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The human security of Asylum seekers in South Africa: in what ways can a human security lens contribute to the construction of South Africa's forthcoming 2016 Green Paper on International Migration?

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The Human Security of Asylum Seekers in South Africa:

In what ways can a Human Security lens contribute to the construction of South Africa's forthcoming 2016 Green Paper on International Migration?

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A thesis submitted for partial fulfilment of the requirements for the Degree of Masters in Migration and Displacement at the University of the Witwatersrand and the African Centre for Migration and Displacement

10 April 2018

Dedicated to my grandparents:

Maggie Raisibe Mgidi

And

Jonas Msongela Mgidi

Declaration

I declare that this thesis is my own, unpaid work. It is being submitted for the Degree of Masters of Migration and Displacement at the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination at any other University.

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(Signature of candidate)

_____ Day of _____20_____in_____

Abstract

Using the human security lens to analyse the status determination process that asylum seekers in South Africa are subjected to, can bring light to a number human (in) security challenges that they face. Therefore, numerous immigration policies such as the 2017 White Paper on International Migration and the 1998 Refugees act no 130 pose a great danger to the human security of the asylum seeker. In addition to the influence and being the motivation behind the creation and the establishment of the Border Management Agency. Since according to the 2017 Border Management Authority Bill, which will subject the asylum seekers to greater difficulties when going through the status determination process in refugee reception offices across the country.

This lens of analysis helps bridge the gap between the policy development stage and the policy application stage particularly the crucial aspect of the administrative process of applying for asylum in South Africa.

This paper argues for the use of a human security lens to the manner in which immigration policies directed to asylum seekers are developed and constructed. Furthermore, by analysing both international and national legislation on asylum seekers, it is argued that they do not adequately account for the asylum seeker during the asylum status determination process.

Once the analysis is conducted, a conclusion is drawn that immigration policies such as the 2017 White Paper on International migration pose a great to the three freedoms (freedom from want, freedom from fear and freedom to live in dignity) that are essential components of the human security lens. That also highlights the continuous threat to asylum seekers and is breathing ground for further securitization of the asylum seekers in the status determination process.

Hence, the creation of the Border Management agency. In conclusion it is advised that a human security lens is used as an analytical framework that will ensure that future immigration policies directed at asylum seekers are people-centred, context specific, comprehensive and prevention-oriented.

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- Jesuit Refugee Services (JRS)
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Acronyms

ACMS	African Centre for Migration & Society
ANC	African National Congress
DHA	Department of Home Affairs
CSSDC	Conference on Security, Stability, Development, and Cooperation in Africa
CORMSA	Consortium for Refugees and Migrants South Africa
FSS	Feminist Security Studies
JSR	Jesuit Refugee Service
ISS	Institute for Security Studies
LHR	Lawyers for Human Rights
NGO	Non-governmental organisation
NDP	National Development Plan
OAU	Organization of African Unity
RRO	Refugee Reception Office
RSDO	Refugee Status Determination Officer
RSA	Republic of South Africa
SADC	Southern African Development Community
UNDR	United Nations Development Report
UNHCR	United Nations High Commissioner for Refugees

Chapter 1: Introduction

The democratic transition in South Africa can be characterized by the manner in which human rights issues came to the forefront of the discussion. The appreciation of human rights issues in the country, is highlighted by the commitment to conventions such as 1951 Convention relating to the status of refugees and the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa. It is therefore problematic that human rights violations are still prevalent in South Africa today. Issues such the presence of widespread xenophobia attacks, the lack of protection for asylum seekers, unethical practices in the asylum system "Such animosity has motivated anti-immigrant riots, violence, and prejudice which has negatively impacted refugee protection" (Gordon, 2014, p. 2).

South Africa has been a receiver of a number of immigrants, and a number of them are asylum seekers due to forced migration that is often a result of human security challenges. Challenges such as the high levels of political instability, the lack of social stability and political repression (Hagen-Zanker, 2008).

Furthermore, the constant lack of regard for the (human) security of citizens in their home countries, which then results to forced migration (as a push factor). Not only highlights the importance of using the human security lens on issues pertaining to human rights that are prominent when assessing both the push and pull factors of immigration. However, it highlights the importance of also addressing the manner in which the state/ the government is often the source of (in) security that often pushes its citizens to flee the country as they may be persecuted due to their race, nationality, religious associations etc. to seek protection elsewhere.

It is therefore the reason why a human security lens can be applied as a mode of analysis, beyond the borders of the country of origin of the asylum seeker. It should also be used as a means of analysis for the protection for the asylum seeker, particularly once they have arrived in the receiving country, which in this case is South Africa.

In the post-apartheid era, the South African government opts to advocate and acknowledges that there is a need to focus on the protection of the human rights and the safety of immigrants coming into the country. Furthermore, being signatory to the conventions such as the 1951 Convention relating to the status of refugees and the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa. Places the South African Government along with key stakeholders such as the Department of Home Affairs as key players that are held responsible for ensuring that immigration policies reflect the key principles that drive both the 1951 Convention relating to the status of

refugees and the 1969 Organization of African Unity Refugee Convention and are centred on advocating for the human rights of asylum seekers.

The use of these immigration policies such as the 1998 Refugees Act No. 130, the 2016 Border Management Authority Bill and the 2017 White Paper on International Migration in the South African context should rightfully reflect both the shift into a democracy. However, this is not the case as the numerous immigration policies that have come about in the post-apartheid era continue to fail to adequately protect the asylum seeker and their human rights. The growing systemic inequality (in the form of corruption in the refugee reception offices), violence and xenophobic attacks towards immigrants is evidence of the lack of a human security centred lens and approach regarding to both developing and applying the immigration policies.

This is why the focus of this research report is to explore how a human security lens can be used as an analytical framework to unpack and analyse the unsatisfactory features in the immigration policies that have become part of the post-apartheid era.

Building from previous literature and research reports that document the challenges that asylum seekers face on a daily basis while going through the status determination process. The focus of this report is based on connecting the issues found in the status determination process, with the inadequacies of the immigration policies, namely the 1951 United Nations Refugees Convention; the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa; 1998 Refugees Act (No.130); 2016 Border Management Authority Bill and the 2017 White Paper on International Migration for South Africa. A further analysis is done by highlighting how a human security lens can be applies by ensuring that the immigration policies are centred around ensuring that they reflect the principles of freedom of fear, freedom from want and the freedom to live in dignity. By exploring the use of the human security lens that is people-centred, comprehensive, and context-specific and prevention oriented.

Overall advocating for the use of a human security lens, with the prospect of creating a better status determination process for asylum seekers. Rather than subjecting asylum seekers to further securitization through the establishment of the Border Management Agency. That sees the prospects of further securitizing the asylum seeker and addressing the asylum seeker as a threat and a source of (in) security, rather than someone who seeks protection and security due to the threats by the state, both at his/her country of origin and in South Africa once applying for asylum/protection.

This study only uses the human security lens at the planning and development stage of policy construction. However it opens up the platform for further use and implementation of the human security analytical framework for future studies. To improve the issues that asylum seekers confront in the status determination process and their livelihoods as refugees in South Africa.

1.1 Research Question

The research is exploratory and seeks to explore how applying a human security lens to the development and application of immigration policies in South Africa may contribute to a better lived experience for asylum seekers. In particular, the study focuses on immigration policies that are constructed for the management of asylum seekers in South Africa.

- In what ways can a human security lens contribute to the development of future immigration policies (such as the 2016 Green Paper on International Migration, currently the 2017 White Paper on international Migration), that guarantee the security of asylum seekers in South Africa?

1.2 Rationale

The purpose of this study is to explore the how the use of the human security lens on policy development would benefit asylum seekers in South Africa. By using the human security lens to explore how a human security centred approach to security and policy development has the potential to improve the experience of the asylum seeker particularly in the status determination phase. As using a human security lens and analysis for policy development ensures that the human person who is in this case the asylum seeker in South Africa, is prioritised at all times. By ensuring that the asylum seeker is the referent object of security and not regarded as the threat to the country's national security .Using this approach to developing immigration policies in South Africa, not only assures the security of the asylum seeker, but also highlights how the immigration policies in South Africa do not adequately accommodate the paradigm shift to Human security in policy development.

1.3 Research Objective

- To explore what how a human security lens can help inform the construction of future immigration policy in South Africa.

Chapter 2: Research Methodology

The aim of this research is to explore, how a human security lens can contribute to the development of immigration policies that guarantee the security of asylum seekers in South Africa.

As an exploratory research project “Research whose primary purpose is to examine a little understood issues or phenomenon and to develop preliminary ideas about it and move towards research questions” (Neuman, 2011, p. 38), a qualitative approach is used to further understand and comprehend the various ways in which the human security of asylum seekers is understood within the study of migration, through policy development. Furthermore, engaging with the use of a pragmatic human security lens, as an analytical framework for both policy analysis and policy development.

This section of the research design and methodology, I will provide a framework indicating the process of undertaking a qualitative research “ Qualitative research is a research strategy that usually emphasizes words rather than quantification in the collection and analysis of data” (Bryman 2012, 380). Most importantly how the research at hand has been conducted to ensure that it provides an answer to the proposed research question and the objectives of the research project.

Therefore, as an exploratory research report the focus of this study is based on understanding and unpacking the policy making process along with its main motives and goal. This is why the research conducted is based on attaining an understanding perspective from the policy makers and individuals who are tasked with challenge of using these policies to protect and be of service to asylum seekers in South Africa.

The conclusion drawn in this research report are based on the information accumulated from, semi-structured interviews and analysis of the policies that govern and guide the asylum system in South Africa. Thus, the qualitative nature of the research is substantiated by the use of secondary data and literature, a policy analysis and a document analysis in the form of newspaper reports.

A close reading of previous literature, in the form of research reports, newspaper articles and journal articles. These various forms of literature (Migrant Rights Monitoring Programme, 2008), (Amit 2010), (Amit 2012), (Amit, 2012), (Amit, 2015) contributed largely to the research report at hand. As it is important to keep track of the multiple dialogues that surround topic of immigration and human security in South Africa. With a specific look at asylum seekers in the country and how policies that are intended to address the asylum seeker are developed and what factors have come to influence them.

As an integral component of this research, the desktop research is completed to obtain previous literature for analysis. To both study and use to support the argument made throughout the research report. The documented lived experiences found in previous literature, informed the present-day condition of immigration and human security concerns in South Africa. Also taking into account the numerous studies that were conducted with the intention of documenting the lived experienced of the asylum seeker. Particularly how immigration policies developed have had and continue to have an impact on them.

Semi-structured interviews whereby "The researcher has a list of questions or fairly specific topics to be covered, often referred to as an interview guide, but the interviewee has a great deal of leeway in how to reply"(Bryman 2012, 470) were also conducted. To further explore the discourse of the human security of asylum seekers in South Africa. From those who are believed to have more of an input into the development of policies, Non-governmental Organization officials and Government officials.

The integral component of the study is to ensure that there is an interplay between the theory and the data collected. Data in the form of the previous literature and the data collected from the semi-structured interviews. It is imperative to conduct a qualitative research study to not only answer and address the research objectives, but to also match the literature at this current stage.

As the main and integral component of this research, a desktop research is carried out to get a perspective of the documented lived experiences that asylum seekers and the difficulties that they face on a daily basis win the status determination process. The numerous studies that were reviewed in the literature review documented the difficulties found in the status determination process, due to the disengagement between policy development and policy application (particularly in the status determination process). Therefore, the previous literature such as (Migrant Rights Monitoring Programme, 2008), (Amit 2010), (Amit 2012), (Amit, 2012), (Amit, 2015) is a guide for the policy analysis.

Semi-structured interviews were conducted to gather more information on the manner in which immigration policies like the 1998 Refugees Act (No. 130), 2016 Border Management Authority Bill and the 2017 White Paper on International Migration are used and received by the asylum seekers that they interact with and assist on a day-to- day basis. This includes non-governmental organisations such as the Jesuit Refugees Service (JRS) and the Coordinating Body of Refugee Community & Migrant Communities (CBRCMC) work with assisting asylum seekers through the status determination process.

Moreover , research organizations such as the Institute for Security Studies (ISS), Gauteng City-Region Observatory (GCRO) and the African Centre for Migration and Society (ACMS), conduct research on the various immigration issues that also pertain to the topic surrounding Human Security and the immigration policies directed at asylum seekers in South Africa and the rest of the continent.

The interviews are a comprehensive tool as they have reinforced recurrent and important themes were deduced from previous literature that has documented status determination process and its challenges are documented by Roni Amit (Amit 2010), (Amit 2012), (Amit, 2012), (Amit, 2015) and the Lawyers for Human Rights (Lawyers for Human Rights, 2008) and (Ngwato, 2017). These themes are the crucial drivers of the research report at hand and help substantiate the argument of the importance on using a human security lens on immigration policies directed to asylum seekers in South Africa.

2.1 Ethics

An ethical clearance was received for the research report in November 2016.

- Prior to engaging in the interviews with the participants (officials) an information sheet was provided, Consent (verbal or written) was given to the participants (interviewees) to take part in the interviews at an agreed upon venue.
- Consent (written or verbal) was given to use an audio recording device to record the interview.
- Consent (written or verbal) was given to take notes during the interviews.
- Consent (written or verbal) was given to use the responses for a variety of subsequent purposes.
- Consent (written or verbal) was given to keep the tapes/recording s for 2 years after publication, or 6 years if no publication results.

2.2 Limitations

In this section, I will discuss the limitation of the research at hand

1. Due to the limited time, a larger catalogue of officials such as lawyers who work on cases pertaining to the protection of asylum seekers.
2. Authorization and permission to conduct interviews was declined by officials from the Department of Home Affairs. The following reasons were stated:
    - The proposed research study is currently considered to be a sensitive matter and cannot be authorised.
    - The proposed research study has potential risk if negatively affecting the reputation of the department in relation to the progress made thus far in protecting the human rights of asylum seekers and to the developed immigration policies.

Failure to conduct interviews with the officials from the DHA, can limit the diverse perspectives that would have provided a perspective and account from both sides. As key stakeholders in the development of immigration policies and the protection of asylum seekers in South Africa.

Chapter 3: Literature Review

As an exploratory research report, it is important that the literature reviewed supports the core argument. It is therefore for this reason why this literature review will provide some context and background to key concept such as human security.

The purpose of this literature review is to analyse the dynamics of the human security context, its origin and most importantly is relevance and connection with its use in the South African context.

The central intention of this literature review is to outline the themes that form a central part of the research project at hand and synthesise a human security lens to the asylum seekers' discourse. Moreover, how this falls within the discussions on the policies targeted at im/migration in the country, with specific focus on asylum seekers and their human security.

The literature is structured on the themes that are informed by the secondary analysis, and the literature review conducted. As way of unpacking and contextualizing, the study within previous literature and the current state of the asylum seeking discourse both in the world but most importantly in South Africa. These themes highlight the recurrent issues that are prominent within the discourse and are often overlooked in the developmental stages of many immigration policies in South Africa. Moreover, at the implementation stages of these policies.

A background to the study is provided to provide some context on the status of the immigration discourse in the country and the direction it is to take in the next coming years. With the background analysis, the (human) security is the asylum seeker is problematized and thus is unpacked as a paradigm shift. From the traditional conceptualization of security to a people oriented perspective of security, human security. The exploration of the concept of the asylum seeker is undertaken in-order to clarify the *referent object* of security within this context specifically. In addition, by clarifying the conceptualization of both human security and who is classified as an asylum seeker in South Africa.

A review is conducted to understand the recurrent themes and (in) securities that they face. Along with a review of the protection mechanisms that are put into place to protect the asylum seeker in the country, in the form of policies. This approach of review informs the research question at hand on in what ways can a human security lens contribute to the development of immigration policies that guarantee the security of asylum seekers in South Africa.

3.1 Security

The central theme of the human security lens cannot be understood independently from the history of security. Both as a contested concept and a representation of the trajectory of security in the study of international relations. Security as a concept is substantially founded on a realist school of thought in international relations. Where the focus is concentrated around conditions of the (in)security of one state, and the threats posed by another state "Those who favour the approach through power derive their thinking from the traditional Realist school of International Relations pioneered by E.H. Carr and Hans Morgenthau"(Buzan 1983,1).

The realist understanding of security explores both the motives and behaviours of states through their ability to exercise power. Not only in relation to other states but also how their national security is can be threated and put into danger as a result. The realist approach to security is also one that has been consistent in the Cold-war era. Where the understanding of the concept of security did not accommodate other forms of threats and only regarded the state as a referent object of security "The traditional view of security has focused on using the military to ensure the territorial integrity of sovereign states. Security studies and the security establishment have long been focused on foreign and defence policy mechanisms to avoid, prevent, and if need be win interstate military disputes" (King & Murray, 2001-02, p. 588).

The traditional conceptualization of security is based on the following characteristics:

- ✓ Referent object –the state
- ✓ Values at risk- Sovereignty, territorial and integrity
- ✓ Source of threat – Other states (sub-state actors)
- ✓ Form of threat – Military attack (Moller, 2009)

The paradigm-shift in Security is motivated by the experience of past events. Such as the Treaty of Westphalia, the two World Wars, and the Cold War, where the notion of security was heavily based on the idea of national security "The Cold War was also a large international conflict. Like two world wars and the French Revolutionary and Napoleonic Wars, it came to an end with momentous changes in the political configuration of Europe, and it, too, has been followed by a new political interest in principles of security" (Rothschild, 1995, p. 53) . Referring to the state as the referent object thus ensuring that security is provided to the state to help ensure that the state was secured and protected at all times. Definitions and the contestation of security as a concept is proven through the various schools of thought that have emerged throughout the years.

Different takes and perspectives on security has created an agency that is not based on the traditional idea of security. This is why the emergence of human security as another facet of security is important to the understanding of the history of Security as a concept.

However, human security as a concept does not and cannot share similar conceptual qualities like those of national security. This is evident in the justification, operationalization, and conceptualization of the realist definition of security "Do those who object to *privileging* the nation-state rather than, say, the individual or humanity share any conceptual views with students of *national security*"(Baldwin 1997, 5)

Security as a concept has over the years become a highly contested concept constantly questioned as it has the potential to not only redefine policy agendas and to support the State's National Security as the primary sufferer "A second purpose of principles of security is to guide public opinion about policy, to suggest a way of thinking about security, or principles to be held by the people on behalf whom policy is to be made"(Rothschild 1995, 58). Security as a concept that is operationalized through a lens that emphasises the state as the referent object and thus, ensuring that the concept of security in itself is understood and operationalized through state/national security.

Initially the idea of international security was the constantly debated, with a particular focus on the on the protection of the state against both internal and external security threats "International security' was not about replacing the security of the state with the security of humanity, or the individual or minorities within or across state boundaries. Securing the state was seen instrumentally as the best way of protecting other referent objects"(Buzan and Hansen 2009, 11). However the chosen mechanisms, to address various forms of (in) security.

Be it a threat to the state or to its citizens the picture is often painted through Thomas Hobbes' idea of the state of nature:

> "He described the 'natural condition of mankind' without political rule as one of the ferocious competition for the necessities of life, leaving people in constant fear in case they should be robbed or attacked, and constantly inclined, therefore, to strike at others first" (Miller, 2003, 22).

Thus, the evolution of security or International Security Studies (ISS) has constantly relied on the ability to secure the state. To guarantee security to other facets such as humanity and what is known today as human security. The challenge posed by the motives behind the Cold War to the conceptualization of a national security by making the state the referent object as a means of also addressing other forms of (in) securities that are not only a threat to the to the state. However, to the citizens themselves, has put into question the nature of the traditional approach to security. The Cold War was not only a conflict over ideologies (Communism vs. Capitalism) but a way in which the concept of security is further scrutinized as an underdeveloped concept that needs to be further developed.

Hence, the emergence of concepts such as positive and negative peace and common security. Of which encompasses both the Feminist Security approach and Post-structuralism "Common Security, Feminism and Post-structuralism – which grew out of early 1980s Peace Research, yet, particularly in the case of the latter two, intersected with social, political and feminist theories that propelled them away from the mainstream of Peace Research as the Cold War ended" (Buzan and Hansen 2009, 135). The creation of the above-mentioned approaches is established to question and scrutinize the conceptualization of security.

Furthermore, using the state as the referent object of security. Without looking further than the state as the solution and provider of security to its citizens and those who are categorised as non-citizens (Migrants). But also, thinking of the state as the threat to the security of the citizens (human security).

The state has the capacity and power to infringe upon the security of *both citizens and non-citizens (Immigrants e.g. Asylum Seekers)* of which they are accountable to "the state as the protector of 'its citizens' security and the state as a threat to its own individuals, and that this was an inherent one rooted in the nature of political collectivises" (Buzan and Hansen 2009, 136). The Feminist Security Studies (FSS) approach brought about the agency of the security of the individual, a suggested by Tickner (1992) on the non-gendered perspective on Global Security.

This perspective a promotion of individual security, not only puts more emphasis on the gendered international relations. Also, highlights the various types of human (in) securities that are intersectional in nature and cannot be thought of as uniform human security issues that affect all equally. Moreover, what seems to be at the very core of the gendered nature of security is the notion of identity. How your identity places you as a pre-given subject who is structurally disadvantaged, hence the intersectionality of being a woman, black and a migrant. Belonging within a specific identity group already places you at a position that you then face other forms of human security problems that might not be regarded as the 'proper' security issues.

Numerous migration policies tend to face the same predicament, there is a constant need to compartmentalize migrant groups into one unit "A neat compartmentalization based on purpose of migration is, thus, misleading as it is out of tune with the empirical messiness" (Huijsmans 2012, 32). Thus, not adhering and tackling the human (in)securities of migrant groups individually, such as in the case of asylum seekers and refugees. The FSS highlights a significant aspect of the much-needed shift in the security discourse, by bringing to the fore the human securities that are unique to specific (identity) groups.

This ties in very well with the emergence of human security. As previously established the Security discourse cannot and should not be founded upon the external threats only. Rather, internal threats, such as social constructs and structures should be further investigated as a threat. A threat that is not confounded to our national borders but also is the case in global/international politics "Poststructuralists argued that security policies were directed

not only against an external Other – usually other states and alliances- but also against internal Others as these were 'located in different sites of ethnicity, race, class, gender, or locale" (Buzan and Hansen 2009, 143).

The explanation of a concept like 'security' is one that not only informs a specific context and a specific history of the concept. However, it further informs new concepts that are developed under the same guise as security, such as human security. Moreover, it is thus important according to post-structuralist's to go through a process of conceptual explication

> "Taking its departure from the customary meanings of the terms, explication aims at reducing the limitations, ambiguities, and inconsistencies of their ordinary usage by propounding a reinterpretation intended to enhance the clarity and precision of their meanings as well as their ability to function in hypotheses and theories with explanatory and predictive force" (Baldwin 1997, 7).

In order to further engage with the history of security from its very origin and the context in which it exists in today. This is in the form of one the significant paradigm shifts which is the idea/concept of Human security.

- Referent object of security in human security.

Liberal ideals and globalization in the post-Cold War era have also reinforced the North-South division that is split according to the economically developed North and the developing South. However, becomes further complicated when looking into the similar pattern of division in the developing South, (Tobias 2012), especially when studying the patterns of migration in these developing areas like Africa for instance.

The post-Cold War era not only highlights the importance of the paradigm-shift of human security but within the South African context the change of a regime that was highly unsustainable. Thus, the de-escalation of the Cold War made it rather acceptable for a political party and liberation movement such like the African National Congress (ANC) to become the ruling party in South Africa. Within the African spectrum, the post-Cold War era also brought into question the state of security within the African continent, and countries such as Somalia and Ethiopia are countries often regarded as the orphans of the cold war.

As civil wars in these countries go hand in hand with the post-cold war era, and helps to signify the importance of placing human security as primary agenda especially for migrants who were and are constantly on the move due to conflicts in civil war countries like Ethiopia and Somalia "The spread of the Cold War was not limited to the southern part of the continent, for it also affected East Africa. In 1974 a coup in Ethiopia dethrones Emperor Haile Selassie" (Best et, al. 2008, 415)

The contestation of the concept of security is also founded upon the idea that the concept is narrow and should be explored in other forms of security that are not only and entirely

confounded on the “day-to-day policy issues and conventional modes of thought that have grown up around them”(Buzan 1983,10).

