Immigration Act 13 of 2002. Community border crossings are being exploited by syndicates to smuggle people and goods into South Africa. The study found that there are more than 200 informal/community border crossings along the Zimbabwe-South Africa border that are not manned by immigration officers as required by the Act see section 7.3.1. The majority of these informal border crossings are a colonial legacy as discussed in section 3.2 and 3.3 that divided communities along the borderline. The present-day use of such informal crossings pertains to local trade with communities on either side of the border making use of the nearest services or facilities, such as hospitals or schools.

9.6.9 Recommendation 9: Regularisation programmes

South Africa has been battling with sizeable proportions of 'illegal migrants' who are already residents within its territory see section 5.11.2. Section 4.7.2 discussed a typology of regularisation programmes based on five distinctions that were suggested by Apap *et al.* (2000). Given the sizeable and uncertain number of undocumented migrants 'illegally' resident in South Africa the study recommends a combination of One-off/One shot/Permanent and *fait accompli* or *de facto* regularisation programmes to adequately address the problem of irregular residents. The regularisation programmes being a combination will function along the following parameters:

- The regularisation process will take the form of a permanent procedure that is ongoing and without time limits open to an infinite number of claims.
- Or it can be a one-off procedure, but conducted within a given time frame whenever a specific need arises
- The target population will be undocumented migrants, economic migrants (to decongest the asylum system), failed asylum seekers, former ZDP and ZSP permit holders, families of irregular migrants, domestic workers and on humanitarian grounds
- Those regularised people will be on *tolerated status*. Tolerated status falls short of full regularisation as no official residence permit is granted. People can be on tolerated status even for up to 20 years (Brick 2011)
- Regularisations will be implemented for reasons of *fait accompli*, whereby a right of residence is derived simply from the recognition that a person has *de facto* 'illegally' been present from a specific date, or for reasons of protection against certain risks people would take if not granted legal status.

- Regularisation based on *fait accompli* is linked to economic considerations like labour market needs or problems associated with a growing underground economy, economic reasons (employment), humanitarian reasons (protection purposes), health or family reunion as was the case with respondents in this study.

9.7 Areas for further research

While this study contributed new knowledge on the vulnerability of undocumented migrants in South Africa, research work is not complete in itself. More research questions arose from this study, hence updating the wealth of knowledge is a process that is incremental in nature. Some areas for further research emerged from the findings and these are outlined below:

- Assessing the role played by facilitators of 'illegal' migration to South Africa
- Evaluating the impact of 'illegal' migration on the South African economy
- Theorising 'illegal' migration in the SADC region and Africa
- Unintended risks of securitising migration in South Africa
- Integrating undocumented migrants' in South African local communities
- Undocumented migrants' and health care: what are the risk factors?
- Scope of involvement by the foreign *Zama Zamas* in illegal mining activities in South Africa.

9.8 Concluding remarks

Undocumented Zimbabwean migrants in South Africa are indeed vulnerable and are living with vulnerability as shown in chapter 7. As highlighted in the review of literature and empirical findings people migrate from Zimbabwe to South Africa to seek economic opportunities due to Zimbabwe's economic fragility and this also connects well with theories of migration discussed in chapter 2. On the other hand, history (see chapter 3) has shown that some Zimbabweans 'illegally' cross the border into South Africa to flee from political violence, but these are only a small fraction of the number of Zimbabweans believed to be in South Africa see sections 4.5.3.1 and 5.11.2. Through the PAR model discussed in chapter 5 and later adopted in chapter 7 as a theoretical reference point, their vulnerability is embedded in the structures (economic, political-judicial, social and cultural) discussed in chapter 4. The structures are *legally violent* because they are a body of laws that delimit and shape undocumented migrants' lives on a routine basis (Menjivar & Abrego, 2012). For example, the concept of 'illegality' is a legal and political construct (structures) meaning, what is 'undocumented or irregular' is defined by politics and the law (Duvell, 2011:62).

