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ILLEGAL IMMIGRATION AND WEAK BORDER CONTROLS IN SOUTH AFRICA

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DISSERTATION

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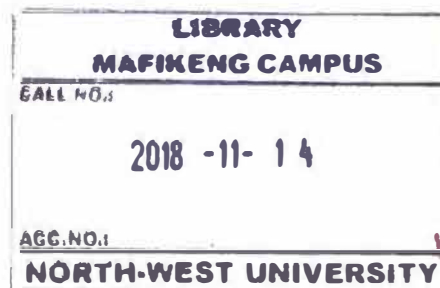
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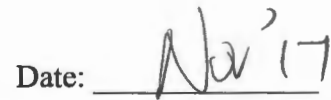
DECLARATION

I Maite Dithebe, Student number: 23053453 declare that this thesis: **ILLEGAL IMMIGRATION AND WEAK BORDER CONTROLS IN SOUTH AFRICA** hereby submitted for the Masters Degree in International Relations at the Faculty of Human Social Sciences in the Department of History, Political Science and International Relations at the NWU Mafikeng campus has not been previously submitted for a degree at this or any other institution. This work has not been submitted anywhere before for any purpose. I confirm that this is my own work and the sources used are also acknowledged and valid.

Signature:

**Ms. M.V.E. Dithebe**

Date:

**November 2017**

DEDICATION

I dedicate this thesis to my family and everyone that helped me throughout this process, may God keep and abundantly bless you all. I also dedicate this thesis to my late father, Mr Aubrey Dithebe and my late grandfather, Mr Nkosana Magobiyane. Thank you for the love and care you shared with me, even though you are no longer with us, I know you are happy and proud of me. May your souls rest in peace and I will always love you.

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ABSTRACT

South Africa's transition from apartheid to a constitutional democracy has been internationally applauded. The inception of a democratic South Africa has since become a beckon of hope to many African countries who are still suffering from poverty, civil wars, genocides, colonial legacies and serious socio-economic inequalities. With every victory comes hardship. That is, South Africa's transition into democracy has not been without challenges. Like many other developing countries, South Africa is facing a challenge of the influx of illegal immigrants.

The mounting number of African illegal immigrants remains an issue of concern in the 21st century. This is due to individuals making decisions to relocate to other countries for social, political and economic reasons. The illegal immigrants are aided by the porous nature of borders in Africa and South Africa in general. This influx has contributed to the rise of social tension between African immigrants and South Africa, evidenced by the recent xenophobic attacks borne out of a contention for the informal labour sector and other scarce resources. South Africa's foreign policy towards the continent and the region has been punctuated with notions like Ubuntu which to some extent has been construed as an open door policy for unfettered immigration. As a leading member of the Southern African Development Community (SADC), chairing the Organ for politics, defence and security (OPDS), the expectation for South Africa to absorb as many immigrants as possible has not wavered among fellow African countries.

This paper reviews the recent attempts by government to manage the increasing number of illegal immigrants in the country. The purpose of this study is to present systematic review of available evidence from the findings of the collected data and literature reviewed concerning the aim of the study. The study was done using exploratory research design that employed qualitative research methodology. The population was purposely selected given the nature of the study.

The first argument of the paper is that South Africa should ensure that there are effective border controls and security to curb the increasing number of illegal immigrants entering in the country. Secondly the paper argues that the South African government should ensure that illegal immigration does not spill over and dilute the sovereignty and national security of the country. To achieve these objectives, the study engages theories that help understand the importance of legal entry, sovereignty and national interests. It is hoped that the recommendations of the study will inform the government and other supporting structures about the management of illegal immigrants and how to manage the weak borders of the country.

Key words: Illegal immigrants, porous borders, South Africa, xenophobia, border management, liberalism, social constructivism and realism.

LIST OF ACRONYMS

ACMS - African Centre for Migration and Society

AISA - African Institute of South Africa

AU - African Union

AUBP - African Unity Border Programme

BCOCC - Border Control Operational Coordinating Committee

BMA - Border Management Agency

CBC - Cross Border Co-operation

CDE - Centre for Development and Enterprise

COMESA - Common Market for Eastern and Southern Africa

DHA - Department of Home Affairs

DIRCO - Department of International Relations and Cooperation

DOD - Department of Defence

EAC - Eastern African Community

EU - European Union

FMP - Free Movement of Persons

FTA - Free Trade Area

IDP - Internationally Displaced Persons

IMF - International Monetary Fund

IOM - International Organisation of Migration

ISS - Institution of Security Studies

MIDSA - Migration Dialogue for Southern Africa

OAU - Organisation of African Unity

REC - Regional Economic Communities

SADC - Southern African Development Community

SADF - South African Defence Force

SANDF - South African National Defence Force

SAP - South African Police

SAPS - South African Police Services

StatsSA - Statistic South Africa

UK - United Kingdom

UN - United Nations

UNHCR - United Nations High Commissioner for Refugees

USA - United States of America

WTO - World Trade Organisation



Table of content



Contents

DECLARATION.....	ii
DEDICATION.....	iii
ACKNOWLEDGMENTS	iv
ABSTRACT	v
LIST OF ACRONYMS	vi
Table of content	1
CHAPTER ONE.....	5
1.1 Introduction.....	5
1.2. Background to the study	6
South Africa's immigration (legal and illegal)	8
The South African Border Security from apartheid to democratic South Africa.	11
1.3. Problem statement.....	12
1.4. Aim of the study	13
1.5. Objective of study.....	13
1.6. Research questions.....	13
1.7. Rationale/ Significance of the study	13
1.8. Delineation/ scope of study.....	15
CHAPTER TWO	16
LITERATURE REVIEW AND THEORETICAL FRAMEWORK	16
2.1. Introduction.....	16
2.1.1. Definition of concepts in relation to the illegal immigrants and weak border controls in South Africa.	16
2.1.1.1. Globalisation.....	17
2.1.1.2. Migration or Immigration	18
2.1.1.3 Illegal immigrants	19
2.1.1.4. Asylum seekers and Refugees	20
2.1.1.5 Foreign policy.....	21
2.1.1.6. Border management, control and security	23
2.1.1.7. Border management.....	23
2.1.1.8. Border control and security.....	24
2.1.1.9. Border security.....	25
2.1.2. The 1951 UN Convention on refugees	26
2.1.3. The African continent on illegal immigrants and border control.....	28

2.1.3.1 Trends and realities of migration in Africa.....	29
2.1.3.2. The border insecurities of the African continent	30
2.1.4. Migration in the SADC region.....	32
Figure 1	33
2.1.4.1. Protocol on free movement of persons	34
2.1.4.2. Protocol on the facilitation of movement of people.....	35
2.1.4.3. The increasing number of illegal immigrants in SADC	36
2.1.4.4. The paradox of sovereignty and regionalism in SADC region.....	37
2.1.5. Taking a closer look into South Africa	38
2.1.5.1. Migration legal framework in South Africa.....	39
2.1.5.2. Impact of illegal immigration in South Africa.....	41
2.1.6. Research gaps	42
2.2. Theoretical framework.....	42
2.2.1. Liberalism and illegal immigration.....	43
The perception of soft power in liberalism.....	45
2.2.2. Social constructivism and the creation of interests and identity.....	46
Constructing a common identity.....	47
2.2.3. Realism as a justification for border control.....	49
CHAPTER THREE	52
RESEARCH METHODOLOGY	52
3.1. Introduction.....	52
3.1.1. Qualitative research method	52
3.2. Research design	53
3.2.1. Study area	54
Figure 2	54
3.2.2. Population	54
3.2.3. Sample technique.....	55
3.2.4. Sample method/ instruments.....	57
3.2.4.1. Semi-structured interviews:	57
3.2.4.2. Focus group discussions	58
3.2.5. Sample size	58
Department of Home Affairs	59
Department of International Relations and Cooperation	59
Department of defence.....	59
South African Police Services	59
African Centre for Migration and Society	60
3.2.6. Data collection method	60

Primary data.....	61
Secondary data.....	61
3.2.7. Data analysis.....	61
Content analysis.....	61
3.2.8. Limitations to the study.....	63
3.2.9. Ethical consideration.....	64
3.2.9.1. <i>Consent</i>	64
3.2.9.2. <i>Confidentiality and anonymity</i>	64
3.2.10. Expected contribution to knowledge.....	65
CHAPTER FOUR.....	66
RESEARCH FINDINGS.....	66
4.1. Introduction.....	66
4.1.1. Data outlined.....	66
Table 1: Outline of respondents.....	66
4.1.2. Interview techniques.....	67
Table 2: Interview techniques.....	67
4.1.3. Table 3: Category.....	68
4.1.4. Themes.....	68
4.2. Presentation of data analysis and interpretation of results.....	69
4.2.1. What are the factors responsible for the influx of illegal immigrants in South Africa?.....	69
4.2.1.1. Political factors.....	69
4.2.1.2. Economic factors.....	72
4.2.1.3. Social factors.....	73
4.2.2.4. Environmental factors.....	74
4.1.2.5. The SADC Protocol on the facilitation of Movement of Persons.....	76
The rise of nationalism due to migration.....	76
4.3. In what ways does illegal immigration affect South Africa socio- economically?.....	77
4.3.1. Cheap labour effects.....	77
Capitalism and cheap labour.....	79
4.3.2. Crime effects.....	79
4.2.3. Health effects.....	81
4.4. Are there possible solutions to the problem of illegal entry in South Africa?.....	83
CHAPTER FIVE.....	86
CONCLUSIONS AND RECOMMENDATIONS.....	86
5.1. Introduction.....	86
5.2. Conclusion.....	86
5.3. Recommendations.....	88

Reference list	90
APPENDIX A.....	97

CHAPTER ONE

1.1 Introduction

The uncontrollable influx of illegal immigrants is a problem faced by many countries around the globe. This is because many nations are faced with problems of political oppression, civil wars, poor economic conditions and human rights abuse. These are some of the causes of this spiralling problem. Furthermore, the income and lifestyle disparity between developed and developing countries motivates the movement of people from poorer countries to those promising greater economic opportunities and these factors could be viewed as push factors in the sense that a migrant is motivated by the idea of living a better life in the host country. Thus, in pursuit of peace, better life and security, migrants move from their home countries to seek better opportunities in stable host countries that have political stability, growing economy and respect for human rights.

The movement of people into a country in violation of its prevalent immigration laws and statutes is termed as illegal immigration. Due to the increasing income disparity between the developed and developing countries, illegal immigration has emerged as a major controversy around the world, raising socio-economic, political and legal issues (Kasimis and Papadopoulos, 2012).

Immigration is a regulated and legal process and the act of avoiding legal routes for moving into a country and acquiring residence as well as work is termed as illegal immigration; this definition includes illegal immigrants that have entered into a country illegally as well as those who arrived into a host country through legal means but overstayed their legally permitted period. The problem of illegal immigration is debated on political, economic, social and even philosophical spheres (Bloemraad, 2011). Illegal immigration places significant stress on existing economic superstructures through the accession of cheap and effective manpower by immigrants and it can also alter the social structures in locality, instances of which can be seen in most parts of the world with extensive immigration.

The African continent is not spared the problem of illegal immigrants as it exists in many countries. In the South African Development Community (SADC) region, many countries are experiencing the problem of illegal immigration and the presence of the illegal immigrants affects host countries' security, economy and social status. According to Campbell (2008:3), Southern Africa has been the most targeted region in sub-Saharan Africa because of its moderately growing economic and social development. Thus, the targeted countries in the region are Botswana, Namibia and South Africa. It can be said that economic factors are not the main reasons for illegal immigration but it is one major contributing factor to this growing problem.

1.2. Background to the study

The trending issue of immigration (legal and illegal) across international borders has become a seriously noted issue. Consequently, countries like United States of America (USA), United Kingdom (UK) and Canada have a large inflow of illegal immigrants in their countries. This is motivated by majority of illegal immigrants seeking a better life in the global north. Furthermore, in the USA, a portion of the population includes illegal immigrants residing in the country. Recently the USA has been experiencing challenges with the influx of illegal Mexican immigrants amongst many other undocumented or illegal immigrants with an estimate number of 11 million illegal immigrants living in the country with Mexicans being the largest immigrant group dominating the USA.

According to Barrera and Krogstad (2015), Mexicans take up 75% of undocumented population in the USA. This was a noted problem during the administration of former USA presidents Bush and Obama; the immigration policies were amended to try and minimise the problem in vain. Thus, the newly elected President Trump wants to reform and change the immigration policy to ensure that there is no further increase of the number of illegal immigrants. According to *The Economist* (2017), President Trump ordered government to not just target illegal criminals but to also to target most of the illegal immigrants in the country for deportation purposes. This process will ensure that the pool of deportees increase to ensure national security.

This has caused opposing views regarding illegal immigrants. On the one hand, there are some citizens that argue that illegal immigrants are criminals and are breaking the immigration laws and burdening state resources and taxpayers. On the other hand, some citizens argue that illegal immigrants are helping the country by taking up jobs at a lower wage, thereby increasing the pool of low cost labour (DeFrancesco, 2015).

The views of people in developed countries regarding illegal immigrants differ for a number of reasons. Those who agree that illegal immigrants expand the pool of low cost labour are benefiting from migrant labourers through cheap labour, hence they defend their sole interest. The other group that argues that illegal immigrants are criminals and only endanger national sovereignty, security and interest, are motivated by the patriotic convictions about their nation and they want to defend it. Similar views have recently emerged all over the world where native citizens desire the deportation of illegal immigrants. Similarly, these patriotic views are motivated by the feeling that government is silent on laws being broken and the necessity for violators to be prosecuted and penalised.

The Canadians support the notion of deporting illegal immigrants as it is costly and dangerous to maintain them in the country (Smiti, 2016). According to Masis (2017), there is about 1222 people entering

Quebec illegally who have requested refugee status, and the number of illegal immigrants keeps accelerating. The largest groups of the illegal immigrants crossing Quebec's border are from Syria, Sudan, Eritrea, Yemen and many other countries facing war or economic catastrophe. While the Prime Minister Justin Trudeau promotes a pro-refugee and pro-immigration policy as opposed to the USA President Donald Trump, this spill has led to 46% of poll respondents disagreeing with how Trudeau is handling the immigration issue, compared to the 36% that agree with him. This debate is aggravated because of the fiscal burden to maintain illegal immigrants with health care, education and many other social responsibilities.

The UK is also affected by the problem of illegal immigrants. In 2007, the London School of Economics estimated the number of irregular migrants at 533000, amongst this estimated number of illegal immigrants some have overstayed the initial visa period and others are born to parents that are illegal immigrants (Lott-Lavigna, 2017). A few examples have formed a political debate among the European Union (EU) member states since migration is understood as a crucial security issue that is connected to globalisation in the contemporary times (Mirilovic, 2009). Britain has recently delinked itself from the EU because the free movement policy was no longer a reciprocal relationship amongst states but it was allowing for illegal movement of people which undermined the importance of the state immigration laws and national security. A lot of expenditure was prioritised to maintenance of illegal immigrants.

It is important to note that immigration means to relocate into another country due to several reasons such as employment, poverty, permanent settlement and civil wars. The issue of illegal immigration is alarming because of the reality of people that do not adhere to the laws and regulations mandatory before and during the immigration process. Furthermore, it is the prerogative of every state to have rules and laws that regulate immigration. Thus, there are different administrative laws for different countries that govern the procedures for allowing immigration (Legrain, 2007:56-57). Therefore, the process of immigration necessitates recognition through paper work by government departments of the country involved.

Immigration is mostly undertaken by people moving from poor or unstable (home) countries to rich and stable (host) countries, with the perception of making a better living or finding greener pastures in the host country. The process of immigration requires for the immigrant to qualify and follow necessary procedures that will allow legal entry into the host country as accorded by the relevant conventions of refugees under the United Nations (UN) and African Union (AU). However, when the immigrant fails to legally enter into a country, the chances of returning to the home country do not suffice, which leads to illegal practices such as seeking help from fraudulent officials who assist by performing illegal processes to issue documents for entering into the host country (Synder, 2008:66).

Consequently, the Sub-Saharan Africa is not spared the continuous problem of illegal immigrants and this is a pending and burning issue for governments and citizens of developed and developing countries. This could also be encouraged by the globalisation process that has progressed in the world and the African continent.

According to Thomas (2001:9) globalisation is connectivity across the world of the economic, political and cultural life that has increased throughout the centuries. In the era of globalisation, the complexity of technological network, exchange rate, trade and communication are risky and give force to the label of globalisation. Globalisation has also caused an increase in economic interconnection. The political sphere has developed, resulting the peripheral countries becoming more dependent on the core central state economies.

Furthermore, Shangquan (2000:1) stipulates that the branch of globalisation is linked to economic globalisation which also increases and expands the relationship of world economies. This is an outcome of developing the scale of cross-border trade commodities and services that include fast growing technologies and the interest of international investors and capital. Economic globalisation illustrates that growing technologies and investment attraction could be the reason for the increase of the problem of illegal immigration all over the world.

There is no exact figure of immigrants in most African states because of non-documentation of persons. Thus, this growing trend is a sign that globalisation and immigration have an interlinked relationship which could weaken states and in reality, the native citizens regard the states borders irrelevant and useless due to this growing problem of immigrants in the country. Indeed there are other factors contributing to immigration in Africa (socio-economic and political factors), and this could be evaluated as the influence of globalisation that facilitates the pressure of increasing and unmanageable immigration. This has led to the increasing inconsistent processes in the continent and with the methods of transport and communication advancing, so has the number of immigrants.

South Africa's immigration (legal and illegal)

The transitional era of South Africa involved the painful transitory of the apartheid regime to an equal and fair democratic country. In addition, South Africa sustained a welcoming attitude towards immigrants as a sovereign state sharing borders recognised by many other states. To date, millions of illegal immigrants are still entering the country as many Africans see South Africa as a place that promises a better life and with this being said, it is a challenge for the country to control illegal entry. Although it is impossible to entirely rule out illegal entry of immigrants into the country; it can be managed.

The issue around immigration from various countries has a long history in building South Africa as a country. In addition, immigration has been an essential component of the developmental process of Southern Africa, and the important history is marked by labour migration in the region since the 19th century (Tati, 2008:424). South Africa under the apartheid regime saw peripheral countries such as Lesotho, Mozambique, Swaziland, Botswana and Malawi serving as labour reserves for the mining industry, this labour migration contributed to movements of population into the country. The firm restrictions of immigration movement were solely managed by the government. On the contrary, the democratic South Africa inherited the history of immigration movement, allowing skilled and unskilled immigrants a chance to be part of the new and free South Africa. Altogether, with such a large number of immigrants entering the country, there is a huge rise to another kind of immigration known as illegal immigration and this is a challenge facing the country.

Moreover, after the 1994 democratic elections, South Africa became recognised continentally and internationally. Coming from a painful past of isolation, the first black South African President Nelson Mandela made sure that South Africa's foreign policy was known and understood all over the world. With a foreign policy that advocates Ubuntu as one of the branches of the leading foreign policy, he emphasised that no country can live in isolation and skill and knowledge trading would be the beginning of building a united Africa.

He went on to emphasise that South Africa "is open to all and it will welcome anyone who chooses to come into the country". This encouraged a lot of migrants into the country including unauthorised entry which grew outrageously. Many Africans from as far as DRC Congo, Nigeria, and Ghana amongst many, flocked into South Africa, bringing with them qualifications and experience in education, medicine, business and administration. The others joined informal sectors as hawkers and/or street vendors (Britten, 2005). According to Campbell and Pantshwa (2013), subsequent to the paradigm shift of apartheid to democratic South Africa there was significant growth of migration into South Africa.

South Africa is a country that is situated in the South of the African continent and has an estimated population of 53 million (Wilkinson, 2015). The 53 million populations include South African natives as well as illegal and legal foreign residents. It is important to take note that not all immigrants residing in the country are illegal; a matter which seems ludicrous to most impoverished South Africans. South Africa is a member of the international community and it is the responsibility of South Africa guided by the foreign policy to protect the rights of all the people within the country without exclusion (South African year book, 2015/16). The immigration policies of South Africa have changed from time to time and this could be the reason the government is unable to fully enforce and implement the policies of immigration. This permits illegal immigrants to keep inflowing into the country and this generates more challenges within South Africa's framework and could threaten national interest.

The immigration processes and patterns of South Africa have turned out to be increasingly diverse and complicated because South Africa attracts not only the asylum and refugee seekers but also socio-economic and skilled immigrant professionals from all over the world. Thus, there is a mixed flow of immigrants entering into the country and judging from all written literature there is no accurate framework to address this issue accordingly. However, there are two mechanisms of law that lead immigration namely; Refugee Act of 1998 and the Immigration Act of 2002. In addition, Landau and Vigneswaran (2008:8) state that, although there is the formation of regional bodies such as SADC and the idea of developing free movement protocol, there are no regional policies that reveal how this challenge of illegal immigrants and border control can be managed.

Since the African National Congress (ANC) came into power, it has had to deal with several challenges including the implementation of an immigration policy that best suits transformation and developmental needs of the country. South Africa has a stabilised environment and a developing socio-economy in the region and continent; this could be the contributing factor to the growing number of immigrants entering the country.

Similarly, Lehohla (2015) states that there is no accurate number of illegal immigrants in the country because they do not want to participate in census as they fear being deported. As a result of their refusal, it is almost impossible to have an accurate number or percentage of illegal immigrants in the country but the number keeps growing. It is important to realise that there are two kinds of immigrants; there are immigrants that enter into the country legally using a passport or visa and later their status changes to illegal due to over staying and ignoring the date permitted for departure and then there are illegal immigrants that cross the border entries of a country illegally without consultation of the government of that particular country. There are immigration policies and laws in place and it is the government's right to track down everyone that misuses the laws for their own benefit.

Other erudite literature argues that South Africa as a regional hegemon (Habib, 2003) has many challenges to deal with, working together with other regional members. The thorn pricking challenge is that of illegal immigration and as a member of SADC, the main focus for South Africa is to build a better regional cooperation for the socio-economic development of the region. South Africa's membership in SADC affords it an opportunity to tackle issues such as sustainable regional economic growth, HIV/AIDS, narcotics, arms smuggling and the problem of illegal immigration (Department of International Relations and Cooperation, 2015).

The presence of illegal immigrants originating from the African continent and SADC region is seriously contributing to the rocky situation of xenophobic attacks and acceleration of unemployment in the country due to cheap labour generally accepted by illegal immigrants. The government has a responsibility to manage this challenge with pertinent policies and border management processes.

The South African Border Security from apartheid to democratic South Africa.

During the apartheid era, border management and entry of immigrants including native black citizens reflected the character to the political demands of the regime. Unsurprisingly then, the land borders were fortified with electric fences, regular army patrols and auxiliary civilian commando units (Goitom, 2013). This highly militarised border control function was primarily handled by the former South African Defence Force (SADF) and the quasi-military South African Police (SAP). However, these efforts were made to prevent irregular movements of foreigners and black South Africans entering the country.

A vast number of borders in South Africa continue to experience criminal activities including rhino poaching, human and drug trafficking as well as theft (Hennop et al., 1998:10). The country's land borders are shared with the following six countries:-

- Swaziland,
- Lesotho,
- Namibia,
- Botswana,
- Zimbabwe, and
- Mozambique.

Each country above has border entries and exits into South Africa. Furthermore, Lombard (2016) explains that maritime travel of the country has eight harbours as it is surrounded by coastline of 2500km, ten (10) international airports and for land travel there are fifty-four (54) border ports of entry.

Considering the massive size of the borders, there should be efficient and effective human resources to ensure legal entry into the country. Moreover, this study acknowledges some strategic security intervention measures as well as policies adopted to address illegal immigration in the country by the Department of Home Affairs (DHA) as aligned to the Immigration Act of 2002 (Immigration Act, 2002).