However, rather an expansion into human security is a step into diversifying security as a concept. Literature on security as stated in Buzan’s People, States and Fear National Security (Buzan 1983) also indicates the inherent problems of the conceptualization of security as a concept. Which has also become apparent when both conceptualizing and operationalizing human security, not only as a breakaway from the traditional understanding of security, but also as a mode of measurement and a lens to a people-centred approach to security.

This approach to security is what the United Nations Development Report (UNDR) in 1994 was founded on, and continues to shape the understanding and approach to human security today.

3.2 Human Security

The affirmation of the concept of human security within the various areas such as academia, policy making, non-governmental organizations (NGO) and state institutes, not only underlines its importance as a study/discipline. Furthermore, as a plausible paradigm in the study of security that is both relevant and applicable to both citizens and non-citizens (e.g. Asylum seekers). By venturing out into other various disciplines such as migration, human security has the potential to shape the manner in which issues pertaining to human rights are being attended to and addressed "Population displacement are more than ever perceived as a threat to economic, social and environmental stability as well as political security" (Adelman , 2001, p. 7) . These human rights issues account for both individuals being citizens of a country and them being foreigners elsewhere in the world.

It is therefore, important to ensure that even though the idea of Human security is often perceived and applied in an anti-state manner. With the objective of promoting a libertarian approach to the security that takes into account the human person, even beyond the borders of their country of origin.

It is important to also acknowledge and support the idea of having a national security agenda that also takes responsibility of the various roles it should also be playing when it comes to addressing the needs of the citizens of a country.

Thus, not entirely diminishing the correct and ethical roles that the state should be rightfully playing. Such as prioritising the well-being and security of the citizens.

Thus, authors of human security developed the concept of human security, as a departure from traditional security. Both the context and background is acknowledged and understood. Thus, there is a possibility that schools of thoughts that intend to move away from the traditional definition of security, fall into the trap of not further explicating the concept. This does not help construct clear and useful concepts to help support, theories and analytical tools that help inform policies (Baldwin 1997) . This makes the isolation of security to the individual level seem like an impossible task to attain, thus it defeats the purpose of human security as a concept. That often deals with questions that are on the forefront of the immigration discourse on identity, state sovereignty, the inclusivity/exclusivity of human security, governance, policy, human rights etc.

The end of the Cold War made it apparent that the concept cannot only be applicable to the state and the preservation of national security. However, the state itself can be a source of (in) security for those who live in these countries. Therefore, the introduction of a human security centred approach to security. Was not a new one in Third World Countries "The second and more holistic approach, argued Thomas, was adopted by those states in the Third World that included economic, political, and environmental issues in their security agenda.

The search for security in the Third World was mostly about maintaining domestic security through state-building and establishing secure for dealing with food, health as much as it was about building up the military" (Bilgin, 2003, p. 206). Furthermore, the security of ordinary citizens came into question "The development and security establishments have also each undergone a period of conceptual turmoil with the end of the cold war, the recognition of highly uneven patterns of political different components of development, and the technological and political changes often labelled globalization" (King & Murray, 2001,585). The bottom –up approach to security that Third World countries used, highlights the key principles of a human security centred approach. This approach is motivated by the idea of development and the need to address socio-economic issues wholesomely rather than separately.

It is therefore the reason why the idea behind the conceptualisation of human security as both a concept and an idea are based on ensuring the protection and the empowerment of the people living in a society. Human security is based and founded on these 4 key principles, that "From an operational perspective, human security aims to address complex situations of insecurity through targeted, collaborative and sustainable measures that are

- ✓ People-centred
- ✓ Comprehensive
- ✓ Context specific
- ✓ Prevention-oriented" (United Nations Trust Fund for Human Security, 2016, p. 1)

The paradigm-shift in security poses a question on the manner in which the idea of human security is operationalized and applied when addressing issues that fall under the 7 dimensions of human security.

3.4 Background

This background section will provide an overview of historical context of migration and the emergence of the human security discourse using a 'human security lens' that is drawn from the international relations and politics disciplines. Unpacking the migration discourse often results in understanding the push and pull factors of the movement of people; push and pull factors are not without historical context. What history will reveal is the persistent levels of disequilibria between nation states and even within these countries, prompting patterns of internal and external migration. Disparities are a motivation of looking for a better opportunity elsewhere, be it due to economic, political, or social reasons. The idea of a "nested hierarchy" as proposed by Jack A. Goldstone (2012) reflects both the structures and processes and the interconnectivity of the political, social, and economic dynamics of population movement.

Globalization has become an integral part of how we as human beings, socialize and construct our world "Globalization encompasses many things: the international flow of ideas and knowledge, the sharing of cultures, global civil society, and the global environmental movement" (Stiglitz, 2006:4). The intersectionality of both the international and national politics should not be overlooked. Especially when it comes to issues of migration that are linked to other factors such as, borders, security, and national identity. Migration has throughout the years become a topic of discussion in politics and it triggers different reactions and change such as Britain's exit from the European Union (EU) (Wadsworth, Dhingra, Ottaviano, & Van Reenen, 2015) that will shape the future of politics both internationally and nationally.

How countries and governments choose to respond to the change in migration patterns cannot and should not be understood independently from the bigger picture of how the world has become what it is today. How we have constructed national identities, national sovereignty, and national security like a means and a tool of exclusion. This has had an impact on the way Governments/States have chosen to manage immigration.

Furthermore, when it comes to immigration management the lines of exclusion become clearly drawn. This questions the basis of exclusion. This is where ethics, justice and equity discourse are used to both justify and support the reasons behind the exclusion.

It is therefore important to study the history behind the evolution of key concepts and ideas, which are part of the narrative.

History is an indicator of how incidences such as the Cold war in 1945-89 may be a beginning of a change in the dynamics of politics and international relations. However, it also signifies that instances such as the end of the Cold War and the end of Apartheid are interconnected. As they both represent a key and important shift in the approach to security as an emancipatory tool "Booth substantiates his argument by asserting that emancipation is in the

spirit of our times, as witnessed by the end of the Cold War and the end of apartheid in South Africa as well as the progress in struggles that are still in progress (for example, in Israel-Palestine and Afghanistan)" (Bilgin, 2003, p. 209) events that both characterizes how the Cold war unfolds at that present moment and right into the future. It is important to acknowledge the changes in the way Security has been defined and understood. Both in the Cold-war era and in the Post-Cold war era.

The Post-Cold War era has had on impact on the way in which the movement of people and the recognition of the importance of human rights "The same reassessment since the end of the Cold War of the balance to be struck between traditional concepts of state sovereignty and the protection of individual human rights, which gave rise to the concept of human security, has also led to a recasting of sovereignty as responsibility" (Edwards & Ferstman, 2009, p. 119). Furthermore, most importantly the growing awareness of international human rights. Has been made more relevant as a result of the effects the Cold war has had on the vulnerability and the citizens. For countries that were both directly and indirectly affected by the Cold War. The call to acknowledge and to further protect the human rights of citizens and those on the move due to various reasons such as civil wars, food insecurity and genocides.

It is however unfortunate to witness that even with the recognition of the importance of human rights" However, such attitudes and practices are rarely found in Africa today, raising the question of why the migration regimes of many African states, including Botswana, South Africa, Ghana, Tanzania, and Kenya, to name but five of the most prominent, are beginning to resemble those more commonly associated with Australia, the United States, and Europe" (Tobias, 2012, p. 2). Global immigration policies do not reflect the need to protect the human rights of migrants. This is evident in the policies that will be analysed at a later stage.

The relationship and connectedness of international and national politics is important to understand, especially when assessing the global organization and development of migration policies and migration trends at a global and local scale.

It is for this reason why there is an undisputed impact in the history of the end of the Cold War as stated above and the introduction neoliberalism:

> "In pursuit of these aims, Southern Africa bore witness to several damaging wars which attracted interventions from both superpowers and from various states from both sides of the political divide; there were guerrilla insurrections in many countries, and South African government's policy of destabilisation against its independent neighbours hindered the economic and political development of the region" (Matthew G. , 2010, p. 132).

In the post-Apartheid era, South Africa place a great importance of promoting nation building and one national –identity under (the rainbow nation). The principles of nation building and a national- identity go hand-in-hand with the neoliberal idea of how a democratic state should evolve in the global economy. The global-economy that is often

structured in a manner that securitizes the migrant therefore giving them les bargaining and negotiation power "The restructuring of major urban economies towards the financial, services, consumer, entertainment, and tourism industries has similarly relied on the flexible and largely un-unionized migrant workforce to keep costs low" (Tobias, 2012, p. 5)

In addition, the divisions of the developed and the developing nation states of which is the way in which migration patterns or trends are structured. By the sending and the receiving nation states ' Africa's sub-regions are characterised by dominant migratory flows: labour migration in Western and middle Africa, refugee flows within eastern Africa, labour migration from eastern and Southern African countries to South Africa and clandestine migration-especially of ethnic groups and nomads – in West Africa's Sahel and eastern Africa" (Adepoju, 2012, p. 32). The North-South divide is one that is characterized by how neoliberalism has unravelled from the post-Cold war era. In addition, the shift in the approach taken on development and most importantly the discourse of security with the means of privatization, deregulation of markets and the reduction of government spending. Migration for one can be traced back to neoliberalism, security, globalization, and development. Such as in the case of mining of platinum, gold and coal in South Africa in the 1990s, where a large amount of the labour constituted of both domestic and foreign migrants. However, the gradual closure of these mines resulted in downsizing and retrenchment of the workers required so save costs:

> "During the 1990s, the South African mines experienced major downsizing and retrenchments creating considerable social distribution and increased poverty in supplier areas. Interestingly, the mines laid off local workers at a much faster rate than foreign workers. As a result, the proportion of foreign workers rose from 40 per cent in the late 1980s to 60 per cent today" (Black, Crush, & Peberdy, 2006, p. 85).

Thus, gaining some insight into the history of South Africa not only in relation to the rest of the world, but also in connection to the African continent, this research provides a comprehensive view of migration within the post-Cold War and post-colonial era of South Africa. Adepoju argues that "migration configurations, both internal and international and their linkages, can be better understood within the context of the historical and political evolution of African societies and post-independence developments" (Adepoju, 2005, 26).

A hierarchy worldview is characterised by neo-liberalism where the ideas of modernization, globalization and international institutions structure and institutionalise sets of international relations. "Liberals argue that modernization is a process involving progress in most areas of life. The process or modernization enlarges the scope for cooperation across international boundaries. Progress means a better life for at least the majority of individuals. Humans possess reason, and when they apply it to international affairs greater cooperation will be the end result" (Jackson & Sorensen, 201, 98). The hierarchy is not only emphasised in the international relations between nation states and international organizations, but is an unavoidable operation of regional politics too. "Wherever spectacular differentials exist, as between South Africa, Gabon, Cote d'Ivore, their neighbours and other parts of the region,

migration flows – in regular but increasingly in irregular situations are directed from the poorer improvised countries to the core, attractive nodes" (Adepoju, 2005, 27). The significance of the end of the Cold War is one that not only evokes narratives around the management and regulation of immigration.

But the thinking around security from Western nation states especially those involved and affected by the Cold War, by attempting to accommodate a more progressive idea of security that takes into consideration the security of individuals and citizens.

However, has failed to acknowledge viable mechanisms in which human security can be analysed and applied. In addition, reverting to a securitised approach of thinking about the security of the citizen. Most importantly, the political landscape of South Africa and the end of the Apartheid regime, and South Africa was no longer isolated from the rest of the world.

The pressure of the progress made with the industrial revolution confronted several post-colonial countries in Africa. Furthermore, try to find ways in which they could progress and develop not only as countries but also as a continent:

> "Faced with shifts from industrial to service economies and with the need to procure flexible and cheap workers to remain competitive with the offshore production and service provision economies of South America, China and South Asia, the United States and Europe have become increasingly dependent on migrant labour in agriculture, domestic service, hotel and food services, and construction" (Tobias 2012, 5).

Labour migration has traditionally been at the core of the migration discourse in South Africa "During the latter half of the nineteenth century the discovery of diamonds and gold, coupled with the accompanying industrialisation, lured thousands of migrant labourers from the southern African region to the mining and industrial centres of South Africa" (Wentzel & Tlabela, 2005, p. 72). Thus, in South Africa the period between 1920 and 1990 highlights a time when in the country labour migration was rife, with workers coming from mostly the Southern African Development Community (SADC).

Neighbouring countries such as Mozambique, Tanzania, Angola, Malawi, Botswana, Lesotho, and Zimbabwe "The most striking aspect, however, is the proportional increase in foreign migrants has resin from around 40% in the mid-1980s to nearly 60%" (Crush & Williams, Internatiaonal Migration and Development: Dynamics and challenges in South and Southern Africa, 2005). The proportion of foreign just to name a few were the main supply of miners in the South African mine cities. Also, not overlooking the growing number of refugees that came into the country to seek refuge from countries such as Angola, Mozambique (which had a large number of refugees due to the civil wars in their country in the 1980s), the Democratic Republic of Congo (DRC) (Kok, et.al, 2005).

The South African economic reliance on international migrant labour points to the significance of the neoliberal ideas of development. Development not only securing the countries resources but also sustain the county's economic and political status among other

developing nation states, this has been the case not only in the post-apartheid era but also during the apartheid from 1948-1994.

Therefore, the inclusion of migrant groups such as refugees and asylum seekers poses some difficulty when having to accommodate those who are not regarded to contribute to the country's economy like other migrant categories:

> "The South African government of the time refused to recognise the Mozambicans who had fled into the country as refugees, and thereby deprived them of international assistance. This action forced thousands of refugees to become economically active in the country of destination" (Wentzel & Tlabela, 2005, p. 80).

Immigration in the post-apartheid South Africa becomes a delicate yet unacknowledged issue "From 1990 onwards there was a downward trend in the number of documented immigrants to SA until 2001 when the trend started picking up. In 2003 the number of documented immigrants to SA was 10 578, an increase of 61, 6% as compared to the 2002 figure of 6 545" (Statistics South Africa, 2003). As there are still huge gaps of inequality, a high unemployment rate and service delivery inconsistency (education, housing, health care etc.) in the country amongst South African natives, and having to accommodate cross-border migrants.

This gave rise to concerns on how the African National Congress (ANC) government is accountable to both the citizens of the country and the cross-border migrants who come from neighbouring countries, by both the government and the citizens of South Africa. In the post-Cold War era, neoliberal principles of development that aim to promote an ideology, a mode of governance and a specific policy package "Migrants and refugees have become convenient targets for citizens of these countries who have seen their economic security decline, jobs disappear, and welfare provisions decrease under the neoliberal policies that have been implemented in these countries since the 1980s" (Tobias, 2012, p. 5) . Initiatives such as the prescription to ensure development and alleviating poverty in developing third world countries like South Africa. Thus, programmes such as the Growth, Employment and Redistribution Programme (GEAR) and the Accelerated and Shared Growth Initiative (ASGISA) (Segatti and Landau 2011, 31) were initiated to help curb poverty and encourage development and economic stability in the long run. In addition, immigration as an agenda was overlooked and remained unrecognized when developing socioeconomic development mechanisms and programmes. It was often traditionally through of only from a labour and economic growth perspective.

Migration seemed to be an overlooked aspect when it came to the development agenda of the new government under the African National Congress, as it is vital to incorporate and take into consideration the impact and history of migration on the socio-economic development of the country when both developing and implementing policy. Policy responses, must take into account the intersectional aspects of migration that goes beyond the national and continental borders "Policy responses as the local, national, regional and continental scale

must take into account the extraordinary dynamism and instability of migration forms and patterns in the region" (Crush, Williams, and Peberdy 2005, 1).

Policies developed such as the 1999 White Paper on immigration Act, the 1998 Refugees Act and the 2002 Immigration Act, in African countries such have gained independence. With the intention of securing their international borders to decrease migrant inflows with the aim of security employment opportunities for their own nationals. Thus, leaving migrant groups such as refugees and asylum seekers at a disadvantage. As they are not perceived as individuals who are economically active and would contribute to growing the country's economy, like their counterparts skilled labour migrants.

Once policy makers along with the government decides to reframe migration as security issue it results in multiple policy implications such as border control, failed immigration management systems, human rights violations (deportation, and detention centres), furthering human (in)security not only of migrants themselves but also of the very same nationals they are trying to protect.

Thus, both human security and neoliberalism are at opposite ends and cannot coexist, as the agenda set forth in by human security is one that prioritizes the human person and uses a bottom-up approach. That questions the neoliberal idea of the (dis)order in the world as an inevitable process of events "Hobbes argued that we choose to belong to the state because it is preferable to the state of nature where life, as we saw is 'nasty, brutish, and short' and it does not matter how the state arises" (Miller, 2003). It furthermore, unpacks the ways in which the human person is a victim of an ongoing power struggle.

How neoliberalism as a concept unpacks mobility, is based on the idea that the choice to move is solely based on the notion of gaining better economic aspects elsewhere in the world. This overlooks and does not comprehend the importance of agency and decision making that can be motivated by other factors, other than a getter economic opportunity "Our focus on conflict and decision-making allows us to understand the dynamic nature of human mobility and decision making in response to more than an economic and real conflicts, unfold for mover and non-movers over time and space" (Cohen & Sirkeci, 2016, p. 98). Comprehension and understanding the migrant as, more than an economic migrant will help shed light to the safety of the asylum seeker and their overall wellbeing while they are in the country.

This is an overview of the history of immigration in South Africa, and it has successfully provided a comprehensive context that takes the history of immigration right to the current state of immigration in the country. This will help inform the next section on security, on the historical context and background of immigration.

3.4.1 The Asylum seeker as the referent object.

The idea behind the human security as a concept is to ensure that it is not confined to serve citizens of a country. However, to also serves to adjust the narratives around those who are often referred to as non-citizens. Therefore, that requires a narrative "By being labelled as non-citizens, they are often treated as non-persons, outside the interests and concerns of the state an outside the scope of human rights" (Edwards & Ferstman, 2009, p. 6) . That not only humanizes migrants but also provides a form of security that protects migrants while also not jeopardizing the human security of other citizens.

Asylum seekers "An asylum-seeker is someone who says he or she is a refugee and seeks international protection from persecution or serious harm in their home country" (The UN Refugee Agency) are often categorised as forced migrants. As the reason behind the chose to migrate is often if not always based on the fear of a violation and hindrance to ones' safety and security. The safety and security falls under one or more facet of human security. Either being the personal security, political security, community security, food security, health security, environmental security, and community security.

Any of the above-mentioned facets are a representation of reason/s to migrate elsewhere

> "Southern Africa has been a region of international migration since the last two decades of the nineteenth century, when development became focused on the mining industry. As colonisation gripped the whole region, mining expanded to Zambia and Zimbabwe and commercial farming strengthened the economic backbone of these countries. These economic exploits gave rise to unskilled labour migration that generated sustained interdependence between labour-supplying and labour-receiving countries in the region" (Oucho, 2006, p. 47)

Therefore, using a human security lets one explore the impact of immigration and the displacement of people around the world due to different threats to their livelihoods such as civil wars, poverty and genocides "Today, there are over 1 billion migrants. Each decade, the percentage of migrants as a share of the total population continues to rise and in the next twenty-five years. It has become more necessary for people to migrate because of environmental, economic and political instability. Climate change, in particular, may cause international migration to double over the next forty years"(Nail 2015:6). Right from the decision to migrate elsewhere in another country. With the hopes of living a better life without the constant threats to their lives. Using a human security lens and a human security centred approach to security.

Helps to unpack, understand and most importantly contribute to policy making both in the migrant sending countries and migrant receiving countries. Ensuring that future immigration policies takes note of protecting the human rights of those who seek asylum and protection.

Furthermore, to ensure that migrant groups like asylum seekers are not excluded in their time of need. As this is usually the case that they are disregarded as individuals who cannot contribute to the economic growth.

The asylum seeker category is constantly contested by states; the category is developed as a means of making a distinction between migrant groups, based on the reasons of moving away from their homes and the type of services or goods they are entitled to. In addition, have access to once they have arrived in the country they will be seeking refuge in

> "This category has emerged in response to the growing difficulty of making clear distinctions between people who are moving for political as opposed to economic reasons, since political upheavals usually go hand in hand with violent conflict, economic distress and human rights abuses "(Turton, 2003, 14).

For the purpose of this research, the focus is on the asylum seeker who tries to apply for asylum in the country, to attain a refugee permit and eventually being granted a refugee status in South Africa.

3.4.2 The security of the individual

Ideally, human security should be established and supported by the state that are continuously confronted with growing insecurities (e.g. personal security, political security, community security, food security, health security, environmental security, and community security) (Human Security Unit, 2009) . Not only those of nationals but also those of foreign citizens (non-nationals) relocating in another country and the case of asylum seekers provides a platform where such a discussion within human security should also be taking place. Security issues are not and should not only be a cause for concern for states protecting nationals but human security should be a cause for concern for non-nationals too.

However, what appears to be the primary concern is the states' security not only in South Africa but also throughout the world. As countries faced with an increasing number of asylum seekers, of about 3.2 million as stated by the UNHCR (The UN Refugee Agency, 2015) refugees and illegal migrants etc., "the industrialised countries of the West have become increasingly concerned with the need to develop prevention and intervention strategies towards countries that actually or potentially generate mass emigration"(Weiner and Munz 1997,26).

Policy development has been substantially built on the concern over the states' security, by placing great emphasis on the economic developmental issues, which only leaves it as an issue/problem of countries struggling and working towards a development goal. Furthermore, this approach to human security emphasises one of the critiques and contested notion of human security "Critics such as Mark Duffield have argued that rather than being a tool for empowerment of the most vulnerable, human security represents a new form of control and domination of the developing wold by the developed"(McCormack 2011, 236).

However, human security as a concept has the potential to be used to shine the spotlight to the individual and their safety:

> "First, human security is needed in response to the complexity and the interrelatedness of both old and new security threats – from chronic and persistent poverty to ethnic violence, human trafficking, climate change, health pandemics, international terrorism and sudden economic and traditional notions of security that focus on external military aggressions alone" (United Nations Trust Fund for Human Security,2000).

The intention is to not to confine it to an idealist discourse that falls subject to the hierarchy of control by the developed nation-states as stated in *Development, Security and Unending War: Governing the World of People,* by Mark Duffield (Duffield 2007).

This approach to security not only places great emphasis on the individual, but human security also takes into consideration of the bio-politics and intersectionality between an individual and the world they live in and cannot be address or understood without acknowledging that the issue of security of the individual is complex.

Security issues for migrants depend on the interconnectedness of the vulnerabilities in the im/migration trajectory in both the pre-flight stage and the stage of resettling into a country. Furthermore, using human security as a lens aims to evaluate and produce a human centred response that doesn't fall subject to an elitist policy making agenda "This struggle for the heart and soul of global policymaking is often posed as one between two different paradigms, two entirely different outlooks on the world, one paradigm reproducing current power relations and inequalities and insecurities" (Chandler, 2008, 427).

This study intends not to fall under the idealist approach to human security as critiqued by David Chandler (Chandler 2008) and is thus substantiated by the approach to human security that is not idealist but rather pragmatic. In addition, is supported by the earlier literature that documents the experiences of an asylum seeker and how policy as a result has an impact on the status determination process "I posed the question of the need to consider why the frameworks of human security had been so rapidly mainstreamed into the policy and programmes of Leading Western states and international organizations, and in conclusion, suggested that this shift reflected the needs of policy elites and reinforced existing hierarchies of power"(Chandler, 2008,463).

Posed with the limitations of human security this research project will also pragmatically use the lens that goes beyond the reiteration of the power politics of human security, but will tackle the interconnectedness of the multiple vulnerabilities that asylum seekers face when they arrive in South Africa, with a response that is practical and fully human-centred.