Legal status in South Africa as shown in the study is a major determinant of migrants' access to social services and public resources. Due to their 'illegality' in South Africa migrants were denied access to Health care, formal employment, education, decent accommodation and some ended up as paupers see chapter 7. On the other hand, undocumented migrants are not mere pawns but are agents that react to and shape their own resilience as shown by their employment of coping strategies. A unique contribution of this study was to analyse vulnerability from the point of view of people who experience it. This study provided insights into how those characterised as 'vulnerable' deal with multiple stressors in innovative and adaptive but, sometimes risky ways.

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APPENDICES

Appendix A Data collection letter



AFRICAN CENTRE FOR DISASTER STUDIES

Research Focus Area: Social Transformation
North-West University
PUK Campus
Private Bag X6001
Potchefstroom
2520

Tel: +27 (0)18 299 1634

Fax: +27 (0)87 231 5590

E-mail: dewald.vanniekerk@nwu.ac.za

Web: <http://acds.co.za>

Permission to collect data

Mr Shadreck Macheka is currently an enrolled **PhD student** in the Programme: **Philosophiae Doctor in Development and Management** (Disaster Studies) at the North-West University (Potchefstroom Campus).

The title of his thesis is:

Migrants as a vulnerable group: The case of Zimbabwe migrants in Gauteng, South Africa.

In order to complete his thesis the candidate must conduct a substantial part of empirical investigation and fieldwork in Gauteng province, South Africa. It would therefore be appreciated if Mr Shadreck Macheka could be permitted to collect the necessary data in order to accommodate the abovementioned. Mr Shadreck Macheka has the necessary orientation, motivation and capacity to deal responsibly with confidential information.

Ethics number: NWU-00172-14-A7

Your kind consideration of this request will be greatly appreciated.

Kind regards and best wishes



Prof. Dewald van Niekerk
Director: African Centre for Disaster Studies
North-West University
South Africa

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Appendix B Interview Schedule for key informants: undocumented migrants

Part 1

My name is Shadreck Macheke and I am a PhD student at North West University, Potchefstroom Campus. My student number is 24539546. As part of my studies I am doing a research entitled: *Migrants as a vulnerable group: The case of undocumented Zimbabwean migrants in Johannesburg, South Africa*. The study is focusing on vulnerabilities faced by Zimbabwean migrants who have an irregular status in South Africa. The study also examines how the state classifies, categorises and deals with the irregular Zimbabwean migrants including their consequences. Further, it looks at how migrants represent themselves in pursuing livelihoods, humanitarian assistance, and legal recognition and how they seek ways to circumvent their problem of an irregular status in South Africa.

My target participants are irregular Zimbabwean migrants who have been in South Africa since 2000 I am also interested in talking to those migrants who were once regularised during the Zimbabwe Documentation Project but have since fallen back into an irregular status after their permits expired in 2014. If you fall into this category I would like to kindly invite you to participate in this study.

Your participation will entail that you will be interviewed by me. The interview will be conducted at a place you deem private and where you feel comfortable sharing the story of your life. The interview will be for an hour at a time. I would also like to attend some of the meetings and events that you attend or places of interest that you visit. I am interested in your experiences such as how and why you came to South Africa, the challenges you have faced since arrival and how you have sustained yourself in South Africa and your plans for the future. Other issues and additional information may come out of these interviews which you may share if you so wish. Your participation in this study is entirely voluntary and free and you are allowed to withdraw if not comfortable with the interview. In the event that we are recording an interview, you are also free to stop the recording at any time.

There are no personal benefits as a result of your participation in the study but the information you share remains confidential and will help us better understand the experiences of irregular migrants, their livelihood strategies, the challenges they face and their uneasy ties with the government. This information can be used to better understand the experiences and needs of irregular migrants and potentially, have long term benefits for individuals, communities and government

Your name and possibly the names of other participants in this study will remain confidential and will not be documented in interview reports (transcripts) and in the study report. In the research report pseudonyms (not real names) will be used to conceal and protect your identity and that of other participants. (My ethical clearance number is NWU-00172-14-A7)

For further information regarding this project please feel free to contact my promoter Professor Dewald van Niekerk on the following mobile number 0823385919. Thank you for taking time to consider participating in the study.

