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ANALYSING THE EXPERIENCES OF ZIMBABWEAN MIGRANTS IN ACQUIRING THE ZIMBABWEAN SPECIAL PERMIT

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A research report submitted to the Faculty of Management, University of the Witwatersrand, in 50% requirement of the requirements for the degree of Master of Management (In the field of Public Policy)

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Abstract

'This qualitative study uses a phenomenological methodology to analyse ten Zimbabwean migrants' experiences in acquiring the Zimbabwean Special Permit (ZSP) since its inception in 2010, with the human rights of applicants as a guiding concern. The study utilises ten semi-structured in-depth interviews with Zimbabwean migrants who are on the work permit category of the ZSP, a representative of the Department of Home Affairs (DHA), and an official representing the Zimbabwean community at African Diaspora Forum. After coding and analysing the data according to research questions, literature and theoretical framework used in the study, three broad themes emerged from migrants' experiences: 1) employment and financial freedom; 2) freedom of movement; 3) documentation. Even though administrative challenges with the DHA were intense in 2009, they have improved over the years mainly because of the move from manual applications to online applications. After acquiring the ZSP migrants' expressed gratitude because they are now able to look for legal work and manage their finances. Secondly, the ZSP holders can now exercise their most basic human right which is the right to freedom of movement. And finally, the Zimbabwean migrants are concerned about what the future holds for their documentation status in South Africa, with pleas for permanent residence'

Declaration

I declare that this report is my own, unaided work. It is submitted in partial fulfilment of the requirements of the degree of Master of Management (in the field of Public Policy) in the university of the Witwatersrand, Johannesburg. It has not been submitted before any degree or examination in any other university.

Siyamthanda Skota
29 September 2020

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Abbreviations and Acronyms

AU	African Union
AfCTA	African Continental Free Trade Area
DHA	Department of Home Affairs
DZP	Dispensation for Zimbabwean Project
ILO	International Labour Organisation
IOM	International Organisation for Migration
LSP	Lesotho Special Permit
MK	uMkhonto Wesizwe
NDP	National Development Plan
NGO	Non-Governmental Organisations
SADC	Southern African Development Community
SAPS	South African Police Services
UNCTAD	United Nations Conference on Trade and Development
UNHCR	United Nations High Commissioner for Refugees
ZEP	Zimbabwean Exemption Permit
ZSP	Zimbabwean Special Dispensation Permit

Chapter 1: Introduction to the study

1.1 Introduction

This phenomenological study is located in public policy management. There are various academic fields of study in which research can be conducted in public policy management. These include policy process design, policy analysis, policy formulation, decision-making, policy dialogue, implementation, and monitoring and evaluation (Cloete, Wissink & de Coning, 2006). This research makes use of a combination of various analytic tools including policy implementation, policy dialogue and policy analysis. This is due to the fact that the policy under study has already gone through various implementation phases; and the ZSP is not a static policy but rather a changing policy that is tailored to adapt to the continuously changing policy environment.

1.2 Background and Context

Southern Africa has a long history of intra-regional migration which dates as far back as the 19th century and South Africa, in particular, is no exception to this long history (Crush, Williams & Perberdy, 2005). Migration to South Africa is roughly calculated to date as far back as the 1840s when Europeans stole the land in what was then called Bechuanaland (Botswana), Swaziland, Lesotho, Mozambique and Angola (Modi, 2003). Decades later, as land theft spread to Zimbabwe and Namibia the citizens of these countries were forced to migrate to South Africa to work on the farms and in mining (Modi, 2003). According to a 2018 report on migration for structural change transformation by the United Nations Conference on Trade and Development (UNCTAD) several migration patterns in Africa can be traced to colonialism (UNCTAD, 2018). The report states that "under colonial rule, labour, both skilled and low-skilled, was relocated from one colony to another, establishing migrant labour systems as well as trade patterns that continued beyond the colonial era" (UNCTA, 2018, p.16).

While scholars such as Hanlon, Manjengwa & Smart (2013) have tried to paint a picture of Zimbabwean farmers doing well after the land occupations by black farmers in 2000, the reality is that many Zimbabweans have also had to flee the country due to displacement, socio-economic and political deterioration (Crush & Tevera, 2010; Hammar, McGregor & Landau, 2010). Black farmers refer to the group of farmers who were led by war veterans and later, ZANU-PF, to occupy farms previously owned by white Zimbabweans (Hanlon, Manjengwa & Smart, 2013). The violence that was employed as a means to attain land reform during land occupations has left what Sachikonye (2011, p. 37) refers to as "a traumatized social group of Zimbabwean society", a displaced Zimbabwean population. This population is displaced within and outside Zimbabwe (Hammar, McGregor & Landau, 2010).

According to Muzondidya (2011) in 2002 the Zimbabwean census estimated around 3 million Zimbabweans who had fled the country from political persecution and economic hardship. Meanwhile, the South African Census and the United Nations in

2001 recorded that 131, 887 Zimbabweans were in South Africa (Crush & Tevera, 2010). Of all the possible destinations, South Africa is the most important one for the Zimbabweans with an estimated 1 to 1.5 million migrants having fled to South Africa (Muzondidya, 2011). One of the reasons why South Africa would be a destination for Zimbabweans fleeing their country is the fact that South Africa is Zimbabwe's neighbouring country. Another reason is South Africa's political and economic stability accompanied by "low transaction costs for migration" (Crush *et al*, 2017, p. 3); as well as historic, linguistic, relational and other common ties. At the same time, Landau (in Mabandu, 2020, p. 2) explains that "while Zimbabwe and Mozambique account for the largest number of migrants, Lesotho is the highest by proportion; almost half of working age Basotho men work in South Africa".

When it comes to the official number of Zimbabweans in South Africa it would seem that there is no authority on the exact numbers. According to Africa Check (2019) the UN population division estimated that 649, 385 Zimbabwean migrants were in South Africa in 2017 while Statistics South Africa's estimates sat at 574, 047 during their community survey in 2016. On the other hand, in their study of mixed migration from Zimbabwe to South Africa, Crush, Chikanda & Tawodzera (2015) found that just over 600,000 Zimbabweans legally entered the South African border posts in 1997 while in 2005 the number had risen to closer to 800,000 and in 2010, this number "had almost doubled to 1.5 million" (Crush, Chikanda & Tawodzera, 2015, p. 366).

Back to the numbers, it is important to highlight the fact that there is contestation around the number of Zimbabwean migrants in South Africa as shown by Crush (2011, p. 15). Crush's assertion is that even though there is a trend to cite numbers in millions, it is difficult to determine the number of migrants working with or without official papers due to historical underreporting and the complexity of the nature of Zimbabwean immigration. And it is impossible to know how many undocumented Zimbabweans are in the country if they are undocumented in the first place (Amit & Kriger, 2014). Researchers such as Thebe (2016, p.7) argue that exact numbers "of Zimbabwean migrants in South Africa have been quite elusive, mainly because of the clandestine character of some movements".

In (Betts, 2013, p. 59), Crush & Tevera (2010) and Polzer (2008) have a further different reason for the contested numbers by claiming that "this is partly because of the clandestine nature of much of the movement and partly because of the political desire of both Zimbabwe and South Africa to keep the numbers low so as not to embarrass or discredit the Zimbabwean government". Betts (2013) claims that this political contestation argument is supported by how the Zimbabwean Ambassador to South Africa disputes the numbers by lamenting how the numbers are thrown around with commentators who are negative quoting high numbers while those who are apparently objective are likely to state less numbers. Either way, the argument that South Africa would want to keep the numbers low to avoid embarrassing Zimbabwe falls flat when we consider the fact that the Department of Home Affairs has previously quoted higher numbers than those quoted by academic research for instance (Betts,

2013). The logical argument would be that the clandestine nature of Zimbabwean immigration makes it difficult to know the exact number of Zimbabwean migrants in South Africa as shown by Thebe (2016) and Crush (2011).

These imprecise numbers suggest that a large number of undocumented migrants still manage to make their way into South Africa through the porous border (Dreesen & Hansen, 2016). Porous borders are mainly but not only attributed to poor migration management at the border as well as corruption (Segatti, 2011). For instance, when Zimbabweans were fleeing to South Africa due to the economic crisis in that country, South Africa was caught ill prepared to handle the increasing numbers (Vigneswaran, 2011).

In Vigneswaran (2011, p.110) this idea is supported by Vigneswaran's earlier work (2007) who writes that "in 2007 a flurry of media reporting documented Zimbabweans swimming the Limpopo river, ducking under fences, and evading border guards at the Beitbridge border post". On the other hand, research shows that corruption is also a contributor to the notion of porous borders. Vigneswaran (2011, p.113) refers to this practice as a "loosely bound network of transport operators, negotiators, hawkers, guides, and (to a lesser extent) officials that run the human smuggling industry that has created a parallel border management system". This includes the South African Police Services as well as Beitbridge officials who charge migrants for entering and exiting illegally (Vigneswaran, 2011).

This argument of the DHA's incompetence is confirmed by Thebe (2016) who argues that South Africa was caught ill prepared for the large number of migrants that surged into its borders after 2000 because of porous borders amongst other reasons. Alfaro-Velcamp & Shaw (2016, p.986) go further to say that once these migrants are inside the country, South Africans struggle with "a postcolonial conundrum of how to handle immigrants who arrive across borders that are inherently porous, of colonial origin, and paradoxically symbolic of sovereignty". This is why the notion of porous borders in itself is a problematic one particularly in the Southern African context. The borders and immigration laws in the region have seemingly always been viewed as artificial colonial establishments which could be ignored by citizens (Mlambo, 2010). According to Mlambo (2010, p.52) different communities did not stop moving around because of the introduction of colonial borders, instead they disregarded the immigration laws and "crossed borders in search of employment, and for other reasons, and continue to do so to this day". Therefore, it is no surprise that Zimbabweans would find themselves in South Africa undocumented for one reason or the other. The movement speaks to the very same disregard that different communities have shown for the colonial borders and immigration laws that are still in existence today.

Nevertheless, countries also have their own responsibilities to maintain each country's sovereignty. This means since the colonial borders are not being dismantled, countries need to find different ways of managing movement in and out of their countries' borders. It is for this reason that the DHA has introduced the Border Management

Authority Bill, 2016 which was passed by the National Assembly in Parliament on 3rd March 2020 (DHA, 2020) to manage the porous borders better. The Bill aims to strengthen border management capacity by integrating all the relevant state organs such as the military, health, police, home affairs, environmental affairs and others into one entity that will function under one authority as opposed to the status quo of functioning under individual government departments (DHA, 2020).

Furthermore, some studies seem to suggest that Zimbabweans who migrate to South Africa are increasingly labour migrants, even though this is not a new phenomenon, who are looking for employment opportunities and do not have the relevant skills for the Zimbabwean economy (Tevera and Crush, 2003). However this does not erase the fact that the political violence and abuse of human rights in the 2000s gave rise to a new form of migrants who were fleeing from persecution in Zimbabwe and thus qualified to be refugees even though South Africa's stance was that there was no war in the neighbouring country (Thebe 2016; Betts, 2013).

As a result, and in order to manage the undocumented migration, South Africa introduced an amnesty for Zimbabwean migrants through a special permit (whose name has changed three times after periodical renewal since its inception in 2010). This came because "in the absence of legal standards or specialized institutions to address such a situation, the response of the South African government" was "limited, slow and ad hoc" (Betts, 2013, p.55).

It must be noted that for the purposes of this study, and due to the fact that reasons behind the documentation of Zimbabweans have remained the same, this thesis refers to all three regimes as Zimbabwean Special Dispensation Permit (ZSP) regardless of the different names the Department of Home Affairs (DHA) labelled it during each renewal period. But first it is important to name the permits fully from the first regime which was called Dispensation of Zimbabweans Project (DZP) followed by Zimbabwean Special Dispensation permit (ZSP) and with current permit called Zimbabwean Exemption Permit (ZEP). The ZSP was introduced by the South African government in order to curb the problem of undocumented migrants by giving them a four-year amnesty permit. This means that the permit also addresses regional migration flows and legal access to South Africa for low-skilled migrants (Viljoen, Wentzel & Pophiwa, 2016), even though this research shows that the migrants would not necessarily be classified as low-skilled workers in Zimbabwe.

The four-year amnesty permit was introduced in 2010 under the name Dispensation for Zimbabwean Project (DZP). It is important to note that this was not the first amnesty to be granted by the South African democratic government. Other amnesties had been introduced before the ZSP including the miners 'amnesty in 1995, the SADC amnesty in 1996, the refugee amnesty for Mozambicans in 1996 as well as the Lesotho special permit which was introduced in 2015. Most of these are discussed in chapter 3.

In the meantime the DZP was designed to enable undocumented Zimbabwean migrants who were in the country at the time of its introduction to apply for temporary work, study and business visas (Crush, 2011). The Department of Home Affairs (DHA, 2010) introduced the special permit to provide an amnesty to those Zimbabwean migrants who had acquired South African documents fraudulently and to relieve pressure on the refugee management system. It marked a journey towards regularising undocumented migrants (Amit, 2011).

However, this meant that the migrants had to forfeit their asylum seeker status before submitting their special permit applications - a violation of the rights of asylum seekers and a contravention of the law "given that the Refugees Act and the Immigration Act are two separate legal regimes" (Amit 2011, p. 24). According Amit (2011) this is because forcing applicants to forfeit their asylum status is against the Immigration Act and a standing Dabone v Minister of Home Affairs court order in 2003 that ruled that refugees and asylum seekers who apply for a temporary or permanent permit should not give up their asylum or refugee status (Amit, 2011). This court ordered "When applying for permanent residence in terms of section 26 or 27 of the Immigration Act, asylum seeker permit holders are no longer required to cancel their asylum seeker permits. When applying for permanent residence in terms of section 213 or 27 of the Immigration Act, refugees are no longer required to give up their refugee status" (Dabone v. Minister of Home Affairs, 2003). Amit (2011, p. 24) further argues that those who did apply may have only done so because of the well documented barriers to obtaining asylum.

During this process, Zimbabwean migrants were urged to hand in fraudulent documents in exchange for amnesty, but according to Crush (2011) approximately 4 000 Zimbabweans were willing to surrender the documents. This either means individuals decided to hold on to their (possibly fraudulent) documents in order to reap the benefits that come with being in South Africa, or they were reluctant of letting go of their asylum seeker status. For instance, one of the respondents for this study expressed his disappointment with Zimbabweans who did not come forward because "we are millions here but people did not come forward" (Sbu, 33 2019).
The special permit was introduced in part to clear the asylum seeker backlog which was clogged by migrants who were opting for the refugee status as a way to attain some form of legal status in the country (Bimha, 2017). During this period the Zimbabwean population in South Africa was estimated at 1.5 million; however, only 242, 731 DZPs were issued while 49, 255 exchanged their asylum seeker permits for DZPs (Crush 2011; Thebe 2016). Since then, over 190 000 Zimbabwean migrants have applied for the special permit to regularise their stay.

1.3 Research problem and objectives

South Africa has been receiving an increasing number of migrants from Zimbabwe since the economic collapse and political turmoil in Zimbabwe in 2000. According to Crush & Tevera (2010) the number of black Zimbabweans in South Africa at any one time has undoubtedly increased since then. For instance, in their study of mixed migration from Zimbabwe to South Africa, Crush, Chikanda & Tawodzera (2015) found that in 1997 600,000 Zimbabweans crossed into South Africa legally. however, by 2005 this number had gone up to approximately 800,000. By the year 2010, the amount of Zimbabweans legally crossing to South Africa had risen to 1.5 million (Crush, Chikanda & Tawodzera 2015).