3.5 Threats to Human Security

The origin of security as a concept is substantiated on the fear of threats that are not only limited to warnings only but also becoming a lived reality and a source danger as a result. . Human security being a division of security focuses on threats that are entirely a danger/ hazard the individual "The answer to this basic question is that human security is people-centred. Human security takes people and their communities, rather than territory, states, or governments, as its point or reference"(Cawthra, Du Pisani, and Omari 2007,17). Threats that migrants face are often regarded as the push and pull factors of migration that motivate the constant movement of people, from one place to another, and thus threats can come in various forms "The decision to migrate becomes a real option in the minds of non-migrants when the present value of benefits exceeds the present value of costs" (Van Dalen, Groenewold, and Schoorl 2003,6).

Thus, the discussion around migration not only touches on the security of the individuals' who actively choose to migrate from their homes to another foreign country. However, also poses a question around the threats to national security "Surprisingly, however, while the contemporary logic of trade and international finance has been one of generally increasing degrees of openness, the logic of migration policies has increasingly been one of closure since the mid-1960s" (Rudolph 2003,604).

The evaluation of threats on migration are drawn from the measures taken by states through various migration policies and how the implementation of policies can either be a reinforcement of security for the state or tighter regulations for migrants coming into the country.

So threats for an asylum seeker especially one who is actively pursuing asylum in South Africa is not only focused on the reasons for migration as the only threat to their security. However, is also centred around the migration trajectory and once one has arrived in the country of destination and is then applying for asylum as a result of the treats that he/she had faced in their home country "Great numbers of people are displaces within their own land, victims of war or political coups or ethnic cleansing. Many will be unable to escape to a friendlier country, remaining holed up in temporary camps or inhospitable regions, others will flee abroad, chancing their fate somewhere as illegal immigrants" (Whittaker 2006,1-2). The place of destination (e.g. South Africa) is implicitly held accountable to the human security of these asylum seekers.

3.5.1 Immigration policy making in South Africa

This section provides a basic overview of the legislation that is used as a means of providing protection to the asylum seeker. In addition, if often used as a foundation for the development of immigration policies in South Africa and the 2016 Green Paper on International Migration is one example. A more detailed analysis of the policies mentioned below will is included further on in the research report.

The shape of migration in South Africa was significantly characterized by labour migration, and most of these migrants consisted of migrants coming from the Southern African Democratic Community (SADC) region "These migrants came primarily from South Africa's traditional labour supply areas, which include countries of the Southern African Democratic Community (SADC), for example Mozambique, Zimbabwe, Lesotho and Malawi" (Kok, Gelderblom, Oucho, & van Zyl, 2006, p. 71). And accommodating refugees and asylum seekers in the country was often fuelled by the state of instability and human security issues such as war motivated by the political instability, food security issues, economic security challenges and environmental security challenges that often fuel the movement of citizens to seek for asylum and refuge elsewhere.

From the 1990s, South Africa has accommodated asylum seekers coming from the Democratic Republic of Congo, Angola and Mozambique, due to wars and political instability in these countries. There was a constant bias as to who would be granted asylum and refuge in the country. Furthermore, once South Africa has signed the United Nations High Commission for Refugee agreement in September 1993, the 1951 United Nations Convention on Refugees in 1996 and the 1969 Organization of Africa Unity Convention in the same year. There was a change in the country's immigration policies. Thus, necessitating more accountability and responsibility towards the human rights of both asylum seekers and refugees. The growth of asylum seekers in the country is marked by the transition into a democracy and in 2007 a surge of registered asylum seekers amounted to 53 361 applicants and 2010 was the highest with 223 324 registered asylum seekers. The number of asylum seekers is declining with only 71 914 in the year 2014 and 62 159 in the year 2015 (Department of Home Affairs), this unfortunately does not change the condition of (in) securities that asylum seekers are challenged by within the asylum system. Even with the decline of the asylum applications, trends of the operations of the DHA are characterized by difficulties. Such as the closure of reception offices in Johannesburg, Port Elizabeth and Cape Town "These closures are part of the DHA plan to move service provision to the border. But as DHA begins to shut down its urban refugee reception office, questions remain about how it will ensure that these border offices operate effectively" (Amit, No way in: Barriers to Acess, Service and Adminstrative Justice as South Africa's Refugee Reception Offices, 2012, p. 16).

Thus, the idea of creating the asylum seeker the opportunity to also be afforded their basic human rights by developing immigration policies that are informed by human security. In the nation state they have arrived to and claimed for asylum "Refugees no longer offer the same geopolitical benefits to the strengthening of the state's interests as they did during the Cold War" (Edwards & Ferstman, 2009, p. 16). Positioning this changed perspective on the

usefulness of refugees and asylum seekers goes hand in hand with the human security paradigm shift. The state of South African politics within the post-cold War was highlighted by the end of apartheid in 1994, and this has created a different outlook on the discourse around migrant labour in the country. Bearing in mind the high levels of unemployment of the majority in the country "In 1995, 24.2 million South Africans, representing 61.2 percent of the total population, were between the ages of 15 and 65 years and thus eligible to form part of the labour force" (Bhorat & Oosthuizen, 2005, p. 3).

The significance of the approach to immigration in South Africa in the post-cold war emphasizes the primary issues found within the asylum system. These issues are at the fore front of the 2016 Green Paper on International Migration and the National Development Plan 2030 as a solution to the mounting migration issues that confront the socio-economic growth of the country to the year 2030.

It is rather unfortunate that difficulties of the asylum system are not adequately in both policies, and run the risk of further endangering asylum seekers. As the approach to the development of numerous policies on immigration and asylum seekers are based on an approach that places national security as the referent object of security

"The current Green Paper proposes that international migration must be managed proactively and strategically in order to contribute to national priorities such as nation building and social cohesion, inclusive economic growth and national security. SA needs to start a conversation on the importance of international migration so that there can be consensus on its contribution to meeting broadly supported national goals. For example, the National Development Plan (NDP) prioritises the acquisition of skills, some of which must be recruited internationally, in order to achieve national priorities such an inclusive economic growth. However, SA has not put in place adequate policy, strategies, institutions and capacity for attracting, recruiting and retaining international migrants with the necessary skills and resources" (Department of Home Affairs, 2016, p. 9)

The 2016 Green Paper on International Migration holds dear the idea of using methods to curb illegal immigration and economic decline, by necessitating for an approach that places security of the state at the centre. By equating issues of labour and economic growth dependent on the overburdened asylum system. As stated in the above quote by the Department of Home Affairs. Does more harm than good, particularly on what the prospects of the 2016 Green Paper on International Migration are like.

3.6 Relevant policies for the asylum seeker

The history behind the immigration policies in South Africa are a key part that helps inform the state of discourse on the issues found in the asylum system. It is therefore, important to acknowledge the need for a paradigm in policy making in South Africa. Especially in the Post-Apartheid era, that should also be challenged by the change in the conceptualization and use of Security as a concept globally.

Following is a review of the 6 key policies that are used as a management tool for asylum seekers coming into the country seeking protection:

- 1951 United Nations Refugees Convention
- 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa
- 1998 Refugees Act (No.130)
- 1999 Kampala Document : Towards a Conference on Security , Stability, Development and Cooperation in Africa (CSSDA)
- 2016 Border Management Authority Bill
- 2017 White paper on International Migration/ 2016 Green Paper on International Migration

1. 1951 United Nations Refugee Convention

Described as the centrepiece, the Universal Declaration of human rights of 1948 are a component of the 1951 United Nations Refugee Convention and 1967 Protocol Refugee Law. As they help ensure that the signatories of this Convention recognize the right to seek asylum from persecution “Developments in international human rights law also reinforces the principle that the Convention can be applied without discrimination as to sex, age, disability, and sexuality, or and other prohibited grounds of discrimination” (Weis 1967, 3). Thus, this is the basic minimum on the treatment of refugees is required from the states who are signatories to the convention. Article 25 of the Convention states the importance of administrative assistance for refugees by Contracting States, although the convention does not accommodate the asylum seeker as conceptualized by the South African Refugees Act (No 130) of 1998. It does highlight the importance of ensuring that the administrative justice is provided without any prejudice.

South Africa being one of the signatories of this convention, it is then obliged to provide protection to refugees, but the definition a refugee under the Refugees Act No 130 of 1998 is contradictory and thus leaves the South African asylum seekers “means a person who is seeking recognition as a refugee in the Republic” (Republic of South Africa Government

Gazette 1998, 6) subject to an unregulated system. A system that is currently burdened with unresolved cases of asylum seekers and refugees. Due to the inefficiencies of the status determination system along with the appalling protection services to asylum seekers who genuinely require these protection services. Thus, asylum seekers (according to the South African definition of an asylum seeker) are left unrecognised by the 1951 United Nations Refugee Convention and 1967 Protocol refugee law and are not obligated by the Convention itself.

2. 1969 Organization of African Unity Refugee Convention.

As a pan-Africanist convention the Organization of African Unity Refugee Convention also states that "Where a refugee has not received the right to reside in any country of asylum, he may be granted temporary residence in any country of asylum in which he first presented himself as a refugee pending arrangement for his re-settlement in accordance with the paragraph"(AFRICA 2016,3), and this is in conflict with the South African conceptualization of a refugee and asylum seeker as states in the Refugees act of 1998 (No 130), as an asylum seeker in South Africa is one who has to apply for asylum and one who has applied but is still waiting for some feedback on their status. Which in this regard they would be considered as refugees according to the 1969 Organization of African Unity Refugee convention, and this contradiction also poses as a human security threat to asylum seekers. The misappropriation of rights between those regarded to be refugees per one law and asylum seekers in another law.

3. Refugees Act (No.130, 1998)

The Refugees Act (No. 130, 1998), is the one legislature that governs the processes of the asylum seekers and should be in alignment with the 1951 United Nations Refugee Convention, the 1967 Protocol refugee law and the 1969 Organization of African Unity Refugee Convention. It is the only piece of policy that helps dictate the asylum seekers' journey in South Africa, and thus asylum seekers depend on such legislation to be followed accordingly, without contradicting the above mentioned international laws such as the "the non-refoulement principle found in international law, which holds that individuals may not be returned to countries where they may face risk to life or liberty" (Amit 2012, 17).

And thus, section 22 (1) of the refugees' act " The Refugee Reception Officer must, pending the outcome of an application in terms of section 21(1), issue to the applicant an asylum permit in the prescribed form allowing the applicant to sojourn in the Republic temporarily, subject to any conditions determined by Standing Committee, which are not in conflict with the Constitution or International law and are endorsed by the Refugee Reception Officer on the permit" (Republic of South Africa Government Gazette 1998, 14) is where a number of asylum seekers find themselves stuck in, as a number of asylum applications remain

unattended to and in some cases asylum seekers are left without a response on their application. The Refugee Status Determination Officer is obliged to adhere to section 33 (just administrative justice) of the South African Constitution and the Promotion of Administrative Justice Act 3 of 2000.

4. 1999 the Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA).

The Kampala document has a declaration for the importance of promoting social stability in African countries by encouraging continuous respect of both the fundamental freedoms and the respect for human rights, which according to the later conceptualized and developed concept of human security these aspects are vital components of the freedom from fear and especially the freedom from want. Such an indication that the idea of human security is not particularity a new one to South Africa is significantly supported by the later founded policies by the post-apartheid government "The Document simultaneously addresses the problem of security and stability in Africa and set form the necessary process of democratization as a prerequisite for the peace and tranquillity of Africa needs to sustain a sufficient level of cooperation for the integration and development of the African continent" (The Kampala Document. Towards a Conference on Security, Stability, Development and Cooperation in Africa. 1991, 4).

Member States of the CSSDCA aim to ensure that they are dedicated to addressing security concerns of the human person with the plan to ensure that by attending to (human) security issues. The development, stability and cooperation will follow suit. And thus, the idea of security is based on ensuring that one embraces the various aspects of security (human) "The concept of security must embrace all aspects of society including economic, political. And social and environmental dimensions of the individual, family, and community, local and national life" (Organization of African Unity 2000, 5). And Member States are obliged to adhere to the principles of the CSSDCA while ensuring that they implement objectives stated within the declaration as signatories.

5. 2016 Border Management Authority Bill

The Border Management authority is based on establishing a centralized authority, which will manage various aspects. That are based on the functioning s and the operations of all ports of entry in South Africa. The coordination and management of the agency plans to prioritise "The need for an integrated and coordinated border management that facilitates secure travel and legitimate trade, in accordance with the Constitution, international and domestic law " (Department of Home Affairs, 2015, p. 6).

To establish the agency, it is required that multiple stakeholders are involved in the operationalization of the agency. These include the Department of Home Affairs, Department of Agriculture, Forestry and Fisheries, Department of Police, Department of Health, Department of Environmental Affairs and the South African Revenue Services.

The overall purpose of the Act is to:

- Exercise border law enforcement functions
- Manage the legitimate movement of persons and goods across the border, border line and ports of entry
- Coordinate with other organs of state, through the principles of cooperative governance, the functions performed by these organs of state, in respect of border management generally
- Provide an enabling environment to facilitate legitimate trade
  (Department of Home Affairs, 2015)

Due to the nature of the agency, it will have an effect on the operations pertaining to the management of migrants. It is therefore the reason why there are some compliance and enforcement functions that are assigned to the agency on the borderline and at points of entry. These include the Immigration Act. 13 of 2002 and the Refugees Act, 130 of 1998.

6. 2016 Green Paper on International Migration (Currently the 2017 White Paper on International Migration)

The proposed Green paper on International Migration, tends to place great emphasis on the burdened asylum system as a result of the issuing of many working permits to asylum seekers "While policy of non-encampment can be fully justified there was no provision made for providing indigent asylum seekers with basic food and accommodation, leading to the courts obliging the DHA to consider issuing deserving cases with permits allowing them to wok or study" (Department Of Home Affairs 2016,12), but doesn't take the opportunity to evaluate the asylum system which has plenty of flaws and leaves a significant number of asylum applications are attended to or simply rejected without adhering to proper procedure.

With previous policies, such as the 1999 White Paper, the administrative process particularly of the asylum application was characterised by the inadequate administrative will of the Department of Home Affairs "Home Affairs has historically been regarded as performing routine administrative functions in a low-value, low-security environment. Consequently, its systems are outdated, there is gross inadequate capacity and the entire operational budget for immigration functions is less than a billion rand" (Department of Home Affairs 2016, 24). But even with the administrative problems of pervious policies, the 2016 Green Paper on the International Migration does not adequately attend to the faults of previous policies. It calls for concern on the way it poses threats of further securitizing the asylum application process through administrative means like moving Refugee Reception Offices to the borders.

Moving the Asylum Seeker Processing centres closer to the borders raises a cause for concern over the condition of the human security of the asylum seekers who will be stationed there while awaiting their status to be determined. Even though the Green paper states that these centres should be considered as a way to mitigate security risks (Department of Home Affairs 2016), this only places great insecurity for the asylum seekers who are waiting at these centres.

Along with the above mentioned acts and bills the National development plan 2030 plays a significant role to not only inform but to also understand the planned future of South Africa's demographic trends, where migration is put alongside fertility and HIV/AIDS and the determinants "population trends based on five scenarios of the most important factors affecting the population trend, loosely structured under potential economic conditions"(South Africa and National Planning Commission 2012a, 75).

How the proposed 2016 Green Paper on International Migration will unravel and is applied as the focus of this study at hand. In addition, an analysis based on earlier literature and open public discussions along with the submitted suggestions to the Department of Home Affairs is used as a contribution to the discourse surrounding the implementation of this policy. In addition, and what it then means to the human security dilemmas that asylum seekers are currently facing and are more likely to be confronted with once this policy is put into place.

Chapter 4: Discussion

In this section, I will discuss the findings and outcome of the research. The findings deduced from the policy analysis, semi-structured interviews and literature review, form a key component of the study. Therefore, answering the research question and further exploring the research objectives of the research report. Exploring how a human security lens can contribute to the construction of immigration policies in South Africa, particularity those for asylum seekers.

For the following discussion, the interpretative method is used to analyse the policies below. Additionally, the narrative that supports the idea behind the development of these policies "This is the most immediately visible characteristic of interpretive methods: they are word-based, from data collection instruments to data analysis tools to research report formats and contents" (Fischer, Miller, & Sidney, 2007, p. 407).

The use of information from the semi-structured interviews with officials from the following institutions:

- 18 November 2016 Institute of Security Studies (ISS)
- 18 November 2016 Gauteng City-Region Observatory (GCRO)
- 24 November 2016 Coordinating Body of Refugee Community & Migrant v Communities (CBRCMC)
- 25 November 2016 Jesuit Refugees Services (JRS)
- 26 November 2016 African Centre for Migration and Society (ACMS)
- 12 December 2016 Department of Home Affairs (DHA)

The interviews are key to the overall discussion, as they provide a perspective on how the application and the use of these immigration policies work practically.

It is therefore the reason why the following material is used to gather information that suits the context of policy development in South Africa:

- Past research reports that document the lived experiences of asylum seekers
- Newspaper articles "For historical data, the researcher might also read back issues of newspapers; depending on the research question , editorial columns might constitute data alongside reportage" (Fischer, Miller, & Sidney, 2007, p. 411)
- Audio recorded interviews from officials who work with asylum seekers on a daily basis and who conduct research on human security.

4.1 Policy analysis

The following policies mentioned and analysed below, highlight two key aspects that are to be interrogated through policy analysis. By interpretation and connecting the importance/relevance of context in policy development. Therefore, using a bottom-up approach where "Rather than on a policy programme, the focus of an analysis should be on a policy *problem*, Sabatier argues, so that the unit of analysis should be the variety of policy makers (including e.g., opinion leaders), policy implementers and target groups involved in dealing with a particular problematic- the *policy subsystem"* (Fischer, Miller, & Sidney, 2007, p. 207) . The policy analysis takes into consideration all the various key stakeholders and most importantly the context that these policies where both developed and employed by officials.

This policy analysis entails, various policies that are constructed with the intention of promoting a sense of nationhood/ nation building. Moreover, the use of citizenship as tool of exclusion to the rights that are granted to those referred to as citizens. This is evident in the type of policies that are developed and used to both dictate and manage the movement of migrant groups such as asylum seekers "Public policy teaches powerful lessons about rights, opportunities, and identity – but it carries different messages for different people, and procedures more than one kind of citizen" (Fischer, Miller, & Sidney, 2007, p. 329). Key players such as political leaders and policy analysts continue to use these policies provided below, as a mechanism to shape the narratives concerning immigration in South Africa.

It is therefore, important that a policy analysis conducted in this research report. That successfully interprets the prominent narrative that is consistent throughout the policies and conventions.

- 1951 United Nations Refugees Convention
- 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa
- 1998 Refugees Act (No.130)
- 1999 Kampala Document : Towards a Conference on Security , Stability, Development and Cooperation in Africa (CSSDA)
- 2016 Border Management Authority Bill
- 2017 White Paper on International Migration

4.2 The legal framework.

As a key aspect of this research project the analysis and interpretation of the legislature that has been an integral part of the immigration discourse in South Africa. The shift in the history of South Africa has had a significant impact on the way in which the discourse discussions around immigration has taken shape. Including the way in which the South African Post-apartheid Government has decided to manage and attend address to the management of immigration in the country.

The change in migration policy also highlights the change in the mechanisms used to manage immigration in South Africa, along with its history. However, one of the significant narratives/properties that have come to have a significant presence in the immigration discourse is the emergence and the persistence of a securitization of migration. This can be by the means of boarders or the development of immigration policies that are not inclusive by not providing protection that takes a human security centered approach to protection and security as a whole.

Although South Africa is not a unique case, there are several other cases where the current immigration patterns have motivate change in both border management and foreign policy. Britain's exit from the European Union (EU) "The crisis, as it came to be represented and experienced, was not a new phenomenon in the summer of 2015. In addition, large numbers of refugees from across the world have entered Western Europe at various times in its history" (Holmes & Castaneda, 2016, p. 1). This is also the case on the African continent, where immigration is a cause for concern and has become one of the critical challenges that organizations such as the African Union have had to address. Immigration on the African continent one of the key focuses of the organization as "Migratory flows are occurring, however, in an African context still marked by the inadequacy of institutional capacities of some African countries to address the problems individually and collectively" (African Union, 2006, p. 3).

Therefore, immigration trends globally "Of the 150 million migrants in the world, more than 50 million are estimated to be Africans. Given the number of migrants is rising and that this trend is likely to persist in the foreseeable future" (African Union, 2006, p. 3), prompt an understanding and comprehension of the topic of immigration and its interconnectedness globally, to help produce immigration policies that addresses immigration accordingly.

Thus, mechanisms that have been elected to manage the growing immigration trends have been developed with the same approach immigration policies that also tend to inhabit a securitized approach to migration management.

For instance, the conventions and policies mentioned below are an attempt to address and protect marginalized groups of people such as asylum seekers and refugees "Finally, the Convention lays down basic minimum standards for the treatment of refugees, without prejudice to Stages granting more favorable treatment " (The United Nations Refugee Agency, 1951, p. 2).

While understanding that the push and pull factors of migration cannot be attended to only at a regional or national level. However, should also be accounted for in the international level, as there is a strong interrelated connection between what Jacks, A Goldstone (Goldstone J. A., 2012) calls *the Nested Hierarchy of Structures and Processes.*

Thus, the establishment of international institutions and conventions. Acknowledges the constant change in migration trends and the impact it later has on the population and many other socio-economic trajectories of both he sending and receiving country "Throughout history, the ebb and flow of population – through natural growth, epidemic diseases, and migration - has been linked to the rise and fall of empires to conquests and revolutions" (Goldstone J. A., 2012, p. 24). It is thus important to recognize the importance of existence of the conventions and protocols to be analyzed. As they are a very integral part of the discourse on human security and the recognition of the security of the human person. With the eventual hope of the level of accountability of nation states that are countersigners to the 1948 Universal Declaration of Human Rights, 1951 United Nations Refugee Convention and the 1967 Protocol refugee law.

1. 1951 United Nations Refugee Convention

Policies that help to manage and guide the movement of asylum seekers, like the 1998 Refugees Act No. 130, 2017 White paper on International Migration and the 2002 Immigration Act No. 13. Are a clear indicator of the association the Government of South Africa both endorses and are signatory to the United Nations Refugees Convention of 1951. It is thus important to note the significance of the role that the 1951 United Nations Refugee Convention should ideally play when both developing and implementing policies that are for asylum seekers.
The history behind establishment of the United Nations Refugees Convention of 1951 highlights the standpoint and the condition of the human rights of refugees in a specific era.

Particularly, with the establishment of the United Nations High Commission for Refugees (UNHCR) "The UNHCR's objectives are founded upon principles and standards that are seen to be inherent to basic human rights" (McFadyen, 2012, p. 11). However, the manner in which key concepts such as refugee, asylum seeker and persecution are constructed and used are in the traditional sense of the context. Where various influences from the West such as the end of the Second World War have an influence on how these concepts are defined and their function. Furthermore, the ideological split of the Cold War had a hand in the shape of the Convention that many other countries outside of the borders of many European countries are signatory to and use to help inform their immigration policies, like South Africa.
It is important to note the influences, and context behind the establishment of the UN Refugees Convention of 1951 "The Convention definition of a refugee reflects the European historical background of totalitarianism whereby refugees, by and large, were the victims of

persecution conducted by 'highly organized predatory states'" (McFadyen, 2012, p. 13). With that context and background, it is important to note that the Convention has its flaws and struggles to accommodate the contemporary and ever-changing state of migration in the world, especially that there has been a decline in the engagement on the human rights of asylum seekers. Where the asylum seeker and the refugee is no longer considered and perceived as the one seeking for protection and security, but rather the source of harm and a threat to security to the country they seek protection from. Even though the right to seek refuge and protection elsewhere due to persecution is entrenched in the Convention that:

> "owing to the well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable to, or owing to such fear, is unwilling to avail himself the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or owing to such fear, is unwilling to return to it" (The UN Refugee Agency, 1951, p. 14).

Asylum seekers are identified as a source of insecurity and uncertainty, and countries like South Africa endorse this convention in many of their immigration policies. However, often fail to uphold the convention's main principles.

The inconsistency and the inability to use a universal definition of the asylum seeker in the convention, leaves that task and responsibility to the country that the asylum seeker arrives in. Therefore, governments are left with the task of deciding what qualifies as persecution and who has the right "claim" that persecution as a result. As an asylum seeker in South Africa, proving your persecution or your well-founded fear is often confronted with multiple difficulties especially in the status determination process.