Part 2

Biographical information

1. Gender: female – male
2. Age
3. Level of Education
4. Marital status: single – married – widow(er) – separated – divorced
5. Family members in South Africa: yes/no
6. Family size:
7. Indicate the province you are from in Zimbabwe:
8. Ethnic group: 1. Shona 2. Ndebele
9. Indicate your general skills when you were in Zimbabwe:
 - i. =trading,
 - ii. = farming,
 - iii. = hand crafts,
 - iv. =domestic work,
 - v. = others... (Specify)
 - vi. = none
10. Date of arrival in South Africa -----

History of migration	Responses
1. What were your reasons for leaving Zimbabwe? 2. What were your reasons for coming to South Africa?	1.Unemployment 2.Political persecution 3.Peer pressure 4.Family reunion 5. Study 6. Other
Vulnerabilities faced by irregular migrants 1. Can you narrate the challenges you have faced since the time you left Zimbabwe up to now? 2. What do you think are the sources of those challenges? 3. So far have you achieved what you wanted?	1. Physical vulnerability 2. Economic vulnerability 3. Psychological vulnerability 4.Social vulnerability 5. Environmental vulnerability
Migrants livelihoods while in South Africa? 1. What are your major livelihoods in your households? 2 How are your livelihoods affected 3. How do you solve challenges which affect your livelihoods/vulnerabilities?	
Migrants expectations and solution to their challenges 1. What in your opinion are the solutions to your challenges?	
If you have any issues you want me to know regarding our discussion you can add.	

Thank you.

Macheka S.

Appendix C Interview schedule for government and non-governmental officials

Part 1

My name is Shadreck Macheke and I am a PhD student at North West University, Potchefstroom Campus. My student number is 24539546. As part of my studies I am doing a research entitled: *Migrants as a vulnerable group, The case of undocumented Zimbabwean migrants in Johannesburg, South Africa*. The study is focusing on vulnerabilities faced by Zimbabwean migrants who have an irregular status in South Africa. The study also examines how the state classifies, categorises and deals with the irregular Zimbabwean migrants including their consequences. Further, it looks at how migrants represent themselves in pursuing livelihoods, humanitarian assistance, and legal recognition and how they seek ways to circumvent their problem of an irregular status in South Africa.

My target participants are irregular Zimbabwean migrants who have been in South Africa since 2000. I am also interested in talking to those migrants who were once regularised during the Zimbabwe Documentation Project but have since fallen back into “irregularity” status after their permits expired in 2014. If you fall into this category I would like to kindly invite you to participate in this study.

Your participation will entail that you will be interviewed by me. The interview will be conducted at a place you deem private and where you feel comfortable sharing the story of your life. The interview will be for an hour at a time. I would also like to attend some of the meetings and events that you attend or places of interest that you visit. I am interested in your experiences such as how and why you came to South Africa, the challenges you have faced since arrival and how you have sustained yourself in South Africa and your plans for the future. Other issues and additional information may come out of these interviews which you may share if you so wish. Your participation in this study is entirely voluntary and free and you are allowed to withdraw if not comfortable with the interview. In the event that we are recording an interview, you are also free to stop the recording at any time.

There are no personal benefits as a result of your participation in the study but the information you share remains confidential and will help us better understand the experiences of irregular migrants, their livelihood strategies, the challenges they face and their uneasy ties with the government. This information can be used to better understand the experiences and needs of irregular migrants and potentially, have long term benefits for individuals, communities and government

Your name and possibly the names of other participants in this study will remain confidential and will not be documented in interview reports (transcripts) and in the study report. In the research report pseudonyms (not your real name) will be used to conceal and protect your identity and that of other participants. (My ethical clearance number is NWU-00172-14-A7) For further information regarding this project please feel free to contact my promoter Professor Dewald van Niekerk on 0823385919. Thank you for taking time to consider participation in the study.