On the other hand, this increase meant that South Africa faced a growing problem of Zimbabwean migrants who resided in the country without documentation. Therefore, the South African government had to provide policy interventions to manage migration and the ZSP is one of those interventions. The ZSP was introduced as a four-year non-renewable amnesty intervention to regularise undocumented Zimbabwean migrants. However, the DHA keeps renewing the permit when it expires suggesting no long-term plan for the Zimbabwean migrants who are on the amnesty programme. It is therefore important to study Zimbabwean migrants' experiences in acquiring the ZSP.

This study initially aimed to analyse the experiences of some Zimbabwean migrants who have acquired the ZSP since its inception, for study, work and business. It is important to mention that the study category of the permit is meant for migrants who are studying, the work category is an equivalent of a work permit and the business category is targeted at those who are running their own businesses in South Africa. However, only respondents with work visas were found to be willing to participate in this study. There is no generalisation that can be made as to why only work visa participants could be found beyond how recruitment took place and the reasons behind that. This is discussed in Chapter 4.

This study examines the gap between ZSP policy objectives and the actual experiences of Zimbabwean migrants. The success or failure of the ZSP is then analysed based on understanding expectations and experiences set against policy objectives and filtered through a human rights framework. Drawing on semi-structured interviews with ten Zimbabwean respondents, a representative from the DHA and African Diaspora Forum this study attempts to provide a phenomenological analysis of Zimbabwean migrants' experiences in acquiring the ZSP over the years.

Even though scholars such as Amit (2011), Bimha (2017), and Crush (2011) have conducted research on this topic, none have documented the migrants' experiences in acquiring the special permit from the year it was announced (2009) to date.

Therefore, this research aims to fill this gap. It also aims to contribute to existing literature and recommend relevant policy interventions.

Zimbabwe is one of the countries with complex ties to South Africa in the SADC region when it comes to labour migration. This comes from the fact that as colonial land appropriation spread to Zimbabwe and Namibia the citizens of these countries were forced to migrate to South Africa to work on the farms and in mining (Modi, 2003). Therefore, this complexity means South Africa needs to strengthen its international migration laws and governance structures in order to manage this complex history better, and to protect migrants' basic human rights. Failure to do so would lead to migrants being subjected to abuse and criminalisation but law enforcement officers as we have seen in the past in instances where there is lack of appropriate policies to manage migration. For instance, during their research, Alfaro-Velcamp & Shaw (2016, p.987) discovered three "techniques of criminalizing migrants" which are 1) compelling migrants to pay bribes in order to obtain legal documents; 2) raids by institutions such as the South African Police Services (SAPS) and 3) the DHA personnel illegally detaining Zimbabwean migrants.

This thesis also tried to find out whether the special permit is a sustainable solution in terms of documentation. Considering the fact that it has been a decade since the ZSP was introduced it was interesting learning from the permit holders whether they have been able to go on and acquire normal work, business and study visas. For instance, if not, what obstacles did they encounter in trying to obtain the visas and the implications thereof? Curiously, none of the respondents has gone on to acquire the general work visa once on the ZSP since 2010. Answers from different respondents varied from not being aware that this was possible to how expensive it was as well as the fact that the special permit gave the migrants the same privileges as the general work visa. These answers lead to further questions such as whether the ZSP is a sustainable policy intervention in managing undocumented migrants from Zimbabwe in South Africa or not. Many of these questions are beyond the purview of this thesis, but deserve further attention.

1.4 Research Questions

Primary question:

- What are the experiences of Zimbabwean migrants in acquiring and accessing the ZSP?
-

Secondary questions:

- Have the experiences been the same or different over the years?

- Did the benefits of having ZSP meet the expectations of migrants?

- After the amnesty in 2010, have the migrants been able to acquire general business, work and study visa in Zimbabwe?

- What were the obstacles (if any) experienced by the Zimbabwean migrants in obtaining the visas and the implications thereof?

1.5 Conclusion

The purpose of this chapter was to introduce the topic to the reader with some contextual background regarding migration between South Africa and Zimbabwe. This is developed further in the literature review section of the paper. The chapter introduced the research problem and objectives of the study. Further, primary and secondary research questions that the study seeks to answer were posed for the reader to familiarize themselves with the goals of the study. For the reader to get an understanding of what the report looks like it is important to offer the following breakdown:

- Chapter 2 – This chapter helps the reader to understand historical literature of migration in Africa and South Africa. It introduces the reader to important concepts that are embedded in this research such as documentation, migration policy frameworks, and migration amnesty programmes.
- Chapter 3 – This chapter offers a theoretical framework for understanding migration in Africa. The reader gets to understand theories behind why people migrate, stages of migration, remittances, xenophobia and human rights.
- Chapter 4 – Chapter 4 tells the reader of how the research design was executed and the methodology behind it. The reader gets to learn of the researcher's positionality, research paradigm taken, data gathering techniques used, the sampling of respondents, credibility of the study, data analysis method, the coding process, ethical considerations and limitations of the study.
- Chapter 5 – In this chapter, the reader follows the presentation of data which has been presented according to seven broad themes. The themes are as follows: 1) decision to migrate, 2) documentation, 3) administrative challenges within the DHA, 4) employment and financial freedom, 5) freedom of movement, 6) disappointment and hope for the future, 7) citizenship.
- Chapter 6 – This chapter offers analysis of the data presented in chapter 5 using the literature and theories reviewed
- Chapter 7 – Chapter 7 is the conclusion of the study and recommendations.

Chapter 2: Theoretical framework for understanding migration in Africa

2.1 Introduction

Grant & Osanloo (2014) describe theoretical framework as a necessary foundation that guides the researcher in terms of what direction the structure of the research should take. Beyond offering explanations and understanding, migration theories also exist to provide a rationale behind migration policy choices (Piché, 2013, p. 154). The field of migration is too complex to be well captured in one single theory (King, 2012, p. 11) and the period 1960-1980 has been viewed by some scholars as a "confrontation between competing migration theories, each claiming supremacy" (Piché, 2013, p.156). For instance, micro-individual theories which focus on sound economic judgement "were pitted against macro-structural theories centred on demand for migrant labour generated by developments in the world capitalist economy" (Piché, 2013, p. 156). It is important to note that micro-individual theories refer to what goes into decisions that migrants make before migrating and macro-structural theories refer to the global environment that influences migration (Piché, 2013). However, Piché (2013) argues that from the1990s these theoretical debates were proven invalid with empirical studies showing that each theory has a unique contribution to make in the migration process, with some being more applicable to a specific region or historical era than others.

This chapter will look into the reasons behind migration, mixed migration, stages of migration as a process, network and migration systems theory, remittances, human rights and xenophobia.

2.2. Why do people migrate?

Migration theories can be classified according to their level of focus (Hagen-Zanker 2008, p. 5). In other words, they operate on different levels (Sager, 2012). This is because decisions to migrate are complex from being individualistic, familial, monetary, and kinship related (Bloch, 2010). While micro-level theories focus on an individual's decisions regarding reasons to migrate, macro-level theories are concerned with overall migration trends and provide us with macro-level reasons (such as the economic, social and political stimuli) for migrating. On the other hand, meso-level decisions also occur; for instance, reasons at household or community level can explain both causes of migration (Hagen-Zanker, 2008).

In order to reach more nuanced findings this thesis employed different theories across the different levels mentioned above. This is because decisions taken at a micro-level cannot be completely delinked from the activities taking place in the broader economic or political environment, for instance. And indeed, as Sager (2012, p. 63) shows us, migration theories are not mutually exclusive, and some theories may be compatible with and complementary to each other. This is important to highlight because for instance, all the respondents made individual decisions that were driven

by either political or economic stimulus. The respondents were motivated by the need to take care of their households and communities.

This suggestion is strengthened by Massey *et al* (1993, p.433) who emphasise the fact that because theories conceptualise "causal processes" at different levels of focus and analysis (i.e. micro-level, macro-level and meso-level) the assumption cannot be made that these theories are "inherently incompatible". Massey *et al* further argue that "it is quite possible, for example, that individuals act to maximise income while families minimise risk, and that the context within which both decisions are made is shaped by structural forces operating at the national and international level" (Massey *et al*, 1993, p.433). This assertion was confirmed by all the respondents when asked about the reasons behind their migration stories. The respondents' decisions to migrate were largely due to the state of the economy which is evidently interlinked to the state of politics in Zimbabwe.

Furthermore, it is important to mention the suggestion that this approach enabled the researcher to view participants as complex and not monolithic subjects who have moved due to 'either/or'. This assisted the researcher in locating the participants' "actions in the context of their historical and contemporary conditions" (O'Reilly, 2015, p.2). This approach is supported by scholars such as Sjastaad (1962, p.92) who have previously concluded that the "process of migration cannot be viewed in isolation" due to the suggestion that "complementary investments" for the migrants themselves are probably just as important a motivation for migrating if not more important than the process of migrating itself. Porumbescu (2015, p.63) affirms this "integrated approach of various migration theories" for an in-depth understanding of the complexities surrounding international migration. In a nutshell, this speaks to the nature of mixed migration and the following section looks at mixed migration from Zimbabwe to South Africa.

2.3 Mixed migration

According to Crush, Chikanda & Tawodzera (2012) mixed migration is defined in various ways by different organisations in Southern Africa. For instance, the UNHCR describes mixed migration as all forms of recent migration from the African continent to South Africa (Crush, Chikanda & Tawodzera, 2012). On the other hand, the International Organisation for Migration describes mixed migration as any form of irregular migration where someone unauthorised enters a country without proper documentation (Crush, Chikanda & Tawodzera, 2012). However, according to (Crush, Chikanda & Tawodzera, 2012, p.5) an inclusive definition would be that "Migration can be mixed in several senses, which to some degree relate to stages of the migratory process: motivations may be mixed at the point of making the decision to move; migrants may make use of some agents and brokers; they may travel with others in mixed migratory flows; motivations may change en route and after arrival; and people may find themselves in mixed communities during their journey or at their destination".

The latter definition is more appropriate for this study. This is due to the fact that someone who comes to South Africa from Zimbabwe to look for work might decide to study after a while. The same can be said about someone who comes to study, they may decide to look for employment in South Africa after studying. This means that we cannot make assumptions about migrants, and policy interventions that make assumptions are bound to fail when they are faced with the realities and complexities of migration.

As shown above, people migrate due to complex reason. Makina (2010) and Polzer (2010) specifically studied mixed migration from Zimbabwe to Johannesburg and South Africa respectively since 2000. Referencing Johannesburg to generalize is important in this case because as Makina (2010, p. 238) tells us "Johannesburg, as it always has, still represents opportunity for Zimbabweans". At the same time, referencing South Africa for this study is also important because Polzer (2010) tells us there has been a growing number of Zimbabwean migrants coming into South Africa since 2000.

This is important for this study because ZSP also attempts to accommodate this mixed nature of migration if we consider the fact that the permit is for work, business and study purposes. Polzer (2010) speaks to how important this view is because it "determines not only which responses are necessary and appropriate, but also how decision-makers come to perceive and understand the migration flow and how they react to it" (2010, p. 379). Further, Polzer (2010) informs us that mixed migration should be approached in complex policy ways by institutions such as the DHA or any state because of the needs that arise from it. These include health, food programmes, shelter, social welfare, education and protection of human rights (Polzer, 2010).

For instance, in Makina (2010) Zimbabwean migrants gave different reasons why they had migrated to South Africa. 58 percent of Makina's respondents migrated to South Africa for political reasons while 82 percent moved to South Africa for economic and work reasons (Makina, 2010). Makina emphasises the fact that these numbers differed over different periods because "migrants who arrived in Johannesburg before 2001 tended to give economic conditions in Zimbabwe and the search for better employment as the major reason for migrating" whereas "between 2002 and 2005 political reasons became paramount" (2010, p. 229).

Polzer (2010) agrees that due to their need for economic survival, Zimbabwean migrants were mostly economic migrants before 2006, that they came to South Africa in order to make money and send remittances home. After 2006 the circumstances were more humanitarian with mixed migration profile ranging from women to children and the elderly (Polzer, 2010). Polzer's (2010) humanitarian description speaks to Makina's (2010) description of political reasons being persecution, torture, and political beatings and human rights violation.

These interpretations are important insofar as the profile of respondents to this study are concerned because they use the work visa category under the ZSP and especially

because they were not deliberately selected for that but they all mentioned on the visa category section of the questionnaire. However, the economic reasons cannot be isolated from the political reasons as has been shown in the previous section - peoples' reasons to migrate are often entangled and interconnected.

2.4 Stages of the Migration Process

This section's illustration of stages of migration process was inspired by existing research conducted by Erdal & Oeppen (2017), who studied forced and voluntary migration choices of migrants from Afghanistan and Pakistan to Europe through qualitative research. The researchers used the stages of migration to "highlight the effects of migration being described as forced or voluntary" (Erdal & Oeppen, 2017, p. 1). From the research findings it became clear that parallels could be drawn hence the application here in the case of Zimbabwean migrants.

Leaving – this first stage of the migration process refers to the complex reasons why migrants leave their country of origin and whether they felt forced to leave or they voluntarily left. As indicated in the previous section the reason(s) for leaving is not static; and may change before, during and after the decision has been made to leave (Erdal & Oeppen, 2017). This is emphasised by the fact that the researchers found that many of their participants somehow felt they were forced to migrate. This was affirmed by the respondents in this study who felt they were forced to leave Zimbabwe for South Africa to look for better opportunities. Bloch (2010) describes this context as Zimbabweans leaving "a country with a collapsed economy, lack of jobs, hyper-inflation, human rights violations and persecution of members of the political opposition" (p.235).

The journey – at this stage whether migrants view their decision to leave as forced or voluntary makes no difference because the journey refers to experiences, which differ with 'haves' and 'have nots'. This stage involves the migrants' ability to cross borders, obtain papers and regularise their stay (Erdal & Oeppen, 2017). This stage served as a useful framework for the researcher in understanding Zimbabwean migrants' experiences in regularising their stay in South Africa through the ZSP. It is also at this stage that the Erdal & Oeppen (2017) found that whether the decision to migrate was forced or voluntary became more significant.

As shown in the stage above (leaving), and from the respondents of this study, none of the migrants came to South Africa voluntarily. The researcher fully agrees with Bloch (2010) description of a collapsed Zimbabwe with human rights violations as enough a reason to argue that Zimbabwean migrants in this study did not come to South Africa voluntarily but were rather forced by circumstances.

But at the same time, it is important to not take their agency away by simply describing the movement to South Africa as forced as though they were literally chased out of Zimbabwe. Bloch (2010) describes forced migration as a little more complicated because it is "concerned with a wider spectrum of migrants who are forced to flee

their homes" (p. 237). None of the ten respondents indicated that they left Zimbabwe under what Bloch (2010, p. 237) calls typical experiences of forced migrants such as "generalized violence and persecution".