Subsequent to the dismantling of the apartheid government, the post-apartheid South African government remediated the bias apartheid regime borders by involving the South African National Defence Force (SANDF) to regulate border security; but in 1994, a new policy was put in place by the South African government for a gradual withdrawal of SANDF from the border areas. Furthermore, in 2013 the former president Thabo Mbeki administration issued an instruction for the South African Police Services (SAPS) to take over the functions of the SANDF by securing the international borders. The need to secure borders is motivated by national security, and the SAPS and SANDF have been working together to try and achieve this goal. In addition, McMichael (2012) states that reinstatement and team work of the SAPS and SANDF is encouraged by practical concerns as the police service does not have the full

capacity and force levels to guard the country's land borders, this is to prevent the influx of illegal immigrants and crimes associated with it. This linkage is proposed to help with security measures.

The study will explore the challenge facing South Africa to reduce illegal immigration into the country. Many scholars have published data indicating the illegal immigration problem facing Southern Africa. The countries that are mostly affected in the region are South Africa, Namibia, and Botswana because of the political stability and growing economy. The growth of illegal immigration is affecting the economy of such countries through expenditure related to deportation, repatriation, shelter, food etc. Not only does it affect the economy but it also threatens the security of the host country as some illegal immigrants tend to engage in criminal activities.

1.3. Problem statement

The immigration process has been part of the South African history and recently the government has been commended for its "open door" policy on immigrants. The noticeable accelerating number of undocumented or illegal immigrants who arrive in the country every week raises concern about security to scholars and non-scholars alike (Adepoju, 2008: 9).

According to a 2011 study for the Centre for Development and Enterprise (CDE), many illegal immigrants have settled in the country, taking advantage of South Africa's weak immigration laws and porous borders. The Zimbabwean border stretches to 225 km and the Mozambique to 491 km, these two borderlines have become a harbour for human and drug traffickers, arms smugglers and rhino poaching. Furthermore, syndicates also operate a thriving stolen cars racket along the Mozambique-South Africa and South Africa-Namibia borderlines (Kunene, 2014).

The increasing number of illegal immigrants adds to over populating the country. The fifty-three (53) million population of South Africa includes immigrants (legal and illegal). The institute of security studies' Newham (2016) estimated that the figure of illegal immigrants residing in South Africa is between four (4) to five (5) million and there is a possibility that the figure could be as high as eight (8) million. Furthermore, the largest numbers of illegal immigrants dominating in the country are Congolese, Mozambicans, Zimbabweans and Nigerians. South African citizens and illegal immigrants battle for the informal sector (socio- economic competition) and this provokes actions of xenophobic attacks in the country.¹ This behaviour threatens the South African diplomatic relations with other African states and if this goes on, South Africa will be an isolated state in a world that preaches cooperation and globalisation.

¹ Please note that legal immigrants are also involved in the informal sector though xenophobic attacks do not differentiate between legal and illegal immigrants

Moreover, immigration associates the balance of state's right to control immigration with individual fundamental rights. States should emphasise the importance of the sovereignty to control its borders and regulate the entry of persons for protection of the national interests and security. Therefore, national interest and security is of importance and without effective and efficient measures, this challenge will be a continuous factor that will question the sovereignty and state-to-state relations. As a result of the above mentioned problem statement, it is important to carry out the study on the problem of illegal immigrants and border control ports in order to find solutions and manage this increasing problem in South Africa.

1.4. Aim of the study

The aim is to explore the issue of illegal immigrants in South Africa with possibilities of finding solutions to minimise the problem.

1.5. Objective of study

The specific objectives of this study are to:

- Investigate the causes and reasons for the influx of illegal immigrants in South Africa.
- Examine the socio-economic impact of illegal immigration on South Africa.
- Identify possible solutions to the problem of illegal immigration in South Africa.

1.6. Research questions

The study has developed the following questions to be answered:

- What are the factors responsible for the influx of illegal immigrants in South Africa?
- In what ways does illegal immigration affect South Africa socio-economically?
- Are there possible solutions to the problem of illegal immigration in South Africa?

1.7. Rationale/ Significance of the study

In the 21st century the world has been changing over time but one of the most important issues is national security. Consequently, it is important to outline that it is the responsibility of the nation's government to protect its territory and citizens from outside threats and in today's rapidly changing world, national security is linked to border security. Moreover, national security is a condition open to both the government and the citizens and can be defined as *"the condition wherein the people's way of life and institutions, their territorial integrity and sovereignty including their well-being are protected and enhanced"* (Kearney, 2013).

As stated from the above definition a country is composed of people and the government should be concerned about the interest of the people and the sovereignty of the country.

Furthermore, national security rests on several pillars namely; social cohesion, territorial integrity, economic prosperity and stability. Genuine security cannot be achieved if any of these pillars are absent (Abrahams, 2016). This study is necessary because it addresses the issue relating to territorial integrity that emphasises protection from illegal incursions and resource exploitation.

What arises from the above explanation of security and territorial integrity makes it appropriate to conduct the study that explores the problem of illegal immigration and border control in South Africa. This problem is not only becoming serious but also continuing at an alarming rate.

South Africa has policies which stipulate that the intention of the country is to reduce illegal immigration into its borders. The preamble of the immigration act of 2002 says that, "In providing for the regulation of admission of foreigners, their residence in, and their departure from the Republic and for matters connected therewith, the Immigration Act is aimed at setting in place a new system of immigration control that will ensure that border monitoring is strengthened, ensuring that the borders of the Republic do not become porous and illegal immigration must be effectively detected, deterred and reduced".

However, there are different reasons for illegal immigration which include poor borderline control, fake and fraudulent documentation, economic conditions in the home countries as well as exceeding the period permissible by visas.

A strategy to safeguard borders is more than just deployment of troops as this is not minimising the problem of illegal immigrants influxing into the country. The study will offer guidelines for the relevant authorities and departments in terms of re-implementing strategies and policies for curbing or minimising illegal immigration and structure effective, cooperative and coordinated border control in South Africa. This emerging problem of illegal immigration is not a new phenomenon. Most illegal immigrants are said to be from other countries around the world as well as neighbouring African countries with an estimation of 4 to 5 million living in South Africa.

The reason for the urgency of this study is the negative effect illegal immigration has on the security and diplomatic relations between South Africa and other African states. This is not a problem that is affecting South Africa alone; it is also an international problem. The problem of illegal immigration is an international concern that has led to Britain de-linking itself from the European Union (EU). According to Springford (2013:1), the fundamental principle of the EU's single market is free movement of people which is one of the four freedoms including capital, goods, services and labour which seeks to build a borderless European economy, where member-states open their labour markets to immigrants, for reciprocal economic relationship. However, this has not been the case from 2004, many Britons feel that

free-movement is no longer perceived to be an arrangement that works for the mutual benefit of both Britons and other Europeans. Furthermore, because immigration has become a serious issue in the USA, the newly elected US President, has suggested building a wall along the Mexican border to ensure that no illegal immigrants from Mexico can have access to the USA.

Although this area has been researched before by various scholars, the proactive and effective measures to minimise this problem have not been implemented. By accessing the Immigration Act, South Africa prides its self in reducing illegal immigration into its borders. The study is significant and will add to the existing knowledge of illegal immigration and weak border controls in South Africa.

1.8. Delineation/ scope of study

The study focuses on illegal immigrants and weak border controls in South Africa. The study has selected South Africa as it aims to assess the current challenges faced by the country in trying to minimise illegal immigration across its borders. That is, the study will look at two main variables; firstly illegal immigrants and secondly the weak border controls in South Africa. In addition, secondary literature on migration and border control issues will be sourced to support the variables and objectives of the study. The methodology entails content analysis of collected primary data and supporting literature from secondary data. The data will be analysed through coding, categorising and thematically determining the trends and patterns on illegal immigrants and weak border controls in South Africa. In conclusion the study will discuss the findings, conclusions and recommendations on illegal immigrants and weak border controls in South Africa.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.1. Introduction

This chapter explores the literature review together with the definition of key concepts and the theoretical framework as knowledge that was collected in literature. According to Boote and Beile (2005), literature review is an evaluative report of studies found in the literature related to a selected area. Literature review is important while conducting research because it guides the researcher to fill the missing gaps that have possibly been left out by previous writers or researchers. It contributes to enhancing the research and helps the researcher to seek information related to the study and not to duplicate issues. The intention of this chapter is to contribute to existing knowledge and to suggest ideas that have been recognised on the study or topic and to elaborate on their strengths and weaknesses. The chapter intends to mitigate gaps and weaknesses found by the study and to add to the strength of the study so that it contributes to the knowledge and purpose of the study being conducted.

A literature review in this case is a theoretical analysis of the body of knowledge as written by other scholars on illegal immigrants and weak border controls in South Africa. It is a critical examination of the approach and methods used to conduct such research. With the additional aim of positioning the topic being researched within this larger body of knowledge, this chapter will provide an extensive and comprehensive literature review in order to synthesize and analyse what has already been written on the subject of illegal immigrants and weak border controls in South Africa. The chapter will also identify strengths and weaknesses of the researched phenomenon.

The aim of this chapter is to bridge the gap between what has been written on the topic and what has not been written; it will clarify the gaps, shortcomings and weaknesses of the existing knowledge around the topic (Auriacombe, 2001:22).

2.1.1. Definition of concepts in relation to the illegal immigrants and weak border controls in South Africa.

Some of the key concepts of the study are globalisation, migration/immigration, illegal immigrants, border management and control, refugee/asylum seekers, and foreign policy. However, before conducting this study, there must be a clearer observant analysis of these key concepts and how they contribute to the illegal immigrants and weak border controls in South Africa. Moreover, this will contribute to review of various theoretical frameworks which will support the literature review conducted.

South Africa plays a crucial role in the development of the African continent and the SADC region. Thus, the migration and foreign policies shape the views of both its citizens and those of neighbouring states (Maude, 2015). Since a democratic South Africa was born in 1994, it has continued to attract the highest number of migrants from all over the world, especially from the continent and the region. Migration in the new globalised world would include illegal immigration as the growing phenomenon in developed and developing countries.

2.1.1.1. Globalisation

Globalisation can be referred to as an “emerging international network that belongs to a social or economic system” (Cuterela, 2012). In addition, “it is an understanding of the world and the increased perception of the world as whole” (Al-Rodhan and Stoudmann, 2006). The above scholars have a common understanding in defining globalisation. Therefore, globalisation is the understanding of the world together with its relations and linkages locally, regionally and internationally and as a result, the link is made between social and economic networks for global interactions. Similarly, the International Monetary Fund (IMF, 2000) mention that there are four (4) aspects that contribute to globalisation namely; transactions and trade, Capital movements, Investments, Migration and movement of people to allow the spreading of knowledge.

Thus, globalisation includes spreading of practices, technologies and ideas. This is more than market liberalisation. Furthermore, Cuturela (2009) states that globalisation has five (5) vectors that influence the act and development of human society locally, regionally and internationally namely; Economic, Military, Political, Cultural and Religious vector.

Moreover, these above mentioned vectors contribute to the process of globalisation, influenced by technology and the process thereof. The common assumption is that the power of technology has facilitated migration growth in the diverse geographical pathways. Firstly, De Haas (2009) posits that technological change has lowered resources constraints on mobility whereby the culture of technology has transformed many things such as travel and communication. Secondly, it has managed to strengthen migrant transnational ties by making it easier to travel back and forth to host and home countries. Lastly, it has increased the level of literacy, understanding and education. The spiral of globalisation is also part of South Africa's development and this has seen to its transformation as people are able to move in and out of the country due to globalisation. Migration has played a significant role in the transformation and development of the country and this is done all in the name of globalisation.

2.1.1.2. Migration or Immigration

International migration is a growing aspect both in scope and in complexity, affecting almost all countries in the world. Thus, migration can be defined as the “geographic movement of people across a specified boundary for the purpose of establishing a new permanent or semi-permanent residence” (Sinha, 2005:403). Furthermore, migration is described as “a process of moving either across an international border or within a state, encompassing any kind of movement of people; it includes refugees, displaced persons, uprooted people and economic migrants” (IOM, 2011).

It is clear from the above literature that the authors are in agreement with the definition of migration. However, the IOM adds that migration includes refugees, displaced persons and economic migrants. In addition, migration forms part of the South African history dating back to 1860’s when diamonds were discovered in the Orange Free State and gold in Johannesburg (Ngomane, 2010:11).

The discovery of these minerals led to high demand and recruitment of cheap labour from countries such as Malawi, Namibia, Mozambique, Zimbabwe, Lesotho, Botswana and Swaziland (McDonald 2000:814). With the demise of apartheid in 1994, South Africa was then entrenched as a focal point for trade and travel (Landau 2007:63). This led to a rapid increase of immigrants into South Africa (McDonald 2000:1-2), and to South Africa being the pivotal state for trade and travel (Landau, 2007:63).

For the purpose of this study, the definition of migration has been broadened to include the movement of people from one territorial base to another beyond or within a country of residence. According to Akokpari (200:76), the intra or inter-state migration can either be permanent or temporary as migrants may intend to live in the host country and not return to their home countries.

Conversely, the contradiction in migration is whether it is voluntary or forced given that voluntary migrants relocate beyond or within their home countries at their own choice and not due to uncontrollable factors. This includes people seeking better a life socially and economically in other countries, which categorises those migrants as economic migrants. For this reason, South Africa is a migrant receiving country and large numbers of migrants from neighbouring countries enter into the country for social, political or economic reasons. As an illustration, the cross-border movement from Lesotho and Zimbabwe to South Africa has always been dominated by males who seek to work in the mining industry. Economic reasons are what moves most migrants into South Africa because it is stated that South Africa is the economic hub of Africa (Adebajo and Landsberg, 2003:174).

The ending of apartheid resulted in positive changes for the new democratic South Africa and this resulted in a high migration of foreigners into the country. According to the Centre for Development and Enterprise (2011), the migration patterns have changed in South Africa and this has been motivated by

integration of South Africa within the SADC region and African continent and the international world. The reconnection of the region with the global economy, the impact of HIV/AIDS and the increasing rural, urban poverty and unemployment led to the growing number of illegal cross-border flows.

The increasing number of illegal immigrants has had an impact on South Africa. These illegal immigrants can be divided into two, the ones that cross the borders illegally and the ones that come into the country legally but stay beyond the period permissible by their visa.

2.1.1.3 Illegal immigrants

Consequently, immigration (legal and illegal) is becoming an ever more important element in international relations. In addition, immigration is a phenomenon that is closely controlled by national migration policies which establish ad hoc rules and frameworks applicable for foreigners moving into destination countries.

As indicated by McDonald (2000:14), “illegal immigrants are people in a country other than their country of origin and have no official legal documentation”. Similarly, Rezouni (2010:9) explains that illegal immigration is an act of crossing borders in a manner that violates the immigration law of the destination country. These two definitions do not have a negative implication but rather indicates that illegal immigration is no new phenomenon in a country like South Africa. As a result, the scholars’ explanations about illegal immigration have some similarities and also illustrate that South Africa is not spared from this accelerating problem. This will inform the process of this paper as it develops by exploring the problem of illegal immigrants and weak border controls in South Africa

It is not always the case that illegal immigrants enter into a country illegally from the beginning. In some cases, an immigrant enters into the country legally but later exceed the period of stay permissible by their visa, which changes their status to becoming an illegal immigrant in that particular country. In effect, illegal immigration is a criminal offence and if seized, the perpetrator could be held responsible and punishable by application of the immigration Act (Campell, 2013: 4).

This situation is accelerating out of control in South Africa due to the irregular pattern of illegal immigration, it is almost impossible to mobilise accurate statistical analysis on the subject in the country (Moete, 2012: 12). In addition, according to Castle & Miller (1998:6), in almost every world capital, the population movements are alarming. The influx of illegal immigrants is of concern not only in developing but in developed countries as well. Furthermore, state governments should make it a priority to look for ways to reduce or minimise this growing problem.

Thus, this is a major concern to the South African government as it has had a terrible experience in the quest to ensure that the country’s limited resources are spread equally and fairly to benefit every citizen.

2.1.1.4. Asylum seekers and Refugees

The level and complexity of the issues arising from the flow of asylum seekers and refugees globally pose huge challenges for the world's destination countries, including South Africa. These countries universally struggle to maintain a balance between controlling national borders and offering protection to millions of displaced people.

In 1951 the office of the United Nations High Commissioner for Refugees (UNHCR) was established and there were approximately 1.5 million refugees internationally (McMaster, 2009:9). By the end of 2009, there were an estimated 43.3 million forcibly displaced people worldwide, including 15.2 million refugees, 983 000 asylum seekers and 27.1 million internally displaced persons (IDPs). It is estimated that there were an additional 25 million people displaced due to natural disasters (UNHCR, 2010:10).

A refugee can be defined as any homeless, uprooted, involuntary migrant who has crossed a border/s and no longer has the protection of his former government (Britannia, 2005:116). In addition, Travis (2015) explains that a refugee is a person who flees into another country for protection or refuge because of persecution or a major conflict such as civil war or conflict which is recognised as needing international protection because it would be dangerous for them to return back home. The term "refugees" refers to those who have been displaced across the border of their home countries, while internally displaced persons (IDPs) refers to those who have been displaced within their home countries (Clover, 2001:1). The legal protection in international law supports refugees and not IDPs.

The United Nations (UN) 1951 Geneva Convention and the 1967 Protocol define refugee as "any person fearing prosecution for any reasons of religion, race, political opinion etc., and is not getting protection from their home country and is not willing to return to it. The basic principle regarding refugees is that they should not be expelled or returned to situations where their lives and freedom would be under threat". Thus, once someone has been recognised as a refugee, they are allowed to integrate into society and get access to basic social benefits (housing, welfare, employment).

Furthermore, the Organisation of African Unity (OAU) in 1969 formulated the following definition: "refugees should also apply to every person who is a victim of external aggression, foreign domination, occupation or events seriously interrupting public order in the home country and is compelled to leave their home country to seek refuge in another place or country." (OAU: 1969:2).

Asylum seekers

States are under international obligation to consider claims for asylum and not to immediately return asylum seekers to the countries they have fled from. The refugee convention states that they must be given access to fair and efficient asylum procedures and measures to ensure that they live in dignity and

safety while their claims for asylum are processed. The term asylum seeker reflects those who have not yet been given international protection (Cohen, 2008:236). The study uses the term refugee to include both asylum and refugee interchangeably because of the close correlation in the meaning of the two.

South Africa is grounded and encompassed by elevating history, but as it may be in International Relations, it is stipulated that no state can survive in isolation, there has to be political, economic, social and to some degree cultural relations amongst states for imminent growth. And these dynamics are directed through having and developing relations with other states. As a result, no state has everything at their disposal, no state has everything they require, therefore states must work together and cooperate to improve their standard of living and for better development (Waugh et al., 2000:12). In the mid-1990s South Africa prompted relations with other countries and this cemented a way for new diplomatic relations for the democratic South Africa (Hengari, 2014:5). These diplomatic relations are conducted through foreign policy.

2.1.1.5 Foreign policy

Frankel (1968:1) defines foreign policy as a set of decisions and actions which contain having relations with other states. However, his definition and approach of foreign policy does not include the critical role of non-state actors in international relations.

Furthermore, Holsti (1995:83) writes that foreign policy is ideas that are developed by policy makers in either attempting to solve issues or encouraging change in policies and actions of other states and non-state actors. On the other hand, Holsti (1995) defines foreign policy in a narrow or limited sense forgetting that foreign policy on occasion can support the status quo and that non-state actors play a critical role in foreign policy of a state.

The South African liberation history and the developing international engagement is based on Pan-Africanism and South-South solidarity. Consequently, South Africa recognises itself as an integral part of the African continent and this informs the understanding of the national interests as essentially connected to Africa's stability, prosperity and unity. Moreover, the 1955 Bandung Conference shaped the understanding of the South-South cooperation in opposing colonialism as a natural extension of the national interest (Wheeler, 2011). The development and implementation of South Africa's foreign policy takes into consideration the ever-evolving global environment that a country operates within in order to respond effectively to domestic imperatives. In addition, effective policy development is essential for the survival and prosperity of any country in the global system (Steenkamp and Loubser, 2015).

The foreign policy is a multidimensional set of policies, strategies, objectives and plans that cannot be easily boxed in a described formula. Thus, the foreign policy of South Africa is guided by the aim to

shape and strengthen national identity, to address injustices of the past (including gender and race), to cultivate national pride and patriotism and as well as to bridge the gaps in society to ensure social stability and cohesion and for better economic growth which will develop the people (DIRCO, 2016).

Ubuntu (humaneness) and Batho Pele (people first) philosophies guiding the foreign policy

The unique approach to global issues has found expression in the concept of Ubuntu. This concept informs the country's foreign policy, particularly on diplomacy and forms a vision of a better world for all. This philosophy translates into an approach to international relations that respects all nations, peoples and cultures. It recognises that it is in South Africa's national interest to promote and support the positive development of others.

DIRCO (2015:148) reports that after 1994, inspired by the concept of Ubuntu, South Africa's foreign policy approach was characterised by collaboration, cooperation and the building of partnerships rather than conflict and competition. In the 21st century, globalisation has taken over, a constant element of which is and has to be our common humanity. The philosophies of Batho Pele and Ubuntu can also be understood from a multilateralism perspective.

Multilateralism is both a primary goal and strategy for South Africa's foreign policy. The country promotes multilateralism in the international system as the best means of maintaining global order, addressing global problems, mitigating the domination and unilateralism of powerful states, and empowering weaker countries (Nathan, 2005:365).

For instance, during the former president Thabo Mbeki era, the approach was that of the African Renaissance foreign policy which aimed at promoting African security, cooperation and peace, including meeting the country's continental, regional/sub-regional and international obligations. Subsequently, South Africa has embraced multilateralism as an approach to solve challenges confronting the international community. In this regard, it took up a leading role in various multilateral forums, including SADC, the African Union (AU), Non-aligned Movement (NAM), G77+China, the Commonwealth, and the United Nations, championing the cause of developing countries and Africa in particular (Masters, 2017).

Thus, in promoting national interest in a globalised world, the influence of the complexities must be linked to the nation's work to achieve a better life for all people in the country, continent and region. This is the critical role of foreign policy in meeting domestic priorities.

The foreign policy as an arm of national interest and policy is an important element in the strategy of South Africa for social and development purposes. Creating a better South Africa by contributing to a safer and developed Africa epitomises the foreign policy of South Africa, enabling the country to be a

better international citizen, by cooperating with the continental, regional and international community. Foreign policy seeks to construct an environment that can realise South Africa's national socio-economic agenda as well as its political and security interests.

A foreign policy is a critical analysis of the nation's fundamental needs, responsibilities and aims in connection with the whole international community as well as the knowledge of enhancing the nation's safety and security. Furthermore, Zondi et al. (2014:8) argue that foreign policy is typically concerned with the relations of other states.

In addition, foreign policy should be guided by the interaction between diplomacy, security political, economic, environment and regional cooperative dynamics that define the changing world and 21st century international relations (South African Defence Review, 2015). That is, the South African national security is centred on promoting sovereignty, national values, freedom, democracy as well as economic and political liberation. This is at the domestic, continental, regional and international sphere of national security. The national borders are there for territorial integrity, protection as well as to promote security and sovereignty.

2.1.1.6. Border management, control and security

African countries are having a serious challenge of managing their borders in order to secure their territorial integrity and sovereignty. This illustrates that they are bridges rather than barriers for cross-border cooperation and regional integration (Okumu, 2012). Moreover, the Free Movement of Persons (FMP) Protocol encourages regional integration but it discourages illegal entries and exiting of people and goods, however it allows easy movement of goods and people, relatives to visit their kin while keeping away criminals (such as drug and human traffickers, terrorists, etc.), and it facilitates tourists to easily cross borders while keeping out terrorists.

Furthermore, African states are faced with a challenge of managing their borders and this is because of the spiral of globalisation which contributes to tearing down traditional borders through advanced technology and changing international relations. When there is border management there will be control for security purposes.