Acts such as the Refugees act of 1998 are structured to ensure that the protection of those individuals who are fleeing persecution/threats in it various forms, are protected and secured by accommodating them in the country. Therefore, the status determination process that requires that the "Refugee status determination officers (RSDO's) must evaluate an applicant's claim – relying on individual credibility and broader country research- to determine whether an individual qualifies for protection under the criteria established by the act" (Amit, 2012, p. 7), is the deciding factor for those seeking asylum in to the country.

As an asylum seeker one would have to present evidence of a well-founded fear of persecution as stated in the UN Refugees Convention of 1951 and can only be granted asylum in South Africa. If the persecution falls under the Refugees act of 1998 as it shares a similar definition as stated in the UN Refugees Convention of 1951 about of who qualifies for a refugee status in South Africa.

Therefore, they both share one approach to defining concepts such as persecution and a well-founded fear.

Both concepts make it easier for Refugee status determination officers to "qualify" the application of the 1998 Refugees act and the UN Refugees Convention of 1951 according to the case they are confronted with at that time.

The narrow definition of what qualifies as persecution, does not allow for a fair and equal refugee status determination process, especially for the asylum seeker, as it does not acknowledge that there are reasons beyond those listed for seeking asylum elsewhere in the world "one which acknowledges that there are circumstances beyond a well-founded fear of persecution that could force individuals to leave their homes, such as the impossibility of living a decent life there" (Amit, All roads lead to rejection: Persistant Bias and Incapacity in South African Refugee Status Determination, 2012) (McFadyen, 2012, p. 16). The understanding and acknowledgement of the contemporary trends and state of migration today, calls upon an approach that takes into consideration of Human Security.

Where asylum seekers are approached and understood as individuals who are seeking refuge. This may be due to the lack of human security in their countries of origin and in the policies that are created with the objective to protect them such as the UN Refugees Convention of 1951.

Therefore due to the narrow definitions and conceptualization in the abovementioned policies, the human rights of asylum seekers especially in the case of South Africa are subjected to a constant violation and only ensures them of the human (in) securities they will be subjected to particularly in the 1st and most vital stage of asylum seeking, which is the Refugee status determination process "by remaining attached to the 'persecution' criteria becomes increasingly detached from consideration of human rights problems in general and 'those of justice, peace or development'" (Matthew P. , 2006, p. 419) .
South Africa is signatory to the 1951 United Nations Refugee Convention, the Refugees Act (103 of 1998) along with the Immigration Act (13 of 2002) have espoused the principles of the convention.
However, both the Refugees Act (103 of 1998) and the Immigration Act (13 of 2002) still falls short when it comes to ensuring that asylum seekers are protected "From the beginning, even when the number of asylum seekers was relatively small, this including access challenges to Refugee Reception Officers, corruption, large backlogs in the processing of asylum applications and appeals, and low quality refugee stats decision-making" (Ngwato, 2017, p. 16). In addition to that, both policies are highly dependent on the ability of the asylum seeker to be self-sufficient, when it comes to the individual status determination and self-settlement stages of his/her journey.

Thus, asylum seekers are confronted by similar policy issues. Where they are often excluded as asylum seekers mainly as a result of the non-refoulment policy set out in the 1951 UN Convention is not adhered to by refugee status determination offices. According to the non-

refoulment policy asylum seekers should not be rejected at borders and refugee reception centres “all asylum seekers must be granted access to fair and effective procedures for determining their protection needs” (Ngwato, 2017, p. 20). However, due to the administrative difficulties and injustice that asylum seekers are subjected to. Results to the non-issuance of the Section 23 permit. Which as a result pushes for the deportation of the asylum seeker, back to their home countries where they fled to secure their lives. This approach compromises the human rights of the asylum seekers, once they have been deported or even when they decide to stay in the country illegally due to the lack of adequate services at the Refugee Reception Offices (RROs) in case of South Africa.
The importance of a contextualized approach to policy making along with the narrowed and accommodating definition of who should be regarded as an asylum seeker, is unfortunately not accommodated by the 1951 United Nations Refugee Convention.

2. 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa

Drawing from one of the critiques of the 1951 UN Refugees Convention, the 1969 OAU Refugee Convention comes in as a convention that attempts to address and accommodate the specific aspects of what is often referred to as the “refugee problem”, unique to the African Continent.
Even though the 1969 OAU Refugees Convention is highly dependent on the 1951 UN Refugees Convention, it is in some respects developed with the intentions to accommodate Refugees on the African Continent “Indeed, Rwelamira explains that the final text of the *1969 Convention*, settled for only the specific aspects of the African [refugee problem] which were not adequately catered for under the 1951 Convention” (Sharpe, 2012). The OAU convention governing the Specific Aspects of Refugee Problems in Africa, is often praised and applauded for its inclusive and accommodating definition for refugees going beyond the definition provided in the 1951 UN Refugees Convention “The term “refugee” shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of foreign or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside this country of origin” (Organization of African Unity, 1969).

With the above stipulated definition and exceptions for the refugee according to the OAU it is key to not its applicability within the African context, not only that. But, its ability to be interpreted to ensure the protection and security of the refugee who is confronted by various forms of harm “owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of foreign or nationality” (Organization of African Unity, 1969). Using a narrow and specific definition of a refugee, as stated in the OAU Convention. Provides those seeking refuge and asylum with the necessary protection, not only that but it also pushes members of the organization to be

accountable and fair in their processes. When they are faced with a number of asylum seekers who are seeking refuge in their countries.
By expanding on definitions that were previously provided by the 1951 UN Convention on what constitutes as a "well-founded fear of persecution" (The UN Refugee Agency, 1951, p. 14), the definition provided in the OAU Convention places the security of the refugee at the forefront and is prioritised in the status determination process.

The definition of a "well-founded fear of persecution" is not only limited to the physical threats to one's security , but it also accounts for other factors that have an influence on the decision taken by the asylum seeker to move elsewhere.
This definition of a well-founded fear of persecution, allows member states like South Africa to ensure that the overall human security of the asylum seeker is accommodated, and not to merely base the exclusion of asylum seekers in the country on the bases of
However, like the 1951 UN refugees Convention the 1969 OAU refugees Convention member states are often not held accountable to the human rights violations they may have committed as a result of not either interpreting or applying these policies correctly. It is thus, the responsibility for member states like South Africa to ensure that they conform and abide by the rules set out in the convention.

> "2. The granting of asylum to refugees is a peaceful and humanitarian act and shall not be regarded as an unfriendly act by any Member State.
> 3. No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or to remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraph 1 and 2." (Organization of African Unity, 1969)

Even though the OAU Convention takes a much more liberal and human security cantered approach to the protection of the refugees human rights" By the OAU standards well-founded fear of persecution may or may not necessarily be inflicted directly on individual but may apply to situation of anarchy in either whole or part of the country" (Onuaha, 2006, p. 43) . It however, heavily relies on the member states like South Africa to take full responsibly to apply and implement the rules and regulations as stipulated in the Convention. Therefore, this is why asylum seekers in South Africa are in danger of being deported or being illegal migrants.

Which subjects them to a (in) secure environment "Denial of entry pushes people to enter the country irregularly, exposing then to the concomitant dangers of rape, gang rape, assault people smuggling , human trafficking, theft and death during passage" (Ngwato, 2017, p. 6).
Furthermore, it is important to take note of the ambiguous concepts used in the definition, as their applicability highly depends on the way in which they are interpreted and applied "This interpretative consensus has precluded critical analysis, thereby perpetuating the misunderstanding" (Sharpe, 2012, p. 110). Being signatory to the 1969 OAU Convention,

South Africa's essential immigration policies such as the Refugees Act 103 of 1998 and the Immigration Act 13 of 2002, which state that:

> "a person qualifies for refugee status for the purposes this Act if that person – (a) Owing to a well-founded fear of being persecuted by reason of his or her race, tribe, religion, nationality, political opinion or membership of a particular social group, is outside the country of his or her nationality and is unable or unwilling to avail himself of the protection of that country, or not having a nationality and being outside the country of his or her former habitual residence is unable or, owing to such fear, unwilling to return to it" (Republic of South Africa, 1998, p. 6) .

Both must accommodate and secure the asylum seeker, according to the correct interpretation and application of the OAU Convention. Especially, since it is reinforced in the Refugees Act 103 of 1998 and the Immigration Act 13 of 2002. The divisive use of the OAU Convention by the Department of Home Affairs, further endangers the asylum seeker and places them in state of (in) security.

The status determination process that asylum seekers in South Africa are subjected to, is an example of how the OAU Convention should be used divisively serve a purpose, such as fast-accelerating the applications of asylum seekers and refugees "Therefore, while there is no *official* mass influx into South Africa at this time, it seems that the Department's approach to refugees status determination in fact relies on the application of the OAU refugee definition to assist in accelerating or fast-tracking applications based on a *prima facie* recognition of refugee status" (Schreier, 2008, p. 54).

The Department of Home Affairs as the Department responsible for immigration management in the country, often develops strategic responses to try to attend and counter what they often regard as a large influx of immigrants, particularly when addressing asylum seekers "As a whole, South Africa has not been overly welcoming to refugees and asylum seekers. Of the 70 000 applications for asylum the country receives per year, more than 90% are rejected. At present, there are fewer than 100 000 legally recognised refugees in South Africa. And in 2015 alone, more than 54 000 people were deported – at high cost to taxpayers – mostly to Mozambique, Zimbabwe and Lesotho" (De Saude, November 4, 2016, p. 18). What constitutes as a form of persecution according to the Department of Home Affairs, is often dictated by the politics of the migrant sending country such as in the case of Zimbabwe:

> "The contradictions in South Africa's regional policy between its 'realist' pursuit of national interests, and its pan-Africanist principles, is readily apparent in regard to Zimbabwe. The catastrophic collapse of the Zimbabwean economy has created economy has created great difficulties for South Africa, not least in the form of greatly increased numbers of refugees seeking to enter the country from the north" (Kabwe-Segatti & Landau, 2008, p. 31).
>
> However, as a result the DHA has chosen to use mechanisms that securitise the asylum system, by not adhering to the non-refoulment and the non-encampment clause

> stipulated in both 1951 UN Convention and the previous 1999 White Paper on International Migration and the current 2017 White Paper on International Migration "The current policy of non-encampment should continue as permanent camp in our context would create serious logistical, security and humanitarian problems. It is far better to integrate those given refugee status into communities, provided adequate mechanisms are put in place and there is coordinated support by relevant departments and other actors" (Department of Home Affairs, 2016, p. 67).

This is proven by the changes made in the 2017 White paper on International Migration and the establishment of the Border Management Agency. Along with the state department that are given the responsibility for the border management along with the Department of Home Affairs, is the South African Revenue Services (SARS) and the South African Police Services (SAPS) of which are all supervised by the Border Control Operational Coordinating Committee. This approach to policy development, holds the idea that the asylum seekers as the source of (in) security and furthermore as a source of threat to the national security. This places them in great danger and subjects them to a further violation of their human rights.

3. 1998 Refugees Act (No.130)

By understanding and unpacking the history of South Africa as a country, provides a more in-depth understanding of the immigration policies that have been developed particularity in post-1994. The 1998 Refugees Act (No. 130) is a policy that intends to manage and organize the refugee issues that are unique to the South African context.

It is important to acknowledge the history behind the policy developments and policy implementations. In a country like South Africa where the Apartheid era 1948-1994 has been a continuous influence that shaped the country and its numerous policies to what they are today, it is important to note that "South Africa's migration policing has not changed substantially since the demise of apartheid. While some amendments to the legislative regime have been made that have aimed to protect human rights, the amendments were minor and the structures introduced have failed to make any significant impact" (Klaaren & Ramji, Innside Illegality: Migration Policing in South Africa after Apartheid, 2001, p. 35).

Immigration policies in South Africa have failed to accommodate the asylum seeker in the post-apartheid era, even with the changed narrative of promoting nation building and a national identity, and immigrants are being subjected to similar processes on inclusion as those before 1994, "Immigrant selection may be tied overtly to criteria of productivity, class, wealth, and skills of potential immigrants, but the process of selection conveys powerful ideas about the self-image of the destination state, race, national identity, and the stereotyping of non-nationals and their places of origin" (Peberdy, 2001, p. 16).

The racial criterion for the entry into South Africa has been a consistent factor in the policies intended to immigration management, and the 1937 Aliens Control act was established to reinforce the exclusion based on race.

It was also supported by the Aliens Registration act of 1936 that according to Kabwe-Segatti "Marked a decisive d turn in the control of foreigners on South African territory" (Kabwe-Segatti , 2006, p. 174). The 1936 Aliens Control Act not only operated as a racial sift but it also used mechanisms of surveillance and monitoring of foreigners in the country, which in return contribute to the ideas of national security and national identity that both the Apartheid government and the current government of the African National Congress has kept in their policies since 1994.

The modes of exclusion of the asylum seeker /the refugee in South Africa is embedded in past immigration policies such as the "1950 Population Regulation Act (on racial classification, the 1962 Commonwealth Relations Act (that ended uncontrolled trans-border movement in Southern Africa) and the 1955 Departure from the Union Regulation Act (requiring an authorisation to depart from South African territory" (Kabwe-Segatti , 2006, p. 175) are unfortunately still entrenched in the current immigration policies such as the Refugees Act No 130 of 1998.

> "In a context of South Africa's transition to a non-racial democracy, a move toward a more open, non-discriminatory immigration policy than that which had pertained under apartheid might have been expected. Yet the 1991 Aliens Control Act still remains in force, amended in 1995 without any racial transformation of policy" (Dodson, 2001, p. 74)

South Africa's apparent commitment to the abovementioned conventions (1951 UN Refugee Convention and the 1969 OAU Convention) is highly contradicted by the main two integral components that the current government or post 1994 strives for, are namely nation building and promote a specific national identity in a post-apartheid South Africa.

The selection criteria for immigrants is still based on the national identity, and the prospects of nation building. This which go hand in hand with the previously discussed concepts from the two 1951 UN Convention and the 1969 OAU Convention, which are presenting a well-founded fear of persecution and the categorization of a refugee all based on his/her form of persecution and contradicts what the 1998 Refugees Act would ideally promote. A rights based approach that advocates for the constitutional values in the post-apartheid era. Prior to 1994 the selection criteria and process for immigrants, was guided by the "criteria of productivity, class, wealth, and skills of potential immigrants, but the process of selection conveys powerful ideas about the self-image of the destination state, race, national identity, and the stereotyping of non-nationals and their place of origin" (Peberdy, 2001, p. 16). The reason behind the motivation for exclusion or selection, precisely in the status determination process.

Especially asylum seekers is characterised by multiple hurdles that are not overtly motivated by a national identity agenda. Where the focus and priority is the importance of National Security.
South African immigration policies such as the 1998 Refugees Act, falls short in the way in which the DHA along with the South African government categorises the identity of the asylum seeker. It would more helpful to understand asylum seekers who are categorised under forced migration as individuals who have agency and are not merely understood within policy terms that often overlooks the context at which asylum seekers exist in prior to seeking asylum or refuge elsewhere (Turton, 2003). Acknowledging and understanding the intersectional "While all social divisions share some features and are concretely constructed by/intermeshed with each other, it is important also to note that they are not reducible to each other" (Yuval-Davis 2006, 200) nature of immigration and the social divisions from its ontological basis helps inform policy development that adequately addresses the needs of the asylum seeker, without risking falling into the trap of unjust administrative processes.

It is however used as a way for excluding and further securitizing the status determination process especially for asylum seekers, rather than other migrants who are categorised differently. National security is often linked to enhancing nation building. Therefore, any possible threats that may be a result of immigration are engaged with using a security centred approach. In policies such as the 1998 Refugees Act No 103, 2002 Immigration Act No 13 and more recently the 2017 White Paper on International Migration and the 2016 Border Management Agency Bill. The 2017 White Paper on International Migration and 2016 Border Management Agency Bill paint a gloomy picture for the human security of asylum seekers in South Africa. Even though there are various clauses that stipulate and emphasise the non-refoulment and the non-encampment agreement "These centres should not be considered as contrary to the policy of non-encampment, but as centres for mitigating security risks posed by irregular migration. Only refugees and not asylum seekers will be allowed to integrate into communities" (Department of Home Affairs, 2016, p. 66) .
The formation of the Border Management Agency does not show any indications of prioritising the safety and security of the asylum seeker as it goes hand-in-hand with the 2017 White Paper on International Migration "To implement a risk based approach to manage immigration in the national interest thereby ensuring maximum benefits to the country and minimising risks" (Department of Home affairs, n.d.). By further securitizing both the policies and the treatment of the asylum seeker in Refugee Reception Offices (RROs)

The approach to migration management in the country, does not employ a different type of strategy from the apartheid government had employed. Prior to 1994 with the use Aliens Control act of 1991. Therefore, this makes it difficult for the current government to fully embrace a pan-African convention such as the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa. As it still does not

adequately use a right-based approach to policy development that embrace the constitutional values, that acknowledges the human rights of the migrant.

4. 1999 Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA)

Following context specific conventions such as the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa. Is the 1999 Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa (CSSDA).

The creation of the Kampala Declaration in 1999 highlights the importance of taking note and comprehending the importance of the context in which policies are to be applied in. Most importantly it highlights the connection between security and the development of the African continent "Leaders at the OAU Summit recognized that the problems of security and stability in many African countries have impaired their capacity to achieve the necessary level of intra-African and inter-African cooperation so as to attain the integration of the continent, which is crucial to the socio-economic transformation of African countries" (Organization of African Unity, 19-22 May 1991, p. 4).

The 1999 Kampala document emphasises the importance of ensuring that policies such as those constructed with the plan to address immigration issues. That they are attended to with the consideration and understanding of the context in which these issues exist in.

Therefore, constructing policies such as the 1999 Kampala document is an example of how important it is to ensure that policy is relevant and supports the current state of affairs in a region.

Thus, the type of (human) security endorsed by the CSSDCA is an approach that best-fits the idea of security that also accommodated the various concerns that are mostly unique to the developmental countries on the African continent,

> "Recognizing that security should also be seen in its wholesomeness and totality including the right of peoples to live in peace with access to the basic necessities of life, while fully enjoying the rights enshrined in the African Charter on Human and People's Rights and freely participating in the affairs of their societies, and bearing in mind that Africa's security and that of its member states are inseparably linked with the security of all African peoples" (Organization of African Unity, 2000).

The CSSDCA acknowledges that there is a need to address the ways in which the development of a country like South Africa, cannot be achieved without supporting and acknowledging the importance of human security. Furthermore, the well-being of the state cannot and should not be prioritised above the well-being of the citizens.

When one looks at the reasons why asylum seekers, look for protection in a country like South Africa. It is often the case that the level of human (in)security due to human rights violations in their own home countries are reason enough to flee and find security elsewhere "Today, there are over 1 billion migrants. Each decade, the percentage of migrants as a share of the

total population continues to rise and in the next twenty-five years. It has become more necessary for people to migrate because of environmental, economic and political instability. Climate change, in particular, may cause international migration to double over the next forty years" (Nail 2015:6).

Therefore, the use of human security as an approach is endorsed by the CSSDCA and takes note of the importance of understanding security from an intersectional perspective. A perspective that is often unique to asylum seekers.

Therefore, it makes is easy for one to comprehend the journey and challenges that the asylum seeker faces, due to the (in) security in his/her home country. This is the same approach and analysis that should be endorsed by South African policy makers and policy implementers. Especially when dealing with the categorization /definition of asylum seekers/ refugees in the country.

This enables an approach to foreign policy such as in the case of the scheduled (special) group exclusions particularly in the case of asylum seekers, such as in the case of Zimbabweans where "The vast majority of asylum seekers since 2008 have been Zimbabwean. In 2011 for example, Zimbabweans made up 48% of all new asylum applications, while the percentage was 78% in 2010" (Ngwato, 2017, p. 18). By only using programs such as the Zimbabwean Documentation Project for a short time period (2009-2011) does not address the issues found in the asylum system, as it only works as a short-term solution.

Therefore, this creates an opportunity to apply and to use well-informed context based policies, which accommodate the key principles embedded in the CSSDCA. Furthermore, witnessing a positive outcome of the implementation of the immigration policies in South Africa, that intend to adhere to a rights-based approach that fully comprehends the core constitutional values.

5. 2016 Border Management Authority Bill

Immigration management is often if not always committed to ensuring that borders keep out those whom are regarded as *non-citizens* "By non-citizens, in contrast, we refer to anyone who is not a citizen of the country in which he or she presently resides. The term is used interchangeably with non-nationals, aliens and exiles" (Edwards & Ferstman, Human Security and Non-Citizens Law, Policy and International Affairs, 2010, p. 5). Thus, the link between immigration and border management are interlinked and immigration policies such as the Border Management Authority Bill are supported and sustained by the existence of the Refugees Act (103 of 1998) and the Immigration Act (13 of 2002).

As stated in the previous analysis of the 1998 Refugees Act (No.130), border control has been and continues to be part of the immigration management strategy in South Africa. It is entrenched in multiple policies and the national security agenda. However, this not unique to South Africa only, but is practiced throughout the world,

> "Bounded territoriality is deeply ingrained because it has been historically woven into the way we think about political order, making it difficult to conceptualise alternative

> ways of ordering political space. This system is universal in that all states across the globe exercise some form of border control. Finally, bounded territoriality is pervasive in that border controls are commonly utilised to achieve a wide range of policy objectives, including trade protection, biodiversity, disease management , security, and migration control" (Vigneswaran, 2008, p. 785).

In the post-apartheid era, border control in South Africa did not necessarily change from the previous administration. As the as there has been a further securitization and policing of undocumented migrants of which are mostly Africans.

Thus, since 1994 there has been measures taken by the South African Government to controlling undocumented migrants in the country, of which a number of them are asylum seekers. These measures included, enforcing Internal Tracing Units from the South African Police Services (SAPS), who used various operations (Patel, 2015) such as *Operation Fiela* and *Operation Crackdown* where "Arrested individuals were sent to Lindela Detention and Repatriation Centre (operated by a private body on behalf of the Department of Home Affairs) for deportation, often without a chance to provide evidence of their legitimate immigration status" (Klaaren & Ramji, 2001, p. 36).

Thus, the introduction of the 2016 Border Management Authority Bill back in 2007 June by the Department of Home Affairs, has seen a number of amendments to immigration policies, like the 1998 Refugees Act 103, 2002 Immigration Act 13 and the 2017 White Paper on International Migration.

Where a number of the amendments made in these policies, sets out the foundation and support for the creation and the implementation existence of the Border Management Authority,

> "In order to admit asylum seekers in the refugee regime in a humane, secure and effective manner, South Africa will establish Asylum Seeking Processing Centres. The centres will be used to profile and accommodate asylum seekers during their status determination process. During this process special services will be given to applicants in need of care and vulnerable groups. This will be a multi-stakeholder facility with stakeholders like the DHA, Refugee Appeal Board (RAB), Standing Committee on Refugees Affairs (SCRA), Department of Social Development (DSD), Department of Energy (DoE), Department of Health (DoH), and United Nations High Commissioner for Refugees (UNHCR) playing active and regulated roles" (Department of Home Affairs, July 2017, p. 16).

Moving Refugee Reception offices right at the ports of entry in South Africa, as stated in the Border Management Authority Bill and the 2016 Green Paper on International Migration "These centres should not be considered as a contrary to the policy of non-encampment, but as centres for mitigating security risks posed by irregular migration" (Department of Home Affairs, 24 June 2016, p. 66/81). Leaves asylum seekers in a position of insecurity, even though it is not established as a "camp" per se. How it will function as a reception office resembles the function of a refugee camp:

> "Secure administrative detention centres could be established within the processing centres to accommodate certain categories of asylum seekers while their claims are being adjudicated. Apart from persons representing a security risk or needing quarantining under relevant health legislation, categories that night require temporary accommodation at the processing centre might be vulnerable groups and those whose identity needs to be established" (Department of Home Affairs, 24 June 2016, p. 81)

Where a number of welfare services are promised to those who will be allying for asylum, at these ports of entry. Moving these reception offices to the various ports of entry, as an aim of mitigating security risks puts asylum seekers at the forefront of being exposed to human rights violations and human security risks:

> "The LSSA is also concerned that the DHA does not have the resources to effectively run the centres. For the past 15 years, asylum applications have not been processed swiftly due to the systemic issues discussed in this paper. Therefore the proposal that these processing centres will lead to a more effective asylum seeker processing system is particularly troublesome. If these proposed centres are opened and the asylum-processing regime moves to the borders, the LSSA is concerned that there will be a high risk that the rights of the current asylum seekers will not be properly recognised if the flaws in the administration of the current asylum processing system are not fixed. It is our strong view that this move will only exacerbate the issues in the already flawed system" (Law Society of South Africa, 2016, p. 11).