However, is the political and economic collapse in Zimbabwe not tantamount to violence if Zimbabweans cannot access basic services thus having their basic human rights violated? The researcher cannot conclude based on evidence that Zimbabwean migrants were forced to flee in the literal sense as described by Bloch (2010) above. However, Bloch (2010) also describes violence as one of the experiences of forced migrants and the research here can conclude that any state that violates its citizen's right to work, basic services, economic participation is violating basic human rights.

Entrance and settlement – entrance is important for migrants and it can be formal or informal (Erdal & Oeppen, 2017). For instance, Zimbabwean migrants who want to settle in South Africa may view entering the South African borders and applying for asylum as their formal entrance whereas a migrant who is using South Africa as a transit route might not view entrance to South Africa as their formal entrance. Settlement depends on the country's migration management systems. With regard to settlement, only one respondent expressed his desire to leave South Africa for Canada. The rest of the respondents indicated a desire to settle permanently through permanent residence.

Return or onward migration – return migration depends on the migrants' immigration status and their ability to cope with the relentless possibility and anxiety of being deported once detected, if their status is not formalized (Erdal & Oeppen, 2017). As we have already seen experiences are not homogeneous, some migrants may return while others may remain undocumented or participate in circular migration (Erdal & Oeppen, 2017). On the other hand, onward migration is likely to be experienced by those migrants whose status is not regularised in a quest to be legally documented and access mobility (Erdal & Oeppen, 2017). This study's respondents all participate in circular migration in one way or the other as they still have families in Zimbabwe, be it immediate or extended.

2.5 Network and Migration Systems Theory

Migration theories such as neoclassical economic theories, new economic theories, dual labour market economic theories and world systems theories have made historical contributions in an attempt to provide us with guidance on the movement of people in a broader context (Wickramasinghe & Wimalaratana, 2016). However, they have failed to help us understand complex migration processes because they offer rather simplistic reasons behind the process of movement by paying more attention to "labour migration and on a one-off move to a new destination" (O'Reilly, 2015, p. 5).

It is for these reasons that, in an attempt to understand the complexities around Zimbabwean migrants' experiences in acquiring the ZSP, this thesis used both migration systems and network theory. This approach further helped the researcher in understanding two phases of international migration, namely initiation through migration systems theory and perpetuation through network theory.

This is due to the fact that Castles & Miller (2009) argue for interdisciplinary research by migration scholars in studying the role played by both social structures and individual agency; and meso-level agents involved in the decision-making exercise and the subsequent outcomes of migration. The duo contend that complexities should be framed within migration systems or network and that network theory acknowledges migration tends to cluster, to be circular and to take shape within wider surroundings and circumstances (O'Reilly, 2015).

2.5.1 Migration systems theory

In order to understand the different experiences of Zimbabwean migrants in acquiring the ZSP the researcher employed the migration systems theory lens because of its strong "analytical focus on structure, linkage and process" (King, 2012, p. 20). It was introduced by Mabogunje (1970) in an attempt to understand rural-urban migration through a theoretical framework. It was relevant for this thesis because the participants were based in urban areas and some of them came from rural Zimbabwe. The main assumption behind this theory is that migration leads to changes in "economic, social, cultural and institutional order in both the receiving and sending country" (Wickramasinghe & Wimalaratana, 2016, p. 24). This impact of migration is the reason why people migrate in the first place, to change the status quo and find better opportunities. It also speaks to the notion of remittances which will be discussed later on in this section.

Mabogunje (1970) identified five migration systems elements which are relevant to this study because they guided the researcher in conceptualizing the research and in approaching the respondents namely:

- The environmental setting: economic conditions, government policy etc.
- The migrant
- Control subsystems: border control, immigration regulations etc.
- Adjustment mechanisms reacting to the departure and arrival of migrants
- Feedback (positive or negative) loops such as return visits

Unlike other models, the emphasis of systems theory is on the link between migration and development, and Wickramasinghe & Wimalaratana (2016) argue that this is what makes it relevant for developing a theoretical framework that takes into account migration in a wider development context. development context here refers to mainly the economic benefits of migration and how that contributes to the social and economic wellbeing of migrants and their families that receive remittances which in

turn contribute to the sending country's economy. It is the development perspective that makes this approach relevant to this study as the DHA's broader international migration policy insists it has been developed in order to facilitate development.

Of course, we cannot ascertain what exactly this entails and if this has been achieved until the current broader policy changes which are still going through legislative processes have been passed and implemented for evaluation. For the ones that have already been through legislative processes such as the BMA, only implementation and yielded results can assist us in assessing the extent to which policy goals have been attained. This will require monitoring from external organisations because the DHA official indicated that, beyond anecdotal evidence that indicates stability in ZSP holders' lives, "unfortunately, the M&E unit has not undertaken evaluation for the Zimbabwe dispensation" in response to whether Zimbabwean migrants are satisfied with the ZSP (personal communication, 3 February, 2020).

Be that as it may, it is important to highlight the fact that migration systems theory is not without its own shortcomings. Critics have alluded to its "mechanistic, positivist nature as well as its neglect of the personal and human angle" (King, 2012, p. 21). While scholars such as De Haas (2010) have found that migration systems theory is closely affiliated to network theory, King (2012) believes that the criticism mentioned above has been answered by scholarly research on network theory. This brings us to our next relevant theoretical approach that this research applied.

2.5.2 Networks theory

Migrant networks are sets of interpersonal ties that connect migrants, former migrants and non-migrants in both sending and receiving countries through ties of kinship, friendship, and shared community of origin (Massey et al. 1993; King 2012; Wickramasinghe & Wimalaratana 2016). In King (2012) the assertion is that migrant networks are not a new subject in migration research, and they form part of the meso-level between micro-level and macro-level in migration theory. It is further argued in King (2012) that networks theory assists us in transcending the push-pull theories of migration and to formulate clearer links between individual and socio-economic and structural reasons for migrating. This was affirmed by respondents who migrated to South Africa because their friends had successfully done so before them.

This framework assisted the researcher in determining the effectiveness of the ZSP insofar as the policy's sustainability is concerned. For instance, Massey *et al.* (1993, p.449) refer to this theory as a vigorous theory that does not only accept international migration as a decision made on an individual and household level, but also a theory that asserts "that acts of migration at one point in time systematically alter the context within which future migration decisions are made, greatly increasing the likelihood that later decision makers will choose to migrate". Furthermore, in her 2007 study of Zimbabwean undocumented migrants in Cape Town, Morreira underscores these historical links when she "explores the multiple displacements that caused migrants to

travel to Cape Town and, through the use of migration histories, the political and economic factors affecting migrants' decisions to move over great distances, and to move multiple times" (2007, p.433).

This is a critical assertion for this thesis if we are to consider the fact that the theory further suggests that one of the implications of migration as a result of formed networks in receiving countries is that these countries "can expect to have great difficulty controlling flows once they have begun, because the process of network formation lies largely outside their control and occurs no matter what policy regime is pursued" (Massey et al. 1993, p. 450). To underscore this point, Wickramasinghe & Wimalaratana (2016, p. 24) further contend that while network migration has positive outcomes which influence the developmental features of "the sending country", it may simultaneously lead to "legal, political and financial obstacles on immigration related matters in the receiving country". Two of the respondents suggested that the number of Zimbabweans who are crossing to South Africa has increased due to the worsening crisis in Zimbabwe and that the DHA should consider including them on the amnesty programme. But these new migrants automatically fall out of the ZSP's ambit. Does this mean the DHA is winning in its attempts to regularise illegal stay in the country? It does not seem that way and the DHA official believes that there is a regional problem that needs a SADC solution and not solely depend on South Africa.

2.6 Remittances

One of the aims of the ZSP is to regularise migrant entrepreneurs through issuing them with business permits provided they can produce documents proving the existence of their business activities. Migrants need documentation in order to be able to work and transfer money back home, i.e. remittances. So, the ZSP is an important step towards assisting them. Therefore, it was important to include remittances to enable the researcher to analyse the findings that might come from this group of migrants. Crush *et al* (2017, p. 37) found through their study that "over one-third" of Zimbabwean entrepreneurs sent funds back home "at least once a month and a few times per year". Remittances became important when one considers the fact that Zimbabwean migrants who are in South Africa have families that they are taking care of back in their country of origin. However, only participants with a work visa were willing to take part in this study and one of the respondents even had groceries on the day of interviews that he was sending home, on top of sending money.

2.7 Migration and Human Rights

Addressing the human rights of refugees and migrants is an intimidating task because it is an unpopular subject for actors with a particular vested interest that would not want to see the issue being discussed in such a context (Appleyard, 2001). However, Appleyard (2001) admits that government officials, policy makers, NGOs and international agencies do consider human rights in migration as a result of the international human rights discourse. Segatti (2011, p. 43) also reflects that "South

Africa has a vibrant human rights and NGO community, a century-long history of fighting discrimination and arbitrariness, and a robust legal and constitutional apparatus that is one of the most advanced in the world in terms of fighting discrimination and protecting basic rights".

In the meantime, Appleyard (2001) predicts that there is enough anecdotal evidence that shows that human rights violation is a constant feature of international migration. This is why the Migration Policy Framework puts emphasis on human rights by calling on "calling on member states to enact policies protecting and promoting migrants' human rights, including guidelines for combatting discrimination and xenophobia" (Achiume & Landau, 2015).

According to international law the state is the chief conveyor of human rights of people who reside within its sovereignty (Cornwall & Nyamu-Musembi, 2004). This is in line with the Constitution (1996) of the Republic of South Africa which emphasises the importance of upholding the rights of natural and juristic persons within the Republic. It is no wonder then that the migration policy of the Republic would be expected to speak to the basic provisions enshrined in both the international (Universal Declaration of Human Rights) and national (Constitution) legislation.

It is for this reason that human rights cannot be separated from migration and it is important for this thesis to enable the researcher in analysing the experiences of Zimbabwean migrants with human rights as a concern. Human rights concepts such as empowerment, participation, power and rights are particularly important because migrants' rights provide them with a degree of power leading to their social, political and economic participation in society. This means that through this framework, the Zimbabwean migrants can hold the South African government accountable for ensuring that their human rights are enhanced, respected and protected both in programme design and processes.

According to (Sen, 2004) a declaration of human rights is accompanied by the significance of freedoms accompanying the said rights. For instance, the right to documentation of Zimbabwean migrants stems from the importance of freedom of movement (Sen, 2004). Recognising the importance of freedom of others helps us understand why human rights are important for human beings (Sen 2004). This recognition of others helps them to realise their goals. For instance, respondents in this study quoted the ability to move freely (freedom of movement) as one of the benefits of the ZSP. This further enables them to achieve some form of economic and social freedom because if the freedom of movement allows them to look for employment opportunities and naturally leads to their personal development.

The state has a role to play in the promotion and protection of human rights and freedoms of people within its jurisdiction. This does not mean the South African government is necessarily responsible for undocumented migrants and that the migrants themselves have no responsibility for their actions. However, the South African

government has a legal and ethical obligation to ensure that there are no illegal migrants in its jurisdiction. Failure to do so reflects its porous borders and poor immigration inspectorate processes within the country.

Furthermore, expecting the government to protect rights of migrants is not unusual or extraordinary because as (Sen, 2004, p.340) says "the recognition of human rights is not an insistence that everyone everywhere rises to help prevent every violation of every human right no matter where it occurs. It is, rather, an acknowledgement that if one is in a plausible position to do something effective in preventing the violation reasonable consideration to undertaking such an action might appear at least at first sight, to be rather a gigantic jump". And who is in a better position to enforce rights and freedoms as enshrined in the constitution that the state itself through the governing party of the day? And as (Uvin, 2007) says, if for instance a framework like a rights-based approach aims to challenge marginalisation and exclusion, a big chunk of this responsibility falls in the political arena and outside the legal prescripts. And indeed, the introduction of the ZSP reflects the political mood in both the sending and receiving countries in this instance.

Beyond the state, migrants live in communities with indigenous citizens of those countries. And so, it is not only the state that can violate migrants' human rights. Citizens of host countries can violate migrants' rights through different ways including xenophobia which is discussed below. And, as (Crush 2000) in Crush & Williams (2010, p.2) shows us "direct human rights abuses and violations that are directed towards foreigners are often the combined result of xenophobia and overlapping attitudes of hostility towards foreigners".

2.8 Xenophobia

"In May 2001, President Thabo Mbeki observed that all South Africans must be vigilant against "any evidence of xenophobia" against African immigrants. He noted that it is "fundamentally wrong and unacceptable" that South Africans should treat people who come to South Africa as friends as though they are enemies" (Crush, 2001, p. 1). Seven years later, in the winter of 2008, there was an outbreak of violence against black Africans persecuted by black South Africans leaving 62 people dead and displacing 35,000 (Dodson, 2010; Morreira, 2010). Crush *et al* (2008), Steinberg (2008) and Dodson (2010) cite that more than one hundred thousand people were left homeless.

Harris (2002) in Tella (2016) informs us that there are three causes of xenophobia in literature. These can be classified into three themes such as isolation, scapegoating and biocultural hypotheses (Tella, 2016). Isolations, according to Tella (2016) refers to the fact during apartheid South Africans were isolated from the rest of the world and due to technological advancements then, South Africa likened itself to Europe and undermined other African countries. While this clearly might be true to a certain extent it does not address the inequality levels in South Africa and that is where scapegoating

comes in (Tella, 2016). Because of these high levels of inequality South Africans find themselves frustrated and the easiest outlet is blaming immigrants (Tella, 2016). It is clear that South Africans should be confronting the South African government for the dismal service delivery, soaring unemployment and poverty. But there is something more sinister and that is hatred or fear for foreign nationals, particularly from African countries. The third cause in Tella (2016) is that xenophobia erupts from biocultural and cultural differences. The argument is that South Africans can see foreigners through their dress code, language etc. All these causes do not have any logical sense beyond the fact that South Africans are simply xenophobic.

On the other hand, Neocosmos (2006) has four theoretical positions we can use to grapple with xenophobia namely; 1) xenophobia is a discourse and practice of exclusion from community, 2) this process of exclusion is a political process, 3) xenophobia is concerned with exclusion from citizenship which denotes a specific political relationship between state and society and 4) xenophobia is the outcome of a relation between different forms of politics.

Sundstrom (2013) describes xenophobia through a lens of an insider and an outsider by illustrating differences between the real and abstract citizenship claims. He shows us that in terms of these divisions "on one hand, there is "real" nation that includes those with authentic claims based on blood and land, and on the other, there is the "abstract" whose belonging is mediated through law and bureaucracy, and includes those whose links are not secured through blood or soil" (Sundstrom, 2013, p.71).

All these themes will not be discussed in detail for the purposes of this thesis but are important for us to get a broad overview of the fact that xenophobia is about exclusion and disdain for foreign nationals. It is more important contextually for this study because Zimbabwean nationals have been victims of xenophobic attacks in South Africa as it will be shown below.

The period 2001 when Mbeki made those comments coincided with the presidential elections in Zimbabwe that saw the late Robert Mugabe remain President (Morreira, 2010). Zimbabwean migrants' hopes of returning back home after what they hoped would be bring change of leaders were shattered because the ruling elite would still be in power with no hope for economic and political change. Not only were their dreams shattered they also had to survive in a violent South Africa as targets of xenophobic attacks because even though they "had left Zimbabwe in search of a better and safer life", they had to reckon with the fact that "life in South Africa also held the threat of structural and physical violence" (Morreira, 2010, p.437). South Africans later took to the streets in numbers and different races to protest against these xenophobic attacks and show solidarity with the victims (Dodson, 2010).