2.1.1.7. Border management

Border management can be defined as one of the major functions of government concerning immigration, policing, and customs with the objective of controlling and regulating the flow of goods and people across a country's borders for national interest (predominantly peace, security and economic

development). In addition, border management also includes maintenance of boundary beacons that mark the physical limits of the country's territory (Andreas, 2003).

Moreover, the Border Management Agency Bill (2015) stipulates that "border management is an exercise that can be done by multiple organs of state with a purpose of securing borders and protecting the national interest". Therefore, the authors are in agreement that border management is a collaborative process (not unilateral) for national security and sovereignty between a country and its neighbours. Furthermore, Alpher & Hammond (2009) explain the importance of stakeholders to work together to ensure border control and security. That is, for border control to be effective there needs to be collaborative efforts from key government agencies (customs, immigration, police, armed forces etc.) in all countries concerned.

Thus, it is important for government to effectively manage its borders because it reflects its comfort or fear. It is clear from the above statement that border management is a link to a state's sovereignty. If a state fails to manage its borders it is an indication that its domestic and international legalities are undermined because the legal status of a country depends on how it manages its borders. Indeed, border management is an expression of a state's sovereignty and factors like border control and security contribute to effective border management.

2.1.1.8. Border control and security

According to Steinberg (2005:103), border control is supposed to be a comprehensive process that ensures that there is coordination of all functions that set strategies for regulation and management of cross border movement of people and goods. Moreover, border control measures are taken to ensure that there is legal inbound entry. This is to regulate and monitor the state borders (Zaiotti, 2011:21). He further explains that the purpose of border control is to "impose conditions that will ensure that people cross borders with legal documentation (passports or visa), guarantee that all plants and animals that enter into the country do not transfer diseases, ensure that all imports of goods across borders have been taxed and to abolish illegal activities at borders and making sure there is no corruption that will enable illegal activities at the ports of entry".

Evidently, the authors have a similar view in defining border control. As stated above, different stakeholders or government departments that are responsible for border control in South Africa should be actively involved to ensure that there is legal entry into the country. This is an important function for better border management for a country.

According to an article by the Inter-Departmental Committee Code of Practice for Border Management at South African Ports of entry (2003), the border control before 1994 in South Africa reflected the apartheid regime character and it gave political constraints of that era. In addition, the fencing at the

border ports was electrified, the border control functions were highly militarised and the main stakeholders that were responsible for border control was the quasi-military Soldiers without Politics (SAP) and the South African Defence Force (SADF).

It is clear from the above statement that during the apartheid regime, border control was solely assigned to the police and this was mandated to protect the country from infiltrations by the enemies and illegal immigrants as well as to have control of inbound and outbound movements. The end of the oppressive regime and the beginning of a democratic South Africa saw the country being faced with many challenges that needed to be amended to suit the new South Africa.

Therefore, having to ensure that South Africa was part of the international community and having relations with other countries meant that borders were no longer going to be highly militarised but would be user friendly for movement of people and goods entering into the country. Thus, a study was conducted by the United States Immigration and Naturalisation services (1996) to assess and make recommendations that will ensure that borders were accessible. The assessment of the study found that South Africa had too many international airports even though there were security measures in place at these airports. The study also found that there was a lack of uniformity of national standards in that at smaller ports of entry there was no sufficient border control. It further found that at the sea ports of entry, human resource was lacking because the only border control agency available was the police. No customs agency was situated at the harbours and the deployment of SANDF soldiers at the land ports created an unjustifiable militaristic atmosphere at the border ports, which created negative public opinion. The ports were poorly designed because the flow of freight traffic and movement of people did not encourage effective border control; the border ports and posts were understaffed and at that time, border control was not valued and did not attribute its own professional identity.

It is clear from the above mentioned points that border control was not a coordinated structure in the early years of the democratic South Africa. The duties of different stakeholders were not clear and seemed to have not been working. Therefore, it was recommended to South Africa to create a unified command structure that will ensure that there was positive border control (South Africa border assessment, 1997). However, twenty years into democracy the country is still inadequately managing the border controls. Border control is divided into two categories: controlling ports of entry and securing borderlines. That is, years into democracy there is still a problem in managing the border controls for better border security that will regulate and enhance legal movement of people and goods into the country.

2.1.1.9. Border security

Border security is a link between border control, monitoring, management and protection; this is a necessity for facilitation of movement of goods and people in and out of the country.

According to Joseph (2007), border security is “emphasising territorial sovereignty by implementing the boundary and protecting it through permanent surveillance that include technological systems that will ensure and allow state government to trace the movement of people within national territory and this can have an effective and accurate data of people and goods in national territory”.

There is no water tight definition of border security as a link that will ensure effective and efficient border management. A study explored by the National Security Council (2010) explained that, for effective border security there must be geophysical control of a boundary through patrol by the military or special border protection force, immigration by internally enforcing laws, migration by controlling the transnational movement of people, enhancing enforcement of the immigration and migration laws by asking questions that assist in screening people using the border, enhancing inspections through searches to ensure that harmful products or individuals do not enter into a country, enhancing management of institutions and systems that contribute to border security and detecting and preventing criminals, and illegal persons, goods, drugs, and weapons, as well as other prohibited items, from entering a country.

There is no doubt that the porous nature of South African borders, coupled with ineffective and inefficient border control and security is contributing to poor border management and is a major contribution to illegal immigrants influxing into South Africa. The problem is a combination of lack of human resource capacity, effective border resources and political will by authorities to enforce stricter, tighter and more effective border control and security (Omeokachie, 2013).

South Africa is bordered by six member countries of the SADC; that is, Botswana, Namibia, Mozambique, Swaziland and Zimbabwe and surrounds a landlocked country, Lesotho. According to Hennop and Jefferson (2001:17), the country’s total land border is estimated to be around 3500km. This encourages illegal immigrants from the SADC region and sub-Saharan African countries to take advantage of this porous situation.

2.1.2. The 1951 UN Convention on refugees

The 1951 UN Convention on refugees is solid on the universal declaration of human rights of 1948 article 14. The article recognises the rights of persons to seek refuge and asylum from oppression in other countries. Furthermore, the UN Convention links to the status of refugees which was adopted in 1951 and is centralised by the international refugee protection.

This convention was implemented on the 22 April 1954 and has only been exposed to one adjustment of 1967. The 1951 Convention instrument created limitations for people to flee events during the war. The 1967 Protocol removed those limitations resulting in the convention allowing universal coverage.

Consequently, the development of human rights was at the core of the convention (Mole and Meredith, 2010:7).

The endorsement of human rights gave a new meaning to protection of refugees. The convention is both a status and rights-based instrument and is strengthened by a number of fundamental principles, most notably non-discrimination, non-penalisation and *non-refoulement*. On the one hand, the provisions of the convention are to be applied without discrimination as to religion, race, and origins of the country. On the other hand, developments in international human rights law also emphasise the principle that the convention be applied without discrimination based on age, sex, age, disability, or other prohibited grounds of discrimination (Vendramin, 2008:53).

In addition, the convention explains that subject to specific exceptions, refugees should not be penalised for their illegal entry or stay (Goodwin-Gill, 2001:2). This is because when seeking asylum there is a need to breach the immigration rules of that country. The prohibited penalties include being charged with immigration or criminal offences such as being arbitrarily detained on the basis seeking asylum.

Significantly, the convention contains numerous safeguards against the expulsion of refugees. The principle of *non-refoulement* is so fundamental that no reservations or amendments may be made to it. The *non-refoulement* principle provides that no one shall expel or return ("*refouler*") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom (Millbank, 2000). Furthermore, the convention stipulates standards for the treatment of refugees in a country, some of the rights amongst others include; access to primary education, the courts, access to work and the provision for documentation, including a refugee travel document in passport form.

Moreover, the general assembly has frequently called upon countries to become party to these instruments while an agreement has also been recommended by various regional organisations, such as the African Union (AU), the Council of Europe, and the Organisation of American States (Ibrahim, 2012).

According to Millbank (2002), states have focussed attention on the nature of these obligations, giving minimal attention to sustaining sovereignty and security of states. He further explains that the use of the boats by people smugglers to circumvent visa and border controls has prompted Australia to join other countries in openly questioning the operation and continuing viability of the Convention itself. The increasing challenge of people entering into countries has revealed how options for dealing with illegal entry are controlled by the obligations under the Convention.

However, in the 21st century there has been considerable uncertainty and security concerns are high with the rise of terrorism all over the world; with that being said, many states seem unable to effectively control or manage the movement of people and refugees in and out the country.

Firstly, the two main obligations emphasised by the convention is that of '*non-refoulement*'; not sending someone back into a situation of possible persecution; and another important obligation is not to penalise asylum seekers for entering a country 'illegally'. That statement alone jeopardises the sovereignty and security of states and should be amended to suit the challenges faced by many states in today's world (Lee et al, 2016).

Secondly, the flow of international migration has become increasingly mixed, whereby asylum seekers and refugees in need of international protection move alongside migrants in search of better life and because of the increasing mixed migration flows, it has become more of a challenge to identify asylum seekers and refugees from other international migrants (Russell, 2002).

Lastly, since the adoption of the 1951 convention's consideration of the status of refugees; the protection of asylum seekers has been a binding international responsibility. The convention listed the minimum standards of treatment for refugees, which include the basic rights to which they are entitled. Furthermore, it also recognises the juridical status of refugees and defines provisions regarding their rights to get employment and welfare, identification papers and travel documents, as well as the right to transfer assets to another country where they have been resettled (Loveland, 2016).

Several regional organisations abide by the 1951 UN convention and the obligations thereof. The 1969 Organisation of African Union (OAU) epitomises and requires effective cooperation with the United Nations High Commissioner for Refugees (UNHCR) and respects the principle of *non-refoulement*.

2.1.3. The African continent on illegal immigrants and border control.

In an era of growing globalisation, migration has evolved into a dynamic phenomenon with regard to the numerous factors contributing to migration of unparalleled numbers of migrants across vast geographical paths. Moreover, throughout African history, the experience of migratory movements both forced and voluntary is important as it has contributed to its contemporary demographic territory (Ogheneruonah, 2014:219).

In many parts of the continent, communities are found spread across two or three nation-states because movement is not limited by political boundaries and cross-borders; migration represents the importance of livelihood in the continent (Kok et al, 2006:32-34).

Furthermore, over the last decades, insecurity, environmental degradation, socio-economic conditions, deteriorating political conditions, armed conflicts, and poverty, to name a few are contributing and significant root causes of mass migration and forced displacement in Africa. The rapid process of globalisation facilitates the movement of people across various regions in the African continent (through regional integration).

Consequently, due to the challenges posed by migration and its implications (political, economic and social) the Organisation of the African Union (OAU) Council of Ministers adopted the Decision CM/Dec 614 (LXXIV) during the 74th Ordinary Session in Lusaka, Zambia in July 2001 to formulate a Strategic Framework for a Policy on Migration in Africa to be considered by the African Heads of States (AU, 2006).

The Migration Policy Framework document identifies key thematic migration issues; it provides a comprehensive and integrated policy guideline on the issues of border management and irregular migration among others. As the number of migrants keeps increasing, migration (legal or illegal) has been a major concern in the 21st century and will pose certain political, economic and social challenges for migration policy makers for better management of movement of people and goods in the African continent.

2.1.3.1 Trends and realities of migration in Africa

According to the International Migration Report (2015), migration is accelerating to a high level. Moreover, the number of international migrants in the whole world has contributed to the increasing growth over the past fifteen years reaching 244 million in 2015, which has gone up from 222 million in 2010 and 173 million in the year 2000. Furthermore, the root causes of migration are complicated as there are many factors contributing to the process.

In addition, the Levin Institute (2011) posits that the push-pull factors give more insight on the different reasons and explanations on migration and in Africa the push factors increases migration both at continental and regional level. That is, high levels of unemployment, poor socio-economic conditions and poverty result in lack of opportunity and these are the main economic factors that increase out-migration in the African continent.

These factors are usually increased by available resources, a mismatch between the rapid population, low level of requisite technology and capacity to create employment and jobs at the home countries. Consequently, various political and social factors create fertile grounds for migration. However, patronage, poor governance, political instability, conflicts, corruption and civil wars are major causes of migration for both skilled and unskilled workers.

As stated above, migrants perceive opportunity for a better life, greater security, higher income, better quality of education and health care at the destinations to influence decisions to migrate. On the one hand, the push-pull factors are intensified by a number of other issues which make migration an attractive option. On the other hand, the costs of migration, improved communication, greater information

availability and the need to join relatives, families and friends are among the factors which compound with push-pull factors (Chiranga, 2013).

The movement of people, legal or illegal, forced or voluntary within or beyond borders constitutes a difficult process; presenting some of the most complicated inter-relationships of policy concerns for governments because if migration is well-managed, it has the potential to yield legal entry and proper border control for the benefit of the home and host country.

For example labour migration has played an important role in advancing labour needs in construction, agriculture and other sectors that contribute to economic growth and enhancing regional integration of many countries in Africa. Conversely, the “beneficial feed-back effects of migration such as remittances, knowledge and skills transfers, and return migration have in some cases made major contributions to economies of origin countries” (Bhandari and Sudarsan, 2016: 63-72). However, mismanaged migration can have serious negative consequences for host states and migrant’s well-being, including threatening effects on continental, regional and national security and this could jeopardize inter-state relations. Furthermore, this could lead to tensions between native citizens of host states giving rise to xenophobia, social pathologies and discrimination.

2.1.3.2. The border insecurities of the African continent

According to Tholen (2017), the purpose of border management is to promote sovereignty and national security; however, in Africa it has not been top priority compared to security given to political principals and their assets. According to Khadiagala (2010:266-278), the national security strategies of some countries mention the importance of secure and peaceful borders and there is a few that have border security strategies. Consequently, the negligence of border security and poor or lack of border management in Africa has largely contributed to an occurrence of threats such as cross-border crimes. African border security issues are distinctive when compared to the other regions of the world. Martin (2011) explains that the reasons for poor border management in Africa are:

- **Lack of institutions:** The management of African borders is a factor of the nature of African states and how they are governed. For instance, the commonness of weak or lack of government institutions is most evident at the border and most African countries do not have institutions to manage their borders.
- **Lack of cooperation:** The lack of integration at different levels: local, governmental and regional. Firstly, at local level, most border management efforts do not incorporate or include border communities. Some deployments of security personnel have most often been carried out without including local interests or partnering with locals despite their intimate knowledge of the border terrain. Secondly, at government level, there is usually no integration between the different

departments responsible for immigration and border control or management (such as immigration, customs, police and intelligence). It is a major security failure when personnel, such as police, military and intelligence do not work with each other for effective cooperation at the border. Thirdly, at regional level, most governments need to work closely to enhance border security by sharing information that will help enhance intelligence and undertaking joint border patrols because effective border security measures require close cooperation among all these levels.

- **Lack of demarcation:** The poorly marked boundaries have greatly contributed to border insecurity in Africa making managing African borders a daunting mission. Furthermore, patrolling a country's borders may often lead to violations of neighbour's territories, as one cannot patrol what does not exist. Moreover, African maritime borders are even much more insecure due to the lack of resources to patrol them. Resultantly, very few maritime boundaries have been marked. This has greatly contributed to the danger of piracy in the Horn of Africa and Gulf of Guinea regions. African states are threatened from the sea by illegal fishing, dumping of hazardous and toxic wastes and smuggling.

The aim and strategy for enhancing border management in Africa is a *de rigueur* instrument established to improve the security of borders and to facilitate easy movement of people and goods among AU member states which will help develop continental and regional cooperation and integration in Africa (Ramsbotham and Zarthman, 2011).

Thus, it is important for political principals together with administrative stakeholders to understand the African border management agenda because most governments do not know their state borders, the circumstances thereof and what is moving across same, resulting in borders not being controlled, monitored and patrolled. As a result, these borders have become entry points for crimes such as smuggling and other illegal cross-border activities. This also makes the purpose of social cohesion meaningless, because native citizens assume that all migrants from the continent and region are illegal and undesirable.

There are many porous border areas in Africa with limited resources and high levels of corruption. Somerville (2013) states that intelligence is required to strengthen border management. He further stipulates that through risk profiling and analysed information, border officials can use their limited resources for targeted actions. Since controlling all the border areas effectively is often impossible, it is important to support such actions with systemised ways to gather, analyse and share information between countries in Africa and that law enforcement officers working at the borders (immigration, customs, police, specialised law enforcement agents) need to be put in place.

The African Unity Border Programme (AUBP) was launched in 2007; the mandate thereof was to assist member states with the demarcation, delimitation and management of their borders to promote cross-border cooperation initiatives and the development of cross-border areas (Oduntan, 2015).

In addition, Bedzigui et al (2016:14) explain that the Niamey Convention of 2012 that forms part of the AU Convention on Cross Border Cooperation, guided by the Article 2 (5) to ensure effective and efficient integrated border management stipulates the instrument and principle of cross-border cooperation (CBC) which is defined as “any act or policy aimed at promoting and strengthening good-neighbourly relations between border populations, territorial communities and administrations or other stakeholders within the jurisdiction of two or more states, including the conclusion of agreement useful for this purpose”.

Provision by Niamey Convention of 2012 that the bureaucratic procedures connected to borders should be reconsidered for a softer procedure at the borders cannot be possible at the present moment because of the failures in border management programmes in Africa. Migration is a process that needs to be curbed or managed; it can be solved with possible solutions amongst states for different political, social and economic reasons.

Moreover, cross-border cooperation would assist in facilitating efficient border management, control and security and this can be achieved through border governance whose systems should be collaborative in nature with systems that will include states, non-state actors, communities and institutions. Alternatively, the Niamey Convention could be an effective tool to promote development because the border is the finale of movement by people towards greener pastures. Thus, Africa needs to establish good cross-border cooperation to get states to work together to minimise illegal migration.

2.1.4. Migration in the SADC region

In the sub-region of Africa, the subject of international migration is no new phenomenon because of the geo-political of SADC regional economic organisation. Furthermore, the regional organisation has fifteen member states affiliated to it with diverse historical backgrounds. These include socio-economic, political stages of evolution and development levels that oblige regional integration to materialise the regional dream through the Protocol on the Facilitation of Movement of Persons (DIRCO, 2016).

The 2011 census reported that more than 75% of international migrants living in South Africa came from the African continent. The African migrants from SADC countries were the majority, making up 68% of total international migrants and only 7.3% of immigrants come from other African countries outside of the SADC region.

Below is a table illustrating the figures of the number of international migrants from the SADC region.

Country	%
Africa	75.3
Asia	4.7
Europe	8.2
Latin America and The Caribbean	0.3
North America	0.3
Oceania	0.2
Unspecified	11

Note: This table is derived from the table presented by the Census, 2011

Figure 1: Census 2011

In addition, Yabu (2011) explains that within the fifteen member states of the organisation, Tanzania is shared with the East African Community (EAC) and DRC, Mauritius, Swaziland, Zimbabwe and Zambia with the Common Market for Eastern and Southern Africa (COMESA). The reason for this is to emphasise the importance of the tripartite Free Trade Area (FTA) amongst the three regions for better development of regional integration contributing to international migration in all the regional economic communities (RECs).

However, it may seem as stated above that significant improvement has been made on the development of regional integration, but Oucho (2000) argues that migration issues have proved to be conflict ridden that the visions of a regionally harmonised approach to cross-border movement are as elusive as ever.

Regional integration is a necessity for development purposes and it would be more meaningful if people within a defined area of jurisdiction exchanged interests, moved with their products and shared experiences; this advocates for the protocol on facilitation of movement of persons (Crush and Oucho, 2001). Moreover, through the Migration Dialogue for Southern Africa (MIDSA), which is the bilateral or multi-lateral agreements entered into by some states, the SADC member states have been convinced to adopt the 2005 version of the Draft Protocol on Facilitation of Movement of Persons; the protocol took

long to reach the current stage where it has been signed by the required minimum number of states and ratified by some, paving the way for its implementation.

2.1.4.1. Protocol on free movement of persons

By 1995, the SADC secretariat had prepared the initial Draft Protocol on Free Movement of Persons underlining the movers' rights to entry, residence and establishment and eventually leading to the abolishment of controls of movement in the region. Consequently, this was rejected by Botswana, Namibia and South Africa and it was in 1997 that South Africa crafted the Draft Protocol on Facilitation of Movement of Persons in the SADC, conveniently reducing the first draft that underscored freedom of movement.

According Solomon (2000), Article 3 of the Protocol, has objectives to achieve the progressive elimination of all controls on SADC citizens so that there would be free movement of people in the region within ten years from the date of entry into force of this Protocol. Furthermore, article 2 mentions the rights that should be accorded to citizens of member states, namely "the right to enter the territory of another member state freely and without a visa for a short visit, the right to reside in the territory of another member state and the right to establish oneself and work in the territory of another member state".

For the above mentioned rights to be achieved there are four successive stages of the first SADC protocol that must be identified; the right of residence and establishment, a six-month visa entry period, and the abolition of all border controls on the movement of citizens within the SADC (Nshimbi and Fioramonti, 2014).

The above mentioned stages were replaced with the introduction of 'machine-readable passports' instead of SADC-wide passports on seeking entry; promotion of entry and establishment gave way to 'facilitation' through 'cooperation'; and removal of controls was replaced with 'progressive minimisation' of controls (Mudungwe, 2015:24).

The year 1998-2005 was a convert move for having African solutions to African problems; when member states finally adopted a SADC secretariat version of the protocol that merged the SADC protocol of 1995 and the South African version of 1997. The implementation of the protocol consists of four phases: establishment, entry, control at borders and residence (Cronje, 2014: 4-5).

Firstly, the positive features of the protocol would be the abolishment of visa requirements including standardisation and harmonisation. Facilitation of the entry procedures for all SADC nationals could have practical spin-offs for all member states (McNamee et al., 2015). The positivity of the protocol relates to promoting the intra-regional trade with the facilitation of traveling for business people.

Secondly, this would be positive for refugee and asylum seekers. According to Chapter 12, Articles 45 and 46 of the Protocol, member states should reaffirm their support for the international refugees regime as represented by the 1951 Geneva Convention Relating to the Status of Refugees, as amended by the New York Protocol of 31 January 1967, the OAU Convention governing the specific aspects of refugee problems in Africa of 10 September 1969 and other aspects of international humanitarian law regarding refugees (Okello, 2014).

On the one hand, states are compelled by international law to protect and help refugees. However, simultaneously there can be no enforced repatriation of refugees, unless the situation in their countries of origin stabilises. Furthermore, member states also committed themselves to find regional solutions to the refugee problem which would seek to address the root causes of forced migration. In this regard, the Protocol was clearly farsighted enough to look for longer term solutions to manage mass migration. On the other hand, the positive features were surpassed by the weaknesses within the protocol, by assuming that the free movement of people would result in regional integration for equal development in the region.

It is clear from the above that evaluating the weaknesses inherent in the protocol was necessary as member states were looking for convenient solutions that would address the challenges that come with migration, as it cannot be completely ruled out; the protocol was amended and replaced in January 1997 by the Draft Protocol on the Facilitation of Movement of Persons in the SADC.

2.1.4.2. Protocol on the facilitation of movement of people

The aims of the 1997 protocol are more modest and this is revealed by the title: the “facilitation of movement of persons”, as opposed to the 1995 Protocol's “free movement of persons”. In chapter two, Article 2 of the 1997 protocol the objectives are:

- to facilitate the movement of citizens of member states within the region by gradually eliminating obstacles which impede such movement,
- to expand the network of bilateral agreements among member states in this regard, as a step towards a multilateral regional agreement,
- to cooperate in preventing the illegal movement of citizens of member states and the illegal movement of nationals of third states within and into the region,
- to cooperate in improving control over external borders of the SADC community and
- to promote common policies with regard to immigration matters where necessary and feasible.

The 1997 protocol was concerned with illegal immigration; this resulted in a positive improvement as it would ensure that sovereignty and security of states would be a priority. Thus, Article four (4) of the protocol notes that:

“the progressive implementation of the objectives of the Protocol shall particularly be guided by economic and other developments in the region and the particular circumstances of each member state, the degree to which control over external borders can effectively be established, as well as the requirement for migrant labour within the region” (SADC, 1997).