Furthermore the creation and the establishment of the Border Management Authority Agency, further perpetuates the idea behind moving the processing centres to the borders. It is important to note that the key backers that are part of the Border Management Authority, such as the South African National Defence Force (SANDF) and South African Police Services (SAPS). Have been part and parcel of the militarized idea of security and most importantly, immigration management.

The idea is to attempt to combine both human security and national security "Despite the continuing trauma of the difficult transition to democracy in South Africa and the integration of 'nonstatutory' military forces into the SANDF, South Africa has employed military power since the advent of majority rule, but that commitment has been very much in consonance with human security thinking. Immediately after the advent of the majority rule, South Africa dispatched military ground forces into urban area (East Rand and Johannesburg) to maintain order, supplementing the role of the discredited police" (Ferreira & Henk, 2009, p. 513). This is the same approach that is adopted to address the management and surveillance of immigrants in the country, which has failed both in the Apartheid era and in the new dispensation.

The mistake of operationalizing human security in this manner does not support the human rights of those who are subjected to human rights violations. Instead, migrants are treated and addressed as the source of the threats and the causes of insecurity. Therefore, they need

to be monitored by using mechanisms such as the South African National Deference Force (SANDF) and the South African Police Services (SAPS). Both organizations are motived by ensuring that the state is secured and protected from threats and harm at all times. As stated by Gareth Newham from the Institute of Security Studies (ISS) during an interview that the militarised approach to immigration management does not help to monitor and oversee the crime levels in South Africa (Newham, Institute of Security Studies, 2016). The same approach further endangers the livelihood of migrants in South Africa, as this leads to the growing xenophobic attacks in the country.
As programmes such as *"Operation Fiela"* further perpetuates the use of military means to immigration management and the idea that asylum seekers are in the country to not seek protection from the state, but to commit crime as a means for creating a livelihood for themselves in South Africa.

Making use of this tactic to address and attend to an already failing asylum system, only further endangers the asylum seeker. Therefore, violating the human rights of asylum seekers. This is why it is important that a human security lens is used to both plan and develop immigration policies. So that the South African government does not resort to means such as the 2016 Border Management Agency Bill.

6. 2017 White Paper on International Migration for South Africa

The protection and the security if asylum seekers, as stated in previous policy analysis are often not attended to and are further securitised as a result. It is therefore the reason why for the analysis of the 2017 White Paper on International migration, there will be a link back to the policies I have formally analysed.
The 2017 White Paper on International Migration was without a doubt highly contested as a Green paper once it was discussed openly with the public "The latest Green Paper in International Migration is designed to overcome these limitations and bring South Africa in-line with global best practices. In it the minister of Home Affairs, Malusi Gigaba, presents a new version for the country's immigration policy *South Africans embrace international migration for development while guarding sovereignty, peace and security*" (The Times, 2016) Cautioning the many troubling issues that are often feared about the disregard to the basic human rights. Which leads to the many human security issues that are part of the foundation of the many Immigration policies in South Africa such as the 1999 White Paper on International Migration and the 1998 Refugees Act. No 130.
Therefore, it is important to note that the White paper on International Migration goes hand-in-hand with South Africa's agenda on security and development "The White Paper has to be consistent with, and compliment, the Government's broad developmental, security, diplomatic and social objectives. For this reason it is necessary to consider the broad policy

framework within this policy has been formulated" (Department of Home Affairs, July 2017, p. 19). The history behind immigration policies in South Africa tell more of a true account about the current agenda included in the immigration policies such as the 1998 Refugees Act and 2002 Immigration act. This also includes 2017 Border Management Agency Bill, which solidifies and embodies the agenda proposed in the 2017 White Paper on International Migration.

It is thus important to analyse the way in which dominant aspects of exclusion based on n*ational Identity, nation building* and *social cohesion.* As they are important tools that are used at the forefront and centre of building new immigration policies in the post-apartheid era:

> "The social cohesion project, being so intimately connected with nation-building, essentially instantiates a version of nation that is based on and produces a narrative that seeks to solidify the African National Congress's (ANC) hegemony. This has important implications for the state-society compact called to in a vision to create an inclusive and socially cohesive society" (Abrahams, 2016, p. 96).

The current South African Government, highly prioritizes *nation-Building* as an initiative that will only /and can only succeed with a shared *national identity* in the country. This strategy is comparable the Government of the apartheid regime, where the idea of using what was regarded as a standard national identity at the core and main agenda for either including or excluding migrants.

However, different from the past administration, the current South African government erroneously prides itself on advocating and upholding the human rights of all those who live in the country. Rights that one can only be afforded these rights by being a citizen of the country "Accompanying the new emphasis on citizenship in the construction of South African identity is a much clearer demarcation of the line between citizen and noncitizen. The Constitution, through the Bill of Rights, differentiates between the rights of citizens and noncitizens" (Peberdy, 2001, p. 28). Therefore, those who, like asylum seekers find themselves outside of the category of citizens are not adequately protected and supported through policy.

Policies such as the 1998 Refugees Act, 2002 Immigration Act of which are developed in harmony with policies such as the 2017 White Paper on International Migration for South Africa.

The role played by the 2017 White Paper on International Migration provides an outlook and projection of the future of the chosen approach of immigration management in South Africa in the future. Therefore, it is important to observe the way in which the current White Paper both informs and directs the motives behind future amendments that will be made in the 1998 Refugees Act and the 2002 Immigration Act. Moreover, the direction that these policies

will take, a good example of this is the establishment of the Border Management Authority Agency and the policy that supports its formation.

The current government of South Africa regards and links immigration management which is the responsibility of the Department of Home Affairs (DHA) as a policy agenda that falls under the national security of the country "The mandate of the DHA remains what it was 1994: to manage identity and international migration in the interests of service delivery, development and national security" (African National Congress, 2017, p. 10). Authorizing the Department of Home Affairs with the responsibility to uphold and support the county's national security poses a great danger to their obligations of migration management.
The management of asylum seekers and the asylum system is constantly viewed as a matter that compromises and challenges South Africa's national security. There are numerous concerns found in the status determination process where asylum seekers present themselves, and prove that they indeed do qualify for the protection as a refugee. The manner in which they identify themselves and how they are categorised goes hand-in-hand with the national identity agenda. An agenda that economic migrants are often thought to occupy and embrace.
Furthermore, this approach highlights the manner in which DHA officials are informed to have a preference of economic migrants over asylum seekers.

As they are often thought of as individuals who abuse and burden the asylum system with using false claims for their asylum applications:

> "The reasons given for limiting asylum seekers' rights to work confuse the reasons why people apply for asylum, and basic rights once they have applied. The justifications given for limiting basic rights for asylum seekers is that the right to work is attracting 'economic migrants using a back door'. The objective is to therefore to reduce the incentives for abuse of the asylum system, which however results in reduced rights for all persons in the asylum system, including those with genuine claims. It is indeed justified to reduce incentives for abuse of the asylum system, but this would be achieved more effectively by improving the quality and speed of adjudications and combatting corruption in the system" (Ngwato, 2017, pp. 35-36)

The 2017 White Paper on International Migration ensures that the agenda on asylum seekers go hand-in-hand with security "This chapter addresses the policy and capacity challenges that expose asylum seekers, refugees and the country generally to security risks" (Department of Home Affairs, July 2017, p. 59) and is addressed using an approach that securitises the asylum seeker. It is therefore to important take note of and be aware of the negative impacts of the approach chosen to address issues in the asylum system. By choosing to not adhere to the non-encampment and the non-refoulment agreements found in the 2012 ANC Policy

Discussion Document on Peace and Stability (African National Congress, March 2012) further jeopardises the security of the asylum seeker a is not consistent with the international conventions (1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa, and the 1951 United Nations Refugee Convention) that South Africa is signatory to.

4.3 Policies and the Asylum Seeker

This section will document the challenges that asylum seekers often experience (as documented in previous literature and through interviews with officials who work closely with asylum seekers), due the issues found regarding gaining access and obtaining fair services at the Refugee Reception Offices (RROs). Due to the militarised approach to both security and immigration management. An approach that does not make use of a human security lens in the policy development and planning stages of the immigration policies that are used to help guide the operations at the RROs.

These challenges are well documented in various resources (Amit , 2012); (Amit, 2010); (Amit, 2015). They provide a well-documented outlook on the status determination process and the challenges that asylum seekers face at the reception offices while going through this process. While highlighting the manner in which there is a continuous contradiction between the immigration policies such as the 1998 Refugees Act 130 and the 2002 Immigration Act No 13, even though these challenges are found in the status determination process at the RROs, they continue to be part of the journey of the asylum seeker even after he/she has obtained a section 24 permit and a section 22 permit.

These challenges include:

- Gaining access to the reception offices
- Long queues create an opportunity for corruption
- Late/ even overdue responses to application
- Asylum seekers often lack an understanding and comprehension of the laws that are created for their protection.
- ***Poor translation services-*** Issues around the corruption at the arrival stage is well documented by NGOs like the Jesuit Refugees Services, and the Coordinating Body of Refugee Community. Where most of their services are offered to new arrivals especially asylum seekers. Adrian Swamba, an official of the Coordinating Body of Refugee Community highlighted the challenges that their clients whom are asylum seekers are confronted by in the status determination process at reception offices. The CBRC points to barriers such as communication challenges where the quality of interpreters is questioned (Swamba, 2016). When one presents a claim at a refugee reception office, the interview is an integral part of the status determination process.
- Lack of a full engagement with the asylum seekers in the status determination procedure by DHA officials. Issues surrounding the information provided to asylum seekers regarding the application process. If often not made clear, therefore leaving

> it as the responsibility of non-governmental organizations such as the CBRC and the JRS. Both are organizations that work hand-in-hand with asylum seekers and refugees during the status determination process. The provide services such as "Social grants to extremely vulnerable asylum-seeker permit holders. Assist in livelihood, healthcare, education social assistance and advocacy" (Diokane, 2016).

These very challenges listed above are the issues that Non-governmental organizations such as the Coordinating Body of Refugee Community (CBRC) and the Jesuit Refugees services (JRS), often work along with asylum seekers to tackle.

Both NGOs work alongside with asylum seekers with the intention to provide support and assistance while they are still finding their feet and going through the status determination process. The above mentioned NGOs are the organizations where I collected the data for this research report, in the form of semi-structured interviews with the NGO officials.

It is therefore to note that NGOs play a huge role with assisting and supporting asylum seekers with their applications and most importantly to successfully overcome the challenges listed above.

The work done by these NGOs is vital to the survival of the asylum seeker, even though their assistance does not guarantee an outcome where one has received both their section 24 and section 22 permit without any challenges. However, these officials help bridge the gap between the immigration policies that are put in place to guide the asylum seeker and the officials at the various Refugee Reception Offices. It is for this reason, that semi-structured interviews were conducted with these officials and researchers. To understand the manner in which these immigration policies and the lived experiences of the asylum seeker at this status determination process come together. To either support or to be in conflict with the other.

Challenges in the status determination process.

Ideally the status determination process in South Africa should proceed as follows:

> 1. A sound and safe journey to the one of the five Refugee Reception Offices, either one located in Pretoria (Marabastaad) Johannesburg (Crown Mines), Durban (Greyville), Cape Town (Maitland) and Port Elizabeth (North End) depending on which one of the five are close enough.
>
> 2. Go through an interview process, where you will be asked basic questions to justify reasons why you have decided to travel to South Africa to seek for refuge/asylum (Protection). The information deduced from the answers you have provided in the interview, will help determine whether or not you qualify for refugee status. The same information should ideally corroborate with the information you will later provide in the 2nd interview.
>
> 3. You will also be required to complete a BI-1590 application form, which will be followed by a Section 22 Permit/ and asylum seekers permit. The permit is only 6

months and can be extended by an official at the RRO, while one waits for the section 24 permit a refugees permit.

4. Once a decision regarding your application has been made, you then have to go through the 2nd interview that will be conducted by the Refugee Status Determination Officer (RSDO). This interview is based on understanding the motives and the reasons why one has chosen to travel to South Africa, to seek for asylum. This is the stage where the asylum seeker should prove their well-founded fear of persecution. Once approved, the asylum seeker is granted asylum and is issues a section 24 permit, which allows you to remain in the country for 2 Years.

This whole procedure is ideally guided and informed by the 1951 UN Refugee Convention, the 1969 OAU Refugee Convention, 1993 Basic Agreement between the Government of South Africa and UNHCR, the 1998 Refugees Act No. 130 and the 2002 Immigration Act. However, there are consistent issues and challenges that make the status determination process a challenge.

The following table will indicate the various ways in which convention and policies are overlooked and not applied in the status determination process:

Policies	**Agreement**	**Realities at the RROs**
1951 UN Refugee Convention - Ambiguous meanings on what is regarded as a well-founded fear - No universal knowledge on what constitutes as a well-founded fear. - Defining what exactly accounts as a source of persecution	"A refugee, according to the Convention, is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion" (The United Nations Refugee Agency, 1951, p. 3)	Due to the ambiguous nature of the definition of a well-founded fear. There are often cases where the rights of the asylum seeker/ potential refugee are violated and abused "Conducting status determination interviews on the day that asylum seekers apply may compromise their procedural fairness rights, particularly their right to adequate notice. Applicants are unlikely to be familiar with the asylum process on the day that they first arrive prepared for or understand the interview requirements" (Amit , 2012, p. 60) - These definitions are easily applicable in a specific context, as they cannot be used as an umbrella definition. Therefore, this is the reason why the 1969

		OAU Convention has been established to suit the migration discourse in Africa.
1969 OAU Refugee Convention	The extensive nature of the definition used to define the term "Refugee" is flexible enough and provides more protection for the asylum seeker and the potential refugee " The term "refugee shall also apply to every person who, owing to external aggression, occupation , foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality" (Organization of African Unity, 1969)	However, the use and application of the 1969 OAU Refugee Convention open ended definition of should be granted asylum/ a refugee status (in the case of South Africa). It is somehow overlooked and not adequately used to account for the broad definition that intends to ensure that asylum seeker/ refugee is protected at all times "However, research indicates that in South Africa the individual process of refugee status determination improperly makes use of the OAU refugee definition in a unique form of *prima facie* refugee determination which is a process normally used in times of mass influx or emergency" (Schreier, 2008, p. 54) . As it is clear that the 1969 OAU Convention was created with the objective to accommodate the African context and the migration flows that were unique to the African continent. As the 1951 UN Convention, did not adequately account for the context and the colonial history of the African continent, therefore this motivated the creation of the 1916 OAU Convention. However, the use of a *prima facie* approach to status determination, poses a lot of difficulties for the asylum seekers during the 2 key interviews they go through in the

		status determination process. Including the manner in which the Department of Home Affairs uses the data “Kaajal Ramjathan-Keogh of the Southern Africa Litigation Centre (SALC) pointed out the department of home affairs ‘has for many years recorded the statistics in a poor manner, which did not remove persons from the system and continued to count even persons who had moved out of the asylum system” (Stupart, 2016) , on how many asylum seekers are fleeing to South Africa for refuge. Both aspects “When Africa Check was asked to investigate claims back in 2013, it found that asylum seeker data supplied by both the United Nations High Commissioner for Refugees (UNHCR) AND South Africa’s Department of Home Affairs was ‘flawed, inaccurate, and sharply contradictory’- and that statements made to South African media, that the country had received the ‘highest number of asylum seekers awaiting determination” (Stupart, 2016) are used as mechanisms to avoid approving asylum seeker claims that are genuine and authentic and should be granted a section 22 permit and eventually as section 24 permit as according to the 1998 Refugee Act No. 130, Immigration Act and the two key conventions (1951 UN Refugee

		Convention and the 1969 OAU Refugee Convention).
1998 Refugees Act (No.130)	Giving effect to international instruments such as the 1951 UN Refugee Convention and the 1969 OAU Refugee Convention "(2) For the purpose of subsection (1) *(c)*, no exercise of a human right recognised under international law may be regarded as being contrary to the objects and principles of the United Nations Organization or the Organization of African Unity" (Government Gazette, 1998, p. 8). Providing for the reception asylum seekers going through the status determination process "(2) Each Refugees Reception Office must consist of at least one Refugee Reception Officer and one Refugee Status Determination Officer" (Government Gazette, 1998, p. 20) Outlining the rights that refugees and asylum seekers are entitled to " Notwithstanding any provision of this Act or any other law to the contrary, no person may be refused entry into the Republic, expelled, extradited or returned to	Both the 1951 Refugee Convention and the 1969 OAU Convention advocate for the right for one to apply for asylum. However, a number of detainees are often prohibited from applying for asylum as according to the legal obligations "A Ugandan man who arrived via Botswana was immediately arrested and detained at the police station for approximately two weeks before being transferred to Lindela. When immigration officers came to interview him after a week at the police station, he told them he wanted to apply for asylum. The officers said they would return the following week. When they returned, they instructed him to sign a deportation notice, telling him he would be indefinitely detained if he did not sign (JK)" (Amit, 2012, pp. 27-28). The continued closure of Refugee Reception Offices across the country, is in preparation of moving the Refugee offices at the borders and creating a facility to house asylum seekers during the application process "The closure of urban RROs constitutes the implementation of policy before the completion of policy formulation. As stated in DHA's answering affidavits to the Johannesburg, Port-Elizabeth and Cape Town court challenges, the

	any other country or be subjected to any similar measure, such person is compelled to return to or remain in a country" (Government Gazette, 1998, p. 6)	closure of urban RRO's has been motivated by DHA's intention to move all RRPs to border areas" (Ngwato, 2017, p. 7)
1999 Kampala Document : Towards a Conference on Security , Stability, Development and Cooperation in Africa (CSSDA)	The CSSDA document highlights the existing understanding by the developing nation states human security centred approach to security prior to 1994 "National governments will remain the principal guarantors of the security and well-being of Africa's people, but increasingly these governments must hold each other accountable for good conduct in both domestic and foreign affairs. A community of nations, rather than an alliance of states, must become the basis for advancing peace and prosperity throughout Africa and for enhancing Africa's influence in world affairs" (Stremlau, 2009, p. 61) The CSSDA's security calabash raises the importance of conflict prevention and ensuring that both internal and external security is assured through non-military mechanisms " The concept of security goes beyond	With the establishment of the Border Management Agency asylum seekers could for see further securitization of the asylum system. As there are various stakeholders involved in the management of the border that have an impact on further militarizing the borders " The Constitution further assigns SAPS to be responsible for policing and security of the border environment (border control/ transnational crime) by virtue of Section 24, Schedule 6" (South African Police Services, 2016, p. 6). Furthermore, the plans made to move the Refugee Reception Offices to the borders, not only goes against the non-encampment policy stated in the 1998 Refugees Act No. 130. It however further jeopardizes the safety and security of the asylum seeker particularly. As they are often if not always confronted with difficulties at the status determination process Khan said to Mail & Guardian that "in spite of the fact that immigration officials were not qualified to do this. They should be allowed into

	military considerations; it embraces all aspects of the society including economic, political and social dimensions of individual, family, and community, local national life. The security of a nation must be constructed in terms of the security of the individual citizen to live in peace with access to basic necessities of life while fully participating in the affairs of his/her society in freedom and enjoying all fundamental human rights" (Africa Leadership Forum, 2011, p. 7) .	the country and bee properly screened" (Mail & Guardian, 2011). There are concerns over the inclusion of the South African National Defence Force (SANDF) and the SAPS to monitor the orders. Especially due to the fact that asylum seekers will be stationed there for a period to apply for Section 22 Permit. This not only exposes the asylum seeker with the possibility of harassment and corruption "The highest proportion of requests for money came from security guards (39%), followed by civilians or brokers who had connections with DHA staff (32%), and DHA officials (13%). A few respondents also implicated DHA interpreters and police officials" (Amit, 2015, p. 28). However, it further securitizes the borders of South Africa and the asylum system "A further key stakeholder is the African National Congress. Some of the key policy shifts relating to limiting asylum seekers rights to work, moving RROs to the borders, and detaining asylum seekers, are reflected in party policy discussion documents suggest an increasingly strong security paradigm as informing asylum and immigration management" (Ngwato, 2017, p. 10).
2016 Border Management Authority Bill	The establishment of the Border Management Authority along with moving the Refugee Reception office at the borders. Highlights the potential danger of	The unlawful encampment of asylum seekers in the guise of waiting at a Refugee Reception Office "It is the likelihood that moving RROs to remote ports of entry will be coupled with the

	creating a space where asylum seekers unlawfully wait at an encampment " In order to admit asylum seekers in the refugee regime in a humane, secure and effective manner, it is recommended that Asylum Seeker Processing centres should be established closer to the borderline. The centres will accommodate asylum seekers during their status determination process" (Department of Home Affairs, 2016, p. 80). The use of military stakeholder sin the establishment and the management of the agency, creates a sense of insecurity for asylum seekers. As this in an approach that focuses on protecting the national security at the expense of violating the human rights of the asylum seekers in the process. This goes back to how the South African Government has not made a significant change in the approach used to manage the asylum system and has further securitized the process as a whole " In South Africa, the linkages between criminality and international migration have not been established solely through the application of 'domestic'	detention of asylum seekers. South Africa has a non-encampment policy but there are several indications that some form of *de jure or de facto* detention is planned even if detention may not be called a 'camp'. It is important for the DHA to state openly whether it intends to detain asylum seekers in the border while their applications are being processes, and what form of detention would take" (Ngwato, 2017, p. 9). The continued securitization of the status determination process specifically for asylum seekers is due to the perception that there are countless economic migrants who are taking advantage of the asylum system. Therefore, making a majority of the claims false "This has reinforced the perception that South Africa is being 'flooded' with asylum seekers, and that the country is carrying more than its fair share of the continental or even global burden of refugee protection. Simultaneously, and somewhat in contradiction, there is a strong belief that the vast majority of persons entering the asylum system are economic migrants 'abusing' the system. This reasoning "has given rise to an anti-asylum seeker bias…. As a result, migration control has displaced protection as the primary goal of the asylum system." (Ngwato, 2017, p. 18)

	anti-crime and policing agendas to 'foreign' nationals. Rather, these development have occurred across a broader range of policing activities as South Africa – following decades of international isolation – has been progressively absorbed into an international regime that increasingly posits cross-border mobility as a distinct criminal threat" (Vigneswaran, 2013, p. 115).	Furthermore, the use of military officials that belong to the SANDF and the police poses a danger to manner in which asylum seekers will be treated at the RROs once they are moved " The fact that state officials such as police or army officials represent the ruling party and act in party ruler rather than public interest. Because of the position of power the ruling party occupies, these officials are able to act outside of the law" (Amit, 2012, p. 60). It is therefore important to sue an approach that also considers the human rights of the asylum seekers and also uses a human security centered approach to security.

Adding on to the already existing challenges in the asylum system as discussed above. The way in which the above mentioned challenges are addressed is informed by the way in which the asylum system as a whole is understood in terms of security.

The notion of an overburdened asylum system, steams from the research conducted by the Department of Home Affairs. As the Department uses this knowledge as reason to not only securitize the asylum seeker, but to not take the issues confronted by asylum seekers in South Africa as a serious violation of their human rights. The preoccupation of understanding migration management, as a security issues.