Even though 2008 seems to be the year of reference regarding xenophobic attacks Crush (2001) informs us that claims of South African's hostility towards foreign nationals started taking shape in the 1990s. Studies and events from 1995, 1996 and 1998 show

that South African's attitudes towards foreign nationals became common in those years with three foreign nationals murdered on a moving train in Pretoria from a rally of unemployed South Africans in 1998 (Crush, 2001). Vale (2002) in Tella (2016) identifies the killed foreign nationals' exact nationalities to humanize them instead of just viewing them as another statistic; one was a Mozambican national who was thrown off the moving train and the other two were Senegalese nationals who were electrocuted.

That very same year, according to (Crush, 2001, p.11; Tella, 2016, p.148), Human Rights Watch conducted an investigation and found out that "South Africans have become increasingly xenophobic in recent years, with a large percentage of South Africans perceiving foreigners – especially, almost exclusively black foreigners – as a direct threat to their future economic well-being and as responsible for the troubling rise in violent crime in South Africa". This disdainful attitude towards foreign nationals is not only limited to individual South Africans. Tella (2016, p.148) identifies that "while the state and the international system may play a role in xenophobia in South Africa, individuals, ranging from the president to government officials, traditional rulers and ordinary citizens, exhibit xenophobic attitudes, express xenophobic statements, make xenophobic policies and embark on xenophobic attacks". For instance, after the 2008 xenophobic attacks President Mbeki consistently denied that South Africans were xenophobic and insisted that there were criminals instead who perpetuated crimes against foreign nationals (Tella, 2016).

Furthermore, Dodson (2010) shows that xenophobic attitudes towards foreign nationals cut across race, class and gender. Tella (2016) proposes that to eradicate xenophobia there are different ways that different levels of society need to employ to unlearn and change attitudes towards foreign nationals namely: educating South African citizens at an individual level about Pan-Africanism, public officials must refrain from making reckless comments that may incite xenophobic attacks, the media should be more sensitive in how they write above foreign nationals, government should be more empathetic in how they render services to foreign nationals and South Africa as the state should demonstrate willingness to embrace African Renaissance.

All this context was important for this study. Approaching Zimbabweans migrants who were not even willing to meet with the researcher in person without acknowledging that xenophobia is a big element of migrants' daily lives would have been naïve and irresponsible. This was even more important because the assumption can be made that Zimbabwean migrants' experiences of xenophobia led to the reluctance and fear to meet with the researcher. Furthermore, this study analyses Zimbabwean migrants' experiences in acquiring the ZSP with human rights as a concern. Xenophobia is the biggest threat to migrants' livelihoods and basic human rights. And, as Sundstrom (2013, p.75) explains, "A lack of regard for the dignity of immigrants leaves them vulnerable to economic and political exploitation and waves of xenophobic persecution".

2.9 Conclusion

In this chapter the researcher introduced the reader to relevant theoretical debates and frameworks in migration that have relevant elements for this study. The section explored different theoretical frameworks the researcher used in order to develop a mutual understanding of the frameworks that provided guidance to the researcher throughout the thesis and in navigating the questions this thesis sought to answer. It began by exploring why people migrate followed by stages of the migration process. It further discussed network theory and migration systems theory to show how they helped the researcher in conducting the research process. Remittances, human rights and xenophobia were also explored in relation to Zimbabwean migrants in the South African context.

Chapter 3: Historicising Migration in Africa and South Africa

3.1 Introduction

A literature review is a broad outline of previous research that has been conducted on a particular topic (Denney & Tewksbury, 2012). According to Denney & Tewksbury (2012), literature reviews assist the researcher and the reader about what is known and unknown about a particular topic thus justifying the need to conduct a new study. There are different ways of undertaking literature reviews including systematic reviews, secondary data analysis projects and introduction to a primary research topic (Bolderston, 2008). This study uses systematic review because Bolderston (2008) describes it a type of review that is used to set the foundation for the study by showing that the researcher has consulted previous literature on the topic and that the research they have conducted is a relevant addition to the existing literature.

This chapter reviews available literature from various scholars on international migration, the history of migration in Africa, labour migration in Africa and between South Africa and Zimbabwe, South Africa's amnesty programmes post 1994 and some available literature on the ZSP permit. It begins by introducing the reader to international migration in South Africa pre and post 1994. The chapter further explores gender dynamics in labour migration. Global legal framework on migration and migration policy framework for Africa are then discussed and what the soft laws mean for migration policy in South Africa. Finally, the researcher explores the history of amnesty programmes in South Africa post democracy in order to locate the ZSP which is about documentation, a concept that is also explored in the final part of the chapter.

3.2 International Migration in South Africa pre 1994

Under British colonial rule immigration policy in South Africa fell under General Smuts in what was then called the Department of Interior in 1910 and, according to the DHA (2019, p64) "the administrative functions included immigration and civil registration". When formal British colonial rule ended apartheid South Africa took over in 1948 reinforcing the same oppressive stereotypes inherited from the previous colonial masters (DHA, 2019); including dividing citizens across racial lines such as Indian, Coloured and further, ethnic lines for Africans. According to the DHA (2019, p.65) registering Africans at birth was also not compulsory and when done, it was "administered by poorly educated officials in ways that were notoriously complicated, callous, arbitrary and corrupt".

This also meant that Africans were not viewed as legitimate citizens but "were considered units of cheap labour to be absorbed into a migrant labour system that stretches across southern Africa" (DHA, p.65). To further entrench this notion of illegitimate citizenry, homeland states were created for Africans namely Transkei,

Bophuthatswana, Venda and Ciskei further restricting their African's movements and tightly limiting issuing passports to Africans, with the exception of whites (DHA, 2019).

However, Segatti (2011) is critical of South Africa's complacency in its immigration reforms post 1994 drawing parallels between the oppressive regimes' migration policies and democratic policies. Segatti critiques that "South Africa did not produce the intellectual migration debate that would give the issue weight among its political elites and enable decision makers to consider it as anything other than a negative legacy of colonialism and apartheid; somewhat paradoxically, despite the strong awareness of apartheid's inheritance, the South African government and administration continue to find it difficult to move away from a narrowly defined security approach to migration and in both legislation and practice" (2011, p.32).

However, the DHA (2019) seems to be aware of these legacy failures hence the introduction of its White Paper on Home Affairs which it describes as a long-term solution away from the old model. In its White Paper, the DHA (2019) claims that "the only viable option in the longer term is to replace the current model by repositioning the Department of Home Affairs as a modern, secure department, managed strategically by professionals" who will be technically trained to perform their required duties involving national security that has been criticized by Segatti (2011) above (DHA, 2019, p.6). This is all on the DHA's future policy framework and on paper. How to execute it and when that process will begin remains to be seen.

3.3 International Migration in South Africa post 1994

International migration is a global policy subject and in places like Europe, "In recent decades, international migration has become a major phenomenon" (Penninx, 2010, p.21). International migration is a relatively new subject in the migration policy regime of the South African government and is becoming more prominent as government introduces new amendments and revisions to immigration policy. This is partly because there has been no general agreement on the purpose of international migration, i.e. whether it is a tool of development, or safeguarding sovereignty and enforcement (Crush & Williams, 2005). However, with the draft White Paper on International Migration (DHA, 2017) this seems to have changed, with the paper explicitly stating that the policy objective is to address international migration in a way that will address development and at the same time safeguard the country's sovereignty (DHA, 2017, p. 9). Whether sovereignty has negative or positive inferences depends on one's perspective. For instance, Koslowski (2000, p.7) argues that "sovereignty can be understood in terms of a state's ability to control its borders and determine its membership".

However, according to Dauvergne (2004, p. 611) this definition of sovereignty is slowly getting challenged and "human rights law is one of two important examples of legal arenas where the sovereignty is eroding as nations themselves are increasingly called to account for their actions and are sometimes even held to account for them".

Bosniak (1991) agrees with this challenge concluding that "in an international society in which state sovereignty remains the paramount ordering principle, undocumented migrants present human rights law with an especially hard case" (p. 765).

Regarding international migration, the DHA (2017) refers to international migration as the movement of any person across an international border and in the case of this study Zimbabwean migrants entering South Africa fall under this definition. South Africa's international migration policy has recently been reviewed and approved by the DHA (2017). A White Paper has since been published on international migration in line with National Development Plan's (NPD) macro policy framework. According to the DHA (2017, p. 9) "this new policy position is a well-managed migration approach that seeks to change the problematic ways in which the 1999 White Paper viewed international migration". Segatti (2011) describes the 1999 White Paper on International Migration as "a confusing document that tried to reconcile stringent migration control and the fight on illegal migrants with mechanisms for a new and more open skills-based system" (p. 42). Some of those problems associated with the 1999 White Paper (DHA, 2017, p. 9) include:

- International migration was regarded as a routine administrative function of the state instead of managing migration proactively and strategically
- The approach to international migration in the previous policy was not risk-based and as a result was poorly managed
- The previous policy showed little awareness of historical and geo-political contexts
- There were serious policy gaps regarding asylum seekers and refugees
- The overall approach to immigration had policy gaps because it was not holistic enough
- There were capacity constraints to managing international migration.

The problems mentioned by the DHA were items that the new White Paper aimed to rectify. There are various proposed policy options introduced in the new White Paper in order to manage migration strategically (DHA, 2017). One of the policy propositions the paper touches on is South Africa's policy position on the free movement of African citizens. "To ease the movement into South Africa for Africans from farther afield, South Africa has begun offering 10 year multiple-entry visas to Africans from countries requiring visas to visit South Africa, who are frequent travellers, businesspeople and academics" (DHA, 2017, p. 56).

This is partly in line with Agenda 2063 which, at its introduction, planned to introduce an African passport to its member states and abolish "visa requirements for all African citizens in all African countries by 2018) (AU, p.17). Of course, this has not been achieved but in February 2020 the DHA (2020) published a list of some countries whose citizens are exempted from visa requirements and those citizens are not only limited to African countries.

This speaks to Neumayer's (2006) assertion that visa restrictions are loaded with hypocrisy as they tend to favour those who do not need visas because they are considered to be less of a risk while rejecting those who need visas because upon scrutiny, they are seen as 'risky' intruders. What about migrants who are doing low skilled work? For instance, all the respondents in this study need visas because they have no other option but to come to South Africa for work.

However, they do not qualify for this 10-year multiple entry visa because they are not frequent travellers, businesspeople or academics. And most of them indicated that they would prefer if the DHA considered them for permanent residence, so they have access to more privileges such as better work opportunities and lessen the burden of having to keep renewing their permits every four years.

South Africa saw its first post-apartheid Immigration Act of 2002 and this legislation, according to Crush *et al*, had an effect on Zimbabwean migration in two different ways (2015). Firstly, commercial farmers could now apply for corporate permits which allowed them to legally employ several Zimbabweans on their agricultural farms. Secondly, because the Act gave recognition to special skills permits, the number of Zimbabweans who received work permits grew speedily in 2005 after the Immigration Act of 2002 amendments were passed because South African employers could now legally hire more Africans including Zimbabweans (Crush *et al*, 2015). According to Permoser (2017) this categorisation is not unique to South Africa as we have seen the European Union's policy approach to legal migration dividing "migrants into a multiplicity of legal statuses, and subjects each to a different rights framework" (p. 2550).

While Crush *et al* (2015) demonstrated ways in which the immigration amendments of 2005 affected Zimbabweans above, Segatti (2011) argues that the final regulations were directed at preventing illegal migration into the country. Segatti (2011) explains that these regulations "contain measures facilitating access to permits for the region's workers and students and restrictions aimed at fighting illegal immigration" (p.45). This push back against illegal immigration was not a new phenomenon in 2005 because in 1996, during SADC free movement protocol discussions, South Africa is quoted by Oucho & Crush (2001) as having drafted its own protocol with one of the objectives being "to cooperate in preventing the illegal movement of citizens of Member States and the illegal movement of nationals of Third States within and into the region" (p.149). Nshimbi & Fioramonti (2014) further go on to state that "South African immigration regulations today are more stringent and discourage (especially unskilled) "illegal" immigrants" (p. 60).

Meanwhile, the DHA (2019) argues that the Immigration Act of 2002 amendments "provided the Minister and officials with increased powers to administer immigration; but the function has to date remained severely underfunded with an operating budget of under a billion rand" (p.66).

All these pieces of legislation came as a result of South Africa's democratic transition which led the government to enter into a Memorandum of Understanding between SADC and the United Nations High Commissioner for Refugees (UNHCR) that underscored a welcoming framework towards migrants (Amit & Kriger, 2014, p. 271). It was important to mention these legislative regimes to locate this study's historical context but most importantly because the current discourse in immigration is influenced by the previous policy approaches and positions (Dreesen & Hansen 2016).

3.4 Labour migration and gender dynamics in South Africa

International migration can be divided into four main categories based on what determinants have an impact on migration (Wickramasinghe & Wimalaratana, 2016). The four categories may be identified as labour migration (i.e. crossing the border to find employment), chain migration (the network theory explains this type of migration which involves migrating to another country to join existing network of friends or family), return migration (those who return to their country of origin from another country and stay for more than twelve months) as well as asylum migration (involves individuals who migrate to another country to seek refuge) (Wickramasinghe & Wimalaratana, 2016). This section will focus on labour migration in South Africa because during this study, it was established that all the respondents firmly fell under labour migration because they all came to South Africa for greener pastures from what was then the deteriorating and worsening economic situation in Zimbabwe.

Intra-African migration is highly charactarised by labour migration with migrants moving from their countries of origins to their destinations for work and better economic opportunities (UN, 2018). According to the UNCTAD report on economic development in Africa (UN, 2018, p.67) "demand in sectors such as agriculture, mining and construction, which historically influenced such movements, remains an important driver of economic migration on the continent". Furthermore, categories such as domestic work, hospitality, retail and special skills subcategory play an important role in stimulating labour migration (UN, 2018).

South Africa is an important economic hub in the region for labour migrants due to its upper middle-income economic status (UN, 2018) and, according to Crush (2011) "it will continue to be a major destination for temporary labour migrants from neighbouring countries" (p. 25). Segatti (2011, p.21) adds to the sentiments by assessing that "the South African labour market remains highly dependent on foreign labour, and employment in South Africa remains crucial to the livelihoods of millions of people across the region".

So, where do most migrants in the region who are in South Africa for work come from? Numbers seem to be pointing towards Zimbabwe with Crush 2011 (p.3) declaring that "the volume of migration from Zimbabwe has grown dramatically as a result of that country's political and economic crisis". UNCTAD (2018 p. 68) affirms this position by stating that when it comes to economic migrants "Zimbabwe is a sending country and

South Africa is a key destination for a large share of its outflows". Nshimbi & Fioramonti illustrate in their (2014) study that from the overall work permits issued by the DHA in 2011 "Zimbabweans alone received the highest number of all work permits in 2011, representing 25 per cent" (p. 57). Nshimbi and Fioramonti attribute their findings to South Africa's ZSP programme as well as most Zimbabweans emigrating from Zimbabwe due to the economic crisis in Zimbabwe.