Even though the 1997 protocol emphasises the facilitation of movement of people there is still a root problem that has not dealt with the maladministration of border management and the need to enhance security to minimise the growing problem of illegal immigration.

2.1.4.3. The increasing number of illegal immigrants in SADC

Illegal immigration is one of the causes of internal insecurity in the continent and the region, this action is a crime as it goes against the immigration policies of the host states. This is because undocumented migrants enter into countries without following protocol and abiding by the laws and rules of the host states as a result of the lacking systems that guarantee that there is legal entry of people and goods. Furthermore, migrants come into the country legally but over-stay their visa requirements and that results in them being illegal immigrants. Therefore, due to the porous systems there are high possibilities that some of these undocumented migrants could be criminals or contribute to criminal activities and that threatens the security of the country and citizens within and jeopardises the sovereignty of the host state. Furthermore, Sebek (2001) posits that the African continent struggles with regime insecurity, soil depletion, internal insecurities (conflicts, genocides) and illegal immigration. According to Mukonza (2011), migration is as old as human race but is changing due to globalisation and this has given a rise to illegal immigration in the continent and region. He further quotes the vice president of Tanzania, Mr Bilal who mentioned that “illegal immigration, human and drug trafficking are the high challenges facing the SADC region”.

The SADC region is trying to minimise or curb illegal immigration but is experiencing challenges due to the terms of the migration policy and the protocols thereof. This is a challenge that is affecting all member states making it almost impossible to reach the ultimate goal of regional integration because development goals of states are affected.

Migration laws vary from country to country despite SADC having drafted the 1995 protocol of free movement of persons and amended it in 1997; the facilitation of free movement of people and goods is still a problem because of the growing influx of illegal immigrants (Kumalo, 2013).

In addition, Landau (2011) argues that the central component of people’s livelihood is migration (internationally, continentally, regionally and nationally); there is no interlinked policy both at regional

and country level to help manage movements of people in the era of terrorism and insecurity; this creates a gap between governments and civilians.

The free movement of people in the SADC region remains to be a dream to be achieved rather than reality because of the missing component of a working migration policy. There is a need to have active measures in place to address rising levels of xenophobic attacks as well as hardship and vulnerability of migrants in the region. Though reliable solutions are still being researched, it is important for member states to find temporary solutions to strengthen borders and implement laws to punish illegal immigration.

Nkhoma (2011) argues that illegal immigration threatens the security of any country. He refers to the Northern Malawi case suggesting that, even if the crime committed in Malawi threatens the security, the presence of illegal immigrants in that country undermines the sovereignty of the country to manage or control illegal immigration.

The view presented by Nkhoma is reliable based on the fact that it is every country's prerogative to determine who should be allowed to enter into the country and this is simply to protect citizens because external threats are likely to weaken and undermine national security and sovereignty if there are no regulatory procedures at the borders.

While other SADC member states are unable to control and reduce illegal immigration due to geographical setting, Mauritius has been able to effectively control the influx of illegal immigration due to its geographical isolation (Shaw, 2007:3). The reality of illegal immigration is affecting SADC and contributing factors to this problem is political instability and weak economic conditions in home countries; as a result, these spills affect the host countries socio-economically. In addition, Barries (2002:212) writes that amongst other migrants, the Zimbabwe crisis has had a huge impact in increasing illegal immigration and economic and social cost in the region.

2.1.4.4. The paradox of sovereignty and regionalism in SADC region

SADC member states have immigration laws and policies that are based on three important principles; the integrity of national boundaries, the sovereignty of the nation-state and the right to determine who may enter its national territory and to impose any conditions and obligations upon such persons (William, 2002).

He further states that, "most governments also have *de facto or de jure* policies towards migration, which is based on the actual rate of migration". However, migration laws and policies are largely "protectionist" and discourage the movement of persons across borders.

Consequently, this places immigration laws and policies at odds with the historical reality of cross-border migration; this encourages undocumented (illegal) movements and by encouraging illegal immigration, it makes it difficult to achieve the goal of the migration laws and policies in the region.

Furthermore, Niikondo (2007:2) argues that SADC member states will never achieve the goal of monitoring or controlling the free movement of persons as per the protocol and this is because all member states are concerned about their own sovereignty more than that of the region. So, even if they preach regionalism, they do not consider regionalism whilst formulating national policies.

Moreover, migration is seen as a problem to socio-economic and political issues and is seen as a threat to state sovereignty in all other parts of the world (Cornelissen, 2009).

The legal framework enjoins member states to integrate and ultimately achieve regional integration as a common goal that runs across all the instruments constituting the legal framework. That is, the core of this integration is the movement of people across borders or migration. Even though the theoretical integration is adopted in the international and regional legal framework, as stated above, migration in practical terms remains a problem.

The sub-region is evidently motivated to fast track the free movement of goods and services, whereas the movement of people is at a slow pace. Therefore, the stress placed in practice on the perceived narrow interests of individual nation-states is an effective barrier to the realisation of the ideals expressed in the instruments referred to above.

2.1.5. Taking a closer look into South Africa

International migration is a problem that affects every state in the world. Moreover, South Africa is a key recipient and sending country of migrants and therefore provides an interesting case study with regards to the challenges governments face in light of development and migration.

South Africa has a long history of migration also known as population mobility, from the early pastoralists and traders, right to the forced labour migrations driven by colonial powers and the deliberate displacements under the 'apartheid' regime. Subsequently, nationals from all over the world are now estimated to live in the 'rainbow nation' (Adepoju, 2003).

Moreover, the huge differences in economic development and living standards between the SADC, sub-Saharan countries and South Africa have made it very attractive to immigrants. The SADC aggregate Gross Development Product (GDP) is represented by South Africa with 70% (World Bank, 2009), and provides more than a third of the 48 sub-Saharan economies' total GDP (The Economist, 2009). The country is the largest contributing source of payments for the SADC region.

The ending of apartheid introduced the country to new forms of global, continental and regional migration (Crush and Williams, 2005).

According to Adepoju (2003), migrants from various parts of the African continent and region moved to South Africa because of the inspiration of the new democracy and also driven by the escalating ethnic conflicts, severe poverty, unstable political landscape and persistent economic decline in their own countries.

Crush et al (2005:12) state that the declining economic and political situation in neighbouring Zimbabwe stimulated many to flee into South Africa. These are some of the factors that contribute to migration (legal or illegal).

Apart from having significant history regarding migration, the new government did not amend the inherited Aliens Control Act (ACA) that was used during the apartheid era, which was designed to control and prevent migration, until 2002.

The Department of Home Affairs can account on record for legal immigrants as well as those that enter South Africa legally but stay on illegally after their permits have expired. However, they cannot account for individuals that enter the country illegally and stay illegally (Mudau, 2013). Partly because of the absence of legal mechanisms, irregular migration increased or (according to the government) 'exploded'. The exact number of undocumented population in South Africa has been the subject of considerable debate. In addition, most illegal immigrants are black Africans coming from the neighbouring countries (Segatti, 2011).

2.1.5.1. Migration legal framework in South Africa

In apartheid South Africa, one of the prominent immigration laws was the Aliens Control Act, 1991 (Act No. 96 of 1991), which was derived from the Immigrants Regulation Act, 1913 (Act No 22 of 1913), which limited black people from economic and geographic opportunities. The dawn of the new democratic dispensation in 1994 did not result in any major shift in the immigration policy and change was only done in the period between 1998 and 2002, with the adoption of Refugee Act, 1998 (Act 130 of 1998) and the Immigration Act, 2002 (Act 13 of 2002) (Mukhonzha, 2011:1387).

Firstly, the Immigration Act 13 of 2002 was legislated following the tabling of the White Paper on International Migration of 1999 and the Immigration Bill of 2001. The Act represented a significant policy and legislative departure from the Alien's Control Act of 1991, namely the previous statute governing the entry, residence and departure of foreign nationals in South Africa (Wiengand, 2011).

Secondly, the introduction of the Act made reference to a number of principles and procedures that need to be followed, expediting the issuing of residence permits, security and state control over immigration, inter-departmental coordination, cognisance of globalisation and the General Agreement on Trade in Services (GATS), strengthening border monitoring and deterring illegal immigration, efficiently managing and administering border posts, efficiently and effectively enforcing immigration law, by reducing the pull factors of illegal immigration, accessing scarce skills, while protecting South African workers; maintaining a policy connection between foreign workers and the training of citizens, addressing migration issues with other states, ensuring human rights protection in immigration control, as well as countering and preventing xenophobia within government and civil society (9th Global Residence and Citizenship Conference, 2015).

Furthermore, it is important to locate South Africa's immigration laws from an international perspective. According to Oliver (2010) in Mukonza, (2011:1388), the South African immigration laws are in alignment with international treaties, protocols and laws. Consequently, regarding international law, the South African immigration laws are guided by the following instruments as outlined by (Mukonza, 2011:1388):

- Universal Declaration of Human Rights (1948)
- Geneva conventions and related protocols (1949)
- Refugee convention (1951) and additional protocol (1976) relating to the status of refugees.
- International convention on the elimination of all forms of racial discrimination (1965)
- International convention on civil and political rights (1966)
- International convention on economic, social and cultural rights (1966)
- Convention on the elimination of all forms of discrimination against women (1979)
- Convention on the rights of the child (1989)
- International convention on the protection of the rights of all migrant workers and members of their families (1990)

The notion of undocumented migrants influxing into the country, propelled the government to relook and refocus on the government's migration policy objectives. The management of illegal immigration, through control and enforcement and the apprehension and deportation of undocumented migrants became one of its top policy measures (Modi, 2002: 17).

In addition, the lasting solutions to the predicaments faced by immigrants in South Africa needs to be tackled in a regional holistic way because the population movement into South Africa will continue as long as the sub-Saharan region is clouded by droughts, civil wars, poverty, diseases etc. Thus opening up

borders would have a negative impact on states, especially South Africa because of its stability and economy (Kaliitanyi and Visser, 2010).

2.1.5.2. Impact of illegal immigration in South Africa

There are certain positive impacts that contribute to migration in a country; Ellis (2008) as well as Johnson et al (2010) posit that skilled immigrants that come into the country have filled scarce-skills sectors as well as open businesses and employed South Africans. However, since the focus is on illegal immigration, that is a challenge that has negative impacts. Firstly, Zolberg (2006) explains that illegal immigration is a threat to governance and security. Secondly, Landau & Singh, (2008) further explain that South Africa has no accurate number of illegal immigrants in the country; this makes it impossible to plan for service delivery, because the efficiency and effectiveness of service delivery depends on the accurate number of planned budget for the recipients.

Thirdly, Du Toit et al (2002) write that because the number of recipients is unknown, the quality of services is compromised because economics explains that undersupply of public services which leads to ineffectiveness, while its oversupply leads to inefficiency. That is why countries like Mauritius and Scandinavian are able to account for almost all recipients because of the good information systems used in those countries; it is unlikely for these countries to have service delivery problems (Mdlongwa, 2009).

Subsequently, the perception is that illegal immigrants in South Africa compete with locals for jobs and consume public goods and services. This frustrates government efforts to regulate basic services such as housing, education and health sectors. Due to the influx of illegal immigration being a problem in South Africa, this problem has created anger and frustrations amongst the native citizens, the social competition between the foreign nationals and native citizens has erupted the xenophobic attacks, which have contributed to the political tension between South Africa and other countries in the region and continent. The citizens take the law in their hands because they think the South African government is failing to manage illegal immigration effectively. According to Thoka (2011), political tension is unnecessary because it impedes on the progress towards regional cooperation and increases regional tension. Consequently, Hammerstad (2012) writes that immigration can be stopped as long as enough control measures are available. On the one hand, with such measures, countries can hope to reduce illegal immigration but at a considerable cost to the civil liberties both of migrants and citizens.

On the other hand, since clamp-down only affects legal immigration, South Africa's clamp-down on legal migration routes has driven immigration underground and made it 'illegal' (a situation also seen in many other countries). This means it is harder to count migrants; harder to know their characteristics (and thus what their needs are and what they have to offer) and as a result harder to manage immigration to the best for both host society and migrants.

2.1.6. Research gaps

As stated from the above literature, it is clear that there is still a lot to be done globally, continentally, regionally and nationally because state sovereignty and security are important components that make up a state and borders are made to define the territory and protect it from the outside threats. Furthermore, the current policy of international migration as set in the 1999 White Paper, which is implemented in the Immigration Act 13 of 2002 and Refugee Act 130 of 1998, does not empower South Africa to effectively embrace global opportunities while protecting its sovereignty and national security.

However, Niikondo (2007) writes that countries will never achieve the ultimate goal of controlling movement of people in the region because member states are all concerned about their own sovereignty and in so doing there is no linkage to combating illegal entry holistically. This is a challenge in coming up with a linked and comprehensive migration policy, though there is the draft protocol of free movement of persons of 2005, implementing the policies through the region remains a problem. Illegal immigration poses a social, economic, and security threat to nation states.

Due to this observation, the movement of people should be monitored and evaluated and this can be done through border management strategies that will encompass the objectives of the global, continental and regional laws and policies of migration. This can also help in curbing illegal immigration and ensuring that security and sovereignty of member states is not diluted. Adopting a managed migration policy approach can lead to the achievement of common global, continental, regional and national development goals.

2.2. Theoretical framework

This section provides a theoretical framework to consolidate the content of the above literature review. This study was conducted following the theories of international relations. There are many theoretical frameworks that could be employed on this study, but for the purpose of this study the following three theoretical perspectives were applied; Liberalism, Social Constructivism and Realism; to explain the illegal immigration and weak border controls in South Africa. The migration policies that are guiding the laws are not effective due to migration policies that are not speaking to the reality of illegal immigration and its negative impact. Furthermore, the migration policies are historically and socially constructed and need to be realistic to consequences of human nature of the globalised world. Lastly, realism needs to be a justification for border control because it speaks and advocates for security and sovereignty of state; before a state is part of the world, it needs to ensure that national boundaries are protected from outside threats.

2.2.1. Liberalism and illegal immigration

The liberalism perspective is political and moral philosophy that is centred on two main principles; individualism and liberty. Firstly, liberalism places the individual at the heart of society and argues that the highest value of social order is one that is built around the individual. Secondly, the purpose of society is to allow individuals to reach their full potential if they want to, and that the best way to do this is to give the individual as much liberty as possible. These two key principles are the foundations that build on the element of liberalism (Chau, 2009:2).

Additionally, liberalism is a theoretical context in international relations that takes a positive view of human nature and has great faith in human reason. Furthermore, Jackson and Sorensen (2010:96) explain that individuals share many interests and can thus engage in collaborative and cooperative social action, domestically and internationally and this can prove to be of great benefit to national and international territories. That is, the basis of theories in international relations is on the notion that states always act in accordance with their national interests; which include military security, economic prosperity and self-preservation (Ethridge and Handelman, 2013:29).

Consequently, the emphasis of liberalism is that broad ties among states have both made it difficult to define national interest and decreased the usefulness of military power. The theory was developed after World War II, because of the rise in communication and technology, increase in international trade and globalisation; this meant that states could no longer rely on simple power politics to decide on matters (Segrillo, 2012).

Furthermore, the liberalism school of thought claims that, “though the world is a dangerous place, resorting to using military power often outweighs the benefits of cooperation. Thus, international cooperation is in the interest of every state”, because “power cannot be determined by military might but social and economic power also matter”. Therefore, exercising economic power is more effective than using military power and primary interest differ from state to state. It is important to abide by international laws and organisations as they can help foster trust, prosperity and cooperation.

As a result, like any other theory in international relations, liberalism was advocated by John Locke. John Locke was a British political philosopher whose ideas influenced the American Declaration of Independence. The main ideas that govern the theory is the individual’s rights, the importance of cooperation, economic liberty (meaning the right to have and use property) and intellectual liberty (including freedom of conscience). Nevertheless, the idea of natural rights played a key role in providing the ideological justification for the American and the French revolutions, and in the further development of Liberalism.

According to Tan-Mullins et al (2010), many liberalists argue that human beings can learn to cooperate and overcome the prisoner's dilemma of singular interaction but cooperate in self-interest. The world is anarchical but cooperation amongst countries could lead to welfare. Consequently, immigration has emerged as a critical field of social, economic and political practice. Moreover, in many of today's advanced capitalists economies, immigration or migration polices are linked to economic development (Lehman et al, 2013). In addition, Baylis et al (2011:121) explain that the "neo-liberalism views posit that the only way to have prosperity and peace is to have individual states combining their resources together, if needs be pool their state sovereignty to create an integrated region to ensure economic growth and development".

However, migration is important for state-to-state relations as economic power is more relevant than military power. As a principle introduced by the liberals, migration is positive if it is done legally but with the growth of illegal immigrants it inflicts chaos culturally, socially and economically, it also makes a mockery of the rule of law.

The root of liberalism in the challenges of today is linked to migration, and according to the theory, this challenge cannot be solved by countries acting individually in their national boundaries. The challenges include terrorism, climate change, challenges of mass migration (including asylum and refugee seekers) and global financial crisis.

From supported literature, the first challenge South Africa faces is built at the foundation of the constitutional state because it is now easier to enter into the country illegally than by legal means. That is, when a constitutional state creates conditions that make it easier for people to achieve their objectives by breaking the law rather than abiding by it, the rule of law itself is put at risk, as much the constitution is guided by liberal perspective it is arguably the greatest threat to the liberal ideal (Kavuro, 2015).

In addition, the legal immigration to South Africa including the skilled is severely constrained in terms of the Immigration Act 13 of 2002 but the system in South Africa has inevitably opened the door for corrupt practices. Amongst many are the forging of identity documents which enables migrants to register for social grants, and the illegal sale of state subsidised houses to foreign nationals. The result of this "open door policy" for immigrants has seen an enormous wave of people from across sub-Saharan Africa, making a mockery of the security of the country (Staatskoerant, 2014).

Therefore, liberalism is the guiding perspective to the migration policies globally and regionally, it is important for states to come up with solutions that will ensure regional integration and cooperation without diluting sovereignty, national interests and security. In addition, though liberalism believes in the good nature of cooperation, in the times of the challenge of illegal immigration, states should come up with migration policies that will ensure that in the new age of globalisation and terrorism , the migration

policies must enable foreign direct investment and promote public safety and national security through cooperation.

The perception of soft power in liberalism

Soft power, according to Nye (2004) is when a country has the ability to acquire the outcomes it wants in world politics, in that way the other states will do what you want as they want to follow in the same trait. He further states that the sources of great power in the international system is no longer defined exclusively by the fact that the states strength is determined by military might and strength of war as it was during the Cold war. In the 21st century that idea has been changed and referred to as soft power and this notion is guided by attracting and imitating power. Though soft power cannot be separated from hard power (military), soft power should be the element of achieving a state's foreign policy objective.

Wanger (2005:2) explains that the concepts of hard and soft power which is viewed as smart power can be considered as two poles on a range of power. They also indicate different interactions, institutions and ideas for foreign policy when looking at the fields of economy, security and politics.

The strategies of soft power do not apply the confrontational method. Undoubtedly, Wanger's definition encompasses the assumption of peaceful means for conflict management, economic cooperation and common political values as a foreign policy approach to attain national interest. However, South Africa's foreign policy engagements are likely to support soft power concept (Chiroro, 2012:2). In the case of the migration policies globally, continentally, regionally and in South Africa, soft power is applied to attain the foreign policy objectives that are guided by constructions of Ubuntu and Pan-Africanism. With supported literature, hard power depends on coercive method; though, South Africa is known for its policies that are guided by soft power in the region in occurrences where coercive power may have been a more correct response to issues in the region. Undoubtedly, South Africa has both sources of hard and soft power in the continent and reference to hard power is the economic resources and military capabilities while soft power is the democracy and the intention to attempt to accomplish the elements of democracy through the rule of law, human rights and democracy, as well as political stability, security and peace.

While liberalism is relevant to explore this study, it is not able to analyse all the features of this study. Moreover, liberalism focuses on cooperation to enable harmonisation, presenting that states should pull their sovereignty for the purpose of co-operation; from this mentioned statement national security and sovereignty depends on the particular state. Consequently, the freedom of movement of goods and persons is valuable liberty domestically and across borders. However, it can be constructed as a security challenge which needs to be monitored to protect national identity and interests. Social constructivism believes that states are built on constructs like national interest and sovereignty. To further elaborate on

identity and interests of the above mentioned, the study will look at social constructivism in the view of Pan-Africanism.

2.2.2. Social constructivism and the creation of interests and identity

The social constructivism is a learning theory that emphasises the importance of social interactions and the role of culture and creating knowledge. The theory was developed by Lev Semyonovich Vygotsky, a soviet psychologist and founder of the sociocultural theory. Though, social constructivism is not an international relations theory like other scholars have expressed, it is a theoretically informed approach to the study of international relations, which is based on the notion that international relations are 'socially constructed' (Karacasulu and Uzgören, 2007). Accordingly, the social constructivism theory highlights social factors which explain social interaction as the key to constructing knowledge. (Adib-Moghaddam, 2013).

Conversely, according to Laffey (2013), social constructivism emerged at the end of the cold war, though there may be many methods to social constructivism, the main ideas guiding the theory is that the world is socially constructed. In addition, the social world is not given but constructed through treatise and policies. Furthermore, Welders et al (1999:16) explain that policies consist of linguistic practices like; political speeches, media and language, including the non-linguistic practices of institutions, borders and organisations. That is, a combination that leads to social factors which are responsible for policy making and relations with other state actors.

In addition, Jackson and Sorensen (2006) explain that the core ideational element upon which constructivists focus is inter subjective beliefs (ideas, conceptions and assumptions) that are widely shared among people. Furthermore, ideas must be widely shared to matter; nonetheless they can be held by different groups, such as organisations, policymakers, social groups or society and this defines international relations.

In general, Tallmeister (2013) explains that security can be defined as the absence of threats. On the contrary, Rudolph (2003:605) posits that, there are different scopes of security which are of equal importance. He argues that the national interest is defined in consideration with geopolitical, economic, social security'. Therefore, Rudolph emphasises that, security has both external and internal scopes. Moreover, social constructivist scholars would further emphasize that these are socially produced interests.

The one basic concept within social constructivism which differs from other 'traditional' international relations theories is its view of actors; while both realism and liberalism mostly treat states as rational and unitary actors, social constructivism believes that states do not make rational decisions in all situations

but every action is very much a result of the actors subjective perception of “truth” and “reality”. What they do is significantly influenced by who they are and how they identify themselves (Devetak et al, 2007:96).

Therefore, it is evident that the social constructivism approach is highly useful to link migration and security since it goes beyond the idea that state interest is merely about maximising material power, but offers a framework which attempts to highlight that social reality is constructed and highly influenced by power-relations (Kissolewki, 2005: 8-10).

It is clear from the above; that there are three elements that have to be considered when analysing social outcomes and this is the link between material, interests and ideational structure. Therefore, according to Wendt (1999:139), “without ideas, there are no interests, without interests there are no meaningful material conditions, without material conditions there is no reality at all”. This illustrates the importance of understanding how ideas are created as a results of culture, norms and history to understand social and political movements.

Constructing a common identity

The states establish that their identities are recognised as sovereign territories. This is not the case for common regional identities where feelings of belonging and solidarity do not inevitably come together with the birth or existence of the region itself. Furthermore, states do cooperate through regional organisations (like the AU and SADC), there must be factors contributing to promoting solidarity and identity.

Conversely, regionalism is a much broader concept based on political, economic, social, cultural, and geographical demarcations. The concepts are constructed so that regionalism and regional integration can be achieved in the continent and region. Moreover, the migration policies of the continent and region were established for interaction and development for Africa. The concepts are based on Pan-Africanism and Ubuntu. In addition, Ubuntu is an African philosophy that strongly emphasises the interconnections of people, recognising uniqueness and differences (Letseka, 2016).