It is well documented in the African National Congress's (ANC) policy discussion documents on 'Peace and Security' (African National Congress, 2010); (African National Congress, March 2012); (African National Congress, 2017). All three, discussion documents treat issues pertaining to immigration as a security issue that poses a threat to the national security of the country " The integrity of the National Population Register is under threat and the cluster will put mechanisms in place to combat this threat. There is also a need to effectively manage immigration to ensure national security and contribute to development" (African National Congress, 2010, p. 2). This perception on immigration management has serious implications on the way in which solutions to the abovementioned challenges in the asylum system will be address. An example of how the DHA as the authorized authority of immigration management opts for the creation of the Border management Agency. The establishment and creation of the Border Management Agency that DHA has been lobbying for in Parliament since it has been introduced to the National Assembly in 2016. Even though there has been discussions around it prior to that. It is now at the National Council of Provinces after it has been passed

by the National Assembly, where the key stakeholders (National Treasury, SARS and SANDF) raised concerns regarding their involvement and participation in the establishment and the functioning's of the Border Management Agency.

Taking into account of all the stakeholders involved in the formation of the Border Management Agency like the South African National Defence Force (SANDF). Should raise some concern, seeing that the collaboration between the SANDF and the DHA on border management issues is problematic and also signifies that issues of immigration are seen as a national security priority "The SANDF has been mandated to secure the border line. Home Affairs has an inspectorate that is specifically charged with enforcing the Immigration Act, which works closely with SAPS, the State Security Agency (SSA), and the SANDF and SARS. It is also responsible for the deportations and maintains a holding facility" (African National Congress, March 2012, p. 10) . Even by repositioning the DHA from the Governance and Administration cluster to the Justice and Crime Prevention Cluster is a cause for concern. This move highlights how the DHA and the Government, understand the migration system and how future immigration policies will use an even securitized approach to the asylum system.

Using a national security centred approach to immigration management, is one of the motivations behind the growing pressure from the DHA to limit access to the asylum system. Employing the notion that the system is overburdened by economic migrants with false claims, who plan on abusing the benefits of the asylum system. However, having listed the difficulties found in the status determination process, it is difficult to understand how economic migrates can use and abuse the asylum system as they please. Furthermore, as pointed out by Gareth Newham of the ISS, the high levels of corruption found at these reception offices not only affects the security of the asylum seekers but trickles down to the human security of the citizen of South Africa (Newham, 2016).

The corrupt nature and the slow processing time of the status determination process, creates an opportunity for those with false claims to abuse the system. Therefore, making it even harder for those who are genuine asylum seekers and urgently need protection, with valid claims to apply for asylum in the country. The DHA needs to provide alternative means for those categorised as economic migrants to both live and enter into the country legally. So that they do not resort to using the asylum system as a point of entry or fall victim to the corruption at reception offices. Finding alternative modes of documentation by purchasing fake documents and permits creates a source of (in)security for both the asylum seeker and the citizens "If not checked, the result will be a system of governance lacking in predictability, accountability, equality, and fairness -a system where legal guarantees do not dictate government behaviour" (Amit, 2015, 10). The Department of Home Affairs shares similar concerns. Struggling to keep track of who is in the country poses a (National) security threat. However, what they fail to consider is how administrative failures of the department creates these insecurities and potential threat. This defeats the purpose of attending to the issues that pose a threat to the country's national security and a missed opportunity to adequately address them accordingly.

4.4 The Human Security of the Asylum Seeker.

The policy analysis conducted above is important to consider, particularly for tracing the history and the trajectory of the way in which the national security has been and continues to be a priority throughout the years. Including, the manner in which immigration policies in South Africa have not evolved to accommodate a human security centred approach by attending to the human rights of those regarded as asylum seekers. Policies and narratives surrounding the agenda on the national identity and the nation building still do not adequately address the human rights of asylum seekers particularly in the post-apartheid era:

> "The asylum determination procedure in South Africa, and indeed the rule of law in general, has for some time operated in a climate where rights entitlement (particularly prior to 1994) has traditionally been quite limited, and indeed is constantly being tested. Yet the asylum procedure has, by turns, become more and more restrictive. In other words, there has been no "nexus" established in South Africa between a limited rights regime, and the liberalizing of asylum procedures. In fact, the primary issue is the lack of basic administrative justice in administration procedure itself" (Crush & Williams, 2002, p. 8)

This is primarily due to the lack of a human security lens and comprehension. In various policies that are in place to attend to a much prioritized and preferred understanding of security, which is the national security of South African state. Both asylum seekers and refugees were not accommodated in the apartheid era, as their human rights were not considered to be important and were often classified as a threat to the country's national security. That is built on the idea of promoting the idea of a national identity that is based on the exclusion of one group.

The idea of human security has not reached its fruition and is not acknowledged as a concept and notion that move away from the traditional understanding of security (national security). By addressing the various difficulties that the current South Africa faces and this includes the issues surrounding migration and policy development in a democratic state. This train of thought and legacy of a national security focused approach, is evident in the numerous discussion documents developed by the African National Congress (ANC) "In terms of threats to the well-being and safety of South Africans, our assessment identifies four of them and those are the non-traditional security threats (water, food and energy challenges), international terrorism, violent extremism, transnational organised crime and narcotics" (African National Congress, 2017, p. 3). Furthermore, paired with this approach to security threats in South Africa, the ANC as the governing party, problematizes the national security of the country while including and regarding other forms of threats that are not regarded as part of the national security agenda.

There is an understanding that national security also accounts for factors which should be rightfully regarded and categorised as human security issues rather than national security:

"During several work sessions over the period March to May 1998 of the South African Joint Staff Course (No 39/98), consisting of 35 brigadiers-general, colonels and captains of all the arms of service, and civilians of equal rank from the Defence Secretariat and the National Intelligence Agency (NIA), the following strategic issues were identified as the most critical issues affecting the national security of South Africa and the security of the region:

- good governance;
- the effective combating of crime;
- the effective management of water resources;
- adequate and appropriate education and training;
- the fulfilment of South Africa's regional role; and. sustainable economic growth" (Koetje, 2010, p. 48)

It is thus important to take note of the manner in which the non-traditional (human security) approach to security has been operationalized in the country. It is without an analysis and an implementation of a strictly human security approach, which also accommodates and accounts for an approach to human security that not only depends on a national security strategy but also as a tool for implementation. The introduction of human security as both a concept and a model in South Africa is not approached as solution for the threats and the livelihoods of those who live in South Africa. This includes both South African nationals and migrants.

Even with the South African Government of 1994 recognizing the issues that are part and parcel of the 7 dimensions of Human Security "Since the mid-1990s, one of the countries most enthusiastic about the broadest conception of human security has been South Africa, where national leaders have concluded that their society's greatest sources of insecurity are the destabilizing socio-economic problems of poverty, unemployment, inadequate education, poor health, lack of housing, and social services and high levels of crime and violence" (Ferreira & Henk, 2009, p. 503). The idea of using military means to attend and address the above mentioned issues and problems, is an indication of how the South African Government does not adequately use the idea of Human Security. Using the military forces/means such as the South African Defence Force as a means/mechanism to provide and attend to the various issues that are categorized as human security issues. Poses great danger and difficulty when the South African Government is tasked with the issues of immigration. This is evident in the manner in which the state has chosen to deal and attend to the immigration in the country. The inclusion of a *human security agenda* in policies such as the South African White Paper on Defence (1996) and the South African Defence Review (1998) raises a red flag on how issues of human security are prioritised.

Both the White Paper on Defence (1996) and the South African Defence Review (1998), attempted to provide a narrative of how South Africa's definition of human security that

signifies the manner in which the new post-apartheid dispensation does not necessarily prioritize national security as the only source and focus of security.

This approach to human security not only endangers the citizens of South Africa, but it also poses an even greater challenge for asylum seekers. This is evident in the way, immigration policies (1998 Refugees act No. and 2002 Immigration Act No.) in South Africa have moved to further securitise and monitor the movements of asylum seekers. The policy analysis conducted previously indicates the way in which immigration policies that are ideally intended to support and promote the human rights of the asylum seeker. Do not adequately accommodate the asylum seeker especially in the status determination process.

4.4.1 Applying the human security Lens.

Policy processes are key, to help guide and assist the policy outcome. In the case of South Africa, mechanisms such as the Socio-Economic Impact Assessment System (SEIAS) as an assessment mechanism the Socio-Economic Impact Assessment System (SEIAS) plays an important role in policy development as it intends to "To minimize unintended consequences from policy initiatives, regulations and legislation, including unnecessary costs from implementation and compliance as well as from unintended outcomes. To anticipate implemented risks and encourage measures to mitigate them" (Department of Planning , Monitoring and Evaluation , May 2015, p. 4).

Like a number of policies in South Africa, the National Development Plan 2030 plays a huge role in the agenda and focus of future policies. It is therefore the reason why the assessment tool (SEIAS) for these policies also reflects the development goals stipulated in the National Development Plan 2030. Therefore, in line with the National Development Plan (NDP) prioritises aspects such as "1) Social cohesion and security (safety, food, financial, energy and etc.); 2) Economic inclusion; 3) Economic growth, and 4) Environment sustainability" (Department of Planning , Monitoring and Evaluation , May 2015, p. 6).

Another key instrument that is part and parcel of the policy making structure, is the policy discussions by the ruling party the African National Congress (ANC). These policy discussions are crucial seeing that they help determine which issues will be prioritised and developed into a policy within the various Government Departments. Therefore, the inclusion of a human security lens is most suitable and appropriate in the policy planning and development stage. So that the immigration policies fostered, are assessed and are planned accordingly by the SEIAS "The initial impact assessment aims to ensure that the policy is on the right track by requiring an evaluation of alternative approaches. It should help drafters avoid finalising an inappropriate solution because they moved too quickly to select a strategy without adequately analysing the roots of the problem and considering alternative measures" (Department of Planning, Monitoring and Evaluation , 2015).

Therefore, it is important that the application of a human security lens makes use of an approach that fulfils the true mandate of a human security approach that is guided by the core principles of the concept.

The human security lens is based on 4 principles of human security.

1. ***People centred***

    a. A people-centred approach, is one that an accurate data collection and survey is completed as a means of gathering the true account of the types of human rights violations that asylum seekers confronted by.

    b. To understand and comprehend what the root cause of the difficulties that are in the status determination process, which poses a problem for asylum seekers more than other groups/categories of immigrants coming into South Africa.

    c. The eventual goal is to ensure that immigration policies that are directed towards asylum seekers are empowering and ensure that the standards of a comprehensive human security lens is used as a framework to policy development.

    d. With the human security lens out into place it will be easier to help asylum seekers in South Africa to be more resilient as both individuals and as a community

2. ***Comprehensive***

    a. The human security framework provides a platform to explore and address a broad range of threats that are found particularly in the status determination process, by asylum seekers. These can range from "Engaging in careless decision-making that does not apply standards of reasonable or rationality and reaches unfounded conclusions" (Amit, 2012, p. 43) to the incorrect application of concepts found in immigration policies and conventions, such as *persecution*, *social group* and *well-founded fear*.

    b. This is why there are 7 categories that help map-out a range of threats, such as economic security, food security, health security, environmental security, personal security, community security and political security (Human Security Unit, 2009).

3. ***Context specific***

    a. Just as it is important to ensure that international conventions such as the 1951 United Nations Refugee Convention and regional conventions like the 1969 Organization of African Unity Refugee Convention, are developed with the understanding and comprehension of the importance of the context that the convention will be applied in. It is even more important for the national immigration policies such as the 1998 Refugees Act (No.130) and the 2017 White Paper on International Migration for South Africa, are constructed in a manner that fully comprehends the importance of using the context guide the policy making and not the other way around.

b. As done in the previous section on policy analysis, a human security lens helps to highlight the mismatch and inconsistency between policies directed towards asylum seekers. Whether these policies are domestic, international regional or even national.
c. The analysis of a context also further brings attention to the existing security infrastructure, this accounts to both national security and human security. Due to the way in which national security threats are regarded as those posed by asylum seekers "As a result there is a lack of a proactive management of international migration and this does not advance the national security and development agenda of the country" (Department of Home Affairs, July 2017, p. 2) . Therefore, by highlighting issues of human security it will be easier to locate existing security issues that belong under the national security agenda.

4. Prevention oriented/focused

a. The human security lens when applied as a framework of analysis at a policy development level.

The above mentioned principles are constructed to ensure that they go hand-in-hand with the 3 freedoms that make up what is considered as the end-goal of applying a human security lens to a context, concerned with protecting the rights and well-being of asylum seekers or those who are regarded as belonging to be vulnerable. Therefore, the difficulties surrounding asylum system and the status determination process in South Africa is case in point.

These freedoms include (Mostafavi, 2016):

1. ***Freedom from fear*** (Threats to the safety of people)

- As an asylum seeker, your safety is important and part of the reason why you choose to seek for security elsewhere. Many asylum seekers find their way to South Africa due to the dangers that they face back in their home countries. Thus, traveling to South Africa with the hopes of being granted asylum is often not easy as there are numerous challenges in both the services granted and in the policies put into place to address the asylum seeking process.

  However, the safety of asylum seekers in South Africa is often compromised as their applications get declined without receiving a fair assessment:

  > "As a whole, South Africa has not been overly welcoming to refugees and asylum seekers, of the 70 000 applications for asylum the country receives per year, more than 90% are rejected. At present, there are fewer than 100 000 legally recognized refugees in South Africa. And in 2015 alone, more than 54 000 people were deported- at high cost to tax-payers- mostly- to Mozambique, Zimbabwe and Lesotho" (The Times, 2016)

  The constant threat to the lives of asylum seekers is evident in the manner in which immigration policies intend to securitize the asylum seeker further. Such as the

establishment of the 2017 Border Management Authority Bill and the 2017 White Paper on International Migration. An example of how both services and immigration policies put in place fail to adequately support the asylum seeker during the status determination process.

Is how there is a constant rejection of adhering to the non-encampment clause that is endorsed in the 2017 White Paper in International Migration "The current policy of non-encampment should continue, as permanent camps in our context would create serious logistical, security and humanitarian problems. It is far better to integrate those given refugee status into communities, provided adequate mechanisms are put in place and there is coordinated support by relevant departments and other actors" (Department of Home Affairs, 24 June 2016, p. 57).

However, even in the current detention centres such as the Lindela Repatriation Centre and the Musina Detention Centre. Asylum seekers are subjected to unfair status verification processes "LHR has observed a number of detainees (approximately one in ten detainees canvassed) in possession of valid documentation who were being held at SMG pending deportation" (Lawyers for Human Rights, 2008, p. 8).

It is important to take note of the various forms of threats to one's freedom, particularly as an asylum seeker. Thus, an approach that uses a human security lens can help improve the understanding of these challenges that asylum seekers are confronted with on a daily bases, while ensuring that their human rights are fairly adhered to and not violated.

2. ***Freedom from want*** (Threats to basic needs)
    - The understanding of the "Freedom from want" is ensuring that one's basic needs are accessible and available to those who needs it.
    - This approach takes into account the overall and eventual benefits that can be derived from being afforded the basic needs for survival and for one's livelihood.
    - The "freedom from want" goes hand-in-hand with the development agenda
    - Thus, by ensuring that immigration policies in South Africa protects and provides a fair experience of the status determination process, does not further impinge on the safety and the livelihoods of asylum seekers in the country " Empowering people so as to develop their capacity to mitigate and respond to current and future crises" (United Nations Trust Fund for Human Security, 2016, p. 6)
3. ***Freedom to live in dignity*** (Threats to human rights and by extension access to services and opportunities)

- One of the most important forms of security are the "freedom to live in dignity". The "Freedom to live in dignity" emphasises the importance of ensuring everyone has access to the basic and necessary services. Especially in the case of asylum seekers who are often confronted by multiple issues in the services that they should attain while going through the status determination process " the Bill allowed for asylum seekers to be pre-screened at South African borders, in spite of the fact that immigration officials were not qualified to do this" (Chaykowski, 2011) .
- The issues with the services at the key points being the Department of Home Affairs and any ports of entry in South Africa. Cannot only be regarded as an issue that is due to the type of services provided, but also by the kinds of policies that are put into place:

> "Immigration practitioners have bemoaned the deletion of the section 46, which stipulated that only an attorney, advocate, notwithstanding the loss of income that certified practitioners may suffer, the new rules will open the floodgates for any unqualified person to provide immigration advice under the guise of being a *practitioner*" (The Times, 2015).

Due to the fact that the South African approach to Human Security is overwhelmed by a national security lens, immigration policies that are constructed with asylum seekers in mind. Are using a national/traditional security approach to address what the Government might consider to be immigration issues:

"The DHA must have the capacity to maintain national security standards, including cybersecurity, and in particular trained and conscious staff and specialist structures and capacity. Another critical element is policies, laws, systems and processes that are aligned with the DHA's security mandate" (African National Congress, 2017, p. 10).

By positioning both the immigration policies and key institutions such as the Department of Home Affairs, with a national security focus and agenda that is also located in the Justice, Crime and Prevention and Security cluster (JCPS). It thus poses a challenge and difficulty when it comes to providing services and protection for asylum seekers in South Africa.

This approach to locate the Department of Home Affairs within a national security cluster such as the JCPS, and the four key principles of human security that are vital when considering what the ANC has understood as "the non-traditional security threats (water, food and energy challenges)" (African National Congress, 2017, p. 3). However, the National Development Plan 2030 that helps to inform numerous policies that will/are developed towards the year 2030. Has a different outlook and approach to asylum seekers who seek safety in the country, as it intends to "Effectively addressing the rights and vulnerability of migrants" and to "Ensure better and more consistent law enforcement (by protecting victims and prosecuting perpetrators)" (National Planning Commission , 2012, p. 107).

Yet, there are numerous immigration policies that have come into fruition today, which contradict the immigration policies such as the 2016 Border Management Bill and the 2017

White Paper on International Migration. There is a lack of coordination and harmonization with the various immigration policies and the National Development Plan 2030. This also signifies the lack of coordination when it comes to the attending to and addressing non-traditional issues of security such as human rights violations of migrants.

It is thus vital to use an approach to immigration policies in South Africa, which also takes into account the need for a human security approach. That includes the above mentioned principles and different types of freedoms when developing immigration policies particularly policies that are created to address the issues that are found in the asylum seeking procedure (the status determination process).

It is for this reason that the United Nations Human Security Unit has developed a tool that guides the way in which Human security is operationalized. This is an approach to operationalizing Human Security while developing a policy focused on a specific objective, which in this case is the management of asylum seekers in South Africa. Through the development and the use of immigration policies "From an operational perspective, human security aims to address complex situations of insecurity through collaborative, responsive and sustainable measures that are (i) people-centred, (ii) multi-sectorial, (iii) comprehensive, (iv) context –specific, and (v) prevention-oriented" (Human Security Unit, 2009, p. 15). It is important that when developing of immigration policies that specifically addresses the manner in which the Department of Home Affairs manages and controls the movement of asylum seekers in South Africa. That a human security lens and approach is both comprehended and applied to ensure that the human rights of the asylum seeker are adhered to and are protected in the process.

There three key phases that need to be considered when developing a policy or a programme. However for the purpose of this research report only phase 1 will be discussed in depth. Due to the manner in which human security in the scope of this research report is used as a lens and an analysis framework. These phases can be used as a tool of analysis for policies, similar to those that were previously analysed, as this process will ensure the integrity of a human security lens/approach to policy development. This is a method designed by the United Nation's Human Security Unit (Human Security Unit, 2009).

- ***Phase 1: Analysis; Mapping and Planning***

  Like any policy it is important that the context is understood, so that the definite problem is addressed accordingly.

  The number of immigrants, particularly asylum seekers coming into a country is one of the key factors that policy makers take into consideration. As it helps to inform the how the ravelling and the movement of immigrants will be managed and regulated in the country. Also how this will either call for more resources or less within by the Department of Home Affairs on main cost drivers such as deportations and new immigration policies "Funds reprioritised towards spending items in the vote include R51 038 million for Advanced Passenger Processing System over the medium term starting in 2017/18 andR17 million for the provision of additional capacity at ORTIA

starting in the 2018/19 financial year" (Annual Performance Plan 2017/18, 2017, p. 21).

It is important that when operationalizing the human security lens particularly by assessing the human security of asylum seekers in South Africa. That the key principles of human security are used as a form of assessment. The current situational analysis of the Department of Home Affairs is preoccupied with the numbers of asylum seekers coming into the country. The number of asylum seekers coming to the country are often regarded and referred to as an influx of migrants. With a particular discrimination against asylum seekers, as they are not acknowledged to have the same value as those regarded as *economic migrants* "Asylum seekers and refugees are often conflated with immigrants in general discussions of labour market completion as a national security threat, or persons who may be a threat to security because they are not captured in national identity and fingerprint database" (Ngwato, 2017, p. 17). The Department of Home Affairs is correct in acknowledging there are a number of asylum seekers coming into the country, but there is a lack of consistence between the reality and the policies directed at asylum seekers who seek protection in South Africa.

Therefore, the Department has opted to take a securitized approach to addressing what they regard as a "burdened asylum system" "This has become a powerful pull factor which further burdens the asylum system leading to many adjudication cases being delayed for years" (Department of Home Affairs, July 2017)

Using a human security lens provides a better understating of the context and the experiences of the asylum seeker.

It is thus important to map out key aspects such as:

- Actual numbers of asylum seekers coming into the county
- Reasons of seeking asylum in the country
- What are the difficulties/ challenges that asylum seekers are confronted with in the status determination process "Map out insecurities based on actual vulnerabilities and capacities with less focus on what is feasible and more emphasis on what is actually needed" (Human Security Unit, 2009, p. 16). Such as the high levels of corruption of the system, by those who do not qualify as asylum seekers or refugees.

- Outlining strategies both in the short-term and long-term. These strategies will be part and parcel of the immigration policies directed at asylum seekers, as according to the context of the migration in the country. Most importantly, the push factors for asylum seekers to leave their home countries to seek for asylum elsewhere.

The analysis and mapping of the context is important to note, as it will help highlight the disconnection between international and regional policy application such as the 1951 United Nations Refugees Convention and the 1969 Organization of African Unity Refugee Convention.

While ensuring that the policies directed at asylum seekers should be based on an analysis that is specific to the location in which they will operate in. This will highlight the various forms of vulnerabilities that asylum seekers are confronted by in the status determination process. Therefore, with a human security lens that is people-centred, comprehensive, context specific and prevention oriented. The planning and analysis of policies directed at asylum seekers uses a human security analytical framework. That prioritises and emphasises the importance of the human rights of the asylum seekers.

By emphasising the importance of following a human security analytical framework, through methods such as mapping and planning. Particularly in the policy development stage. Is therefore, imperative that the process also takes into account of the aim and objective of using a human security lens. To eventually arrive at a policy that ensures that the three vital freedoms (freedom from want, freedom from fear and freedom to live in dignity) are adhered to and are afforded to asylum seekers in the status determination process.

Chapter 5: Conclusion

The objective of this research report was to explore how the use of a human security lens on the development and the construction of immigration policies. Particularly those dedicated to the management and administration of asylum seekers in South Africa. How these policies can contribute to way in which future immigration policies are constructed to manage the movement of asylum seekers in South Africa. Furthermore, exploring whether the use of a human security lens can be of help to address the human (in) securities that asylum seekers are subjected to in the status determination process at refugee reception offices.

This findings of this study therefore emphasize the relevance and importance of applying and using a human security lens. To attend and address the several difficulties that are found in the governance of immigration functions and immigration management.

At the very core of the difficulties that asylum seekers face in the status determination process, is a lack of an approach that takes the human rights of the asylum seeker into consideration. Due to the manner in which asylum seekers are categorised and valued as a group. By being referred to as an object of threat and (in)security to the states' national security. This is also fuelled by the neoliberal approach to migrants, as those who only seek economic opportunities. This understanding does not consider other factors that have an impact to motivate the reason being ones choice to move and seek for protection elsewhere.

Thus, immigration policies do not reflect the lived reality of migrants and significantly overlooks the plea for the necessary protection and security of asylum seekers in the country. Furthermore, endorsing the idea that those applying for a refugee status in South Africa, are not genuine asylum seekers and are merely taking advantage of the asylum system.

This is why the recommendation of making use of a human security lens, not only brings awareness to the type of human (in) securities that asylum seekers are subjected to. However, it also highlights the lack of a comprehension and application of a human security approach and lens in the daily lives of those classified as either natives or citizens South Africa.