One of the characteristics of labour migration is gender. Boswell & Barbali (2007) examine in their paper how labour migration in South Africa, with specific reference to apartheid mining labour system, was masculinised and violently excluded black women by banning them from certain urban spaces and condemning them to traditionally allocated patriarchal roles such as child caring and running domestic affairs. The two authors write: "women were marginalized, as the only opportunities for paid work was as domestics in white homes. Migration policies also disempowered and criminalized black female migrants" (2007, p.145). This historical record is important in order to contextualise labour migration numbers today and the consequences thereof.

According to the UNCTAD (2018) labour migration is male dominated with numbers showing that men are more likely to be mobile than women. The 2001 census found that 63% of the migrants in South Africa were male (Crush, 2011. Crush (2008) contends that even though numbers show that women are in the minority when it comes to migration compared to their male counterparts, numbers are showing that "women are migrating in greater numbers and not merely as dependants or trailing spouses, but as independent migrants in their own right" (p.10). In her study documenting voices of Zimbabwean women in South Africa, Lefko-Everett (2010) found that the majority of her respondents made a tough decision to leave Zimbabwe in order to address unemployment and poverty that were brutalising their families.

These women are also migrating for better economic opportunities just as male migrants do but interestingly, with the growing numbers of women migrants there has also emerged "a growing global recognition of the scale of and significance of migrant remittances" (Crush, 2008, p.10). For instance, in a 2008 study, Crush (2018) found that in Zimbabwe "over 90% of migrants have less than 10 years migratory experience" further pointing to the economic and political collapse in Zimbabwe as a push factor to migrate (2018, p.24). This speaks to the fact that Lefko-Everett (2010) found the women respondents were breadwinners at home and so, their "migration decisions were, therefore often tinged by a profound sense of both obligation and urgency" (2010, p. 270).

Furthermore, Crush (2008) found that migration patterns between Zimbabwean males and females were routinely similar throughout the study. Crush (2008) suggests that this speaks to the fact that Zimbabwean migrants' reasons for migration across gender and class differences stem from the same reasons which are economic and political crises in Zimbabwe over the years. According to Crush this means that migration helps both males and females "to maintain a standard of living, continue paying rent and utility

bills and purchase basic household goods at ever increasing prices" (2008, p.44). Crush (2011) illustrates that occupational profiles of these Zimbabwean migrants is also varied with almost 40% of migrants falling under the skilled migrant category. "Migration from Zimbabwe, it might be argued, is conjunctural rather than structural", Crush (2008, p.44) concludes.

3.5 Global legal framework for migration

The United Nation's global compact for safe, orderly and regular migration (UN, 2018) was adopted at a meeting held between 10 and 11 December 2018 in Morocco by the heads of state and government and high representatives based on the New York Declaration (Abebe, 2018). The New York Declaration, according to Abebe (2018), mainly came as a result "of over a million migrants refugees" that arrived in Western Europe during 2015 (2018, p.3).

The UN framework has 23 objectives for safe, orderly and regular migration. We will mention a few that are relevant to this particular study namely:

- Minimize the adverse drivers and structural factors that compel people to leave their country of origin
- Ensure that all migrants have proof of legal identity and adequate documentation
- Address and reduce vulnerabilities in migration
- Manage borders in an integrated, secure and coordinated manner
- Provide access to basic services for migrants
- Empower migrants and societies to realise full inclusion and social cohesion
- Eliminate all forms of discrimination and promote evidence-based public discourse to shape perceptions of migration
- Promote faster, safer and cheaper transfer of remittances and foster financial inclusion of migrants (United Nations 2018, p.5)

South Africa is one of the countries that voted in favour the compact; and it is a non-binding agreement, which means South Africa can decide which of the 23 objectives of the framework it deems necessary to implement depending on the nature of current discourse and circumstances at that particular time (M. Machete, personal communication, February 22, 2020). However, Abebe (2018) critiques this non-binding nature as one of the challenges that might stand as an obstacle in implementing the compact particularly in Africa. She argues that this compact is at the mercy of politicians because "effective implementation of the GCM in Africa is highly dependent on whether African countries see the compact's benefits in their respective contexts" (2018, p.6). Gammeltoft-Hansen (2017) calls these non-binding agreements soft law; he argues that they can be useful in enabling states to respond with more urgency and flexibility to a problem. On the other hand, Gammeltoft-Hansen (2017, p.10) argues that these non-binding agreements, or soft law as he refers to them, "can also be used to block or delay the subsequent development of hard law instruments,

and states may prefer the sometimes contradictory language of soft law instruments in order to retain political manoeuvring room".

However, for effective implementation, Abebe (2018) recommends that African states should design national implementation roadmaps, raise awareness regarding the global compact and involve all government departments in implementing their respective roadmaps.

Following the adoption of this framework by UN member states who voted for the compact, the UN (2018) concluded that, through its International Migration Review Forum, it will assess any progress that has been made in achieving these objectives "at local, national, regional and global levels through implementation" (2018, p.33). Abebe (2018, p.6) also agrees that "a regular evaluation of the process would enhance implementation of the roadmaps".

3.6 Migration Policy Framework in Africa

Having taken a look at the UN's global compact for migration, it is now important to bring our attention to the African continent. The AU has various soft laws that are meant to drive migration management in Africa. These, according to (Abebe, 2017) include OAU Convention Governing the Specific Aspects of Refugee Problems in Africa (1969), Abuja Treaty (1991) and Kampala Convention (2009). Sovereign parliaments pass their own laws including the DHA's bills on migration.

However, for the purpose of this thesis, and since this study is grounded in the field of policymaking, the focus will only be paid to soft laws and the Migration Policy Framework in particular (African Union, 2006).

In 2001, in Lusaka, the African Union (AU) formulated a non-binding continental policy framework for its member states to consider in developing their own national policies aimed at managing migration (African Union, 2006). Migration Policy Framework for Africa was later adopted in 2006 (African Union, 2006). This came on the back of the AU (2006) realising that migration was increasing in the continent and the world at large due to globalization. United Nations Conference on Trade And Development (UNCTAD) report on economic development in Africa backed the argument about increasing immigration levels within the continent in raw numbers when it says "In Africa, 78.5 per cent of all international migrants were born in Africa; in other words, four of every five international migrants in Africa come from the continent" (United Nations, 2018, p.46). These numbers are important to paint an accurate picture of migration within and out of the continent "since outbound migration is widely depicted by images of overcrowded boats, which suggest that desperate African migrants are trying to reach Europe" (Abebe, (2018, p.2).

As a result of these rising numbers the AU (2006) argued that it was important to introduce a continental migration policy framework as a foundation for member states

to build their national policies from because "it is clearly known that well-managed migration has the potential to yield significant benefits to origin and destination states" such as remittances to country of origin and skills transfer (p.3). However, according to the UNCTAD report on economic development in Africa "little is known of how such benefits may be distributed across countries and how, if at all, they can contribute to the structural transformation of countries" (United Nations, 2018, p.95). Be that as it may, AU argues that failure to manage migration would have "serious negative consequences for States' and migrants' well-being, regional and national security and could lead to discrimination and xenophobia" (2006, p.3).

The AU (2006) policy framework had broad recommendations for specific thematic issues in migration such as labour migration, border management, irregular migration, forced displacement, internal migration, development from migration as well as other social implications of migration including health, gender, environment, poverty and conflict. According to UNCTAD report on economic development, the AU evaluated its migration policy framework to reflect current dynamics and trends in migration from those of 2001 including a "10-year (2018-2027) action plan for its implementation" as well as guidelines for addressing the thematic issues mentioned above (United Nations, 2018, p.19).

For the purpose of this thesis it is not important to get into details of the AU's recommendations here beyond this broad framework because 1), this section only outlines the broader migration policy framework within the African continent for contextual and historical reasons; and 2), this is a non-binding framework and it would be unhelpful to use it as a benchmark to assess compliance for a country like South Africa for instance due to the fact that it is up to South Africa to pick and choose what is relevant for its context and time.

Nevertheless, Achiume and Landau (2015) note how the Migration Policy Framework for Africa "locates humanitarian principles of migration in international human rights law" (p.3). The framework does this by calling on all member states to introduce policies that will ensure migrants' human rights are protected; xenophobic, racist and other discriminatory sentiments are eradicated through legislation that empowers migrants to have access to courts and integrated societies (Achiume and Landau, 2015; AU, 2006). However, Achiume and Landau (2015) conclude that one of the shortcomings of the framework in this regard is that although there is enough emphasis on a human rights framework to ensure migrants are integrated successfully into hosting societies, the framework does not offer evidence-based solutions that will guide the member states into effective implementation of concrete policies that will ensure migrants' human rights are protected through integration into these hosting societies.

The two authors (Achiume and Landau, 2015) further recommend that for the successful implementation of the Migration Policy Framework, and to reap the benefits thereof member states should (p.5):

- Establish a regional forum to coordinate monitoring, research and information exchange
- Strengthen regional implementation and monitoring mechanisms to improve national implementation of regional and sub-regional policy
- Encourage and bolster forums and avenues for sub-national authorities to engage discussion.

To add on these recommendations and to emphasise the collective dreams that the AU seems to have, Agenda 2063 (2015) had two particular actions related to migration on its roadmap when it was launched in 2015. Firstly, the AU (2015) planned to accelerate the establishment of the Continental Free Trade Area by 2017 to strengthen trade within Africa in 2022. After South Africa took the chairmanship of the AU and secretariat of the African Continental Free Trade Area (AfCFTA) in February 2020, Monyela (2020) explains in the Daily Maverick that this agreement will only come into reality once African countries develop their infrastructure to enable free trade because, according to Monyela, infrastructure is at the heart of political, economic and social challenges in Africa.

Secondly, the AU (2015) planned to introduce an African passport that would see different member states doing away with "visa requirements for all African citizens in all African countries by 2018" (p.17). According to Gebere (2019), it was subsequently launched in 2016 at the AU Summit in a bid to make travelling easy within Africa and to contribute to free trade and economic growth. Gebere (2019) tells us that even though moving freely with no visa requirements may be viewed as a contributor to economic growth countries like South Africa with better GDP levels expressed discomfort at the possibility of free movement contributing to further tensions on the ground.

This implied discomfort seems to be going against Agenda 2063 which, if successfully implemented, its opportunities would lead to "massive intra-continental and extra-continental migration", at least according to Chikowore, Nhavira, Chinyanganya, Sibanda & Chikowore (2018).

It is clear from the literature on the Migration Policy Framework at a continental level that even though migration frameworks may be adopted by different African states, the soft law nature of these frameworks does not necessarily compel any country to implement whatever declarations may have been reached. This was also clear from the global level outlook outlined above. The onus is on individual countries to commit to what is morally and ethically correct to adopt when it comes to protecting migrants' rights. Be that as it may, let us move away from the continental frame of reference and take a look at migration in Southern Africa.

3.7 Drawing migration links between South Africa and Zimbabwe

Cross-border migration between South Africa and the rest of the SADC countries is not a new phenomenon and this is backed up by scholarly research which shows that a large number of nationals from SADC have been to South Africa (Crush, 2000). On a continental level, the UNCTAD report on economic development in Africa (United Nations, 2018) named South Africa as a leading receiving country of intra-African migration with migrant numbers estimated around 2.2 million in 2017 (Nshimbi & Fioramonti, 2014). The rising numbers of international migrants in southern Africa were also driven by people looking for greener pastures (Nshimbi & Fioramonti, 2014). Meanwhile, Segatti (2011) believes that the political uprisings in the 1990s changed the face of international migration in South Africa. The author argues that "in a single decade, between 1990 and 2000, South Africa became the new migration hub at the southern-most tip of the continent, drawing hundreds of thousands of new migrants from Central, East, and West Africa and as well as Bangladesh, China, Eastern Europe, and Pakistan" (Segatti, 2011, p.9).

South Africa's neighbouring country, Zimbabwe, is no exception in this regard. The country played an important role in supplying South Africa with cheap labour in the gold mines even though the numbers were not as large as those of countries such as Mozambique or Malawi (Mlambo, 2010; Mawadza, 2008). According to Mawadza "in the colonial period Zimbabweans migrated to work in the mines in South Africa" (2008, p.3). Labour migration from Zimbabwe to South Africa increased and became a significant part of young men from southwestern and eastern parts of Zimbabwe (Mlambo, 2010). According to Mlambo (2010), these young men migrated to South Africa to work in the gold mines to raise money to pay colonial tax for their homes and pay lobola to start their own families.

While the dawn of independence in 1981 in Zimbabwe brought an end to supplying Zimbabwean migrant labour to South African mines, Mlambo (2010) asserts that there were still approximately 7,000 Zimbabweans who still worked illegally in different labour sectors in South Africa and that the volume of labour migrants is currently higher compared to the past. In contemporary times, UNCTAD (2018) argues that "despite its decline, mining in South Africa remains an important sector for semi-skilled migrants in SADC" (2018, p.83). These migrants include migrants from Zimbabwe and are not only absorbed by the mining sector but other sectors too including construction, commercial agriculture and domestic work (UNCTAD, 2018).

While South Africa continues to be an attractive destination for migration from the SADC region there have been some new developments which are significantly different from the past flows with the volume of migration from Zimbabwe at a much higher pace than before due to political and economic problems arising from the instability in Zimbabwe (Mlambo, 2010; Makina, 2010; Polzer, 2010). This assertion is confirmed by Crush *et al* (2017, p. 10) who argue that that present-day large volumes of migration flows from Zimbabwe come as a result of the "structural adjustments

reforms of the 1990s when growing unemployment started to increase and a brain drain of skilled Zimbabweans began" and that it was only 2000 that Zimbabwean migration began to change, skyrocketing as a result of political and economic problems. Crush and Tevera restate this assertion when they argue that "mass out-migration would seem to be a perfectly predictable consequence of Zimbabwe's economic and social collapse" (2010, p.1). This drove around 1 to 1.5 million migrants from Zimbabwe to South Africa Muzondidya (2011). This is affirmed by most of the respondents with one specifically referring to the untenable situation as an "economic quagmire" (Vuyo, 36, 2020).

Furthermore, Polzer (2010) describes these recent rising numbers of Zimbabweans to South Africa as "one of the largest concentrated inflows of migrants in South African history" (2010, p.377). Polzer further states that "there certainly has been been a continuous, and growing daily (or nightly), movement of Zimbabweans across the border since 2000 (2010, p.379). In the end, although there is no consensus about the exact number of Zimbabweans in South Africa there is no doubt that the numbers have gone up since 2000. And as Crush & Tevera (2010, p.5) deduce from the conflicting numbers, "whatever the precise numbers, it is clear that there has been a substantial increase in migration from Zimbabwe to South Africa since 2000 and a drop in migration to the United Kingdom".

3.8 Documentation

"Zimbabwean undocumented migrants are shown to be marginalized and vulnerable with limited transnational capabilities, which in turn limits remittance activities and therefore negatively impacts on families in Zimbabwe who are dependent on remittances of those living in South Africa, as well as elsewhere in the diaspora" (Bloch, 2010, p.234).

South Africa has been battling with managing increasing levels of migration into the country since 1994 when the democratic regime saw the country move from being a refugee sending nation to becoming a refugee receiving nation (Amit & Kriger, 2014). As a result of this new regime, new laws were introduced granting rights to each individual asylum seeker. This led to many economic migrants applying for recognition as asylum seekers in order to be documented and regularise their status (Amit & Kriger, 2014). At the same time, many migrants opted for the asylum seeker status even when they actually did not qualify resulting in inefficiencies within the asylum management system even though less than three thousand Zimbabweans have ever been awarded with a "full refugee status" (Crush *et al* 2015, p. 16).