Furthermore, Betts (2009) argues that although state sovereignty is a construct to prevent inter-state conflicts and remains at the centre of world politics, it is no longer absolute in the wake of global governance. Moreover, global governance is manifested by the formation of supranational bodies like the United Nations (UN), the World Trade Organisation (WTO), and regional organisations like the European Union (EU), the African Union (AU), and the Southern African Development Community (SADC), among others. These bodies help to construct identity and interest to help countries relate culturally, politically, socially and economically.

With that being said, Africa is a communitarian society and the policies and laws formed are to ensure that cooperation is visible at all times within the continent and region and this is a construct of Pan-Africanism and the essences of the need to work together for regional integration. Consequently, South Africa is part of the above mentioned organisations with the aim of promoting common identity and interests. However, the identity of SADC region member states is that of workmanship and relation of states, they are friendly to one another and that will result in the states working together at all times, by opening markets and having free movement of people and goods for the purpose of regionalism.

Therefore, for the purpose of constructing better relations with its neighbouring countries, and in an effort to reduce waves of Zimbabwean asylum seekers, South Africa announced that its neighbour's citizens can travel here on a free 90-day visitor's permit and apply to do casual work during their stay; this was announced by the former Home Affairs Minister, Ms. Nosiviwe Mapisa-Nqakula (IMCOSA, 2015).

In addition, citizens who are holders of diplomatic, official and service passports of the neighbouring countries do not require visas in respect of purposes for which a port of entry visa may be issued or by virtue of being a person contemplated in section 31(3)(b) (accredited in SA) for the period indicated and transit. Some countries are given 90 and some 30 days (Department of Home Affairs National Policy Conference, 2017).

As much as such efforts done for the purpose of ensuring the championing of identity and value are visible in migration policies, it should be mentioned that within the continental and regional policies there is still more to be done. Pan-Africanism and Ubuntu allow for free movement of goods and people; it becomes a challenge when there is no effective border control. It is evident that, international migration has increased due to globalisation and increased mobility. Thus, particularly in today's globalised world, migration should be recognised as a fact rather than conceptualised as a disease which can be cured. That is, it has become evident that the desire for order and societal security pursued by tougher border controls and stricter admission policies did not stop immigration flows.

In his speech on Freedom Day in 1995, the late former president Nelson Mandela said that "South Africa was open to all, in the spirit of *"masakhane"* (*let us build one another*) and Ubuntu (*a person is a person through another person*)" (ANC policy conference, 2016). He did this purely from a social constructivism perspective, encouraging better relations to promote regionalism and develop Africa and Africanism. The theory of social constructivism is closely linked to liberalism and realism because it is state centred and it has become obvious that the constructed security threat discourse of migration and border control measures have failed to provide security, for either immigrants or native citizens.

Therefore, Africa needs to reconstruct and relook the migration policies of the continent and region and ensure that they develop a policy that will speak to the true nature of identity and interests of the continent

and region and how illegal immigration can be managed and borders controlled so that the African dream of regionalism can ultimately be achieved.

2.2.3. Realism as a justification for border control

The realism theory emphasises the importance of security when analysing the interstate system. According to Jackson and Soresnsen (2010:59-61), realists argue that "the main responsibility of rulers is always to seek the advantages and defend the interest of their state and thus ensures its survival and that requires strength. However, if a state is not strong it will be an open invitation for other states to prey on. The ruler must be a lion. Even more importantly, if the rulers fail to notice a menace or threat it might harm or even destroy them, their regime and possibly the state as well."

Furthermore, according to the realist tradition, which is sometimes called political realism, one of the oldest or classical theories in international politics can be tracked back to Thucydides' account of the Peloponnesian War (431 BCE), and to the classic work of Sun Tzu's called *The Art of War*, which was written in China in almost the same time (Mkwanazi and Gouws, 2015:82).

In addition, Heywood (2007:130) writes that, realism gained recognition from the first and Second World War and there are other significant figures who contributed a lot to the realist tradition which are Machiavelli and Thomas Hobbes. Moreover, Niccolo Machiavelli in his book *The Prince (1513)*, advised rulers to use deceit and violence as tools against other states because moral goals are dangerous and would bring about disaster.

Furthermore, Jackson and Sorensen (2013:66) write that basic foundations of realism theory of international relations are premised on "a pessimistic view of human nature because of the conviction that international relations are necessarily in conflicts which are ultimately resolved by war". However, realism has a high regard for the values of national security and state survival which is a basic scepticism that there can be progress in international politics which is comparable to domestic life. Furthermore, realism is grounded on the notion of power of politics and the pursuit of national interest; according to the realists' school of thought referring to Thomas Hobbes' example of '*state of nature*', international politics are conducted in a state of nature which is characterised by anarchy and not harmony.

An anarchic international system is one that propels sovereign states to protect themselves and prioritise its own national interests, which are basically state survival and territorial defence (Korab-Karpowic, 2013). The state's essential role is in preserving and protecting the good life of its citizens; the failure or absence of a state will result in human life being poor, resulting in conflict.

Migration is understood as a development tool but with the rise of illegal immigration in security terms it is seen as a problem and countries see the need to protect themselves against this threat. This is a

challenge to state power and the ability to manage and control the movement of people within their boundaries or territories; this results in states' maintenance and restoration of order (Mosselson, 2010:644).

Therefore, the state is seen as a protector of its territory, the population and the distinctive and valued way of life. Since all states are seen as primarily protectors of their own territory, this means other states and governments cannot be fully relied on or depended on (Jackson & Sorensen, 2013:66-67). Realism emphasises and relies on security of state; in the context of this study, South Africa is facing a huge influx of illegal immigration and it is the responsibility of the South African government to protect its borders against outside threats. This helps in understanding the recent developments in the white paper and why South African immigration policies are becoming strict and rigid. As stated below, South Africa is coming up with stricter policies in prioritising the countries interests above those of other and neighbouring countries.

According to Krense (2017), the past policy of South Africa's international migration was set out in the 1999 White Paper on International Migration, which was implemented through the Immigration Act, 2002 (Act No. 13 of 2002) and partly through the Refugees Act, 1998 (Act No. 130 of 1998). Furthermore, the DHA has identified this past approach as being largely static and limited to compliance rather than to management of international migration strategically. This resulted in lack of proactive management of international migration and does not advance the national security and development agenda of the country.

The recent White Paper is now intended to update South Africa's immigration system to a more integrated and intelligence-based approach. It is a guiding star in South Africa's Vision of 2030 by embracing international migration for development while guarding sovereignty, peace and security, from the entry and departure of foreigners, improving regional integration and attracting critical skills and foreign investment; it is a clear statement in favour of migration.

The new South African immigration landscape is aligned to the regional integration of the country in the AU and SADC. This resulting in easier criteria for fellow Africans and in so doing, the establishment of visa (exempt) free travel within Africa for 30 or 90 days as a start to ensure that migration is a development tool for regional integration and illegal immigration is managed. This study focuses on illegal immigrants and weak border controls in South Africa and argues that it is the responsibility of a country to protect its citizens and national interests as pointed out by the realist perspective.

Therefore, liberalism, social constructivism and realism are relevant for the study to access aspects of cooperation, identity, interests, sovereignty and national security because in the cause of realising South Africa's vision 2030, the new immigration landscape must be aligned to the policies of AU and SADC

and simultaneously ensure that effective border governance is applied for efficient border management and control, and that there are measures taken by South Africa to ensure sovereignty and security of the state is not diluted. It is also vital to ensure that these policy objectives are implemented and to ensure that there is effective border control to mitigate the porous nature of South African border controls. The aim of the new international migration policy is to maximise the benefits of a well-managed international migration programme while minimising the risks of illegal entry.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1. Introduction

This section discussed the overview of the methodological and logical sequence that was used in the study. The section was structured around the research design, population, sampling technique or methods, data collection, analysis and ethical consideration.

Research methodology is a theory of correct, scientific decisions and method of doing something (Mouton & Marais, 1996:16). In addition, research methodology is a systematic way to solve a problem including methodology techniques such as design, sampling, data collection and analysis. This coherent complementary link of methods that were merged together, analysed the data and findings that answered the research questions and resultantly described the purpose of the research. According to McGregor and Murnane (2010), the procedure used by researchers to describe, explain and predict phenomena is called research methodology.

This section is very important because it is a plan of action showing the manner in which the study was conducted. The main focus of this study was the exploration of illegal immigrants and weak border control in South Africa, thus the research approach is qualitative.

3.1.1. Qualitative research method

This study employed qualitative research methodology; a non-numerical, covering image, videos, text and people's spoken or written method of data collection. Qualitative research may be generally defined as a study conducted in a natural setting where the researcher, using an instrument of data collection, gathers words or pictures, analyses them inductively, and describes the process that is both expressive and persuasive in language (Adegoke et al., 2010). In addition, Creswell & Plano (2011) defines a qualitative study as an inquiry process of understanding based on distinct methodological traditions that explore a social or human problem. The researcher built a complex, holistic picture, analysed the words, reported on detailed views of informants, and conducted the study in a natural setting.

This ensured that the research adapts a person-centred and holistic perspective to understand the human experiences on the phenomenon without focusing only on the specific concepts. The qualitative research methodology illustrated the importance of the original context and rich knowledge that could be generated in depth to present a vivid perception of the participants' social and real understanding on the phenomenon being investigated and these were crucial circumstances to the researcher (Holloway, 2005:4). Furthermore, qualitative research methodology is a dynamic and developmental instrument that

systematically analyses data in an orderly manner to signify human views and experiences of the researched phenomenon.

The reason qualitative data methodology was used in this study is because qualitative research attempts to understand and make sense of a phenomenon from the participant's perspective. The researcher approached the phenomenon from an interpretive, critical, or postmodern stance. Therefore, all qualitative research was characterised by the search for meaning and understanding. The researcher used an inductive investigative strategy as the primary instrument of data collection and analysis, and a richly descriptive end product. Moreover, qualitative researchers are interested in understanding what those interpretations are at a particular point in time and in a particular context and in learning how individuals experience and interact with their social world and the meaning it has for them (Parkinson and Drislane, 2011).

As stated above, qualitative research methodology as a strategy was important for conducting this study to present a detailed view of the topic. The existing literature on illegal immigration and weak border control in South Africa needed more investigation, with the guided research questions to present possible solutions to this emanating problem. Furthermore, qualitative research uses an inductive form of reasoning and also develops concepts and understanding from the analysed patterns in the data. The emic perspective that allowed the researcher to explore the ideas and perceptions of the participant derived in-depth meaning from the participant's perspectives (Burns and Grove, 2003:357).

3.2. Research design

This was an exploratory research, considering the nature of the study that provided a framework for collecting and analysing the data. The study sought to explain 'how' and "why" a particular phenomenon operates as it does in a particular context. According to Barbbie (2001), this is the type of social research that tends to gain new insight on a social phenomenon. In addition, exploratory research is used to discover the truth about something (Van Wyk, 2015). This type of research was necessitated by curiosity and the urge to explore more about illegal immigration and weak border control in South Africa, an accelerating national and international problem. Furthermore, there was little empirical documentation available on this issue and it is valuable for breaking new and novel ground or yielding new insight into new research areas for further investigations.

Moreover, exploratory research involves literature search or conduction of focus group interviews. The exploration of new phenomena in this way satisfied the researcher's need for better understanding, it tested the feasibility of a more extensive study and determined the best methods to be used in subsequent studies. According to Mouton (2013) exploratory research is broad in focus and rarely provides definite answers to specific research issues.

3.2.1. Study area

The study collected and analysed data on the multi-cultural South Africa as a whole. South Africa is located at the Southern tip of Africa. The country falls victim of being a host to numerous illegal immigrants. Moreover, South African borders are surrounded by the Atlantic and Indian oceans and it shares borders with Botswana, Lesotho, Mozambique, Zimbabwe, Namibia and Swaziland. However, the illegal immigrants come from the SADC region and the African continent. Another contributing factor is people who come into the country seeking refuge and if it fails to manage such movements they do not hesitate to settle with nationals and this also adds to the growing number of illegal immigrants in-fluxing daily through the border ports.

This map of South Africa illustrated the above mentioned borders surrounding South Africa.



Figure 2: South African map with surrounding borders and relevant borders (Google, 2016).

3.2.2. Population

Field work was conducted to explore more for the purpose of the study. A population was identified to strengthen the outcome of the study. A research population is an individual or organisation that will form part of the research being conducted. According to Hanlon and Larget (2011:5) a research population is a large group of objects or individuals which are the core focus of a scientific query. Bless et al., (2006) explain that researchers conduct studies for the benefit of representing a population which is made up of a large size and researchers cannot test every individual because it is time consuming and financially strenuous, it is then that a population is selected to serve as a representation of all others that could not be tested.

The link between population and sampling technique was simply to allow the researcher to test the individuals from the population, so that the results obtained can be used to develop findings and conclusion that would be representative of the whole population. This process was examined as a give-and-take relationship because the population “gives” the sample, and “takes” conclusions from the results obtained from the sample (Bless et al., 2013:284).

The illegal immigrants and weak border control in South Africa is a serious issue and should be controlled. The stakeholders that are responsible for the maintenance of border security should adhere to their roles and be actively involved to maintain a secure South Africa. The SANDF is not the only government department that deals with issues of border control and security. According to Magashula (2011), there are various government departments that play a key role in ensuring border security and control which is coordinated by the Border Control Operational Coordinating Committee (BCOCC) and in this study, the population will be drawn from such involved departments as well as other necessary stakeholders that form part of the population of the study:-

- Department of International Relations and Cooperation ((DIRCO)
- Department of Home Affairs (DHA)
- South African Police Services (SAPS)
- Department of Defence (DOD)
- African Centre for Migration and Society (ACMS) and,
- South African Citizens

One of the key issues that contributed to the study is the socio-economic impact of illegal immigrants in South Africa. This question addressed issues of unemployment, crime, accesses to health care facilities and social welfare grants. For the purpose of gathering necessary information, the rationale for including ACMS in the population was because there was no statistical analysis available on the socio-economic impact of illegal immigrants in South Africa and this institution would be able to provide assistance in this regard.

The population also included South African citizens who were divided into focus groups according to age. However, further elaboration on population sampling will be detailed in subsequent pages that follow.

3.2.3. Sample technique

It should be mentioned that fieldwork was undertaken to select the respondents from the determined population. The purpose of sampling is important to gain information about the population and also for

the quality, credibility and validity of the research study (Patton, 2002). For the purpose of the study, only a few respondents were selected to represent a larger group and those would be a representative of the entire population of the study.

Thus, this study employed the non-probability sampling technique. In the non-probability sampling technique, there are subjective methods used to decide which elements are included in the sample. In addition, non-probability sampling is a sampling technique where the samples are gathered in a process that does not give all the participants or units in the population equal chances of being included (Battaglia, 2011:523). The study was conducted whilst the researcher was studying full time and had no budget to conduct the research. Despite the limitations, non-probability was affordable and was implemented efficiently and this was also one of the reasons for the sampling processes to be considered applicable in the study.

According to Bryman (2012:201), a non-probability sampling technique is divided into three primary techniques namely; quota, purposive and accidental or convenience sampling. A combination of non-probability sampling processes was employed in this study, in a form of accidental or convenience and purposive sampling.

The research methodology chosen for this study was qualitative research. The purposive sampling is non-probability form of sampling and was used for this study because the sampled population was relevant to the research questions that needed to be answered for better analysis of the study. The convenience and purposive sampling was used to conduct the study for the population involved.

- The purposive sampling technique emphasises the importance of obtaining a broad understanding of the phenomenon by continuing to investigate until no new substantive information is acquired (Etikan et al., 2016:3).

This method was used to reach out to the government departments included in the population of the study. The population was purposely chosen to obtain the units of analysis so that the sample obtained would be a representative of the relevant population.

Subsequently, the issue of getting a hold of illegal immigrants was a challenge. Due to the furtive nature of immigrants, which led to not having a quantified statistical analysis of illegal immigrants in South Africa; thus, this method was used to select the migrant organisation (ACMS) as part of the population.

The assumption associated with purposive sampling would be expert sampling. According to Zhi (2014), this is a call for experts in a particular field to be the subjects of the purposive sampling and this kind of sampling was useful because the research was expected to investigate and provide conclusive results where there was currently a lack of observational analysis. Also, to gather knowledge from individuals

that had particular expertise and experiences related to illegal immigrants and weak border control in South Africa. These experts were essential during the exploratory phase of qualitative research in highlighting the areas of interest. The particular expertise that were being investigated form the basis of the research, and this was because there was a high level of uncertainty and lack of empirical evidence in the area of illegal immigrants and weak border controls in South Africa; therefore, expert sampling was the cornerstone of the used research design (Andale, 2015).

- The accidental or convenience sampling is a non-probability sampling where members of the target population met certain practical research criteria such as easy accessibility, logistical issues such as geographical proximity, availability at a given time, or the willingness to participate (Dornyei, 2007).

This method was relevant in terms of getting the South African citizens included in the study. The citizens were from the North West Province in the Ngaka Modiri Molema district as it was situated spatially and administratively near to where the researcher was conducting the data collection. In addition, according to Given (2008), the environmental data are often taken using convenience sampling, subjectively near camp, community, workplace, or areas where density is known to be high. Furthermore, captive participants could be high school scholars, church youth organisations, government officials working in different government departments or university students, and the main advantage of this method was the affordability and the participants were easily accessible to the researcher.

Consequently, Palinkas et al (2013) posits that, the main assumption associated with convenience sampling is that the members of the target population are homogeneous sampling as it focused on candidates who share similar traits or specific characteristics.

3.2.4. Sample method/ instruments

3.2.4.1. Semi-structured interviews:

Mathers et al (2002) explain that semi structured interviews involve a sequence of open-ended questions that are based on the topic area the researcher wants to cover. That is, the open-ended nature of the question defined the topic under investigation and provided opportunities for both the interviewer and interviewee to discuss some topics in more detail.

The collection of qualitative data was required because it provided a social understanding that would be gained in conducting the study. Thus, the method used to collect data was semi-structured interviews and the reason for using this method was that it is widely used to gather data in social sciences research (Ellis and Chen, 2013). The other reason for the use of this method was that the respondents views would give a more in-depth meaning to the study conducted.

In this study, semi-structured interview were considered to be the research data technique with the purpose of gathering data by means of the spoken word through the use of the research questions. The choice of qualitative research for this research was the result of a reflection on the nature of the problem of illegal immigrants and border control ports in South Africa. Furthermore, the semi-structured interviews as a data collection method required calibration and full description of events and the use of personal contact between the interviewer and respondent.

The reason for using semi-structured interviews in this study was motivated by its advantages. According to Bless et al (2000:105-106), semi-structured interviews actively involve the respondents and interviewer in the research process and that motivates interaction, for relevant data to be captured and not to pigeon-hole the responses of the respondents. Furthermore, the semi-structured interviews were useful for this study because of its exploratory nature and because there was minimal information on the study being conducted.

The respondents from the different departments (DHA, DIRCO, SAPS, ACMS and DOD) were asked the same research questions utilising semi-structured interviews which would be tape recorded for reliable and valid data as this would help in presenting or analysing the data in a narrative form.

3.2.4.2. Focus group discussions:

A focus group discussion is an organised discussion between people. This kind of set up allows the participants space to discuss a particular topic, in a context where people are allowed to agree or even disagree with each other. This method allowed the exploration of how the group thought about the issue, the range of ideas, opinions and the inconsistencies and variations that existed regarding the particular phenomenon (Dilshad and Latif, 2013:192).

Because face-to-face interview were not possible with all the South African citizens, it was considered that a focus group interview may be employed and the citizens would be grouped according to age factor. The researcher took a population from the North West Province because of logistical reasons, of finances and time constrains.

3.2.5. Sample size

The general rule of the thumb is to always use the largest sample possible. Furthermore, the smaller the sample the less accurate data it will produce because of the small representative size of population and visa-versa, the larger the sample the more representative it is going to be (LoBiondo-Wood and Haber 1998:263-264).

The size of the population was chosen on the basis of flexibility, representativeness, reliability and efficiency. The groups of people that were interviewed included:

Department of Home Affairs

DHA was one of the departments that were interviewed, the following eight (8) officials from the *programme three* at the immigration service unit were interviewed:-

- Deputy Director-General of immigration services
- Chief Director of refugee/asylum seekers management
- Chief Director of port control, and
- Six regional managers in charge at the different land ports of entry.

Department of International Relations and Cooperation

From the DIRCO only three (3) officials were interviewed because the department did not deal directly with ports of entry, it helped in the aspect of migration as an internationally supported engagement for development in a state and the particular aim was for orderly migration.

- Deputy Director of humanitarian law, migration, refugees and international displaced person (IDP).
- Representative from the migration desk, and
- International organisation for migration (IOM) desk

Department of defence

Only three (3) officials from the South African border operations directorate at the operations and exercises unit were interviewed as they work closely with border operations and control.

- Head of department, and
- two (2) other supporting border operation personnel.

South African Police Services

At SAPS, only three (3) officials were interviewed from *programme five*, which is the protection and security services. This directorate consists of six components and ports of entry security and government security regulator form part of the directorate.

- Head of ports of entry and security

- Section head for borderline operations and
- SAPS officials responsible for ports of entry and borderline control.

African Centre for Migration and Society

At the ACMS, only three (3) researchers would be interviewed. This organisation that deals with migration issues as one of its aims is to identify data needs on migration. Due to the furtive status of migration and lack of quantified statistics of illegal immigrants in the country, this organisation would contribute analysis that would assist the study.

- Senior researcher and
- two (2) researchers that specialise in migration and society.

The South African citizen respondents were grouped using the following age intervals:-

- group 1: 16 to 35years,
- group 2: 36 to 55years and,
- group 3: 56 to 74years.

These groups are from youth, middle and old age. The reason for choosing these different groupings was to accommodate different opinions of different age groups as the problem of illegal immigrants and weak border controls in South Africa is an issue that affects all ages as stated above. In each interval, a sample of six (6) was approached to form part of the focus group interviews which equalled to eighteen (18) respondents.

In conclusion, twenty-one (21) respondents were targeted for the semi-structured interviews and eighteen (18) using focus group interviews. In total, thirty-nine (39) people would be interviewed for the purpose of this study. According to Fridlund & Hildingh (2000), in a qualitative study, it is commonly perceived that data is based on 1 to 30 respondents and this would determine a well-researched study. However, that's not always the case, the sample size should be determined by the sufficiency of the information provided to answer the research question (Krippendorff, 2004).

3.2.6. Data collection method

The research is qualitative. Therefore, the data on issues concerning illegal immigrants and the use of implementing the legal framework governing migration issues and weak border controls in South Africa was collected using primary and secondary data methods.

Primary data

The primary data collection methods used in this study was raw data collected by the researcher. The semi-structured interviews and focus group interviews was used to collect data on the problem of illegal immigration and border control ports in South Africa.

Secondary data

In addition, the secondary data was also used in the study. The study looked at published books, acts of parliament, government publications, articles, journal reports and newspaper articles written by authentic scholars and authors and experts in the migration field. The data and information was collected from documents and reports from organisations that deal with immigration issues such as International Organisation of Migration (IOM), Africa Institute of South Africa (AISA), Institute of Security Studies (ISS) and further government reports and documents from government departments that deal with immigration issues. The internet also served as an important source of information to utilise in the study given the contemporary nature of the subject matter of this study and the way in which this global crisis has unfolded in South Africa. Thus, data base such as Google, Google scholar, Jstor and Sage publication were used. All of the above mentioned data collection methods are of vital importance.

3.2.7. Data analysis

The analysis of data consisted of linking and connecting the primary and secondary data to the literature reviewed, theoretical framework, the research objectives and questions. The content analysis was used to analyse the data through systematic process of coding and identifying themes to identify aspects of the findings (Mouton, 2013:165-166). This contributed to the concluding remarks and recommendations on the problem of illegal immigrants and border control ports in South Africa. The researcher used content analysis to better explain, conduct and illustrate the range of in-depth meaning of the study conducted.