Therefore, as a preferred destination for asylum seekers. The South African Government is then tasked with accommodating and addressing the difficulties found in status determination process. Without violating the human rights of asylum seekers and refugees as per the international conventions (the 1969 Organization of African Unity Refugee Convention: Governing the Specific Aspects of refugee Problems in Africa, and the 1951 United Nations Refugee Convention) they are signatory to. This can significantly clarify and illuminate the difference between issues that should be classified as belonging to the national security agenda or a human security issue.

The human (in)security of the asylum seeker in South Africa is not a unique case, as it is prevalent in other migrant receiving nation states that are also confronted by the gap between policy development and policy application. Especially when addressing the administrative procedures that are at the core of the asylum seeking system.

Using a human security lens helps advocate for the human rights that are often overlooked by the government when set with the task of mapping and planning immigration policies. Therefore, it creates an even greater agency for the asylum seeker who is not adequately protected and justly represented by the many policies and conventions that are created with the impression of securing and protecting their human rights as asylum seekers.

Furthermore, using this lens creates the incentive to further unpack these policies and the intentions behind them. Moreover, assessing the missing link between policy planning, development and the eventual application of these policies and convention within the South African context. With the objective to adequately address the missing link between policy development and policy implementation.

Bibliography

(2017). Annual Performance Plan 2017/18. Department of Home Affairs.

"The Kampala Document. Towards a Conference on Security, Stability, Development and Cooperation in Africa." 1991. In. Kampala.

Abass, A., & Ippolito, F. (2014). Regioanl Approaches to the Protection of Asylum Seekers: An Internatiaonal Legal Perspective. Burlington: Ashagate Publishing Company.

Abrahams, C. (2016). Twenty Years of Social Cohesion and Nation-Building in South Africa. Journal of Southern African Studies, 42(1), 95-107.

Acharya, Amitav. 2001. "Human Security: East versus West." International Journal 56 (3): 442.

Adelman, Howard. 2001. "From Refugees to Forced Migration: The UNHCR and Human

Adepoju, A. (2012). A Theory of Political Demography: Human and Institutional Reproduction. In J. A. Goldstone, E. P. Kaufman, & M. D. Toft, Political Demography: How Population Changes are Reshping International Security and National Politics (pp. 10-28). Boulder: Paradigm Publishers.

Africa Leadership Forum. (2011). The Kampala Document. Towards a Conference on Security, Stability, Development and Cooperation in Africa. Africa Leadreship Forum (pp. 1-35). Kampala: Africa Leadership Forum.

Africa, Sandy. 2015. "Human Security in South Africa." Strategic Review for Southern Africa 37 (1): 178.

African National Congress. (2017). Discussion Document: Peace and Stability. Midrand: African National Congress.

African National Congress. (March 2012). Peace and Stability- Policy Discussion Document. African National Congress.

African Union. (2006). African Common Position on Migration and Development. Banjul: African Union.

Ager, A., and A. Strang. 2008. "Understanding Integration: A Conceptual Framework." Journal of Refugee Studies 21 (2): 166–91.

Aligica, Paul Dragos. 2006. "Institutional and Stakeholder Mapping: Frameworks for Policy Analysis and Institutional Change." Public Organization Review 6 (1): 79–90.

Amit , R. (2012). No way in : Barriers to access, Services and Adminstrative Justice at South Africa's Refugee Reception Offices. Johannesburg: African Centre for Migration & Society.

Amit, R. (2010). Protection and Pragmatism: Addressing Administrative Failures in South Africa's Refugee Status Detrmination Decisions. Johannesburg: Forced Migration Studies Programme.

Amit, R. (2012). All roads lead to rejection: Persistent Bias and incapacity in South African refugee status determination. Johannesburg: African Centre for Migration and Displacement.

Amit, R. (2012). No way in: Barriers to Access, Service and Administrative Justice as South Africa's Refugee Reception Offices. Johannesburg: African Centre for Migration and Society.

Amit, R. (2015). Queue here for corruption: Measuring irregulars in South Africa's asylum system. Johannesburg: Lawyers for Human Rights and the African Centre for Migration & Society.

Amit, Roni, and Norma Kriger. 2014. "Making Migrants' Il-Legible': The Policies and Practices of Documentation in Post-Apartheid South Africa." Kronos 40 (1): 269–290.

Andersen, Helle Max. 2004. "'Villagers': Differential Treatment in a Ghanaian Hospital." Social Science & Medicine 59 (10): 2003–12.

Andrijasevic, Rutvica, and William Walters. 2010. "The International Organization for Migration and the International Government of Borders." Environment and Planning D: Society and Space 28 (6): 977–99.

Anseeuw, Ward. 2006. "Can We Speak about Effective Land Reform in South Africa?" IFAS Working Paper Series/Les Cahiers de l'IFAS 8: p–77.

Avdan, N. 2014. "Do Asylum Recognition Rates in Europe Respond to Transnational Terrorism? The Migration-Security Nexus Revisited." European Union Politics 15 (4): 445–71.

Axworthy, Lloyd. 1997. "Canada and Human Security: The Need for Leadership." International Journal: Canada's Journal of Global Policy Analysis 52 (2): 183–196.

Babbie, Earl R., and Lucia Benaquisto. 2009. Fundamentals of Social Research.

Babbie, Er. 2012. The Practice of Social Research.

Bacon, David. 2008. Illegal People: How Globalization Creates Migration and Criminalizes Immigrants. Boston: Beacon Press.

Bakewell, Oliver, Hein de Haas, Agnieszka Kubal, and others. 2011. "Migration Systems, Pioneers and the Role of Agency." International Migration Institute Working Papers Series. University of Oxford: Oxford.

Bakewell, Oliver. 2010. "Some Reflections on Structure and Agency in Migration Theory." Journal of Ethnic and Migration Studies 36 (10): 1689–1708.

Baldwin, David A. 1997. "The Concept of Security." Review of International Studies 23 (01): 5–26.

Bekker, Gina. 2002. “Report on the Situation of IDPs and Refugees in Northern Sudan: Findings of an Exploratory Study, 6 September 2002-19 September 2002.” The American University in Cairo.

Bernstein, A. (2011). South Africa's Migration Policies: A regional perspective. Centre for Development and Enterprise: Informing South African Policy. Johannesburg: Centre for Development and Enterprise.

Bhorat, H., & Oosthuizen, M. (2005). The Post-Apartheid South African Labour Market. Development Policy Research Unit.

Bilgin, Pinar. 2003. “Individual and Societal Dimensions of Security.” International Studies Review 5 (2): 203–222.

Blaser, Caitlin, and Loren B. Landau. 2016. “The Governance of Multiple Elsewheres: Evaluating Municipalities’ Response to Mobility1.” Accessed December 11.

Boer, Monica den, and Jaap de Wilde, eds. 2008. The Viability of Human Security. Amsterdam: Amsterdam University Press.

Booth, Ken, 2007. Theory of World Security. Leiden: Cambridge University Press.

Booth, Ken, ed. 1998. Statecraft and Security: The Cold War and beyond. Cambridge, UK ; New York: Cambridge University Press.

Boyd *, Rosalind. 2005. “Gender and Human Security Issues: Building a Programme of Action-Research.” Development in Practice 15 (1): 115–21.

Bremner, Lindsay. 2000. “Reinventing the Johannesburg Inner City.” Cities 17 (3): 185–193.

Bryman, Alan. 2012. Social Research Methods. OUP Oxford.

Bryson, John M. 2004. “What to Do When Stakeholders Matter: Stakeholder Identification and Analysis Techniques.” Public Management Review 6 (1): 21–53.

Budiani-Saberi, Debra, and Seán Columb. 2013. “A Human Rights Approach to Human Trafficking for Organ Removal.” Medicine, Health Care and Philosophy 16 (4): 897–914.

Bundy, Colin. 2016. “Migrants, Refugees, History and Precedents.” Forced Migration Review, no. 51: 5.

Burgess, J. P. 2004. “Editors’ Note.” Security Dialogue 35 (3): 345–46.

Busumtwi-Sam, James. 2002. “Development and Human Security: Whose Security, and from What?” International Journal 57 (2): 253.

Buzan, Barry, and Lene Hansen. 2009. The Evolution of International Security Studies. Cambridge [U.K.]; New York, N.Y.: Cambridge University Press.

Buzan, Barry. 1983a. People, States, and Fear: The National Security Problem in International Relations. Brighton: Wheatsheaf Books.

Caballero-Anthony, Mely. 2015. “Community Security: Human Security at 21.” Contemporary Politics 21 (1): 53–69.

Carens, Joseph H. 1987. “Aliens and Citizens: The Case for Open Borders.” The Review of Politics 49 (02): 251–273.

Carr, Stuart C., ed. 2010. The Psychology of Global Mobility. International and Cultural Psychology. New York, NY: Springer New York.

Castles, Stephen. 2009. “Development and Migration or Migration and Development: What Comes First?” Asian and Pacific Migration Journal 18 (4): 441–471.

Cawthra, G., du Pisani, A., & Omari, A. (2007). Security and Democracy in Southern Africa. Johannesburg: Wits University Press.

Cawthra, Gavin, André Du Pisani, and Abillah H. Omari, eds. 2007a. Security and Democracy in Southern Africa. Wits P&DM Governance Series. Johannesburg: Wits University Press.

Cawthra, Gavin, ed. 2009. African Security Governance: Emerging Issues. The Wits P&DM Governance Series. Johannesburg: Wits University Press/P&DM.

Chandler, D. 2008a. “Human Security II: Waiting for the Tail To Wag the Dog -- A Rejoinder to Ambrosetti, Owen and Wibben.” Security Dialogue 39 (4): 463–69.

Chaykowski, K. (2011). Immigration Bill given thumbs down. Mail & Guardian.

Cilliers, Jakkie, and African Human Security Initiative. 2004. Human Security in Africa: A Conceptual Framework for Review. Pretoria: African Human Security Initiative.

Ciută, Felix. 2009. “Security and the Problem of Context: A Hermeneutical Critique of Securitisation Theory.” Review of International Studies 35 (02): 301.

Cornelius, Wayne A., and Marc R. Rosenblum. 2005. “IMMIGRATION AND POLITICS.” Annual Review of Political Science 8 (1): 99–119.

Crush, J., & Williams, V. (2002). Southern African Migration Project. Migration Policy Brief (No. 7).

Crush, J., & Williams, V. (2005). International Migration and Development: Dynamics and challenges in South and Southern Africa. Cape Town: Southern African Migration Project.

Crush, Jonathan, Vincent Williams, and Sally Peberdy. 2005a. “Migration in Southern Africa.” Policy Analysis and Research Programme of the Global Commission on International Migration.

Daley, Patricia. 2013. “Rescuing African Bodies: Celebrities, Consumerism and Neoliberal Humanitarianism.” Review of African Political Economy 40 (137): 375–93.

De Saude, S. (November 4, 2016). New policy set to reverse neglect of migrants, refugees. The Times, 17-18.

De Souza, Monica. 2011. “Analysis of the Possibility Of, and Challenges Associated With, the Qualification for Refugee Status of Victims of Human Trafficking in South Africa.” University of Cape Town.

Deane, Kevin D., Justin O. Parkhurst, and Deborah Johnston. 2010. “Linking Migration, Mobility and HIV: Linking Migration, Mobility and HIV.” Tropical Medicine & International Health 15 (12): 1458–63.

Department of Home Affairs. (2015). Border Management Agency Bill, 2015. Government Gazette.

Department of Home Affairs. (2016). Green Paper on the International Migration. Government Notices.

Department of Home Affairs. (24 June 2016). Green Paper on the International Migration in South Africa. Government Gazette.

Department of Home Affairs. (July 2017). White Paper on International Migration for South Africa. Government Gazette.

Department of Home Affairs. (n.d.). 2015 Asylum Statistics: Analysis and Trends for the period January to December.

Department of Home affairs. (n.d.). The Department of Home Affairs: Movement of persons in and out of the country managed according to a risk based approach. Retrieved from The Department of Home Affairs: http://www.dha.gov.za/files/ -accessed on 23 October 2017

Department of Planning, Monitoring and Evaluation. (2015). Socio-Economic Impact Assessment System: Initial Impact Assessment Template (Phase 1). Department of Planning, Monitoring and Evaluation.

Dessler, David. 1997. “Book Reviews National Interests in International Society. By Martha Finnemore. Ithaca, N.Y.: Cornell University Press.

Devarajan, S., and S. Johnson. 2007. “Two Comments on ‘Governance Indicators: Where Are We, Where Should We Be Going?’ by Daniel Kaufmann and Aart Kraay.” The World Bank Research Observer 23 (1): 31–36.

Diener, A. C., & Hagen, J. (2012). Borders: A Very Short Introduction. New York: Oxford University Press.

Dodson, B. (2001). Discrimination by Defult? Gender Concerns in South African Migration Policy. Africa Today, 73-89.

Duffield, Mark. 2006. “Human Security: Linking Development and Security in an Age of Terror.” New Interfaces between Security and Development, 11.

Dunn Cavelty, Myriam, and Victor Mauer, eds. 2010. The Routledge Handbook of Security Studies. Milton Park, Abingdon, Oxon ; New York: Routledge.

Dustmann, Christian, and Tommaso Frattini. 2011. “The Socio-Economic Integration of Migrants.” Department for Communities and Local Government, London.

Edwards, A., & Ferstman, C. (2009). Human Security and Non-Citizens: Law, Policy and International Affairs. New York: Cambridge University Press.

Entzinger, Han, and Renske L. Biezeveld. 2003. “Benchmarking in Immigrant Integration.”

Esterhuyse, Abel. 2016. “HUMAN SECURITY AND THE CONCEPTUALISATION OF SOUTH AFRICAN DEFENCE: TIME FOR A REAPPRAISAL.” Accessed December 12.

Faist, Thomas. 1998. “Transnational Social Spaces out of International Migration: Evolution, Significance and Future Prospects.” European Journal of Sociology 39 (02): 213–247.

Ferreira, R., & Henk, D. (2009). "Operationalizing" Human Security in South Africa. Armed Forces & Society, 35(3), 501-525.

Fielden, Alexandra. 2008. “NEW ISSUES IN REFUGEE RESEARCH.”

Finnemore, Martha. 1996. “Constructing Norms of Humanitarian Intervention.” The Culture of National Security: Norms and Identity in World Politics 153.

Fischer, F., Miller, G., & Sidney, M. (2007). Handbook of Public Policy Analysis: Theory, Politics and Methods. New York: Taylor & Francis Group.

Fischer, Frank, Gerald Miller, and Mara S. Sidney, eds. 2007. Handbook of Public Policy Analysis: Theory, Politics, and Methods. Public Administration and Public Policy 125. Boca Raton: CRC/Taylor & Francis.

Gasper, Des, and Oscar A. Gómez. 2015. “Human Security Thinking in Practice: ‘personal Security’, ‘citizen Security’ and Comprehensive Mappings.” Contemporary Politics 21 (1): 100–116.

Gasper, Des. 2005. “Securing Humanity: Situating ‘human Security’as Concept and Discourse.” Journal of Human Development 6 (2): 221–245.

Geschiere, Peter. 2005. “AUTOCHTHONY AND CITIZENSHIP.” An African Journal of Philosophy/Revue Africaine de Philosophie, 9.

Ginindza, Nelsile. 2015. “Post-Apartheid Human Security in South Africa Challenges and Prospects.”

Glorius, Birgit, and Klaus Friedrich. 2006. “Transnational Social Spaces of Polish Migrants in Leipzig (Germany).” Migracijske I Etničke Teme 22 (1–2): 163–180.

Goldstone, J. A. (2012). A Theory of Political Demography: Human and Institutional Reproduction. In J. A. Goldstone, E. P. Kaufmann, & M. D. Toft, Political Demography: How Population Changes are Reshaping International Security and National Politics (pp. 10-28). Boulder: Paradigm Publishers.

Graham, David T, and Nana Poku. 2000. Migration, Globalisation, and Human Security. London; New York: Routledge.

Grosfoguel, Ramon, Laura Oso, and Anastasia Christou. 2015. “‘Racism’, Intersectionality and Migration Studies: Framing Some Theoretical Reflections.” Identities 22 (6): 635–52.

Habib, Adam, Devan Pillay, and Ashwin Desai. 1998. “South Africa and the Global Order: The Structural Conditioning of a Transition to Democracy.” Journal of Contemporary African Studies 16 (1): 95–115.

Haftendorn, Helga. 1991. “The Security Puzzle: Theory-Building and Discipline-Building in International Security.” International Studies Quarterly 35 (1): 3.

Hagen-Zanker, J. (2008). Why do people migrate? A review of the theoretical literature. Maacstricht: Maastricht Graduate School of Governance.

Hagen-Zanker, Jessica. 2008. “Why Do People Migrate? A Review of the Theoretical Literature.” A Review of the Theoretical Literature (January 2008). Maastrcht Graduate School of Governance Working Paper No.

Haile, M. 2005. “Weather Patterns, Food Security and Humanitarian Response in Sub-Saharan Africa.” Philosophical Transactions of the Royal Society B: Biological Sciences 360 (1463): 2169–82.

Hansen, Lene. 2000. “Gender, Nation, Rape: Bosnia and the Construction of Security.” International Feminist Journal of Politics 3 (1): 55–75.

Harris, Donald J. 1981. “Profits, Productivity, and Thrift: The Neoclassical Theory of Capital and Distribution Revisited.” Journal of Post Keynesian Economics 3 (3): 359–382.

Hart, Neil, and Peter Kriesler. 2014. “Keynes, Kalecki, Sraffa: Coherence?” UNSW Australian School of Business Research Paper, no. 2014-06.

Hart, Oliver. 1982. “A Model of Imperfect Competition with Keynesian Features.” The Quarterly Journal of Economics 97 (1): 109.

Harvey, David. 2005. A Brief History of Neoliberalism. Oxford ; New York: Oxford University Press.

Hastings, D. A. (2011). The Human Security Index: An Update and a New Release. Human Security Index, 1.

Hawthorne, John, Daniel Rothschild, and Levi Spectre. 2015. “Belief Is Weak.” Philosophical Studies 173 (5): 1393–1404.

Haynes, Kingsley E., and A. Stewart Fotheringham. 1984. Gravity and Spatial Interaction Models. Vol. 2. Sage publications Beverly Hills.

Holmes, S. M., & Castaneda, H. (2016). Representing the "European refugee crisis" in Germany and beyond" Deservingness and difference, life and death. Journal of the American Ethnological Society, 1-13.

Holmes, Seth M., and Heide CastañEda. 2016. “Representing the ‘European Refugee Crisis’ in Germany and beyond: Deservingness and Difference, Life and Death: Representing the ‘European Refugee Crisis.’” American Ethnologist 43 (1): 12–24.

Hoogensen, G. 2006. “Gender, Resistance and Human Security.” Security Dialogue 37 (2): 207–28.

Howard, Christopher. 2015. “Transparency and the Ethics of Belief.” Philosophical Studies 173 (5): 1191–1201.

Huijsmans, R. (2012). Beyond Compartmentalization: A Relational Approach Towards Agency and Vulmerability of Young Migrants. New Directions for Child and AdolescentDevelopment, 29-45.

Human Security Index. (2011, March). About @ Human Security. Retrieved from About Human Security: http://www.humansecurityindex.org

Human Security Unit. (2009). Human Security in Theory and Practice: An overview of Human Security Concept and the United Nations Trust Fund for Human Security. New York: United Nations.

Hungwe, Chipo. 2013. “Survival Strategies of Zimbabwean Migrants in Johannesburg.” Journal of Community Positive Practices 13 (3): 52.

Iheduru, Okechukwu C. 2008. “Why ‘Anglo Licks the ANC’s Boots’: Globalization and State-Capital Relations in South Africa.” Afr. Aff. (Lond). 107 (428): 333–360.

International Institute for Democracy and Electoral Assistance (Stockholm). 2006. Democracy, Conflict and Human Security: Policy Summary : Key Findings and Recommendations. Stockholm: International Institute for Democracy and Electoral Assistance.

Isaacs, M. (2016, December 19). The Human Security of Asylum seekers in South Africa. (X. Ntuli, Interviewer)

Jackson, R., & Sorensen, G. (2013). Introduction to International Relations: Theories and Approaches. Oxford: Oxford University Press.

Jellissen, Susan M., and Fred M. Gottheil. 2013. “On the Utility of Security Fences along International Borders.” Defense & Security Analysis 29 (4): 266–79.

Jnawali, Damodar. 2014. “Theoretical Framework for Migration Research.” The Third Pole: Journal of Geography Education 11: 1–5.

Kabwe-Segatti , A. (2006). Reformulating Immigration Policy in Post-Apartheid South Africa. IFAS Working Paper, 171-185.

Kavalski, Emilian. 2009. “Timescapes of Security: Clocks, Clouds, and the Complexity of Security Governance.” World Futures 65 (7): 527–51.

Kerwin, Donald, and Robert Warren. 2016. “Potential Beneficiaries of the Obama Administration’s Executive Action Programs Deeply Embedded in US Society.” Journal on Migration and Human Security 4 (1): 16–28.

Khong, Yuen Foong. 2001. “Human Security: A Shotgun Approach to Alleviating Human Misery?” Global Governance 7 (3): 231–236.

King, G., & Murray, C. (2001-02). Rethinking Human Security. Political Science Quarterly, 585-610.

King, Gary, and Christopher J. L. Murray. 2001. “Rethinking Human Security.” Political Science Quarterly 116 (4): 585–610.

Klaaren, J., & Ramji, J. (2001). Inside Illegality: Migration Policing in South Africa after Apartheid. Africa Today, 35-47.

Klingebiel, Stephan, and Deutsches Institut für Entwicklungspolitik, eds. 2006. New Interfaces between Security and Development: Changing Concepts and Approaches. Studies / Deutsches Institut Für Entwicklungspolitik 13. Bonn: German Development Institute.

Koetje, F. (2010). South African national security policy: An international relations perspective. African Security Studies, 6, 44-057.

Kok, P., Gelderblom, D., Oucho, J. O., & van Zyl, J. (2006). Migration in South and Southern Africa. Cape Town: Human Sciences Research Council.

Kollapen, J., & Majodina, Z. (2000). Lindela at the crossroads for detention and repatriation: An assessment of the conditions of detention by the South African Human Rights Commission. Johannesburg: Human Rights Commission.

Kumar, Pushpam, and B. Sudhakara Reddy, eds. 2007. Ecology and Human Well-Being. New Delhi ; Thousand Oaks, Calif: Sage Publications.

Kurekova, Lucia. 2011. “Theories of Migration: Conceptual Review and Empirical Testing in the Context of the EU East-West Flows.” In Interdisciplinary Conference on Migration. Economic Change, Social Challenge, 901–918.

Kyi, Aung San Suu. 1992. “Freedom from Fear.” Index on Censorship 21 (1): 11–30.

Landau, LB, and Karen Jacobsen. 2005. “The Value of Transparency, Replicability and Representativeness.” Forced Migr. Rev., no. 22: 46.

Landau, Loren B., and Iriann Freemantle. 2016. “Beggaring Belonging in Africa’s No-Man’s Lands: Diversity, Usufruct and the Ethics of Accommodation.” Journal of Ethnic and Migration Studies 42 (6): 933–51.

Law, David M. 2005. “Human Security and Security Sector Reform: Contrasts and Commonalities.” Sicherheit Und Frieden (S+ F)/Security and Peace, 14–20.

Lawyers for Human Rights. (2008). Monitoring immigration detention in South Africa. Lawyers for Human Rights.

Lawyers for Human Rights. (2008). Monitoring immigration detention in South Africa. Lawyers for Human Rights.

Letsebe, Lesirela. 2014. “Voyager or Victim? Refugees Are Not Holiday Travellers: Feature.” De Rebus, no. 543: 25–26.

Lipsky, Michael. 2010. Street-Level Bureaucracy: Dilemmas of the Individual in Public Services. 30th anniversary expanded ed. New York: Russell Sage Foundation.

MacFarlane, S. Neil, and Yuen Foong Khong. 2006. Human Security and the UN: A Critical History. United Nations Intellectual History Project. Bloomington: Indiana University Press.

Mamdani, Mahmood. 2010. “Responsibility to Protect or Right to Punish?” Journal of Intervention and State building 4 (1): 53–67.

Martin, David A., ed. 1988. The New Asylum Seekers: Refugee Law in the 1980s. Dordrecht: Springer Netherlands.