April 2009 saw the DHA introduce the ZSP as a way of documenting Zimbabweans in the country and thus regularising their stay (Crush, 2011). Crush explains that this documentation announcement process saw Zimbabwean migrants being "encouraged to hand in fraudulent documentation and were agreed immunity from arrest and prosecution" (2011, p.19). When it comes to documentation two theoretical

approaches in Amit & Kriger (2014) were relevant to this research and they view documentation as follows:

- Documentation is viewed as the modern state's tool that is used to determine the interests of the state.
- An alternative school of thought to the above-mentioned views documentation as a tool that is used by states to deliberately exclude.

States having to deliberately differentiate between legal and illegal migrants is not necessarily a bad move because valid numbers are important for policy formulation and service delivery. What becomes challenging is how the undocumented migrants, for one reason or another, are viewed and treated by the state. Documentation of migrants' debate cannot be separated from the state's sovereignty. Bosniak (1991) shows that this debate is not necessarily either/or because "parties to the debate contest the point at which states' sovereign rights to exclude foreigners, and more generally their authority over matters of national membership, gives way to international obligations to protect undocumented migrants as individuals" (p.751). Amit & Kriger (2014) believe that the DHA's documentation process is driven by a more sinister motive of limiting documented migrants within its borders. Has the documentation and regularisation of Zimbabwean migrants been positive or negative for them? All the respondents in this study believe that the documentation process has changed their lives for the better. Of course, in other places documentation can be negative for migrants. In countries such as Thailand, for instance, documentation registration has actually led to migrant workers being tied to "their employers" thus preventing "them from circulating freely and from changing employers at their own" (Derks, 2013, p.219).

Finally, even though in legal frameworks documented and undocumented migrants' differences are clearly stated, law enforcement officers either confuse or ignore them in practice (Crush & Williams, 2010). This means that documented black migrants are automatically assumed to be illegal migrants and subsequently treated as less than human (Crush & Williams, 2010). Crush & Williams (2010, p.2) argue that this treatment of migrants stems "from a social status of being black and foreign, a status that does not necessarily equate to a status of being illegally in the country". This leads to human rights infringements of migrants which is discussed later in this thesis.

3.9 South African amnesty programmes post 1994

Amnesty programmes give a country an opportunity to re-assess its immigration policies and develop new frameworks for the country's immigration regime (Papamedetriou 1999). Amnesty programmes are mechanism to manage irregular migration by pardoning the migrants without subjecting them to law enforcement processes or fines (Shah, 2014). Amnesty programmes are not unique to South Africa and have been introduced in different parts of the world including in Kuwait and Saudi Arabia, where Shah (2014) studied the successes and failures of amnesty programmes in the respective countries. They do not always fully succeed as Shah (2014, p.11) explains to us that her findings raised questions that "relate to the need for understanding the dynamics that lead to the very high levels of irregularity in the labour markets of these countries and to understand why amnesty programmes are only marginally successful in some countries". This lack of success is echoed by a DHA official (personal communication, 3 February, 2020) who indicated that the ZSP amnesty is not really a sustainable solution to documentation but that "a SADC solution is required to deal with the regional problem. No one country is able to deal with this magnitude of illegal migration alone".

Humans have been migrating for centuries and migrants from neighbouring Southern African countries have been moving in and out of the region including into South Africa forcing the country to offer amnesties to migrants from neighbouring countries since the apartheid era (Crush, 1999). However, the end of apartheid did not mean an end to migration and South Africa has had to introduce five amnesty programmes since 1994 to date (Lockey, 1999; Crush 1999; Crush & Williams 1999), namely miners' amnesty, a general amnesty to SADC citizens, an amnesty for Mozambican refugees, the ZSP as well as the Lesotho Special Permit (LSP).

However, since the LSP is very recent and was inspired by the ZSP, and to avoid digressing, this amnesty programme will not be discussed here. The aim here is to bring historical context to the country's amnesty programmes and a discussion on the programmes introduced before the ZSP.

3.9.1 The Miners' amnesty

After 1994 elections the National Union of Mineworkers released a radical policy statement that included this proposition: "any miner should be able to acquire permanent residence or South African citizenship after five years' service" (Crush & Tshitereke, 2001, p.58). In 1995 the South African government announced the miners' amnesty as a result of the National Union of Mineworkers' longstanding insistence that government should allow labour migrants to settle permanently in South Africa (Crush & Tshitereke, 2001).

This amnesty exempted miners from the permanent residence requirements in terms of the Aliens Control Amendment Act of 1995 (Crush & Williams, 1999). In order to qualify for this amnesty, miners had to show proof of voting in the South African national 1994 elections and that they started working in the country's mines since 1986 (Crush & Williams, 1999). The aim of this amnesty was to further give migrant miners agency to acquire a full citizenship after five years. This choice was left to individual miners who did not apply for citizenship due to the fact they would have lost their citizenship of origin due to the fact that a number of countries "did not permit dual citizenship" (Lockey, 1999, p. 24).

Furthermore, Mozambican migrant miners lacked interest in acquiring South African citizenship due to the fact that eligible miners did not view South Africa as their home and had invested in their home countries for themselves and their families far more than they had in the country that they only viewed as the place of employment and not residence (de Vletter, 1999). The proposition included bringing family with you if you were a miner with permanent residence and access credit but the application numbers were embarrassingly low and as Crush & Tshitereke wrote, "whatever the intention of the miners' amnesty, it did little to change the system" (2001, p.60).

On the other hand, only a small proportion of Basotho miners showed interest in acquiring permanent residence in South Africa due to uncertainty (Green & Gay, 1999). Over a decade later, this is the complete opposite of the ZSP holders and respondents in this study who wish the government of South Africa could give them permanent residence because they have been here for years and view South Africa as home as the situation in Zimbabwe worsens.

3.9.2 The SADC amnesty

The SADC amnesty was the second democratic amnesty and it was introduced in June 1996 for all migrants with SADC origins regardless of their employment sector (Crush and Williams, 1999). In order to qualify for this amnesty applicants had to have been living within the republic for at least five years, show that they were involved in meaningful informal/formal economic activity, demonstrate that they had a South African spouse or offspring living in the country and that they had no criminal record (Crush and Williams, 1999). This exemption would also lead to full citizenship after five years of residence in the republic (Mahlutshana, 1999).

Research has produced findings from both the urban and rural areas of the country regarding the SADC amnesty programme. Retzes & Crawhall (1999) found that urban migrants experienced a lot of bureaucratic obstacles in their quest to acquire the SADC amnesty. Amongst those urban obstacles they identified were DHA officials' inability to cope with the massive numbers of applications, lack of coordinating all the relevant stakeholders in one place to save time, vague and complex language on forms for applicants to easily grasp the meanings and a poor communication strategy by the DHA. Two respondents had the experiences like the above when applying for

the ZSP in 2010. However, they claim their experiences were better the in 2014 and 2017 respectively as the DHA's systems went online.

When it came to rural experiences Johnston (1999, p. 54) found that Mozambicans who were residing in rural areas were "unanimous" that they wanted South African citizenship. The rural experiences included women who could not apply without their spouse, fragmented and not streamlined application processes, application forms asking irrelevant information from applicants and lack of sufficient training for the DHA officials to assist the applicants adequately. Some of these problems have not been eradicated as we have seen from Amit & Kriger (2014, p. 270) that the introduction of the ZSP for Zimbabweans saw a remarkable number of "administrative barriers". One of the respondents has formed a union that assists Zimbabwean migrants during renewal phases because some are not familiar with the digital processes while some do not have access to digital platforms to lodge their own applications.

3.9.3 The refugee amnesty

Hundreds of Mozambicans came to South Africa to seek refuge during the civil war in the 1980s and the majority (over 200 000) of them declined to take the offer for free repatriation in the 1990s (Crush and Williams 2001). The refugee amnesty was announced in December 1996 by the South African cabinet coinciding with the expiry date of the refugee status for Mozambicans (Crush and Williams, 1999; 2001). The aim of the amnesty was to give the Mozambicans who wished to remain in South Africa permanent residence status in the country, and the amnesty was implemented between August 1999 and February 2000 (Crush and William, 2001).

According to Handmaker & Schneider "unlike previous amnesties for other categories of undocumented persons, the cabinet decision did not specify that proof of economic activity was necessary. It was purely intended to benefit persons from Mozambique who left as a consequence of hostilities in the country up until the Renamo/Frelimo Peace Accord in 1992" (2002, p.3). There is uncertainty with numbers in the history record with government claiming to have approved, at least according to Handmaker & Schneider (2002, p.4), 28,520 applications out of 146,675 "Mozambicans who applied for formal legal status through the SADC" amnesty exemption.

3.9.4 Zimbabwean Special Permit

As previously indicated, the ZSP is an amnesty that was first announced in 2009 by the South African government to grant Zimbabwean migrants work, study or business visas in the country on four year non-renewable / non-extendable permits (Crush *et al,* 2015*;* Thebe, 2016; Amit, 2011; Amit & Kriger, 2014; Bimha, 2011). Normal requirements for work, study and business visas were relaxed with the DHA only requesting applicants to fill in application forms, produce fingerprints, a Zimbabwean passport (which was later relaxed as a requirement during the last days of the process as long as applicants

could produce proof that they had applied for a passport and were awaiting outcome) and documentation proving that applicants were indeed studying, working or running their own businesses (Amit, 2011; Amit & Kriger, 2014; Bimha, 2017).

The DHA introduced the Dispensation of Zimbabweans Permit (DZP) in September 2010 in order to clear the backlog on the asylum seeker management system (Crush *et al,* 2015). The aim of this documentation programme was also to regularise migrants' stay in the country and allow the undocumented migrants to legalise their stay. About 275,762 Zimbabweans applied for the DZP and by the end of 2011the adjudication processes had been finalised and the DHA had recommenced deporting undocumented migrants (Crush *et al,* 2015). The following year government announced that 255,282 permits had been granted even though a further 20,480 applications were still to be finalised; regardless, the consensus is that arguably, there was a significant number of Zimbabweans issued with permits in the end (Crush *et al,* 2015). Some applicants such as Dan, 49 received their outcomes just before the permits' expiry date due to poorly managed administrative processes that led to the loss of supporting documents and resubmissions.

On the other hand, only 17% of the DZP applicants were asylum seekers who were willing to renounce their asylum status in favour of DZP because for some, the asylum seeker permit offered more than a temporary four-year permit (Bimha, 2017). Furthermore, this could have resulted from the fact that in her survey findings, Amit (2011) suggests that most applicants had no labour skills and would not have necessarily qualified for work permits prior to the introduction of the DZP. Therefore, applying for the asylum system to regularise their stay was the only option available to most of them.

In 2014 the DZP holders' permits reached their expiry date and the Zimbabwean Special Permit (ZSP) was introduced for former DZP applicants to apply for extension without having to go back to Zimbabwe. Contrary to the previous application process, applicants now had to submit their applications online (Bimha, 2017). The applicants who were previously rejected in 2010 were also given an opportunity to re-apply if they had their reference numbers (Bimha, 2017). This complexity is one of the reasons why this study aimed to document migrants who have gone through the system from 2009 to date, in order to trace the permit holders' experiences, policy failures, policy improvements and capture relevant nuances. This is because previous studies have on this subject such as (Amit, 2011; Bimha, 2017; & Crush, 2011) always studied these permit regimes separately and focus always falls on the administrative efficiencies or inefficiencies of the DHA. This study aims to move beyond that as indicated previously that the researcher has human rights as a concern in conducting this particular study. Studying migrants' experiences from 2009 to date is also helpful to locate "actions in the context of their historical and contemporary conditions" (O'Reilly, 2015, p.2).

The ZSP regime expired in December 2017 and the DHA introduced its extension under the name Zimbabwean Exemption Permit (ZEP). The then Minister of Home Affairs, Minister Hlengiwe (Mkhize, 2017) announced that this step would assist the country in managing irregular migration by documenting who is in the country for the national population register as envisaged in the DHA's White Paper on International Migration, and in line with the NDP. But has that been achieved? One of the respondents does not think so because if for whatever reason migrants failed to renew their permits in 2014, they were automatically rejected by the system in 2018. This seems to be the opposite of what the DHA claimed it was trying to do. Meanwhile, a DHA official in the Chief Directorate of Policy Management says the DHA is not winning in managing irregular migration as envisaged in the DHA's White Paper on International Migration.

> *It is a long way to go. Many factors contribute to this problem. They include, porous borders, weak border management capacity, citizens who aid and abet illegal migrants. The Border Management Authority is being established and the marriage policy is being developed to criminalise marriages of convenience, capturing of biometrics for everyone will be compulsory including children and parents who are not citizens. These are all efforts that will reduce illegal migration and its impact.*
> (personal communication, 3 February, 2020).

3.10 Conclusion

This chapter introduced the reader to the available literature from various scholars on international migration, the history of migration in Africa, labour migration in Africa and between South Africa and Zimbabwe, South Africa's amnesty programmes post 1994 and some available literature on the ZSP permit. It began by introducing the reader to the global compact for migration and migration policy framework for Africa and what the soft laws mean for migration policy in South Africa. Furthermore, international migration in South Africa pre and post democracy was explored. The chapter further explored gender dynamics in labour migration. Finally, the researcher explored the history of amnesty programmes in South Africa post democracy in order to locate the ZSP which in itself addresses the concept of documentation, a concept that was also explored in the final part of the chapter.

Chapter 4: Execution of Research Design and Methodology

4.1 Introduction

The previous chapters detailed literature review, various theories and concepts that were utilised in order to execute this research. These would not have been sufficient without the company of practical methods hence the following chapter sets out the research design and methodology that enabled the execution of this thesis. Because this thesis analyses experiences of Zimbabwean migrants, a phenomenological approach was employed as it "focuses on the meaning that certain lived experiences hold for participants" (Wagner, Kawulich & Garner, 2012, p. 132). This chapter will detail the motivation behind choices taken regarding researcher's positionality, research paradigm, research approach, research design, data gathering, sampling, data analysis, validity, limitations and ethical considerations.

4.2 Researcher positionality

Qualitative research involves attempts to understanding a research problem through lived experiences of humans (Bourke, 2014). One of the research instruments beyond common forms such as interviews or focus group discussions is the researcher themselves (Bourke, 2014; Savin-Baden & Major, 2010; Chereni, 2014; England, 1994). According to (Bourke, 2014; Savin-Baden & Major, 2010; Chereni, 2014; England, 1994), the idea that self is a research tool means the researcher needs to wrestle with the fact that their own biases and subjectivity will affect how they plan, execute and report findings of their research. This does not mean that researchers suddenly separate themselves from their research process and participants (Savin-Baden & Major 2010; Cousin, 2010). Rather, it means that they find a way of balancing the scale between objectivity with subjectivity (Bourke, 2014). This, according to Bourke (2014) is positionality; the process of striving for objectivity while at the same time we acknowledge who we are in society, as individuals and what positions we occupy and how all this affects our research methods, presentation and interpretation of findings.