Content analysis

The content analysis was used to analyse the data through systematic process of coding and identifying of themes to help identify aspects of the findings (Mouton, 2013:165-166). It is a mechanism that was used to analyse social life through interpreting words, behaviour relationship and by looking at the fact that researchers are able to draw inferences about the underlying behaviour and culture. Furthermore, content analysis has three different types: summative, directed or relational and conventional. According to Mills et al (2010), relational analysis is a type of content analysis where the concepts found in the text are

further analysed by the manner in which they relate to each other or for emotional content and there are three sub-categories of relational analysis:

- The Affect Extraction: it provides emotional evaluation of concepts explicit in a text and which can be arranged in numbers corresponding to emotional or psychological scales.
- Proximity Analysis: is concerned with co-occurrence of explicit concepts in text. There is a need to set a “window” of predetermined length of words and scan through it to ensure that there is no co-occurrence of concepts. This can help in creating a "concept matrix" that may suggest certain overall meaning of data collected.
- Cognitive Mapping: this will take proximity analysis further by creating visual representation which allows comparison across texts.

Content analysis is a research method for the subjective interpretation of the content of text data through the systematic classification process of coding and identifying themes or patterns (Hsieh and Shannon, 2005:1278).

The themes are used as an element or concept. This is to organise a group of repeating ideas because of the common point of reference, thus it is important to use themes to analyse the data collected to unify the common ideas and to answer the research questions (Jones et al., 2015:101).

As stated above, data analysis is determined by both the research objectives that is deductive and multiple readings and interpretations of the raw data which is inductive. Thus, the findings were derived from both the research objectives outlined by the researcher and findings arising directly from the analysis of the raw data (Thomas, 2003). The inductive approach was intended to aid an understanding of meaning in complex data through the development of summary themes or categories from the raw data. The general inductive approach provided a convenient and efficient way of analysing qualitative data for many research purposes (Rapport, 2010). The outcomes of analysis may be indistinguishable from those derived from a grounded theory approach. Many researchers are likely to find using a general inductive approach more straightforward than some of the other traditional approaches to qualitative data analysis.

The inductive content analysis helped the researcher to develop theory and identify themes by studying documents, recordings and other printed and verbal material. The inductive approach enabled the researcher to identify key themes in the area of interest by reducing the material to a set of themes or categories. This contributed to the concluding remarks and recommendations on illegal immigrants and weak border control in South Africa. The researcher used content analysis to better explain, conduct and illustrate the range of in-depth meaning of the study conducted. Thus, content analysis was used to

analyse collected data. The data was coded, identified, sorted and indexed in a way that would make it easier for the researcher to analyse, interpret and present data which was guided by the aim of the study.

Therefore, a triangulation method was used to better understand and analyse the collected data. Triangulation is when the researcher uses multiple methods in qualitative research to develop and collaborate an in-depth, comprehensive understanding of the phenomenon being investigated (Carter et al., 2014:1). This is done to test the validity of information from the different sources of the study. This study will employed methodological triangulation because it has used the semi-structured interviews and the focus group interviews. In addition, Risjord et al (2001) explains that there are two types of methodological triangulation; the across and within method. For the purpose of this study, the methodological triangulation that was used to analyse the data collected was the with-in method.

The methodological triangulation with-in method is when the researcher uses more than one method to collect data (Bekhet and Zauszniewski, 2012). Furthermore, this study collected data using semi-structured and focus group interviews. Subsequently, methodological triangulation is one of the most powerful tools for gaining and understanding of human beings and the in-depth exploring of topics. Moreover, Bakhiet (2012) explains that “it is beneficial in providing confirmation of findings, more comprehensive data, increased validity and enhanced understanding of the studied phenomenon.” Thus, this method was used to narrate data collected on illegal immigrants and weak border control in South Africa.

During the analysis stage, feedback from respondents was compared to determine areas of agreement as well as areas of separation. The data triangulation used different sources to get a better understanding from respondents included in the study

3.2.8. Limitations to the study

Based on the results of the study the limitations were:

Firstly, at the beginning of the study the researcher purposively selected respondents from relevant departments to participate in the study. However, as the study was being conducted, some respondents did not respond to the request to participate in the study. The ability and willingness of the selected respondents would impact on the validity of findings of the data. The researcher was able to collect data from other willing respondents from different departments.

Secondly, the focus of the research is illegal immigrants and weak border controls in South Africa. The research questions require the understanding of illegal immigrants in the country but because of their discretion, the ACMS was the targeted organisation to give in-depth information. However, due to

financial and time constraints the organisation was not able to meet with researcher and was not available for telephonic or Skype interview.

However, some respondents from various government departments were either not willing or not available to participate in the study conducted. This led to the targeted population decreasing from thirty-nine (39) to twenty-three (23) respondents. Regardless of the limitations of information, the researcher had full co-operation from other respondents in executing the study. Thus, this contributed to the findings of the study because it complemented existing literature and results from respondents.

3.2.9. Ethical consideration

Care was taken to observe ethical consideration as required by the North West University Manual for Postgraduate Studies (October, 2010:48). This was done to protect the integrity and image of the volunteered respondent/s. Firstly, a letter was required from the supervisor to grant permission to conduct the study and the letter was produced at the selected departments.

Secondly, the researcher ensured that the right to privacy, anonymity, voluntary participation, and to those who withdraw from participation at any point were protected. The respondents were informed on the purpose of the study, how data would be used, stored and destroyed. Informed written consent was collected from all the authorities involved, prior to data collection and the privacy and confidentiality of the data collected was treated with the utmost professional care and was not disclosed to anyone without the necessary permission of the respondent/s.

This study relied on secondary data. All the information that was provided in the study was acknowledged. This was for the purpose of not harming the society at large and misleading them by not providing relevant sources for the outcome of the research.

3.2.9.1. Consent

The researcher requested for permission to conduct the study from various Departments that formed part of the population involved in the study. The written permission (informed consent) from all population involved in the study was required from participants for the semi-structured interviews and focus group discussion.

3.2.9.2. Confidentiality and anonymity

Guided by the North West University manual for postgraduate studies, no information that the participant revealed was made public or available to others. According to Crow and Wiles (2008), the anonymity of the participant of the department involved is protected by making it difficult to link the data collected to a

specific participant or department. Therefore, confidentiality and anonymity was guaranteed by ensuring that data obtained would be used in a manner that no one besides the researcher knew the source, no names would be attached to the information collected, however; codes were used to analyse data collected.

3.2.10. Expected contribution to knowledge

The dynamics of a globalised world has witnessed that no state can live in isolation and amongst many the elements of globalisation has an impact on trade agreements, the necessary bond on cross border capital movements, the effects of migration patterns and the spread of technology. This has led to the problem of illegal immigrants and weak border controls globally, regionally and nationally. South Africa has a transformational history and is suffering from the same ills of illegal immigrants and weak border controls. Even though immigration is necessary for development of a country, it is important to remember that borders are made for the purpose of security. This study sought to explore and emphasise the importance of sovereignty and national security of a state. Furthermore, the holistic approach of security was scrutinised to microscope the importance of the study and to add to the body of knowledge and in the discipline of international relations.

CHAPTER FOUR

RESEARCH FINDINGS

4.1. Introduction

The purpose of this chapter was to present the research findings, analysis and interpretation of results. This was done to provide a better understanding of illegal immigrants and weak border controls in South Africa through data that was obtained from the semi-structured interviews conducted with a range of respondents that were purposively selected from various departments for the study, as well as focus group discussions and analysis of documents and reports. The presentation of the results followed two directions, namely results obtained from the government departments and from the focus groups of South African citizens. The essence, more specifically, was to align the interpretation of data with the objectives of the study in order to produce more reliable results of the study.

4.1.1. Data outlined

The data for this study was collected from a total of 23 respondents within South Africa. The breakdown of respondents is presented in the table below.

Table 1: Outline of respondents

No	Organisation	Position	Number of respondents
1.	Department of Home Affairs	Senior officials	2
2.	Department of International Relations and Cooperation.	Senior official	1
3.	South African Police Services	Senior official	1
4.	South African National Defence Force (SANDF)	Senior official	1
5.	African Centre for Migration and Society (WITS)	Research fellows	0
6.	Focus Group Discussion's	South African citizens	18
Total			23

4.1.2. Interview techniques

The semi-structured interviews with respondents that were purposively selected for the study was conducted using different techniques and channels based on availability, convenience and preferred medium of interaction. These included: face-to-face and telephonic interviews, mostly with government officials from selected national departments and the focus groups. The telephonic interviews were conducted with government departments that the researcher could not reach due to financial constraints and government officials not being able to meet face-to-face, this comprised mainly of participants from DIRCO, SANDF, SAPS and face-to-face interviews from the DHA and focus group discussions. The breakdown is as follows:

Table 2: Interview techniques

No	Participant	Technique	Reason	Size
1.	DHA	Face-to-face interview	Availability	2
2.	DIRCO	Telephone	Preferred	1
3.	SAPS	Telephone	Preferred	1
4.	SANDF	Telephone	Preferred	1
5.	ACMS	Telephone	Convenience	0
6.	Focus group	Face-to- face	Availability and convenience	18
	16-35 years (youth)			6
	36-55 years (middle age)			7
	56-74 years (old age)			5

Consequently, a question guide using the research questions was used to conduct the interviews even though there were instances where the questions were rephrased to get an in-depth responses depending on the category of respondents and more importantly, to meet the specific objectives of the study.

In other words, different probing questions were raised in the course of interviews with participants in order to promote discussions on different aspects of the focus of the study. The focus group discussion was conducted face-to-face and were guided by a rubric format (Appendix B); this was used to serve as a guide for the purpose of age, gender, level of education and number of years lived in South Africa. All responses were documented appropriately. The face-to-face interviews were not recorded because

respondents did not feel comfortable being recorded, so the notes were carefully captured. However, the ones that accepted the request for the interviews to be recorded were recorded electronically.

4.1.3. Table 3: Category

The table below shows presentation and different views of respondents sampled for the study and ensured that respondents are classified. Thus, all participants were properly coded to facilitate the data analysis. The category and their translations were presented in the table below:

No	Category	Category code or symbol
1.	DHA	A1 and A2
2.	DIRCO	B1
3.	SANDF	C1
4.	SAPS	D1
5.	Focus group	E1-E18
	Youth	Male (E1-E2) Female(E3-E6)
	Middle age	Male (E7-E10) Female (E11-E13)
	Old age	Male (E14-E16) Female (E17-E18)

4.1.4. Themes

The usage of content analysis themes and sub-themes was created for units of analysis, to get meaningful connection between the interview questions and the objective of the study. The themes and sub-themes from the semi-structured interviews included reasons for:

No	Theme	Sub-theme
1.	Economic reasons	Greener pastures or better life, cheap labour
2.	Political	Civil wars, genocides, political turmoil
3.	Social	Education, basic services, health, crime
4.	Environmental	Drought, humanitarian crisis, monsoon, El'nino

4.2. Presentation of data analysis and interpretation of results

4.2.1. What are the factors responsible for the influx of illegal immigrants in South Africa?

The question was asked to the respondents and the results were that the factors responsible for influx of illegal immigration were the push and pull factors. Conversely, according to Ryan & Prayag (2011), there is a relationship between the push and pull factors. The push factors come in many forms of political, social, economic and environmental and sometimes leave people with no choice but to migrate for better opportunities and safety reasons. That is, the migrants get pushed from their home countries and get pulled into host countries due to the above reasons.

Subsequently, the respondents emphasised that South Africa is attractive to the outside world due to a mix of social, economic, political and environmental reasons. This results in migrants seeing South Africa as a beacon of hope. The factors contributing or responsible for the influx of illegal immigrants in South Africa are the push and pull factors. The push and pull factors are contributing to many migrants to relocate, because when there is lack of opportunities or threat to life that becomes the push factor. However, the surplus of benefits and opportunities are (pull factors) into hosts countries (Levin institute, 2011).

According to respondent B1 the factors contributing to illegal entry into South Africa was due to push factors of the migrant's home states. Additionally, Botha et al. (2012) defines pull factors as the "reflectors of the actions of the receiving countries" this creates a demand or rather encourages migrants (legal or illegal) to leave their home countries.

As stated above, respondent B1 continued to explain that, push factors can come in many ways such as political, environmental, economic and social. These stated factors push migrants out of their home countries and pull them to the host countries to seek better opportunities or life in other countries. As indicated by The Levin Institute (2011), the positive aspects of some host countries serve to attract more immigrants (legal or illegal) and South Africa attracts many migrants because of its pull factors.

4.2.1.1. Political factors

The results revealed by respondent D1 explained that, the political push factors include political instabilities like civil wars, genocides, conflicts that are happening in the sub-Saharan African continent. This is a contributing factor that pushes the threatened migrants to South Africa for safety reasons.

In addition, respondent A1 stated that, illegal immigrants take advantage of the porous situation at the borders to enter into the country illegally. Furthermore, respondent A1 argued that, migrants flee to South

Africa seeking refugee/asylum because of threats posed to their lives. Conversely, once a migrant comes into South Africa seeking refugee/asylum they are allowed to integrate into societies and communities as it is stipulated in the 1951 Geneva Convention relating to the status of refugees. Therefore, this can be viewed as contributing factor to the influx of illegal immigrants in South Africa, because the migrants seeking refugee do not have documentation that allowed them to integrate, and so because the Refugee Act 130 of 1998 does not permit for the refugees to stay in confined spaces, they are allowed to integrate within society and this is also a challenge as there is no system that monitors the movement of refugees once they are integrated

The above results are supported by the 1951 Geneva Convention on the status of refugees and the refugee act 130 of 1998 of South Africa. According to Vendramin (2008), the convention states that a refugee is someone who is unable and unwilling to return to their home countries owing to a well found fear of being prosecuted for reasons like political opinion, race and nationality.

Furthermore, the geographical proximity can also be a contributing cause to the political push and pull factors. Respondent C1 made reference to Lesotho and Zimbabwe. Respondent C1 posits that, the political instabilities of those countries are the result of many migrants coming from Lesotho and Zimbabwe moving to South Africa. Additionally, he referred to the political quagmire of 1998 and the recent 2014 of Lesotho and the political instabilities of Zimbabwe being contributing factors to the increase of illegal immigrants in South Africa because was easy for migrants from those countries to enter into South Africa. In addition, applying for refugee or asylum due to these circumstances becomes easy and they get integrated easily into the South Africa. Subsequently, respondent (FG male E1) says that, the political instabilities in the neighbouring countries are resulting in illegal entry into the country and this was becoming a serious concern not only to government but to the native citizens of South Africa.

Significantly, the results illustrate that the convention contains numerous protection against the expulsion of refugees. Moreover, no amendments can be made to the principle of the *non-refoulement*, which makes it difficult for states to return anyone who claims to be seeking refugee or asylum due to political instabilities.

The study acknowledges that conflicts arising in the neighbouring countries force migrants to seek protection but there is an identified gap in the status of refugees that needs to be addressed by the host countries as this is a burden to their national security. For example, the USA declared that most Haitian immigrants are fleeing to the USA because of the wide-spread impoverishment and not because of political strife that plagues Haiti (Semotuik, 2017). As a result, the USA government does not afford certain privileges allocated to refugees to all Haitians arriving in the U.S. If Haitian immigrants come to the U.S. through unauthorised channels, which many do, they must pass a rigorous examination of their qualifications as refugees or asylum seekers and if they fail, they are returned to Haiti.

Moreover, this is also common in South Africa; many migrants flee into the country due to other reasons than political strife. That is, the South African government could adopt this mechanism and if one does not qualify to be a granted refugee status they should be returned. The above mechanism contradicts the *non-refoulement* stated in the refugee or asylum seekers status, but it could be a working solution to ensure that migrants (illegal immigrants) do not use the refugee status for their own reasons. Arguably, the refugee or asylum procedures have created a spill over in the illegal immigration. It can be assumed (although it may be difficult to prove) that many migrants who were actually granted refugee did not want or need protection but are registered in the immigration systems. The refugee status is an act that is recognised internationally and is practiced by all countries in the world. Furthermore, bogus claims for refugee are negatively impacting the positivity of the status.

The liberalist theory posits that refugees are products of the international system and that through international cooperation, state response comprises temporary aid. (Haddad, 1998). Furthermore, the liberalists argue that the integration of migrants into communities is on the premise of true human dignity as stated in the internal human rights law. The liberalist perspective follows the belief that, individuals deserve equal concern and respect; therefore, migrants should be treated as equals not because they have the same moral personality, irrespective of their nationality, race and gender (Chiroro, 2013). However, the liberalist perspective is not substantiating on remedies that host countries can use for the issue of refugee status that is contributing to the spill over of influx of illegal immigrants into South Africa.

Furthermore, the respondents focus on the realism perspective. Firstly, realism explains that states comply with international law because of the cost benefit analysis based on material threat and the perception of material threat (Posher and Goldsmith, 2005). However, states need to preserve their national interests and protect its territory before cooperation. In addition, Synders (2011) writes that realist perspective believe in the concept of state power as an underlying currency of international relations. It is from this that the study believes that states should protect their territories from external threats.

Based on the results of the study, illegal immigration is a prominent global problem and if the status of refugee is a contributing factor to the influx of illegal immigrants in South Africa, the government should design policies that will ensure that the country still adheres to its international obligations and national interests is not diluted. Therefore, the South African government should design policies that will permit legal entry of refugee or asylum seekers so that it does not spill over to illegal immigration. Furthermore, realism and liberalism mostly treat states as rational and unitary actors in the international system, social constructivism believes that states do not make rational decisions in all situations but every action is very much a result of the actors subjective to perception of “truth” and “reality” (Oezel, 2015). The truth and reality of bogus refugee spills over to illegal immigration and the national government of South Africa

needs to look into the national refugee legislation and see how it can best amend the act to ensure legal entry of refugee and asylum seekers as it is being confused with the influx of illegal immigrants.

4.2.1.2. Economic factors

The results revealed that economic reasons also push migrants out of their home states to seek opportunities in other countries. In addition, respondent D1 explained that most trends of illegal immigration are driven by political instabilities; the majority is driven by economic prospects. The motivation is the quest for better life in South Africa. According to Oneale (2013), illegal immigrants come to South Africa for one important reason, to get a better life with the hope of employment.

Furthermore, (FG female E3 and E4) argue that because of the declining economy in countries like Zimbabwe, migrants enter South Africa hoping to get employed and even if they do not get well-paying jobs, they are willing to work for any wage thereby settling for cheap labour.

Additionally, respondent A2 explains that economic push factors force these migrants to relocate. Respondent A2 further stated that: “it is not a problem to look for better opportunities, so one can live but it becomes a problem when it is done illegally”. The decreasing or stationary economic situations of other countries is a serious challenge, because their citizens are not able to survive, this results in the inability to access travel documents (passports and visas) and that is seen mostly done by the Lesotho and Zimbabwe migrants. Subsequently, respondent A1 explains that the migrants are unable to pay for their travel documents. Thus, these financial constraints force them to leave their home countries illegally and enter into South Africa illegally.

Furthermore, Ngomane (2010) writes that Zimbabwean illegal immigrants do not have the financial capacity to get passports and even if they have passports they do not have money to apply for visas and so they enter into the country illegally, also taking advantage of the porous border controls of South Africa because migrating illegally is much more “cheaper” than migrating legally.

Moreover, this contradicts the views of Crush and Peberby (1998:1) in which the respondents were said to be in South Africa to pursue small businesses. In this study, supported by existing literature and responds, majority of migrants come to seek employment in South Africa. This can be supported by McDonald et al (2000:826) who explain that most migrants come to South Africa looking for better life and employment.

Respondent (FG female E17) explained that the illegal entry of migrants into the country was caused by low wages, bad working conditions and low productivity amongst many other reasons, this pushes these illegal immigrants into the country because of the economic conditions. However, they should note that entering into the country illegally is a burden not only on government but on native citizens of this

country because the cheap labour they are offering to the country is at the expense of native citizens which leaves citizens unemployed.



Respondent D1 stated that South Africa is considered as the economic hub of Africa, a magnet that attracts people seeking greener pastures, employment and promising economic aspects. Respondent B1 said that South Africa holds more than half of SADC's Gross Domestic Product (GDP), though South Africa is a developing country, it is surrounded by countries with unstable economies, this is what pulls for skilled, unskilled, documented and illegal migrants to South Africa. With that being said, respondent E9 expressed that it is necessary for any country to have migration for purposes of skills development etc. The skills development need in a country should be legal and not illegal, because illegal immigrants do not contribute to the economic development of the country.

"The urge to immigrate is also encouraged by the effects of the economic structural adjustment programmes facilitated by the International Monetary Fund (IMF) and the World Bank, this crippled most economies in Southern Africa, this led to life being expensive for citizens" (Makoni, 2000).

Based on the study, the results show that economic conditions contribute to people immigrating to South Africa and even if that is the case, illegal immigration is depreciating the economic development of South Africa because they do not pay taxes on labour (income tax and social security contributions) hence the high tax deductions from legal and native citizens to fill the gap of unpaid taxes by illegal immigrants. While unemployment is increasing for native citizens the unemployment rate of illegal immigrants is set at zero. Furthermore, the macro and microeconomic factors of the economy shows a distinction of the fact that the primary effect on the host country economy is the boost in its unskilled labour force. That is, unskilled labour becomes relatively abundant with regard to the remaining factors (skilled labour and capital). Therefore, unskilled wages fall and skilled wages and capital rents rise, while factor substitution effects take place.

4.2.1.3. Social factors

The democratic South Africa has had many policies in place that encourage regional integration such as Broad Based Black Economic Empowerment (BBBEE), respect for human rights and affirmative action. These policies ensure that everyone within the boundaries of South Africa enjoys the benefits like all other native citizens in the country (Crush et al, 2000). Therefore, because of these policies, people migrate to South Africa to enjoy the benefits within the country. Respondent (male E15 and E16) expressed that, these policies should only be for the benefit of South African citizens as they are the ones voting for government to ensure that there is social services in the country. He further argues that, it becomes a problem when other people are enjoying the fruits of South African democracy. However, respondents (E2, E5, E10 and E12) remarked in particular that social factors include schooling, basic

services like water, housing, electricity, and health care. They further added that it is not a crime if migrants can get provided with the above mentioned social factors, it only becomes a problem if they obtain or gain from the factors illegally.

Respondent B1 says because some African countries are unable to get necessary basic services in their home countries, it seems okay in the eyes of illegal immigrants to benefit from South Africa because of the history that South Africa shares with neighbouring African countries. Moreover, respondent (E3, E4 and E6) explain that, this social factor is causing social problems for South Africa because of limited resources that need to be shared with illegal immigrants entering into the country. Subsequently, children that are born in the country qualify for citizenship and that was the problem that the South African government and DHA face and need to find solution for.

Another contributing factor is the social networks. The illegal immigrants come into the country either with the help of family members already in the country or by bribing officials to enter into the country. Respondent A2 explains that the social network is contributing to the influx of illegal immigration in the country because for example *“a Zimbabwean migrant can get motivated to move into the country illegally because they saw a friend or family member being able to provide for their families back at home by just working on the farm in South Africa”*; this also contributed to other migrants because they want to provide for their families too. This statement as posited by the respondent, corresponds with Kok et al (2006), which indicated that social network plays a role in motivating migration into a country that has a stable economic growth. Furthermore, Cross et al (2006) explains that the majority of illegal immigrants have contacts in their desired countries of destination, and if they do not have they will get accommodated by fellow brothers and sisters from their home countries.

The study results show that social factors are indeed contributing to the influx of illegal immigration in South Africa, and government and supporting governmental departments should try to find solutions to this social impact. It is arguable that the strain on basic services is due to illegal immigration.