Part 2

Biographical info

Gender: female – male

Age

Level of Education

Role in the organisation:

History of migration	Responses
1) <i>What is your perception about migration from Zimbabwe?</i> 2) <i>What are your views on the increasing number of undocumented Zimbabwean migrants</i> 3) <i>Can you Identify types of undocumented migrants in SA?</i>	
Vulnerabilities 1) <i>What are the vulnerabilities/challenges faced by groups of migrants</i> 2) <i>what do you think are the sources of the vulnerabilities faced</i>	
Challenges on South African government 1) <i>What services do you offer undocumented migrants?</i> 2) <i>What challenges have your organisation encountered regarding undocumented Zimbabwean migrants?</i> 3). <i>How are those challenges solved?</i> 4). <i>What are the long term solutions in your opinion?</i>	
Please add any information you may want to say related to issues we discussed.	

Thank you.

Macheka S

Appendix D Focus group discussions

(As the facilitator in the focus group, introduce yourself, explain the objectives of the focus group discussions, and request the respondent's consent to be a participant. Note the respondent's name and location and the date of the focus group discussion.)

My name is Shadreck Macheke. I am a PhD student at North West University Potchefstroom campus in South Africa. The title of my research is *Migrants as a vulnerable group: The case of undocumented Zimbabwean migrants in Johannesburg, South Africa*. You/ your organisation have been identified as key participant(s) in this study and I am kindly requesting your consent to participate. The results of the study will only be used for the inclusion of migrants in DRR, the policies and practices of their host country (South Africa) and integration into local communities.

1. How do you understand migration?

- *What is your understanding of the history of migration between Zimbabwe and South Africa?*
- *How prevalent is migration from your province in Zimbabwe to South Africa?*
- *What motivated you to come to South Africa?*
- *What mode of transport did you use to travel to South Africa?*
- *How did you enter South Africa?*
- *When did you arrive in South Africa?*

2. How do you understand vulnerability of migrants in South Africa?

- *What is your understanding of vulnerable migrants?*
- *What do you think is the cause of such vulnerability?*

3 How do you understand migrant livelihoods in South Africa?

- *What do you understand by migrant livelihoods?*
- *What are your major livelihoods?*
- *How are your livelihoods affected due to your vulnerability?*

4 How do you solve your problems/vulnerable situations?

- *What are your coping strategies?*
- *How effective are these coping strategies when confronted about different vulnerable situations?*
- *In your opinion do you think the South African government has got a role to play in solving some of your challenges? Explain*
- *Do you think that you should be part of the process in solving your vulnerability? Explain*
- *Finally, I would greatly appreciate any additional comments and suggestions you may have regarding our discussion*

Thank you.

Appendix E Informed consent agreement form

Name of Researcher: Shadreck Macheke (24539546)
Institution: North West University Potchefstroom Campus
Degree: PHD Management and Development (Disaster Studies)
Research Topic: Migrants as a vulnerable group: The case of undocumented Zimbabwean migrants in Johannesburg, South Africa.

Purpose of study: Model development

Methodology:

This study is going to be conducted using a qualitative research design that is ethnographic. Data will be collected from undocumented migrants, government and non governmental officers and some other selected informants through interviews, document analysis and semi-structured interviews. Participants will engage in face to face interview, focus group discussions with the researcher where data will be audio-recorded. Face to face interviews are expected to last approximately 30 minutes per person while focus group discussions are expected to be 60 to 90 minutes.

Research Ethics

Persons who are willing to participate in this research should read the following information carefully so that they can make an informed decision about their participation.

Conditions for Participation

Participation in this research is voluntary and participants should do so out of their own free will. The participant is free to withhold any information that they may decide not to share with the researcher or withdraw from an interview at any point if they feel like doing so for whatever reasons

Protection accorded to Participants

1. Confidentiality: Each participant's privacy will be maintained.
2. Anonymity: Names of institutions and individual participants will not be divulged, instead, pseudo names will be used which may not link the participant to the data collected.
3. Risk: There will not be any risk involved in participating in this research, permission to conduct this research was granted by North West University through the Ministry of Higher Education.

Data Analysis

Qualitative data gathered will be analysed using the manual sort and count, classified, categorised and trends and patterns analysed as they emerge.

Use of Data Collected

The end product of this study will be a Doctoral Thesis. It is envisaged that some of the chapters or the entire document may attract a variety of publications later on. All information about the participants will be treated with strict confidentiality and will not be revealed to anyone else unless required by law.