The researcher is a black South African man who approached the thesis with an assumption that finding black Zimbabwean participants who were willing to meet with the researcher for face to face interviews would be easy. Further, the researcher is an official at the Department of Home Affairs. Due to the historical baggage that comes with being black in South Africa, the researcher's personal value system is that of equality, justice and non-discrimination. This information is important because Cousin (2010, p.14) proposes that "thinking about your positionality through your social category as a starting point is no bad thing" because "we are all formed through social processes and institutions that classify, affirm or deny us according to factors such as class, ethnicity, religion and gender".

After reviewing literature and understanding what Zimbabwean migrants had to go through to get to South Africa and in South Africa to make ends meet the researcher's assumptions into the research naively involved fighting social injustices. South African's xenophobic attacks also saw the researcher overcompensating during conversations in an attempt to prove that even though he was an outsider as a South African interviewing Zimbabweans he was also an insider who was on the research participant's side.

In the end, many Zimbabweans were not willing to meet with the researcher but were willing, in varying degrees, to participate if questionnaires were emailed to them. And so, as the researcher collected and interpreted data, he wore an objective hat as a professional researcher but at the same time he also wore a personal hat that cares about social justice and equality. It is important to indicate that coming across these obstacles the researcher naively took for granted meant reckoning with what Savin-Baden & Major (2010) call reflexive questions in the process of reflexivity; questions of scrutinizing power relations a little bit more between the researcher and the researched, questions of emotional attachment to the subject and participant's lives in relation to the researcher's personal value system and stance. Here, and in reflecting on his emotional intelligence, the researcher had to look to Moser (2008) who argues that our personalities are also a form of positionality that should not be taken for granted.

4.3 Research paradigm

Amongst other frameworks that researchers in social sciences use is a research paradigm which informs how we view truth and knowledge around us (Wagner *et al* 2012). According to Wagner *et al* (2012) a paradigm is informed by four assumptions/components namely ontology (nature of reality), epistemology (how we know what we know), axiology (ethics and values), which further inform our choice of methodology and, finally, method. These assumptions differ with different paradigms. For purposes of this research we looked at three different paradigms in order to decide on the most suitable paradigm namely positivism, constructivism which is otherwise known as interpretivism as well as transformative paradigm Wagner *et al* (2012). The following section looks at different paradigms alongside their philosophical underpinnings and at the paradigm that was applied to this study.

4.3.1 Positivist Paradigm

Positivists believe that scientific methods of conducting research are objective and that there is one reality which is measurable through empirical testing Wagner *et al* (2012). Proponents of this paradigm believe in logic, hypotheses, equations and calculations to reach a conclusion (Kivunja & Kuyini 2017). Kivunja and Kuyin (2017 and (Wagner *et al* (2012) outline the four basic assumptions of positivism as follows:

- Ontology – naïve realism: meaning we have one single, tangible reality.

- Epistemology – objectivity: meaning researchers should aim to achieve objectivity by maintaining neutrality during the research process.
- Axiology – value-free: meaning that data obtained is objective and independent of values and feelings of the researcher.
- Methodology – Survey research, experimental methodology.

This paradigm would not have worked for this study due to its rigid nature and ontological assumption that there is one single tangible reality.

4.3.2 Constructivist/Interpretivist Paradigm

While the positivist paradigm is preoccupied with objectivity as outlined above the constructivist paradigm takes the opposite side as it attempts to understand the subjective and socially constructed world of others as they experience it (Wagner *et al* 2012). Here the emphasis is on understanding the other's worldview and the interpretation of their own world without centering the observer's (Kivunja & Kuyini 2017). According to Kivunja and Kuyin (2017) and (Wagner *et al* (2012) the four assumptions of this paradigm are as follow:

- Ontology – relativist: reality is a personal or social construct, there are multiple realities and they all need to be explored to extract meaning out of them.
- Epistemology – subjectivist: because reality is a personal or social construct knowledge of what is true or false is subjective depending on culture, context and history.
- Axiology – balanced: the values of the researcher are not discarded but are incorporated after being acknowledged. Biases and these values are openly indicated to find ways of maintaining a neutral position.
- Methodology – naturalist: interviews and reflections.

4.3.3 Transformative Paradigm

The transformative or emancipatory paradigm emerged from positivist and interpretivist paradigm criticism. This paradigm locates its research values on social justice, political, social and economic issues (Kivunja & Kuyini 2017). The transformative paradigm aims to change the status quo of research subjects by transforming the structural dynamics of social, economic and political issues through participatory research (Kivunja & Kuyini 2017). It is embedded in theories that are preoccupied with emancipation of the oppressed such as critical theory, feminist theories, race-based theories and postcolonial theories (Wagner *et al* 2012). (Kivunja and Kuyin, 2017; Wagner *et al*, 2012) summarise the four assumptions behind this paradigm as follows:

- Ontology – historical realist: reality is historically constructed, complex, layered and constantly changing depending on the social, political, cultural and economic environment.

- Epistemology – transformative: knowledge is turned into practice that addresses human rights, increases social justice, empowers and transforms participants' lives
- Axiology – cultural norms: paradigm views research as a moral and political endeavour that requires reflection and standing on values
- Methodology – participatory research, action research

Even though this paradigm is aligned with the researcher's world view, its emphasis on transforming and participants' lives through participatory research methodology was beyond the researcher's financial position and time limits for this thesis. It would have been suitable if the researcher was not self-financing his thesis and if the programme was a full dissertation.

4.3.4 Approach selected for this study

Since this research focused on analysing people's experiences, the constructivist / interpretivist paradigm which is located in qualitative research was used to inform the researcher's methods going forward. This paradigm is befitting because it aims to gather the world's understanding as experienced by participants, to understand participants' experiences (Wagner *et al* 2012). As it is shown in Chapter 4 and 5 Zimbabwean migrants shared their lived experiences regarding the ZSP as experienced by them. This paradigm views truth as something that emanates from the experiences of participants; a subjective social construct that cannot be taken away from its context, culture and history (Wagner *et al*, 2012, p .56). It was important to choose this paradigm for the researcher for migrants' experiences to be documented as they are without any form of erasure for further policy implication analysis. Furthermore, the researcher's values are in line with the assumptions this paradigm makes when it comes to reality, truth, knowledge, values as well as the suggested methodology.

4.4 Research design

The previous section informed us that the research paradigm that was used for this thesis was the interpretivist / constructivist paradigm because it focuses on people's subjective experiences and construction of their world as well as the researcher as the interpreter of collected data. This comes from the assertion by Wagner *et al* (2012, p. 127) which says reality is not decided on objectively but rather constructed by the social, cultural and historical environment within which it occurs. A research design is a workplan on how the thesis will be executed and it should provide a coherent pattern that binds the topic, research question and the methodology used together (Wagner *et al* 2012). According to Wagner *et al* (2012) there are different designs that may be utilised during qualitative data collection namely but not limited to ethnography, action research, grounded theory and phenomenology. These are discussed in the section below.

4.4.1 Ethnography

Ethnographic studies' focus is on interpreting cultural behaviour and attitudes of others through fieldwork and multiple methods (Wagner *et al* 2012). This approach means the researcher needs to understand the holistic environment of the community in which research is taking place for the researcher to write that community's culture (Wagner *et al* 2012).

4.4.2 Action Research

Action research on the other hand, according to Wagner *et al* (2012), does not only aim to study a phenomenon for interpretation but further seeks to change a situation through participation and collaboration with the participants. The active participation in experiments assumes learning and improvement in behaviour.

4.4.3 Grounded Theory

The third approach is grounded theory which typically uses interviewing, participant observation and document analysis for data collection (Wagner *et al* 2012) but insists on going directly into data gathering before being influenced by prior research. However, it differs from other qualitative designs in that it highlights the importance of developing theory during data collection by analysing theoretical framework against emerging data (Wagner *et al* 2012).

The three approaches mentioned above were not enough designs the researcher could have chosen for this study because even though they had some relevant aspects that could have been useful, they were simply not holistically in line with the aims of this thesis. It is for this reason that this study used phenomenology as its design framework. According to Wagner *et al* (2012) phenomenology's emphasis is on describing how participants experience something without trying to explain their lived experiences. However, it does not mean the experiences are just taken at face value because meanings are analysed through the researcher's interpretation of one individual's experience against the collective experiences (Wagner *et al* 2012). Furthermore, phenomenology is an approach that coherently corresponds with constructivism paradigm the researcher used as it focuses on what Wagner *et al* (2012, p. 132) describe as "the meaning that certain lived experiences hold for participants".

4.5 Data gathering techniques

Qualitative research studies generally use three data gathering techniques i.e. interviews, observations and document analyses to collect data. These techniques are usually used in conjunction with one another for more reliable and trustworthy data

(Wagner *et al*, 2012). According to Wagner *et al* (2012) most qualitative studies use interviews to collect data. Interviews are forms of conversations through questions that are meant to produce descriptive data through participants' world views (Wagner *et al* 2012). Since this study also used interviews it is important to look at different types of interviews in the following section. Interviews may be semi-structured, structured, unstructured or can come in a form of focus groups (Wagner *et al* 2012).

4.5.1 Structured interviews

Structured interviews are pre-planned questions that are usually asked to participants in the same manner with answers mostly given as options for participants to choose from (Wagner *et al* 2012). These types of interviews are usually conducted for surveys, telephone interviews and for large samples where aims of the study have been clearly set like in quantitative studies (Wagner *et al* 2012). This is not to say there is no clear plan with other types of interviews but there is more room with them to maneuver by asking questions that may not necessarily be on the interview schedule to get more information.

4.5.2 Unstructured interviews

In unstructured interviews questions are not predetermined as is the case with structured interviews. However, the interviewer and participants determine which direction the interview should go depending on goal of the study and interviewer's guidance of the discussion (Wagner *et al* 2012). Questions are often open ended in unstructured interviews and require the researcher to have time and resources for possible multiple interviews if emerging data is not clear due to the conversational nature of unstructured interview (Wagner *et al* 2012).

4.5.3 Focus Groups

The third type of qualitative research interview are focus groups. According to (Wagner *et al* 2012) focus group interviews involve a group of between five to twelve participants who are chosen to congregate in one place by the researcher based on the targeted population's requirements to discuss a specific topic. Different views and group dynamics which cannot be found in individual interviews are observed by the researcher to produce rich data for the study (Wagner *et al* 2012). The researcher needs to focus and drive the discussion because with different views and ideas participants can drive the discussion to a different direction that might be irrelevant to the study (Wagner *et al* 2012).

4.5.4 Semi-Structured

Semi structured interviews have characteristics of both structured and unstructured interviews. The interviewer uses an interview schedule as the basis for line of questioning and pays attention to emerging data in order to pursue new avenues that are related to the study (Wagner *et al* 2012).

In order to collect primary data about participants' experiences for this study the researcher planned to conduct semi-structured face to face interviews with Zimbabwean migrants in order to allow the researcher to ask more probing questions while finding deeper meaning and corroborating data from other sources of secondary data such as literature review (Wagner *et al*, 2012). The researcher also conducted structured interviews with secondary respondents such as a DHA representative and an official representing the Zimbabwean community at African Diaspora Forum to close all gaps that could have existed from limited knowledge migrants might have had about the DHA's policies.

The researcher initially requested access to the migrants' contact details from the DHA. After access was granted several attempts were made to contact potential respondents to request interviews and none of the respondents were comfortable. Later, the researcher would learn from some participants that it is in "Zimbabwean culture" (Respondent, 8) that they will not be comfortable meeting with a stranger for interviews unless they have been referred by a Zimbabwean. The researcher then sought to devise another recruitment strategy and it involved social media platforms Facebook and Twitter calling on Zimbabwean migrants who were on the permit and willing to participate in the study to indicate their interest by leaving contact details. A few permit holders were comfortable to come forward but most of them indicated they do not want face to face interviews but could complete a questionnaire and email back. Others were not in the same area as the researcher and so this approach was a good 'fit' anyway.

It is important to highlight the fact that this social media recruitment strategy was not done without any consultation with literature to assess ethical considerations. Drawing on literature the researcher considered using social media for recruiting participants because it is a growing approach used in in fields such as medical research to recruit hard to research participants (Cote, 2013; Topolovec-Vranic & Natarajan, 2016; Burgess, 2017; Wang, 2019). Several scholars who have highlighted the benefits and challenges of using social media for recruiting participants to gather data. Gelinas *et al* (2017) have grappled with ethical considerations and issued recommendations in using social media as a recruitment tool for research specifically with populations groups that are hard to reach. They emphasise respect for respondents' privacy as well as the researcher's transparency to promote truthfulness. Arigo, Patogo, Carter-Harris, Lillie & Nebeker (2018) have also used social media extensively in health research and applaud it for assisting in reaching a wider audience despite shortcomings like any research recruitment strategy. They also recommend careful

consideration of the platform in order to avoid methodological problems, ethical problems and violating privacy of respondent.

In the end, only two face to face interviews were conducted with Zimbabwean migrants in their respective places of employment while the rest (eight) had interview guides emailed to them to respond and email back. The interviewer also had telephonic access to the respondents to clarify any questions that might have risen from completed responses. All the interviewed migrants were on the work visa category of the ZSP so this is not a full representation of the sample as the ZSP consists of study and business categories as well.

4.6 Sampling

Sample sizes in qualitative research tend to be small due to a number of reasons including the vigorous nature of qualitative studies and in-depth data that has to be collected with the researcher mindful of the contextual environment (Wagner *et al* 2012). However, Wagner *et al* (2012) warn that sample sizes should not be so small that the researcher struggles to achieve data saturation. Therefore, this study conducted ten semi-structured interviews with holders of the ZSP. Three participants were female and seven were male. All ten participants fall under the work visa category of the ZSP. Furthermore, structured interviews were conducted with secondary respondents such as a DHA representative and an official representing the Zimbabwean community at African Diaspora Forum.

This study used a non-probability sampling technique called convenience sampling. This is because non-probability samples are more convenient and less costly to conduct; and it was the only strategy that was available to the researcher after experiencing challenges with recruiting respondents as mentioned above (Wagner *et al,* 2012). However, convenience sampling is not representative of the wider population, but the findings can help us make formulate themes based on emerging trends. For this technique to be more effective the researcher still approached the available sample with a clear purpose in mind; that is, to analyse participants' experiences in acquiring the ZSP. The researcher predefined the participants' criteria as follows: available holders of the ZSP who acquired the permit in 2010 when it was introduced.

4.7 Trustworthiness and credibility of the study

Measuring social sciences is difficult because unlike natural sciences, social sciences research measures abstract phenomenon that cannot easily be measured on a tool such as measurement scale (Wagner *et al,* 2012). These include attitudes, behaviors, emotions or personalities (Wagner *et al,* 2012). This means that assessing qualitative research findings is difficult. To ensure trustworthiness of data and to increase validity of data collection Guba (1981) suggests that researchers should use four strategies that

will be discussed below namely credibility, transferability, dependability and confirmability.

4.7.1 Credibility

Credibility is one of the strategies that qualitative researchers employ to ensure validity and reliability of data thus leading to trustworthiness as shown above. Reliable and credible data results in meaningful outcomes (Wagner *et al,* 2012). This means data results are considered credible by the reader if the reader is convinced the data is credible as presented by the researcher. Wagner *et al (*2012) argue that because it is impossible to obtain complete reliability due to the fact that human behaviours and views are not static different forms of reliability such as inter-rater reliability, test-retest reliability, parallel-forms reliability and internal consistency reliability can be used to minimize the researcher's biases. Furthermore, according to Guba (1981) social science research employs different methods to ensure reliability such as prolonged engagement at a site, persistent observation, peer debriefing, triangulation, collection of referential adequacy material, member checks, establishing structural corroboration, establishing referential adequacy and member checks. To achieve credibility, the researcher utilised triangulation.