4.2.2.4. Environmental factors

In September 2017, Bangladesh experienced floods that claimed many lives, not only did it take lives but destroyed agricultural forestry and houses (Bamforth, 2017). Furthermore, the floods that happened in Zimbabwe also contributed to many people being left homeless. The draught made it difficult for them to engage in subsistence farming. These environmental factors contribute to many migrants entering into South Africa illegally. Respondent A1 posits that when such disasters occur in neighbouring countries, migrants seek refuge or asylum in South Africa because of the environmental stability in the country. According to Williams et al (2013), the environmental factors will lead to host countries having

environmental refugees. Therefore, respondent A1 and Williams et al share the same views on environmental push factors contributing to illegal entry into the country.

In addition, respondent E14 and E12 emphasise that it is important for the South African government to come up with strategies that will ensure that whoever enters into the country seeking refugee or asylum because of the above mentioned pull factors should be kept in a place where they can be monitored. Respondent E6 states that, South Africa should benchmark on the way Botswana handles refugee and asylum seekers. They are put in a camp and are catered for within the camp. Though the South African government may say it is inhuman to keep people in camps, this is the only way refugees will be monitored and not be integrated into society, and this will eliminate many problems arising from illegal immigrants including that of refugees or asylum seekers. The push and pull factors are not a new phenomenon that contributes to migration and it is certainly a challenge affecting all other countries in the world.

Results of the study show that environmental factors play a role in the increasing number of illegal immigrants on South Africa. Contrary to the findings, the choice of destination for environment-related migrants is not random but depends on various conditions at the destination. Furthermore, one other factor is the presence of social networks and a sense of familiarity in terms of cultural practices, language, and religion. In addition, this can explain the observation by Van der Geest's (2009), who writes that while two regions in Ghana had equally high environmental pressure, one of them had higher emigration rates. Consequently, Mounkaila (2002) explains that those who were vulnerable to food crises were pushed to leave. Furthermore, environmental conditions at the destination can also be important; the example in Burkina Faso can be cited whereby migrants choose proportionally more often areas with favourable environmental conditions for their destinations. Moreover, Hendry et al (2004) argues that political-economic factors also contribute to environment factors, for example the drought in Ghana in the 1970s and '80s corresponded with political instability, economic crisis and high food prices in Southern Ghana, which probably made people in the north averse to migrating to this destination. Related to this is the observation that environmental change may be associated with not just one but a variety of migratory patterns. The study also shows that there's a need to adopt a non-migratory response to environmental factors. This study observation is supported by Mounkaila (2002) who explained that, food insecurity was a factor in the economic history of his study area in Niger. Subsequently, with such circumstances "people developed many adaptation mechanisms that show that people might or can adapt to environmental and climate change through other mechanisms than migration". Additionally, Mounkaila's (2002) study in Niger showed that migration was not a useful response to environment factors like drought; as an alternative, "the communities kept the demand on food minimal through endogamous and patrilineal marriage practices, which limited population increase from immigration". It is arguable that, not all conditions of environmental factors result in migration, as stated in the above results, not all

climatic changes are threatening conditions to migrate because some movements could be related to environmental factors that are entirely unrelated to climate change.

4.1.2.5. The SADC Protocol on the facilitation of Movement of Persons

Another contributing factor was the regional integration policy; the Protocol on the facilitation of movement of persons. According to Solomon (1997), there are aims for the protocol to promote regional integration for the purpose of economic development in the member states. Firstly, one of the main objectives of the SADC Treaty is the promotion of policies that aim to eliminate obstacles to the free movement of persons in the region. Secondly, a draft Protocol on the Free Movement of Persons within SADC was introduced in 1996, but was replaced by the more restrictive Protocol on the Facilitation of Movement of Persons in 1997. Thirdly, the restriction was due to the income disparities that created imbalances in migration flows between member States. The 1997 Protocol was further revised and adopted in 2005, which ensures granting visa-free entry, with lawful purpose, to citizens from other member States for a maximum of 90 days. In addition, most respondent affirmed that, the protocol is not illuminating the challenges South Africa is facing with regards to illegal immigration. Respondent A1, C1 and D1 emphasised that the protocol was a disadvantage as it does not monitor movements of people once they have entered into a country. Furthermore, immigrants cross South African borders on a daily as permitted by the protocol. The gap identified by the respondents was motivated by the fact that the number of illegal immigrants in South Africa is unknown, thus the protocol only assists with entry and not over-stayers (who have become illegal because they over stayed the period permitted by visa), but it becomes a challenge when movements are not monitored. Therefore, they indicated that the protocol will not effectively control immigration.

Based on the results of the study, there are short comings on the protocol, including that the member states do not provide data that will give insight into emigration and immigration in their countries. Moreover, the protocol was adopted from EU migration policies and some of the African migration processes will differ from policies of developed countries such as Europe. In addition, the entry forms of the protocol are legacies of colonial times and have not been altered to suit the position of African countries. Consequently, Oucho (2007) stipulates that the general failure to analyse the emigration statistics of both foreigners and citizens stresses the countries' inability to account for their absent citizens.

The rise of nationalism due to migration

The rise of nationalism has seen countries around the world wanting to send illegal immigrants back to their home countries. According to Matteo (2017), "Nationalism is an ideology that gives a nation a sense

of unity by imposing on them the same set of identities for example, linguistic, historical and cultural. Furthermore, especially peculiar to nationalism is defining the nation against others inside or outside of the state borders”.

Recently, the world politics has mirrored migration patterns in trying to find solutions to this growing problem. Firstly, the anti-immigrant sentiment saw the USA citizens elect a very odd and unlikely president, because they want government to do something about the influxes of illegal immigrants (Beauchamp, 2017). Secondly, the rise of nationalism saw the British (Britix) voting to leave the European Union (Foster, 2016). Furthermore, the hidden return of Fascism saw the resignation of David Cameron as the United Kingdom (UK) Prime Minister. Migration using unorthodox means across the Mediterranean brought about the militarisation of many European Borders. The liberalist belief in human nature has driven a wedge between globalist and nationalist. (The drawbridge metaphor works particularly well for Britain as it reconsiders its relationship with the European Union). Thus, illegal immigration or the weak border control has affected how native citizens view migration, as it poses security threats in the world. Therefore, there needs to be full control at borders to try and minimize the problem of illegal immigrants.

4.3. In what ways does illegal immigration affect South Africa socio- economically?

4.3.1. Cheap labour effects

Respondent D1 drew attention to the fact that illegal immigrants affect the socio-economy of South Africa in a negative way as they do not contribute to the development of the economy of South Africa. This is because they do not pay tax as citizens of South Africa. Furthermore, C1 stated that illegal immigrants were not registered with the labour relations and this is because they are willing to work for lower wages, so they are able to make a living, and because they are not registered with the labour relations, the country is working at a loss and is unable to collect tax revenue. Respondent E5 posits that this contradicts what the trade unions of South Africa are trying to implement for the citizens, which is to improve the income of poor people of this country and as a result there are clashes erupting amongst the poor South Africans and the illegal immigrants, this causes social instability.

Respondent A1 mentioned that illegal immigration impacts negatively on the country because of cheap labour, he made reference to illegal immigrants from Lesotho and Zimbabwe. The females from Lesotho enter into South Africa looking for employment as child-minders or house workers, the males are mostly in mines or are herd-shepherds. The Zimbabwean men enter looking for construction jobs or looking to start their own businesses while the females are house workers. This is convenient for them because they are not legal and so they are not subjected to the labour laws of the country. He further stated that the working class of South Africa prefer hiring people from Lesotho or Zimbabwe because they come at a

cheaper price. He said that, “*South Africans do not realise that they are also contributing to the decline of the economy, and the influx of illegal immigrants*”, because of referring these people amongst themselves. In addition, A2 revealed that the DHA had made provision to avail permits to Lesotho and Zimbabwe migrants that were already in South Africa, so they could follow the Labour law regulations. These permits were called the Lesotho Special Permit (LSP) which lasted for a year and the Zimbabwean Special Permit (ZSP) which started in 2010 to 2014, lasting for four years. The permits were obtained at no cost but migrants from these countries still did not take advantage of such permits.

In addition, C1 stresses that in the informal sector, shops owned by the Bangladesh and Somalians do not pay tax. Firstly, they are in South Africa illegally and then they are not contributing towards the growth of the country as legal migrants would. This is a matter that needs to be looked at because the taxes that are paid to government is to ensure that basic services are provided for within the country, and so these illegal immigrants are already in the country illegally and are extorting services of this country that they do not contributing to. Respondent E15, E16 and E12 mentioned that illegal immigrants are competing with citizens of this country for jobs and South African citizens do not leave the country illegally to battle with other citizens of other countries for their resources. Additionally, E5 stated that if this was done because of regional integration and protocol for free movement of people, then the government should do something that will ensure that the citizens of South Africa are also catered for in the battle of survival.

However, based on the study results, it is arguable that illegal immigrants do not contribute to the economy of South Africa due to cheap labour. Contradictory to the study results, illegal immigrants do contribute to South Africa’s economy (though it may not be as high as the tax paid by citizens and legal migrants) through buying commodities to send back home, these commodities are taxed at the retail stores as they purchase; illegal immigrants also contribute through cheap labour and high production in the work place because they get paid less than native citizens but are more productive which contributes to growth in sectors they work in. According to Maharaj (2004:12), purchasing commodities contribute to the economy of South Africa. Furthermore, in terms of cheap labour Kok et al (2006:80) states that “the labour intensive sectors like mining and agriculture benefit through low production expenditure”. Furthermore, in 2008 the University of California-San Diego conducted a study on the US economy and illegal immigration trend. Based on the study conclusions, “illegal immigrants provide a ready source of manpower in agriculture, construction, food processing, building cleaning and maintenance, as well as other low-end jobs (Hobbs, 2010). Therefore, the study was performed to see if illegal immigration affects the native employees and data showed that illegal immigrants’ overall impact on the US economy was very little.

Additionally, the results reveal that cheap labour provided by the illegal immigrants goes against the aim of the SADC Protocol on Employment and Labour that was introduced in 2014. The protocol advocates

among other things for member states to ensure that fundamental rights, like labour, employment and social protection are accorded to migrant workers and their families (D'Orsi, 2016). This regional labour migration policy is still not assisting the issue of illegal immigration and the supply of cheap labour.

Capitalism and cheap labour

Capitalism is an economic system where individuals own the factors of production (Amadeo, 2017). From this definition, one can link cheap labour to capitalism because the individuals determine the income. During the apartheid regime, foreigners worked in mines for a low wage because the government determined the wages that would be paid to the labourers because they wanted to maximise profit. Today, it is no different as South Africans take advantage of foreigners working for them. The illegal immigrants are willing to work hard labour for low wages because they just want to survive. That is, capitalism is always looking for cheaper means of getting labour and because the labour market prefers paying low wages to immigrants (legal or illegal) this erupts clashes amongst foreign nationals and native citizens. In 2008, 2015 and 2016 xenophobic attacks that took place in South Africa were a result of native citizens complaining that the immigrants were taking their jobs.

According to Solomon (2000), illegal immigrants are competing with low skilled South Africans in the market. The illegal immigrants are active in hospitality, agriculture, domestic workers, informal trading and construction. This also contributes to competition in the informal sectors and this is because South Africa does not have a protectionist method to protect the economy. The liberalist perspective is one that advocates for peace; "it is a concept through which liberal public discourse sought to co-opt through struggle, in order to tame them, and control them because their mass power threatened the very core of the liberal establishment" (Ndlozi, 2015). Based on the results of the study, one can say illegal immigrants are willing to take any kind of payment in the name of liberal co-operation and the employers are using this to take advantage of and to exploit illegal immigrants because they are looking for cheaper means of production. Though, some respondents asserted that, illegal immigrants are getting what is worth of their illegal behaviour. However, this is a cost that is decreasing the labour economy of the country.

4.3.2. Crime effects

The negative impacts of illegal immigration, is not just confirmed to the area of employment but also to the contribution of crime (Danso and McDonald, 2000). Moreover, respondent D1 posits that illegal immigrants are believed to be contributing to crime in the country. He says that, the moment they enter into the country without following rules and laws they commit a crime, therefore already by coming into the country illegally they have contributed to the increasing crime rate of South Africa. Respondent E9 and

E12 make a point that when illegal immigrants enter into South Africa, they do not have the financial capacity to survive in South Africa, so the only way they can survive is if they get involved in criminal activities. Furthermore, respondent E2 says it is an issue of concern because when illegal immigrants commit crime they do not get arrested and this aggravates the citizens and this is one of the contributing factors to xenophobic attacks.

In addition, respondent D1 states that these crimes can be reported but that does not guarantee an arrest. When crimes are done by illegal immigrants in the country they are caught but because they are not on record they would have to get deported and sentenced in their country. Furthermore, A2 argues that, this results in wasteful expenditure for the government because the process of deportation requires a lot of money coming from the state.

There is however no accurate data that crime is committed by illegal immigrants in the country because they are not recorded. That is, the crimes committed by illegal immigrants threaten the security of South Africa, the current data substantiates that illegal immigrants commit crimes and this threatens the security of South Africa (Momborg 2006). Moreover, thousands of illegal immigrants are convicted every year of crimes such as robbery, murder, rape and drug trafficking.

Subsequently, respondent D1 explains that the contributing factors to the crime committed in the country are vehicle smuggling. He says because there is a market in Malawi, Zimbabwe and Zambia, vehicles are stolen and smuggled through the Limpopo river into Zimbabwe. Consequently, the smuggling of explosives between South Africa and Zimbabwe has accelerated in the recent years; these explosives are used to commit violent crimes like ATM bombings in South Africa.

Respondent C1 expresses that human and drug trafficking is one of the crimes that is increasing on a daily basis. Moreover, transport gets identified almost daily with illegal immigrants trying to enter into the country. One of the busiest border entries which is the Limpopo borderline is exposed to a number of drug syndicates operating in and out of the country. Respondent E17 adds that because of these crimes the South African youth is getting involved in sexual slavery and drug abuse, he says that illegal immigrants are in the country to destroy the lives of young people of this country by getting them involved in these criminal activities. Furthermore, respondents E4 and E5 make an example of the xenophobic attacks that recently started in Pretoria. The illegal immigrants resort to criminal activities because they do not have jobs or an income to sustain a living. The community was aggravated because of the drug and human trafficking that was affecting their children. Thus, illegal immigrants are always associated with criminal activities.

Some scholars are of the view that illegal immigrants are not perpetrators of crime in South Africa. According to Guy (2011), "the immigrants flee because of economic meltdowns and political instability

in their home countries, criminals also come to South Africa in search of opportunities”. Furthermore, Lube (2008) explains that “although African immigrants are involved in criminal activities, the level of committing crime is not as high as often portrayed”. Respondent E4 agrees with above assertion, she stated that immigrants are vulnerable because of their illegal status and also by being in the foreign land where they are seldom appreciated; they become victims and not perpetrators of crime. Respondent A2 expresses that another contributing element to crime is the exploitation of South African girls or women who marry these illegal immigrants under false pretence to get them a residence permit. The results of the study show that it is not always illegal immigrants that commit criminal activities in South Africa. Furthermore, South Africans can perpetrate criminal activities and hide behind illegal immigrants as most of the crimes done by illegal immigrants are not recorded. It is arguably supported by the study results that, illegal immigrants commit crimes higher than the legal immigrants but the crimes are lower than those committed by native South African citizens. The results are also supported by the statement made by the former DHA Minister, Mr Melusi Gigaba who mentioned in one of his interviews that, crime that is committed in South Africa is committed by South African native citizens and the blame should not only be shifted to illegal immigrants but it is something that must be looked at objectively and subjectively.

4.2.3. Health effects

Apart from affecting crime and employment, immigrants also affect the provision of services such as education, health and housing for South Africans (Day et al., 2015). Amongst many affected sectors in South Africa is health. The government only budgets for the population size according to the census statistics conducted by the Statistic South Africa (StatsSA). As a consequence, the budget capacity of the country gets strained to the limit, because the government will not be able to afford health services for everyone within the country; as it is, the government is failing to provide for its own people because health care facilities are overstretched due to the demand of illegal immigrants within the country. This is why many South Africans are paying high taxes because the country needs more revenue to be able to provide for services that will be sufficient for all.

Respondent A1 mentioned that one of the requirements when crossing at the border is health check-up or screening; this is to ensure that people entering into the country are not health risks and will not spread diseases that will be a threat to the welfare of the people of the host country. Therefore, when illegal immigrants enter into the country they do not have health certificates that illustrate that they are healthy so there is a huge possibility that they could infect other people as they interact and integrate into communities. This would result in illegal immigrants getting medical help from the health care facilities of South Africa at the expense of South African citizens. Respondent B1 mentioned that there is a varying estimation of 2 million illegal immigrants living in South Africa and these are the people who did not

form part of 2011 census; however, they are the recipients of the public services provided for South Africans. For example if an illegal immigrant needs medical attention, they will receive the care that could be afforded to citizens. The fact that health services are free and identity documents are not required encourages most illegal immigrants to utilise the facilities. In contrast to this, Danso & McDonald (2000:15) posits that though immigrants expect to have access to health facilities, most immigrants would rather buy their medicines to avoid being deported, arrested or mistreated by the staff.

Respondent E16 and E15 mentioned that access to health care should be dependent on citizenship and legal status in the country because if a person enters into the country illegally they should not be able to get help or enjoy benefits afforded to legal migrants and citizens. E12 expresses that if you are an illegal immigrant you should be treated like one and should not get any help because you are not legally accepted and the country has got no knowledge that you exist. These negative attitudes will result in more advanced crimes; violence amongst migrants (legal or illegal) will increase in South Africa. The social security will be affected and South Africa will be left in isolation in a world that preaches integration. According to Solomon (2000), some illegal immigrants carry diseases that have the potential of becoming epidemic; this could be an attribution to poverty because majority of these illegal immigrants enter in poor health conditions (some illegal immigrants may know and some may not). Thus, illegal immigrants are excessively disposed to diseases like cholera, HIV/ AIDS, yellow fever etc. In addition, A1 explains that if illegal immigrants do not get the medical attention needed this can result in some dying in South Africa because they entered into the country with no biological background attached to them or with false information. This would result in a state funeral and this leads to extortion of land due to many burials of unknown people. The study did not support the assertion made by respondent A1.

Consequently, extortion of land cannot be blamed on illegal immigration, though it may have a contributing factor. However, state funerals are budgeted for by the government because this is not only a problem that is contributed to by illegal immigrants but several native citizens also “benefit” from this cause. That is, if a South African family cannot afford to bury their loved ones or people in public hospitals die and are not claimed, it automatically becomes a state burial. Therefore, it is not just the illegal immigrants that are extorting land but native citizens also play a contributing role to this matter.

Based on the results of this study, it is arguable that illegal immigration has a negative impact on health facilities. On the one hand, healthcare professionals and government should develop inclusive approaches that can help eliminate discrimination in health care. On the other hand, many of these immigration policies might interfere with the provider’s right to provide services to illegal immigrants, the health providers can respond to the humanitarian call embedded in the profession that entails the provision of health care for all (Martinez et al., 2016). The results of the study differ with the statement made by Martinez et al because if health providers respond to the “humanitarian call” embedded in the profession

this can result in many illegal immigrants seeking health care with the knowledge that they will get assistance. This is supported by the realist theory; that is the world is a harsh and dangerous place and that moral behaviour is risky and undermines states ability to protect its people. Human beings are creators of behaviour and will take or use anything to their advantage. Therefore, allowing illegal immigrants to access health care can also contribute to deteriorating services in government hospitals due to shortage of money and supply.

4.4. Are there possible solutions to the problem of illegal entry in South Africa?

The question was divided between positive and negative responses. On the one hand, the respondents agreed that there are possible solutions to illegal entry into South Africa. Though it would take years for it to happen. On the other hand, some respondents said it would be impossible to find solutions to illegal entry into South Africa because the country cannot implement its laws freely without offending international relations. Though solutions can be written and advised, implementing the solutions to see if they could work would be a problem.

Respondent A2 states that deportation program ensures that illegal immigrants are taken back to their countries. Moreover, based on the respond, this study acknowledged that the deportation method has been used by South Africa for many years and there is no guarantee that the illegal immigrants will not enter the country after being deported. Instead this is a costly method for the government expenditure and still contributes to a backward method of trying to curb the illegal immigration in the country. Therefore, deportation has exhausted its efforts because it is merely like applying bandage on an open wound.

Respondent A2 also believes that solutions to illegal entry can be achieved if refugee or asylum seekers could be put in reception centres where they can be monitored because most of the foreign nationals seeking refugee or asylum are not refugees; they just use the status of refugee but are looking for destination countries to stay in. This study does not agree with the response from respondent A2 with reference to supporting literature; keeping asylum seekers in camps or restricted camps is an abuse to human rights according to international law, so the solution to bogus asylum seekers or those that try to cheat the system by either illegal entry or refusing to show identification is for them to be penalised (Tromoso, 2002). Therefore, the South African government should introduce a system that tightens the regulations of the asylum seekers.

Furthermore, the study solution is supported by the literature stating that some European countries are tightening and restricting asylum seeker laws. Accommodating asylum seekers is all in the name of solidarity; thus, Scandinavian governments began to tighten their asylum and border policies in an effort to reduce their appeal as destinations. Moreover, in Sweden, the government proposed offering

recognised refugees three-year temporary residence instead of permanent status, while those granted subsidiary protection would get one-year temporary residence. Additionally, EU member states have signed the EU Dublin Regulation governing asylum to reduce the influx of asylum seekers over-spilling to illegal immigration (Tanner, 2016).

Moreover, respondents E3, E8 and E9 all agreed that corruption is another contributing factor to illegal entry into South Africa. Additionally, the respondents said that for as long as there are human beings controlling systems there will never be a solution to illegal entry into South Africa. They mention that the biggest contributing factor to this problem is corruption and for as long as there is no punishment for corruption this will be an on-going cycle. So, government should enforce strict laws not only to illegal immigrants but to human resources who contribute to this problem, because the officials that let the illegal immigrants into the country are also contributing to destroying the security and sovereignty of the country and they should be punished. Furthermore, respondent A1 states that officials are not the only people contributing to corruption, but employers or business that employ illegal immigrants should be prosecuted or get a fine. This will contribute as an incentive to the economy of South Africa (that is being dented by illegal immigration employment because of cheap labour). This can stop employers from contributing to illegal entry into the country and stop them from exploiting people. In addition, for government to know the culprits there should be rewards given to people that come forth to expose immigrants operating with cheap labour.

Moreover, respondent D1 argues that there needs to be a system put in place that will co-ordinate border entries with other stakeholders forming part of the Border Management Agency (BMA) to ensure that the agency members have knowledge of who and what is entering at the borders. Respondent, C1 says the BMA is encouraging all involved stakeholders to work together and not in silos because one of the contributing factors in illegal immigration and poor border control is departments not assisting one another to close all gaps that hinder legal entry into the country.

Furthermore, South African government can look into granting amnesty to illegal immigrants that are in the country, and this can be satisfactory as lots of jobs will be brought out of the black economy and the economy can actually develop while having illegal immigrants within the country. In Spain, amnesty was given to 700000 illegal immigrants and this helped the country's population and has helped fuel consumer growth in the economy (Tremlett, 2005). However, according to Inserra (2014), besides being costly to governments, amnesty will fail because instead of solving the problem it will contribute to more illegal immigration because illegal immigrants undermine the efforts to uphold the rule of law. It is only fair to acknowledge that the effective initiatives can be dented by human nature. Thus, amnesty does not guarantee that illegal immigrants will accept the incentives and go back home.

In addition, respondent A1 mentioned the DHA's special permit as a solution for illegal immigration. The respondent states that, this permit was for Zimbabweans and Lesotho migrants, but only a few came forth while others are still in hiding and refuse to come and apply for the special permit. Though this was a good initiative from the department, it still did not assist in minimising illegal immigration in the country. However, the study applauds the initiative and it could still work if it is handled properly. Moreover, other countries have come up with the guest-worker program; this programme was developed for illegal immigrants that are not willing to go back to their home countries. The program stipulates that once the period of work is expired, illegal immigrants must return home. This could be a remedial solution to curbing illegal entry into the country.