Benefits and Compensation

There are no direct benefits to any individual participant other than some satisfaction that as a citizen and an academic, you have assisted.

In broadening the knowledge base related to an understanding of your chosen profession Help SADC countries in understanding vulnerability of undocumented migrants with a view of assisting policy makers in solving problems that affects the socio-economic well being of undocumented migrants in destination countries.

INFORMED CONSENT

The purpose and conditions of my participation have been clearly explained to me and have been availed to me. I understand what my participation entails. Furthermore, I understand that my participation is voluntary, and I will be allowed to ask questions, withhold any information that I may deem unfit to divulge, withdraw from participation at any point without any penalty. I have read and understood the Informed Consent Agreement and I sign it freely and voluntarily and a signed copy has been given to me.

Signature of volunteer participant

Date

Signature of Researcher

Date

If you are willing to participate and you need to seek any clarification about anything related to this study please contact Shadreck Macheke on mobile number : e-mail address: machekas@gmail.com or contact Professor Dewald van Niekerk on 0823385919, my PhD promoter at African Centre for Disaster Studies, North West University P. Bag X6001, Potchefstroom Campus, Potchefstroom 2520. E-mail dewald.vanniekerk@nwu.ac.za

Appendix F Research coding

In this study, the analysis of data proceeded using coding. According to the grounded theory, coding is the process of defining what data is about (Lotz-Sisitka *et al.*, 2013). Codes are not preconceived but are developed as the researcher examines the data. In other words codes are a form of short hand a researcher uses to identify conceptual re-occurrences and similarities in the patterns of the participants' experiences (Reeves *et al.*, 2008:512). In this thesis, three coding steps were used namely initial, intermediate and advanced coding steps.

The researcher used the **initial coding** or line by line coding to fracture the data and name the processes and actions in each line of the interview transcript. The initial coding allowed the researcher to get to grips with the generated data and in each line a name or label was allocated to actions and processes. Comparisons were made line by line, and codes allocated to name the recurring incidents or phenomena encountered. Brunovskis and Surtees (2010) found that if line by line coding is done in a correct manner, it ultimately result in rich, dense theory in which nothing is left out and this motivates the adoption of this form of coding in this thesis. During certain instances **in vivo** codes were employed in order to maintain the freshness of categories and also contributed to the originality of the theory ultimately obtained. Yin (2013) described **in vivo** codes as special terms used by the participant that are useful in preserving the participant's meaning of their actions. According to Creswell (2013), **in vivo** codes are labels for themes or categories that are phrased in the exact words of the participants as opposed to those of the researcher. The line by line coding though useful in the early stages of data analysis eventually became redundant and it was at this point of redundancy that the researcher moved to the intermediate coding

Intermediate coding was about restructuring data into categories or themes of basic information identified by the researcher during the line by line coding. During intermediate coding, all the codes that were generated at the initial coding stage (line by line) were grouped together by similarity to form categories that have an explanatory and conceptual aspect. The similar categories formed earlier were regrouped or integrated into others, resulting in them becoming sub-categories of stronger categories. Continuous comparison of data with codes, codes with categories and categories with each other meant that gaps in the data were identified and theoretical sampling was employed to fill these gaps.

During **advanced coding**, data eventually became theory and this is the final stage of grounded theory production. It is at this stage of coding that the core category of this research was integrated with the other categories and sub-categories. This was achieved by

establishing theoretical links between the main categories and sub-categories however, attention was paid to three important factors identified by Birks and Mills (2011:115) as necessary for theoretical integration namely:

- an identified core category;
- a theoretical saturation of major categories; and
- an accumulated bank of analytic memos.

The core category was identified during the intermediate stage of coding leading to the strengthening and clarification of the relationship between concepts within the theory. The saturation of the core category, its related categories and sub-categories was also done during the intermediate coding stage.

The researcher also used memos for theoretical integration. According to Creswell (2013) memos are theoretical notes which force researchers to analyse and keep their level of abstraction high while also prompting them to develop their codes early in the research process.