Massey, Douglas S., Joaquin Arango, Graeme Hugo, Ali Kouaouci, and Adela Pellegrino. 1999. Worlds in Motion: Understanding International Migration at the End of the Millennium: Understanding International Migration at the End of the Millennium. Clarendon Press.

Mathee, Angela, and Nisha Naicker. 2015. “The Socioeconomic and Environmental Health Situation of International Migrants in Johannesburg, South Africa.” South African Medical Journal 106 (1): 70.

Matthew , G. (2010). Cold War in Southern Africa. Africa Spectrum, 131-139.

Matthew, P. (2006). Persecution Complex, Justifying Asylum Laws Prefernce for Persecuted People. Havard International Law Journal, 413-465.

McCormack, Tara. 2011. “Human Security and the Separation of Security and Development.” Conflict, Security & Development 11 (02): 235–60.

McDonald, Matt. 2002. “Human Security and the Construction of Security.” Global Society 16 (3): 277–95.

McFadyen, G. (2012). The Contemporary Refugee: Persecution, Semantics and Universality. eSharp, Special Issues: The 1951 UN Refugee Convention- 60 Years On , 9-35.

Memmi, Albert. 2013. The Colonizer and the Colonized. Routledge.

Michael, F. (1972). The Archaeology of Knowledge. New York: Editions Gallimard.

Migrant Rights Monitoring Programme. (2008). Barriers to asylum: the Marabastad refugee reception office. Johannesburg: The forced migration studies programme at WITS University.

Miller, D. (2003). Political Philosophy: A Very Short Introduction. New York: Oxford University Press.

Mitchell, Christopher. 1989. “International Migration, International Relations and Foreign Policy.” International Migration Review 23 (3): 681.

Mlambo, Norman. 2016. “Perceptions of Human Security in Democratic South Africa.” Accessed December 12.

Mostafavi, M. (2016). Human Security Dimensions of Migration. United Nations Trust Fund for Human Security.

Mthembu-Salter, Gregory, Roni Amit, Chandre Gould, and Loren B. Landau. 2014. Counting the Cost of Securitising South Africa’s Immigration Regime. University of Sussex.

Muthien, Bernedette. 2000. “Human Security Paradigms through a Gendered Lens.” Agenda, no. 43: 46.

Nail, Thomas. 2015. The Figure of the Migrant. Stanford, California: Stanford University Press.

National Planning Commission. (2012). National Development Plan 2030. Department: The Presidency.

Neuman, L. (2011). Social Research Methods: Qualitative and Quantitative Approaches. Boston: Pearson.

Newham, G. (2016, November 16). Institute of Security Studies. (X. Ntuli, Interviewer)

Newman, Edward, and Oliver P. Richmond, eds. 2001. The United Nations and Human Security. Houndmills, Basingstoke, Hampshire ; New York: Palgrave.

Newman, Edward. 2010. “Critical Human Security Studies.” Rev. Int. Stud. 36 (01): 77.

Ngwato, T. P. (n.d.). Policy Shifts in the South African Asylum System: Evidence and Implications. Pretoria: Lawyers for Human Rights.

Nilsson, JaKob, ed. 2013. Foucault, Biopolitics, and Governmentality. Södertörn Philosophical Studies 14. Huddinge: Södertörn Univ.

Nord, Antonie Katharina, and Paula Assubuji. 2016. "Xenophobia in South Africa." Accessed December 12.

Nuruzzaman, M. 2006. "Paradigms in Conflict: The Contested Claims of Human Security, Critical Theory and Feminism." Cooperation and Conflict 41 (3): 285–303.

O'Brien, Thomas. 2015. "Human (In) Security and Democracy in Central America." Democracy and Security 11 (1): 44–59.

Ohta, Hiroshi. 2009. "The Interlinkage of Climate Security and Human Security: The Convergence on Policy Requirements." Waseda University 9: 5.

Okoth-Obbo, George. 2001. "Thirty Years on: A Legal Review of the 1969 OAU Refugee Convention Governing the Specific Aspects of Refugee Problems in Africa." Refugee Survey Quarterly 20 (1): 79.

Onslow, Sue, ed. 2009. Cold War in Southern Africa: White Power, Black Liberation. Cold War History Series 24. London ; New York: Routledge.

Onuaha, E. C. (2006). Human Rights and Refugee Protection in South Africa. Johannesburg: University of the Witwatersrand.

Organization of African Unity. (19-22 May 1991). The Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa. Kampala.

Organization of African Unity. (1969). OAU Convention Governing the Specific aspects of Refugee problems in Africa. Addis Ababa: Organization of African Unity.

Organization of African Unity. (2000). Solemn Declaration on the Conference on Security, Stability, Development and Cooperation in Africa. The Kampala Document: Towards a Conference on Security, Stability, Development and Cooperation in Africa. Abuja: African Leadership Forum.

Owen, Taylor. 2008. "Measuring Human Security." In Environmental Change and Human Security: Recognizing and Acting on Hazard Impacts, 35–64. Springer.

Paris, Roland. 2001. "Human Security: Paradigm Shift or Hot Air?" International Security 26 (2): 87–102.

Parmar, Parveen Kaur, Pooja Agrawal, Ravi Goyal, Jennifer Scott, and P. Gregg Greenough. 2014. "Need for a Gender-Sensitive Human Security Framework: Results of a Quantitative

Study of Human Security and Sexual Violence in Djohong District, Cameroon." Conflict and Health 8 (1): 1.

Patel, K. (2015, May 28). The Daily Vox. Retrieved from thedailyvox.co.za

Peberdy, S. (2001). Imagining Immigration: Inclusive Identities and Exclusive Policies in Post-1994 South Africa. The H.W. Wilson Company.

Pellerin, Helene. 1999. "The Cart before the Horse? The Coordination of Migration Policies in the Americas and the Neoliberal Economic Project of Integration." Review of International Political Economy 6 (4): 468–493.

Pettman, Ralph. 2005. "Human Security as Global Security: Reconceptualising Strategic Studies." Cambridge Review of International Affairs 18 (1): 137–50.

Philo, G., Briant, E., & Donald, P. (2013). Bad News for Refugees. New York: Pluto Press.

Pratt, Nicola. 2004. "Bringing Politics Back in: Examining the Link between Globalization and Democratization." Review of International Political Economy 11 (2): 311–36.

Pries, Ludger, ed. 2001. New Transnational Social Spaces: International Migration and Transnational Companies in the Early Twenty-First Century. Transnationalism 1. London ; New York: Routledge.

Pupavac, Vanessa. 2005. "Human Security and the Rise of Global Therapeutic Governance: Analysis." Conflict, Security & Development 5 (2): 161–181.

Rakodi, Carole, and Tony Lloyd-Jones. 2002. Urban Livelihoods: A People-Centred Approach to Reducing Poverty. Earthscan.

Refugees, United Nations High Commissioner for. 2016. "The 1951 Refugee Convention." UNHCR. Accessed August 29. http://www.unhcr.org/1951-refugee-convention.html.

Republic of South Africa Government Gazette. (1998). No. 130 of 1998: Refugees Act, 1998.

Republic of South Africa. (1996). The Constitution of the Republic of South Africa.

Republic of South Africa. (1998). Act No. 130, 1998 Refugees Act. Cape Town: Government Gazette.

Rettler, Bradley. 2015. "Erratum to: The General Truthmaker View of Ontological Commitment." Philosophical Studies 173 (5): 1427–1427.

Richmond, Oliver P. 2012. "Human Security and Its Subjects." Int'l J. 68: 205.

Roberts, David. 2005. "Empowering the Human Security Debate: Making It Coherent and Meaningful." International Journal on World Peace, 3–16.

Rosegrant, Mark W., and Sarah A. Cline. 2003. "Global Food Security: Challenges and Policies." Science 302 (5652): 1917–1919.

Rosenberg, Göran. 1995. “Sweden and Its Immigrants: Policies versus Opinions.” Daedalus, 209–218.

Rosenblum, Nancy L., ed. 1989. Liberalism and the Moral Life. Cambridge, Mass: Harvard University Press.

Rothschild, Emma. 1995. “What Is Security?” Daedalus, 53–98.

Rudolph, Christopher. 2003a. “Security and the Political Economy of International Migration.” American Political Science Review 97 (04): 603–620.

Sandel, Michael J. 2009. Justice: What’s the Right Thing to Do? Penguin Books.

Schmeidl, Susanne. 2002. “(Human) Security Dilemmas: Long-Term Implications of the Afghan Refugee Crisis.” Third World Quarterly 23 (1): 7–29.

Schreier, T. H. (2008). An Evaluation of South Africa's Application of the OAU Refugee Definition Refuge, 53-63.

Security1.” International Migration Review 35 (1): 7–32.

Segatti, Aurelia, and Loren Landau, eds. 2011. Contemporary Migration to South Africa: A Regional Development Issue. The World Bank.

Shani, Giorgio, Makoto Satō, and Mustapha Kamal Pasha, eds. 2007. Protecting Human Security in a Post 9/11 World: Critical and Global Insights. New York: Palgrave Macmillan.

Sharpe, M. (2012). The 1969 African Refugee convention: Innovations, Misconceptions, and Omissions. McGill Law Journal, 95-147.

Sibeon, Roger. 1999. “Agency, Structure, and Social Chance as Cross-Disciplinary Concepts.” Politics 19 (3): 139–144.

Simich, Laura, and Lisa Andermann, eds. 2014. Refuge and Resilience. Vol. 7. International Perspectives on Migration. Dordrecht: Springer Netherlands.

Simone, A. 2011. “The Urbanity of Movement: Dynamic Frontiers in Contemporary Africa.” Journal of Planning Education and Research 31 (4): 379–91.

Soderbaum, F. (1996). Handbook of Regional Organizations in Africa. Uppsala: Nordiska Afrikainstitutet.

Solomon, H. (1997). Towards The Free Movement of People In Southern Africa? Human Security Project, 1-6.

South Africa, and National Planning Commission. 2012a. Our Future: Make It Work : National Development Plan, 2030. Pretoria: National Planning Commission.

South Africa, Parliament (1994-), Constitutional Assembly, South Africa, and Juta Law (Firm). 2011. The Constitution of the Republic of South Africa, 1996: As Adopted on 8 May 1996 and

Amended on 11 October 1996. Cape Town (PO Box 1191, Cape Town 8000): Constitutional Assembly.

South Africa, Parliament. (1994-). The Constitution of the Republic of South Africa, 1996: As Adopted on 8 May 1996 and Amended on 11 October 1996. . Cape Town: Constitutional Assembly, South Africa, and Juta Law (Firm).

Souza, et all Rogério dos Santos Alves; Alex Soares de. 2014. “No Title No Title.” Igarss 2014, no. 1: 1–5.

Statistics South Africa. (2003). Documented migration, 2003 Report No.03-51-03. Statistics South Africa.

Steinberg, Jonny. 2016. “The Vertiginous Power of Decisions: Working through a Paradox about Forced Migration.” Public Culture 28 (1 78): 139–60.

Stewart, F. (2010). Development and security. Conflict, Security and Development, 261-288.

Stremlau, J. (2009). African renaissance and international relations. South African Journal of International Affairs, 61-80.

Stupart, R. (2016). Is South Africa home to more than a million asylum seekers? The numbers don't add up. Africa Check.

Summerfield, Derek. 1999. “A Critique of Seven Assumptions behind Psychological Trauma Programmes in War-Affected Areas.” Social Science & Medicine 48 (10): 1449–1462.

Svensson, Katja. 2007. “Human Security as Inclusive Security—gender, Epistemology and Equality.” African Security Review 16 (2): 1–13.

Swamba, A. B. (2016, November 26). Coordinating Body of Refugee Community & Migrant Communities (CBRCMC). (X. Ntuli, Interviewer)

Tadjbakhsh, Shahrbanou, and Anuradha M. Chenoy. 2007. Human Security: Concepts and Implications. Routledge Advances in International Relations and Global Politics 51. London ; New York: Routledge.

Taylor, Viviene. 2004. “From State Security to Human Security and Gender Justice.” Agenda 18 (59): 65–70.

The International Bank for Reconstruction and Development/ The Word Bank. (2007). A Decade of Measuring the Quality of Governance: Governance Matter 2007 Worldwide Governance Indicators, 1996-2006. New York: The World Bank.

The International Bank for Reconstruction and Development/ The Word Bank. (2007). A Decade of Measuring the Quality of Governance: Governance Matter 2007 Worldwide Governance Indicators, 1996-2006. New York: The World Bank.

The Times. (2015). Immigration. Welcome to South Africa. The Times.

The Times. (2016). New Policy set to reverse neglect of migrants, refugees. The Times.

The UN Refugee Agency. (1951). Convention and Protocol relating to the Status of Refugees.

The UN Refugee Agency. (2015). Global Trends: Forced Displacement in 2015. UNHCR.

The UN Refugee Agency. (n.d.). UNHCR Regional Representation. Retrieved November 3, 2016, from UNHCR Regional Representation: www.unhcr.org/asylum-seeker.html

The UN Refugee Agency. (n.d.). UNHCR Regional Representation. Retrieved November 3, 2016, from UNHCR Regional Representation: www.unhcr.org/asylum-seeker.html

The United Nations Refugee Agency. (1951). Convention and Protocol Relation to the status of Refugees. New York: The United Nations Refugee Agency.

Thieme, Susan. 2008. “Sustaining Livelihoods in Multi-local Settings: Possible Theoretical Linkages Between Transnational Migration and Livelihood Studies.” Mobilities 3 (1): 51–71.

Thomas, Caroline. 2001. “Global Governance, Development and Human Security: Exploring the Links.” Third World Quarterly 22 (2): 159–..

Thomas, Caroline. 2000. Global Governance, Development and Human Security: The Challenge of Poverty and Inequality. London: Pluto Press

Tobias, Saul. 2012. “Neoliberal Globalization and the Politics of Migration in Sub-Saharan Africa.” Journal of International and Global Studies 4 (1): 1–17.

Todes, Alison. 2012. “Urban Growth and Strategic Spatial Planning in Johannesburg, South Africa.” Cities 29 (3): 158–65.

Truong, Thanh-Dam, and Des Gasper, eds. 2011. Transnational Migration and Human Security. Vol. 6. Hexagon Series on Human and Environmental Security and Peace. Berlin, Heidelberg: Springer Berlin Heidelberg.

Tsai, Yu-tai. 2009. “The Emergence of Human Security: A Constructivist View.” International Journal of Peace Studies, 19–33.

Turton, D. (2003). Conceptualising Forced Migration. Refugee Studies Centre Working Paper No.12, 2-16.

UNDP, ed. 1994. Human Development Report 1994. New York: Oxford Univ. Press.

United Nations Trust Fund for Human Security. (2016). Human Security- Trajectory and Application at the United Nations. Human Security Unit United Nations.

Van Dalen, Hendrik P., George Groenewold, and Jeanette J. Schoorl. 2003. “Out of Africa: What Drives the Pressure to Emigrate?”

Vietti, Francesca, and Todd Scribner. 2013. “Human Insecurity: Understanding International Migration from a Human Security Perspective.” Journal on Migration and Human Security 1 (1): 17.

Vigneswaran, D. (2008). Enduring territoriality: South African immigration control. Political Geography, 783-801.

Vigneswaran, D. (2013). Making Mobility a Problem: How. In K. Franko Assa, & M. Bosworth, The Borders of Punishment: Migration, Citizenship, and Social Exclusion (pp. 111-127). New York: Oxford University Press.

Wadsworth, J., Dhingra, S., Ottaviano, G., & Van Reenen, J. (2015). Brexit and the Impact of Immigration on the UK. London: The London School of Economics and Political Sciences.

Waisová, Šárka. 2003. “Human Security—the Contemporary Paradigm?” Perspectives, no. 20: 58–72.

Wallerstein, Immanuel. 1927. “The Modern World-System.” Bd 3: 1730–1840.

Walt, Stephen M. 1991. “The Renaissance of Security Studies.” International Studies Quarterly 35 (2): 211.

Walters, William. 2011. “Foucault and Frontiers: Notes on the Birth of the Humanitarian Border.” Governmentality: Current Issues and Future Challenges, 138–64.

Walzer, Michael. 2008. Spheres of Justice: A Defense of Pluralism and Equality. Basic Books.

Webster, Wendy. 1998. Imagining Home. Hoboken: Routledge.

Weiner, Myron, and Rainer Munz. 1997a. “Migrants, Refugees and Foreign Policy: Prevention and Intervention Strategies.” Third World Quarterly 18 (1): 25–52.

Weis, Paul. 1967a. “1967 Protocol Relating to the Status of Refugees and Some Questions of the Law of Treaties, The.” Brit. YB Int’l L. 42: 39.

Wellman, Christopher Heath, and Phillip Cole. 2011. Debating the Ethics of Immigration: Is There a Right to Exclude? Oxford University Press.

Wells, Ingrid E. 2010. Psychological Well-Being. New York: Nova Science Publishers.

Wendt, Alexander. 1995. “Constructing International Politics.” International Security 20 (1): 71.

Wentzel, M., & Tlabela, K. (2005). Historical background to South African migration. In D. G. Pieter Kok, Migration in South and Southern Africa (pp. 71-96). Cape Town: HSRC.

Werthes, Sascha, Corinne Heaven, and Sven Vollnhals. 2011. “Assessing Human Insecurity Worldwide: The Way to a Human (in) Security Index.”

Whittaker, David J. 2006. Asylum Seekers and Refugees in the Contemporary World. The Making of the Contemporary World. London ; New York: Routledge.

Wilkinson, Emily, Amy Kirbyshire, Leigh Mayhew, Pandora Batra, and Andrea Milan. 2016. Climate-Induced Migration and Displacement: Closing the Policy Gap. Overseas Development Institute, London.

Willen, Sarah S. 2012. "Migration, 'illegality,' and Health: Mapping Embodied Vulnerability and Debating Health-Related Deservingness." Social Science & Medicine 74 (6): 805–11.

Wright, M. 1984. People, States and Fear : The National Security Problem in International Relations. Vol. 60. 2.

Yamashita, Hikaru. 2014. "New Humanitarianism and Changing Logics of the Political in International Relations." Millennium-Journal of International Studies.

Yuval-Davis, N. 2006. "Intersectionality and Feminist Politics." European Journal of Women's Studies 13 (3): 193–209.

Zambelli, Mirko. 2002. "Putting People at the Centre of the International Agenda: The Human Security Approach." Die Friedens-Warte, 173–186.

Zelinsky, Wilbur. 1971. "The Hypothesis of the Mobility Transition." Geographical Review 61 (2): 219.

Appendix A: Interview Questions

Research question:

The Human Security of Asylum seekers in South Africa: Exploring ways in which the Human Security lens can contribute to the construction of South Africa's Green Paper on International Migration.

**Because the interview is open-ended and the questions are semi-structured this interview guide is not structured and is to be amended depending on the experts' field of knowledge.*

Good day my name is Xolisile Ntuli and I am a Masters student in Migration and Displacement with the African Centre for Migration and Society at the University of the Witwatersrand in Johannesburg. I am conducting a research study that is aimed at understanding the concept of human security in South Africa and particularly its role in the asylum seekers in South Africa. Particularly those who are at the state of applying for asylum and those who are granted asylum by the state. This will provide depth on both the conceptualization and operationalization of human security in this regard. Thank you for taking both the time and interest in participating in this research project that will help us understand human security in South Africa and particularly its role to the asylum seekers in South Africa. I do hope that the project will beneficial to you too.

This is an open-ended interview, and I have compiled 16 questions, that I hope will not be a problem for you to answer.

These questions are semi-structures and thus meaning that:

- I may reorder the questions during the interview, the language of the interview questions may be altered or adjusted,
- I may also clarify the questions asked.

You as the participant/interviewee can discuss/answer the question in depth if you may want to do so as there is no time limit for the answering the questions set-out just a time limit for the overall interview which will be conducted within 1hour 30 minutes to 2 hours. All depending on the pace of the interview and the availability of you the participant/interviewee.

If you do not understand the question being asked, you may request the interviewer to clarify it. And if you do not feel comfortable with answering a question you may request not to answer it.

Because the current interview is only limited to only these 16 questions, a follow-up interview may also be conducted to either discuss a question further or get some clarification on the questions answered, but the follow-up interview will only be conducted with the agreement between both the interviewee and the interviewer on an agreed upon date. An opportunity to ask any further questions will be grated to the person being interviewed.

Questions:

1. Could you explain to me what kind of work does your organization do
2. What exactly does your job specifically entail?
3. How long have you worked for the organization and how have you found your time with the organization?
4. How's the state of the migration discourse in South Africa at this present moment?
5. How is the asylum seeker characterised within the South African context?
    - How is this idea of asylum seekers in this context different from the representations of asylum seekers internationally? (Looking at how policy responds)
6. Can you please try to give me a brief explanation of how the asylum application process works and operates?
    - Documentation
    - Waiting period
    - The ethical consideration of the procedure
    - Administrative process
7. What in your opinion or experience, causes or hinders the back-lock of the asylum applications that are not being sufficiently processed?
8. How do you think the administrative process of the asylum application impacted the growing concerns of the position of an asylum seeker in South Africa?
9. How do you think the administrative process for an application for asylum in South Africa, influences the overall documented number of asylum seekers in the country?
10. Do you think that that the 2016 Green Paper on International Migration attends to the administrative problems of the asylum system (If yes stipulate how, if no stipulate why not)?

Human security

Some background on what human security is.

The affirmation of the concept of human security within the various areas such as academia, policy making, non-governmental organizations (NGO) and state institutes, not only underlines its importance as a study/discipline but also as a plausible paradigm in the study of security that is relevant and can be applicable to both nationals and non-nationals. By also venturing out into other various disciplines such as migration, will help guide both the study and the analysis of the discourse because it too is founded on the security of the human person in the world they live in.

The discourse of human security should be established and supported by the states that are continuously confronted with growing insecurities (e.g. personal security, political security, community security, food security, health security, environmental security, and community security) not only of nationals but also those of foreign citizens (non-nationals) relocating in another country, and the case of asylum seekers provides a platform where such a discussion within human security should also be taking place.

11. What do you think is understood to be Human Security in South Africa?
    - *A historical view of the progression of human security in South Africa.*
    - *The significance of human security in the post-apartheid era.*
12. Having gone through the proposed 2016 green paper on International Migration what kind of security is being adhered to (human or state security), and why do you think it's so?

14. What has informed the construction of the proposed green paper?

15. Are there any human insecurities that asylum seekers in South Africa face, in the process of attaining asylum/protection? (and what are they).

* *Give space for the respondent to add any further points or ask questions.*

[End of Interview]

Appendix B: Consent Form

B. Written & verbal informed consent

Title of research project:
The Human Security of Asylum Seekers in South Africa: *In what ways can a Human Security lens contribute to the construction of South Africa's forthcoming 2016 Green Paper on International Migration?*

Research Protocol number: ACMS/16/07/02

Student name: Xolisile Ntuli
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Supervisor email: Jovearey@gmail.com
Supervisor contact number: 072 392 7034

University of the Witwatersrand Research Ethics Committee (non-medical) contact:
Lucille.Mooragan@wits.ac.za
011 717 1408

	Yes	No
I have read and understood the participant information sheet, and have had the opportunity to ask questions.		
I understand that I am free to withdraw from this study at any time with no negative consequences.		
I understand that all information will be confidential and my responses anonymised. It is not guaranteed the it will not be possible for one to be identified in the final report.		
I give consent for my responses to be made available in an anonymized format for a variety of subsequent purposes, including for future research projects.		
I give my consent to be audio taped during the interviews. I understand that after the tapes will be kept for 2 years after publication, or for 6 years if no publication results. I also understand that I am free to withdraw this consent at any time.		
I consent to participate in this study.		

For the verbal consent

PARTICIPANT:

Printed Name of Participant Date

Person who sought consent

- I Xolisile Ntuli herewith confirm that the above participant has been fully informed about the study and has given verbal consent to participate as indicated above.

Printed Name Signature Date

For written/signed consent

PARTICIPANT:

Printed Name of Participant Date

- I herewith confirm that I have been fully informed about the study and have given consent to participate as indicated above.

Printed Name Signature Date