Consequently, countries could benefit from this program. For example, the government or the employer takes part of the guest workers program income and return it with interest if the guest-workers leave at the end of the contract period. Otherwise, the guest-workers would forfeit the income that was taken. This is done in Taiwan by companies recruiting foreign workers. Similar programs also exist in the UK for migrants from the Baltics who work on three-month contracts in the hotel industry whose salaries are deposited in their home bank accounts, and in the US where the same takes place with Jamaican workers. It also took place in the past with the Bracero Program where US employers were required to withhold 10% of Mexican workers' earnings and to deposit them in a Mexican fund which payable to these workers upon their return to Mexico. Therefore, if the migrant does not go back home, he or she forfeits their earnings (Pritchett: 2004).

The states need migration for development purposes and illegal entry can be prevented if South Africa could offer migrants compensation to go back to their home countries. According to McCabe et al (2009), a similar project was established in the wake of the global recession; many countries had to come up with creative ways to lessen the economic distress. Furthermore, Japan, Spain and Czech Republic had to introduce the voluntary return programs popularly known as "pay-to-go" programs, in an effort to reduce the number of illegal immigrants.

The border control contributes to the illegal entry into a country. According to Wayumba (2017), only 30% of the land boundaries have been mapped in Africa. Therefore, another solution that South Africa can explore is having drones patrol border entries to control the flow of illegal entry. In addition, mapping land borders will help in boosting the economic development and will contribute to better security of land ownership and knowledge of what is happening at the border entries.

The above mentioned solutions are just ideas that can be explored by South Africa to minimise the influx of illegal immigration in the country. The liberalist perspective supports such efforts of using soft power to ominously gain from the efforts without using hard power; however, the realist perspective emphasises the importance of guarding national security and promoting sovereignty of a state.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.1. Introduction

This chapter draws conclusions based on the research findings and literature review on illegal immigrants and weak border controls in South Africa, the recommendations based on the findings and literature review will also be included.

5.2. Conclusion

The conclusions that can be drawn from this study are drawn from existing literature and data findings. The liberalist and the realist theories have opposing views regarding migration especially now in the globalised world. On the one hand, liberalist states that there is a solution to immigration (illegal immigration). On the other hand realist argue that, immigration is a threat to security and should be handled with strict laws that will ensure justice is done to curb illegal immigration and weak border controls. Moreover, given the opposing interests of sending and receiving countries, participants expressed different views about the specifics of South Africa's migration and border management policies. Additionally, it can be agreed that South Africa needs an international migration policy that will promote national interests or security and sovereignty. The premise of South Africa's migration policy must encourage regional integration that will help develop the economy keeping in mind the geographic realities.

Though, it may be difficult to define national interest, there should be certain realities that should form the understanding of the term in the context of migration. South Africa needs an immigration policy with the principal purpose of attracting or recruiting skilled migrants for economic development and increasing the ability to educate South Africans to minimise unemployment.

Therefore, South Africa needs to welcome, with a minimum of conditions, any migrant with skills. Moreover, 'skills' must be defined widely to include anyone with formal tertiary qualifications from recognised institutions, as well as people with entrepreneurial ability and or significant experience in technical work and this can be done if migrants respect rules and laws of South Africa and ensure they enter legally and respect the visa requirements. The migration of people from the continent and region is no new phenomenon in South Africa as it dates back to the 1860's when migrants were recruited for cheap labour in the mining industry (IOM, 2005). Moreover, South Africa has a diversity of illegal immigrants (those that enter but over stay their visa requirements and those that acquire fraudulent documentation as well as those that work but have no work permits etc.). Furthermore, countries need

borders for the purpose of sovereignty and illegal entry of migrants may well undermine the state's ability to protect its citizens as posited by the realist perspective and this can aggravate social tensions. Furthermore, migration needs to be managed carefully and the implementation of any protocols on the free movement of people needs to be carefully considered by member states and by emphasising the importance of sovereignty.

South Africa faces a serious challenge in managing its borders, because as a reasonably rich country in a poor underdeveloped region, it has become a very attractive destination to potential migrants. In addition, South Africa has a steadily developing economy and trade relations with other neighbouring countries; it becomes a challenge to minimise the costs of cross-border trade flows (CDE, 2010). There is a need for effective border management that will ensure border security and control, to increase legal entry into the country because migration and other cross-border flows are most beneficial when they are properly regulated.

The policies and procedures that are in place must be enforced for legal entry reasons. Achieving the right balance of harshness and enforceability which does not merely induce migrants to use other means to cross the border as one respondent noted in the American migration policies in relation to Mexico will not help in reducing illegal immigration, though it is a significant example, it will not reduce illegal immigration into the USA but just suggests that human rights are violated.

Literature shows that the mechanisms like deportation and strict visa requirements put in place by South Africa to control illegal immigration are ineffective. Furthermore, Nshimbi and Fioramonti (2014) write that "the lack of a clear regional framework is also triggering continuous repatriations and 'emergency measures' such as forced deportations, which cost the South African government, while showing no effectiveness at controlling undocumented migration inflows, once they are deported they return back to South Africa either through informal routes or by bribing officials at the borders". The country's migration policy should emphasise national interest which will have rules that are clear, easily understandable, and easy to enforce. In addition, it must encourage the migration to South Africa of skilled foreigners, but all migration must be legal and properly documented and the migration policy should look to replace, reform and present a policy that will promote sovereignty and national interests. For South Africa to minimise the problem of illegal immigrants and weak border controls the study provides recommendations on how to achieve legal entry and proper border control.

5.3. Recommendations

The recommendations will focus on possible solutions to address illegal immigration and weak border controls in South Africa.

To maintain and increase efforts to ensure border security

The government should develop a system that will ensure that there is legal entry into the country, a strategic plan on border security or management that aims at, among other things, enhancing inter/intra-departmental or stakeholders to cooperate and work together. This can help in minimising the influx of illegal immigrants.

Skills development and collaboration for better border management or control

SAPS officials do not have the necessary knowledge to be placed at borders; the SANDF should be given the power to control at the borders. The commando system must be reinstated to help SAPS and SANDF with functions of handling illegal entry into the country and by training the commando system with special knowledge in border crimes, this will skill them to know how to deal or prevent these offenses. This can result in the SANDF focusing on the national security, while the SAPS and commando system will operate at the national borders 24 hours.

The government should look into increasing the quality of border officials to ensure that borders will be well capacitated with human resources as many borders in South Africa are understaffed.

The balancing of development and security priorities is necessary; because of lack of co-ordination of stakeholders South Africa fails to balance the two.

Framework to ensure border management

Creation of bilateral institutional framework that allows joint border management will work to ensure that the BMA is operational with issues of border management and control.

Migration policy forum

A migration policy forum needs to be established to do research that will identify the problems and solutions to illegal immigration and weak border control in South Africa. This can or will benefit the migration policy makers to make informative decisions regarding migration in the country. This forum will be beneficial to the government and stakeholders of the BCOCC, with information that will guide government and committees on what is needed to improve migration patterns in South Africa. The migration policy must construct security, national interests and sovereignty.

For corruption to be abolished amongst the border officials, the government and DHA should come up with strict laws that will be implemented to ensure that everyone partaking in corruption is dealt with by the law. This can help restore integrity and responsibility to officials that are representing South Africa. The curb of bribes from illegal immigrants to officials should be a priority for the Department of Safety and Security.

Employment at border posts

There is a shortage of border officials and inspectors, because of high unemployment rate; government should fill vacant posts at border posts, which will ensure that unemployed graduates get employed and receive training from DHA when occupying these posts. A turnaround strategy is needed to ensure provision of resources and manage illegal immigration.

The protocol on the facilitation of free movement of persons

The protocol should be amended and implemented to manage illegal immigration. According to the findings of the study, the protocol can only monitor the entry of immigrants but cannot detect and manage over stayers.

To conclude it, the South African government and the rest of the supporting structures for immigration and border control is currently facing major challenges that are not only hindering the national interest and sovereignty of the state, but could eventually lead to South Africa jeopardising its state relations with other African countries, which is not, by any means a positive outcome. As soon as government implements the above-mentioned recommendations, the results will not only minimize the problem of illegal immigrants and weak border controls in South Africa, but will also guide the government towards a new beneficial immigration policy for better enhancement of national security and sovereignty, which is essentially the core idea behind these recommendations.

Reference list

- Abrahams, C. 2016. Twenty Years of Social Cohesion and Nation-Building in South Africa, *Journal of Southern African Studies*, 42(1):95-107. <http://www.dx.doi.org/10.1080/03057070.2016.1126455> : 6 July 2016
- Adegoke, A. A., Iberi, P. A., Akinpelu, D. A., Aiyegoro and Mbotto C. I. 2010. Studies on phytochemical screening and antimicrobial potentials of *Phyllanthusamarus* against multiple antibiotics resistant bacteria. *International Journal of Applied Research in Natural products*, 3 (3):6 –2. 13 June 2016
- Adepoju, A. 2008. Migration in sub-Saharan Africa, *Current African Issues*, (37) Uppsala, The Nordic Africa Institute.
- Alabri, S.S., and Hilal. H.A. 2013. Using NVivo for data analysis in qualitative research. *International interdisciplinary journal of education*, 2(2): 181-182. http://www.ijoe.org/v2/IJJOE_06_02_02_2013.pdf : 12 August 2016
- Andale. 2015. Expert sampling/ Judgement sampling. *Statistics how to*: 11 May. <http://www.Statisticshowto.com/expert-sampling>: 20 August 2016
- Barbbie, R.E. 2001. *Practices of social science research*. 8th ed. USA: Oxford university press
- Babbie, E. 2001. *The Practice of Social Research*. USA: Thomas Learning Inc.
- Barrera, A. and Krogstad, J.M. 2015. What we know about illegal immigration from Mexico. Pew Research Centre. <http://www.pewresearch.org/fact-tank/2017/03/02/what-we-know-about-illegal-immigration-from-mexico>: 30 May 2015
- Battaglia, M.P. 2011. Non-probability sampling. *Encyclopedia of survey research methods*: SAGE. <http://www.researchgate.net/file.PostFileLoader.html?id...assetKey> : 17 June 2016
- Bless, C., Higson-Smith, C. and Kagee, A. 2006. *Fundamentals of social research methods: An African perspective*. Cape Town: Juta and Company Ltd.
- Bless C., Higson-Smith, C. and Sithole, L.S. 2013. *Fundamentals of social research methods: an African perspective*. 5th ed. Cape Town: Juta& company Ltd
- Bloemraad, I. 2011. “Two Peas in a Pod,” “Apples and Oranges,” and other Food Metaphors: Comparing Canada and the United States of American Behavioural Scientist 55(9): 1131-1159

- Britten,S. 2005. One Nation, One Beer. The mythodology of the New South Africa in advertising. Johannesburg: Wits (Thesis-PhD).
- Bryman, A. 2012. Social Research Methods. 4th ed. New York: Oxford University Press
- Burns, N. and Grove, S.K. 2003. Understanding nursing research. 3rd Ed. Philadelphia, W.B: Saunders Company.
- Carter, N., Bryant-Lukosius,D., DiCenso,A., Blythe,J and Neville, A.J. 2014. The use of triangulation in qualitative research. *Oncology nursing forum*, 41(5): 545-547
- Campell.K.E. 2008.Reflectionson illegal immigration in Botswana and South Africa, 21(2): 2-3
- Campbell, M. and Pantshwa, O. 2013. Addressing the impact of migration and urbanisation on housing delivery in small towns through Public Private Partnerships. <http://www.sahf.org.za/Images/2013%20Proceedings/Papers/PANTSHWA,%20OWETHU%20&%20CAMPBELL,%20MALENE.pdf> : 12 August 2016
- Corbin,J. and Strauss, A.L. 2008. Basic of qualitative research: Techniques and Procedures for developing grounded theory. 3rd and 4th ed. London: SAGE
- Creswell, J.W. 1998. Qualitative inquiry and research design: Choosing among five traditions. London: Sage
- Creswell, J., and Plano Clark, V. 2011. Designing and conducting mixed methods research. 2nd ed. Thousand Oaks, CA: Sage
- Danso, R. and McDonald, D. 2000. Writing Xenophobia: Immigration and the Press in Post- Apartheid South Africa Executive Summary. <http://www.queensu.ca/samp/publications/policyseries/policy17.htm>. 1 June 2017.
- Davidson, A. 2016. Is Illegal Immigration an Economic Burden to America? - Illegal Immigration. *ProCon.org*. <http://www.scribd.com/document/334335591/research-paper-revision>: 15 May 2017
- Day, C., Ataguba, J.E. and McIntyre, Di. 2015. Explaining the role of the social determinants of health on health inequality in South Africa. *Global Health Action*. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4575416/> : 16 August 2017
- DeFrancesco, T. 2015. Should undocumented immigrants in the United States be allowed to become legal residents? <http://www.2016elections.procon.org/> : 13 June 2016
- Department of International Relations and Co-operation. 2015. South Africa's position in the SADC region. <http://www.gov.za/about-sa/international-relations> : 16 June 2016

Dilshad, M.R, and Latif, M.I. 2013. Focus group interview as a tool for qualitative research: An analysis. *Pakistan Journal of Social Sciences (PJSS)*, 33(1): 192

Dornyei, Z. 2007. *Research methods in applied linguistics*. New York: Oxford University Press

Ellis, L.M., and Chen, E.C. 2013. Negotiating identity development among undocumented immigrant college students. A ground theory study. *J. Couns. Psychol*, 60. <http://www.ncbi.nlm.nih.gov/pubmed/23421773> : 2 October 2016

Etikan, I., Musa, S.A. and Alkassim, R.S. 2016. Comparison of Convenience Sampling and Purposive Sampling. *American Journal of Theoretical and Applied Statistics*, 5 (1): 2-4

Fontana, A. and Frey, J.H. 2000. Interviewing: The art of science. (In Denzin, N.K. and Lincoln, Y.S., ed. *Handbook of qualitative research*. Thousand Oaks, CA: SAGE. 361-376)

Given, L.M. 2008. *The SAGE Encyclopedia of Qualitative Research Methods*. New York: SAGE Publications, Inc.

Goitom, H. 2013. *Citizenship Pathways and Border Protection: The Law Library of Congress, Global Legal Research Centre*. http://www.loc.gov/law/help/citizenship-pathways/2013-008872_final_rpt.pdf : 5 May 2016

Google Maps. 2016. South African borders. <http://www.south-africa-tours-and-travel.com/map-of-south-africa.html> : 26 August 2016

Habib, A. 2003. *Hegemon or Pivot: Debating South Africa's role in Africa*. Paper presented at Centre for Policy Studies, in conjunction with the Open Society Foundation of South Africa. <http://www.sarpn.org/documents/d0000620/Pivotalstate.pdf>: 25 July 2016

Hanlon, B. and Larget, B. 2011. *Samples population*. Department of Statics: University of Wisconsin-Madison. <http://www.stat.wisc.edu/samples>: 2 July 2016
Hanson, G.H. 2017. What Donald Trump's latest executive order means for illegal immigrants. *The Economist*: 22 February <http://www.economist.com/blogs/graphicdetail/2017/02/daily-chart-18>: 28 February 2017.

Hennop, E., Jefferson, D. and McLean, A. 1998. *The challenge to control South Africa's borders and borderline: Pretoria. Institute for Security Studies*. <http://dspace.africaportal.org/jspui/bitstream/123456789/31490/1/Mono57>: 31 January 2017

Hildingh, C., and Fridlund, B. 2000. Social network and experiences of social support among women 12 months after their first myocardial infarction. *Int J Rehab health*, 3. [http://www.intensivecriticalcarenursing.com/article/S0964-3397\(13\)00070-0/PDF](http://www.intensivecriticalcarenursing.com/article/S0964-3397(13)00070-0/PDF): 23 July 2016

- Holloway, I. 2005. *Qualitative research in health care*. United Kingdom: McGraw Hill Education
- Hsieh, H.F, and Shannon, S.E. 2005. Three approaches to qualitative content analysis. *Qualitative health research*, 15(9):1277-1288. <http://www.design4complexity.com> : 12 August 2016
- Immigration Act (2002) Act No. 13 of 2002. Vol. 443. South Africa. <http://www.gov.za/sites/www.gov.za>: 1 May 2016
- Kasimis, C. and Papadopoulos, A.G. 2012. *Migrants in Greece: Employment and Integration in Local Societies*. Alexandria: Athens
- Kearney, J. 2013. Intervention: When, Why and How? <http://www.publications.parliament.uk/pa/cm201314/cmselect/cmdfence/writew/intervention/int02.htm> : 20 May 2016
- Krippendorff, K. 2004. *Reliability in content analysis: An introduction to its methodology*. Thousand Oaks: SAGE
- Kunene, T. 2014. Porous borders: a threat to SA security. *Bulawayo24 news*, 26 November. <http://bulawayo24.com/index-id-opinion-sc-columnist-byo-58303.html> : 5 June 2017
- Landau, L. and Vigneswaran, D. 2008. Which Migration, What Development? Critical perspectives on European – African Relations. http://www.hanns-seidel-stiftung.de/downloads/Bruessel_Redebeitrag_Landau.pdf: 26 July 2016
- Legrain, P. 2007. *Immigrants: Your country needs them*. USA: Princeton University Press.
- Lehohla, P. 2015. *Migration dynamics in South Africa*. Pretoria: Statistics South Africa. <http://www.statssa.gov.za/publications/Report-03-01-79/Report-03-01-792011.pdf> : 14 May 2016
- Lobiondo-Wood, G. and Haber, J. 1998. *Nursing research*. 4th edition. St Louis. CV Mosby
- Lombard, L. 2016. All South Africa's official points of entry. *Traveller24*, 6 April. <http://m.traveller24.com/traveller/TravelPlanning/map-all-sas-official-points-of-entry-contact-details-20160406> : 8 August 2016
- Lott-Lavigana, R. 2017. How many illegal immigrants are in the UK? *Newstatesman*, 7 February 2017. <http://www.newstatesman.com/writers/319926>: 15 June 2017
- Mack, N., Woodson, C., Macqueen, K.M., Guest, G., and Namey, E. 2005. *Qualitative research methods: A data collector's field guide*. Family health International North Carolina, USA

- Malakolunthu, S. 2007. *Teacher learning in Malaysia: problems and possibilities of reform*. Kuala Lumpur: University of Malaysia Press
- Mathers, N., Fox, N., and Hunn, A. 2002. *Trent focus for research and development in primary health care. Using interviews in research project*. Sheffield: Institute of General Practice. <http://www.citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.564.11&rep=rep1&type=pdf> : 15 June 2017
- McMichael, C. 2012. *Hosting the world. The 2010 World Cup and the new military urbanism*, 16(5). <http://dx.doi.org/10.1080/13604813.2012.709363> : 17 February 2017
- Mills, J., Hoare, K., and Francis, K. 2010. *Shifting, sorting and saturating data in grounded theory study of information use by practice nurses: A worked example*. *International journal of nursing practices*, 18(6): 1-4. <http://www.researchonline.jcu.edu.au/24486/4/24486.pdf> : 6 June 2016
- Mirilovic, N. 2009. *Regime Type, Security and the Politics of Migration*. Doctor of Philosophy. University of Chicago
- Mouton, J. and Marais, H.C. 1996. *Understanding social research*. Pretoria: Van Schaik Publishers
- Mouton, J. 2013. *How to succeed in your Master's and Doctoral studies: A South African guide and resource book*. Pretoria: Van Schaik Publishers
- Newham, G. 2016. *SAPS arrests illegal immigrants*. Institute of security studies: Pretoria. <http://www.immigrationsouthafrica.org/blog/saps-arrests-illegal-immigrants/> : 12 September 2017
- Palinkas, A.L, Horwitz, S.M., Green, C.A., Wisdom, J.P., Duan, N., and Hoagwood, K. 2013. *Purposeful sampling for qualitative data collection and analysis in mixed method implementation research*. *Adm Policy Ment Health*, 42(5): 533-544. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4012002/pdf/nihms-53840.pdf> : 12 September 2016
- Parkinson, G., and Drislane, R. 2011. *Qualitative research*: In Online dictionary of the social sciences. <http://bitbucket.icaap.org/dict.pl>: 16 February 2017
- Patton, M.Q. 2002. *Designing qualitative studies excerpt: Purposeful sampling in Qualitative research and evaluation methods*. 3rd ed. Thousand Oaks, CA: Sage.
- Shangquan, G. 2000. *Economic globalisation: Trends, Risks and Risk prevention*. Beijing University: Thesis -PhD. <http://www.un.org> : 8 May 2016
- Smiti, M.D. 2016. *Liberals facing calls for longer term solutions to illegal immigration from US*. <http://www.nationalpost.com/news.politics/> : 5 June 2016

Snyder, C. A. 2008. Contemporary Security and Strategy. (In Snyder, C.A. Contemporary Security and Strategy). London: Palgrave Macmillan

Solomon, L. 2016. Illegal Immigration and Deportation. *National post*.
<http://www.nationalpost.com/tag/illegal-immigration-and-deportation>: 1 August

Solomon H, .2000. Contemplating the impact of illegal immigrants on the Republic of South Africa. Centre for International Political Studies. Pretoria: University of Pretoria.

Springford, J. 2013. Is immigration a reason for Britain to leave the EU?
http://www.cer.org.uk/sites/default/files/publications/pb_imm_uk_27sept13.pdf : 8 September 2016

Tati, G. 2008. The Immigration issues in the post-apartheid South Africa: Discourses, policies, and social repercussions. *Espace Populations Sociétés*, 3:423-440.

Thomas, D.R. 2003. A general inductive approach for qualitative data analysis. School of population Health University of Auckland, New Zealand. <http://www.netdna-cdn.com>: 16 October 2016

Thomas, P. 2001. Citizenship and globalisation. *Ethnopolitics*, 4 (1): 9

Tibane, E. 2016. South Africa year book. 2015/16. International Relations. Cape Town: SAIIA.

<http://www.gcis.gov.za/sites/www.gcis.gov.za/files/docs/resourcecentre/yearbook/InternationalRelations-SAYB1516.pdf> : 30 November 2016

Van Wyk, B. 2015. Research design and methods. Part I.
[http://www.uwc.ac.za/Students/Postgraduate/Documents/Research and Design.pdf](http://www.uwc.ac.za/Students/Postgraduate/Documents/Research%20and%20Design.pdf) 12 February 2017

Van Wyk, M. 2015. Educational research: An African approach. Oxford University Press Southern Africa.
<http://www.google scholar.co.za/research>: 9 August 2017

Wainwright, M. and Russell, A. 2010. Using NVivo audio-coding: practical, sensorial and Epistemological considerations. Social research update. United Kingdom: University of Surrey Guildford.
<http://www.sru.soc.surrey.ac.uk/SRU60.pdf> : 16 July 2016

Wiles, R., Crow, G., Heath, S. and Charles, V. 2008. The management of confidentiality and anonymity in social research. International journal of research methodology, 11(5). <http://www.dx.doi.org/10.1080/>: 12 June 2016

Wilkinson, K. 2015. Do five million immigrants live in South Africa? *Mail & Guardian*, 6 May.
<http://www.mg.co.za/article/2015-05-06-do-5-million-immigrants-live-in-sa>: 30 April 2016

Zamawe, F.C. 2015. The implication of using NVivo software in qualitative data analysis: Evidence-Based reflections. *Malawi Medical Journal*, 27(1).

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC4478399/pdf/MMJ2701-0013.pdf> : 8 September 2016

Zhi, H. L. (2014). A comparison of convenience sampling and purposive sampling. PubMed.

<http://article.sciencepublishinggroup.com/pdf/10.11648.j.ajtas.20160501.11.pdf> : 23 June 2016

APPENDIX A: STRUCTURE RUBRIC USED FOR FOCUS GROUP DISCUSSION OR INTERVIEWS.

NUMBER OF RESPONDENT	AGE OF RESPONDENT	GENDER OF RESPONDENT	EDUCATIONAL LEVEL	NUMBER OF YEARS IN SA