4.7.2 Triangulation

In order to increase validity and credibility of one's study it is important for any researcher to use multiple methods (Mathison, 1988). According to Mathison (1988), triangulation also helps the researcher stand up to scrutiny of reviews by colleagues and strengthens research findings further. Mathison (1988) reminds us that triangulation is as simply as using more than one person as your source for collection of data and that it was introduced in social science research by Campbell and Fiske in 1959 as one of the measures to ensure validity of one's research methods. However, Mathison (1988) informs us that Denzin (1978) went on to expand the concept of triangulation "to include time and space based on the assumption that understanding a social phenomenon requires its examination under a variety of conditions" (1988, p.14). It is important to note that using triangulation does not provide black or white answers because triangulation can lead to three possible outcomes namely convergence of evidence, inconsistency in the data and contradictory data (Mathison, 1988). The researcher used theory and methodological triangulation.

4.7.3 Transferability

Transferability refers to how data findings can be used to generalize in a different context from the one of study (Guba, 1981). Guba (1981) is not convinced that it is possible to achieve this in qualitative research because there is no absolute truth social behaviour. However, Guba (1981) suggests that qualitative researchers can do purposive sampling, collect thick description data and develop thick description of the research context in order to make judgement about the transferability of the data

findings. The researcher provides thick rich descriptions of respondents in Chapter 5 to achieve this.

4.7.4 Dependability

According to Guba (1981) dependability of data findings depends on how reliable and valid data findings are; and that this can be achieved by using triangulation, stepwise replication, establishing an audit trail and by arranging for a dependability audit to be executed by an external auditor to check if standard practice were followed. The researcher used theory and methodological triangulation.

4.7.5 Confirmability

In the previous section we learned about auditing of data findings and the aim of that is for the external auditing to lead us to confirmability. Confirmability, according to Guba (1981) can be performed through triangulation which is one method used by the researcher in this study and practicing reflexivity during the research process and arranging for a confirmability audit after completion.

4.8 Qualitative data analysis

Qualitative data analysis refers to the process of making sense of data collected through interpretations and explanations of the people or situations that were being studied (Kawulich, 2004). Wagner *et al* (2012) advise us of two approaches to qualitative data analyses mainly inductive approach which works when the research is descriptive or exploratory and deductive approach which researchers who are familiar with their interest of study can use to confirm their preconceived ideas. Furthermore, Wagner *et al* (2012) outline different types of qualitative data analysis as briefly shown below:

- Narrative analysis – which emphasises the importance of viewing the holistic setting of participants to make sense of their stories
- Thematic analysis – which mainly focuses on identifying themes and patterns during data collection and analysis
- Phenomenological analysis – which is concerned with telling and describing a commonly shared phenomenon between participants who share lived experiences
- Discourse analysis – which pays attention to how participants use language, how they say what they say, speech, tone and with a cultural perspective of participants in mind

This study employs phenomenological analysis. This includes telling the reader what the participants have experienced and how they have experienced the phenomenon without the researcher inserting themselves (Alase, 2017). This is why it was important for the researcher to state their positionality at the beginning of this chapter.

4.9 The coding process

Alase (2017) advises that researchers should read through transcripts, responses repeatedly in order to identify common themes and words as a foundational step to data coding. The same should be done for recordings. The researcher collected all the questionnaires and created an excel spreadsheet to make it easy to follow responses to each question and compare them easily. For the two recorded interviews the researcher transcribed them first before adding them to the spreadsheet as well. Thereafter, emerging themes were identified and narratives from different respondents compared. These are discussed in chapter 4 and 5.

4.10 Ethical considerations

According to Wagner *et al* (2012, p. 64) there are four overlapping basic guidelines for the researcher to consider ethically. These include consent, reciprocity, avoiding deception, confidentiality and reporting data accurately. The researcher went through the ethical clearance process as required by the ethics committee and obtained consent from participants before the interviewing process began. The researcher presented the consent form, participant observation sheet and topic approval from Wits to all participants who signed the consent forms that are available and will be destroyed after two years as indicated on the ethics clearance application form. Once the process commenced, the researcher avoided deceiving the participants while actively keeping their privacy in mind in order to report factually on the data collected. In cases where participants would have decided to withdraw from the study after interviews have been conducted the researcher was still in a position to respect the privacy, confidentiality and agency of participants and withdraw them. The researcher was also equally aware of power dynamics that could have come up as a result of the position of the researcher in the research process and the Zimbabwean migrants in the South African context.

4.11 Limitations

This study's findings are based on ten respondents who were interviewed during fieldwork and it is not a reflection of the entire Zimbabwean community in South Africa nor is it a full sample representation of the ZSP holders. Data measurement can have its limitations if reactivity occurs from the participants' side due to their knowledge that they are being studied and feel obliged to provide measured answers to questions during data collection (Wagner *et al* 2012). One of the limitations was the fact that a South African researcher studying Zimbabwean migrants meant he was an outsider and that posed barriers into accessing a wider Zimbabwean community on the ZSP. Fear and inertia to meet the researcher for face to face interviews also meant what could have come out of face to face interviews including environmental triangulation failed.

Reactivity was avoided by the researcher by employing amongst others non-reactive measures. In this instance, a non-reactive measure was the assumption that ZSP holders' participation would not trigger thoughts that they might be prejudiced and jeopardize their chances of getting the permit as the study was analysing experiences of participants who are already permit holders.

4.12 Conclusion

This chapter discussed various issues considered in collecting data and methods used in obtaining reliable data. This chapter also detailed the motivation behind choices taken regarding researcher's positionality, research paradigm, research approach, research design, data gathering, sampling, data analysis, validity, limitations and ethical considerations.

Chapter 5: Presentation of data

5.1 Introduction

In chapter 3 the researcher took the reader through this study's research methodology. The chapter also outlined reasons behind making different choices regarding research design and sampling processes. This led to the researcher conducting semi-structured interviews with 10 Zimbabwean migrants who are holders of the work category of the ZSP. This chapter aims to present data findings through various themes that emerged during fieldwork. The demographics of the respondents with their pseudo-names are as follows:

Respondent	Gender	Age
1. Neo	Female	33
2. Natasha	Female	33
3. Sam	Female	31
4. Tshepo	Male	34
5. Thabo	Male	42
6. Steve	Male	37
7. Vuyo	Male	36
8. Sbu	Male	33
9. Dan	Male	49
10. Matthew	Male	32

5.2 Data Preparation

Ten respondents were recruited participate semi-structured interviews on their experiences in acquiring the ZSP. Out of ten respondents, three were female and seven were male. In addition, the DHA and an official representing the Zimbabwean community at African Diaspora Forum were also sent structured interview questions to close gaps that could have existed from limited knowledge migrants might have had about the DHA's policies. All Zimbabwean respondents were on the work visa category. As indicated in the previous chapter, data collected was coded and the researcher began with thematic analysis thereafter. Two face-to-face interviews were recorded and transcribed. Eight completed questionnaires were received from respondents who preferred to participate via email. Thereafter, all data collected from all respondents was captured on an excel spreadsheet with different columns to make it easy to peruse respondent's responses to different questions and to compare answers in order to easily identify common themes as well as emerging gaps. Seven broad themes emerged from closely studying the data collected. The themes included the following:

1. Decision to migrate
2. Documentation

3. Administrative challenges within the DHA
4. Employment and financial freedom
5. Freedom of movement
6. Disappointment and hope for the future
7. Citizenship

These themes will be described in this chapter and analysed further in chapter 5.

5.3 Thematic Analysis

The following section will describe respondents' experiences in acquiring the ZSP from 2009 to date. This means 2009, 2014 and 2018 respectively as they were the years the respondents' permits were applied for and renewed. The questions were deliberately structured in a way that first aimed to capture the migrants' experiences when applying for the permit, getting their permit and finally their experiences in staying in South Africa after receiving the ZSP. They will then be analysed against literature in chapter 5 to make sense of what the findings mean and the implications thereof for this study.

5.3.1 Decision to migrate

As shown in the theoretical framework section of this study, there are various reasons why people migrate not only here in South Africa but all over the world. Migrants were not asked why they had migrated to South Africa to avoid leading questions. Posing that question would also have sounded confrontational because it sounds like asking them why they are here. But through asking how migrants found themselves without documentation, reasons for migrating were also revealed.

Only one respondent indicated that she did not come to look for work. Neo, 33 (2020) reveals that she came to South Africa to study when she says "*I was on a study permit and by the time I completed varsity in 2010 that was the time the DZP permit was being handed out therefore I applied*".

The rest of the respondents came to look for work. For instance, Natasha, 33 (2020) migrated because she "*wanted to work and study*". The economic collapse in Zimbabwe came out as well as one of the reasons behind choosing to migrate. For instance, Steve, 37 (2020) decided to migrate because "*The country was experiencing its worst economic quagmire since the attainment of independence*". He is not alone, Vuyo, 36 (2020) told tells us "*The decaying economic situation in Zimbabwe, not getting a job and the fact that friends told me they managed to do it*". Sbu, 33 (2019) echoes the reasons mentioned above. He says, "*It was more about greener pastures, looking for something new, looking for work since you know our economy was not really good so we had to migrate this side for better things because of friends*". Dan, 49 (2019) says he came on a visitor's visa but he was looking for work. He told the

researcher "I was a salesman by the time I came here, so I was looking a job as a salesperson".

It is clear from the respondents' responses that the majority of Zimbabwean migrants migrated to South Africa to look for work due to the economic collapse in Zimbabwe which comes as a result of the political collapse.

5.3.2 Documentation

The main reason behind the introduction of the ZSP was to regularise the stay of irregular Zimbabwean migrants through documentation. The respondents' stories of documentation varied. The majority of the respondents came to the country with valid documentation which later expired while in the country for some reason or the other, while some migrants did not have valid documentation that allowed them legal access into South Africa.

Matthew, 32 (2020) indicates that *"I came with a valid visa but it expired and I could not afford to go through the process of renewing it"*. Dan, 49 (2019) emphasises the fact that he came with a valid visitor's visa in 2007 which later expired while he was in South Africa. He says *"the time I came here I came with my documents. I didn't jump the border I came straight. I even came with a flight the first time I came here when things were hard in Zimbabwe to look for greener pastures"*. Natasha, 33 (2020) also came with a valid visa. She says *"I was very lucky; I came to South Africa in 2010 during the world cup and those days they were issuing three month work permits at the border. I never came to South Africa without any documentation"*. Respondents 1, 3 and 5 also had valid documentation when they came to South Africa.

Tshepo, 34 (2020) had a peculiar situation from the rest of the respondents regarding corruption with DHA officials. None of the respondents mentioned bribing DHA officials to get documentation. However, Tshepo, 34, says *"I first arrived in SA on a visitor's 90-day visa. I then acquired a scarce skills 3-year visa, after bribing a home affairs official"*. Therefore, the announcement of the amnesty programme came in handy for his anxiety regarding his future in the country because as he tells us *"I knew that when I wanted to extend or renew that permit, I would be found out. So, I jumped at the opportunity for a ZSP which offered amnesty for offenders like myself, on condition of full disclosure"*.

Sbu, 33 (2019) on the other hand came without any valid documents because he says he didn't have any documents but had to migrate for better things *"we didn't have any documents per se because we didn't have any qualifications by then. So, we have to come and start something new because we just believe that if I come to South Africa there is something new I'm going to get such as piece jobs to look after family. Only in 2009 did I start applying for an asylum seeker permit which was rejected"*. Steve, 37 (2020) told the researcher that the reason why he came to South Africa without proper documentation was because *"I was hoping to get an employer who*

would facilitate the process of documentation". At the same time, Steve, 37 (2020) believes documentation changed his life as he writes *"Life has never been the same since acquiring the ZSP. It brings dignity and erases fear of being labelled "illegal" or undocumented. Having a ZSP gives a sense of direction as one begins to focus on bettering themselves, you away with getting odd jobs to survive and concentrate on landing a job in line with your career aspirations".* Vuyo, 36 (2020) mentioned that networks assisted him in deciding to migrate without documentation because of *"the fact that friends told me they managed to do it".*

5.3.3 Administrative challenges within the DHA

There seems to be a consensus that the DHA's administrative challenges made the application process difficult to handle when it was first introduced in 2009. Applications were done manually then and for some respondents it turnaround time for them to receive their permits ranged from six months to three years. Nine of out ten respondents believed that the subsequent introduction of the online system made the application process easier. For instance, one of the respondents indicated that although his wife managed to get her outcome earlier than him it was a frustrating process for him as his passport expired while still waiting for the outcome of his permit. This meant that he had to travel to Zimbabwe and spend more money on travelling and passport renewal.

This further meant that after all the delays he had to submit a new application to enable the DHA to issue the permit on his new passport and not the old one. "*There they delay [sic] again. I think it was in 2014 when I managed to get my permit if I'm not mistaken since 2010. If I had my papers now I would be able to tell you exactly but I think it was 2014" (Sbu, 33, 2019).*

However, only one respondent believes that the process has gotten worse over the years.

"*The last time I applied for it I queued for 4 hours and it took about a year and 3 months for me to get an outcome. So, this process has become more arduous over the years". (Tshepo, 34, 2020)*

Two out of ten respondents believe that the DHA should make their systems more efficient and stick to quick turnaround times during renewal stages. The representative of the Zimbabwe Community in South Africa concurs with the sentiment indicating that the improvements can be made by "*Sticking to the 8 weeks' timeline of processing permit applications".* ***(Respondent 11, 2020)***

It is important to mention that the introduction of the online system did not mean that processes became efficient for everyone. Some migrants, according to one respondent who was interviewed in his personal capacity but who also assists migrants with applications and renewals, could not renew their permits in 2014 and missed the deadline for renewal due to the fact that they could not navigate the online system.

This subsequently meant they are disqualified from renewing in the next phase as he says that once you skip a phase the system kicks you off and therefore automatically disqualifies you from renewing or getting the ZSP again in the following renewal phases.

"Some they were going to post office. Some they were going to Nigerians and other people were going to different people like internet cafés for assistance but some of the people fell through. That's where we get a couple of hundred people who fell through because of the system. They were not familiar with the online system and nobody was there to assist them so they fell through, they couldn't like go through with the system. So you know with this special permits once you drop on the first on the one which means you can't apply the other one. So we have many people who have got the DZP but then they couldn't apply the ZSP". (Dan, 49, 2019)

What then does this mean for documentation? However, the DHA is not solely responsible for these delays because Dan, 49 (2020) also indicated that they also occurred as a result of the Zimbabwean government's failure to renew some migrants' passports on time leading to them missing deadlines as well. He also argues that many people are in rural areas so when the announcements are made about renewal dates it takes time for the news to travel and reach them.

5.3.4 Employment and Financial Freedom

The ability to open bank accounts and save money were among the themes that kept emerging across the board during data collection. This emerged when respondents were asked how the ZSP has changed their stay in SA. All respondents were satisfied that the ZSP has changed their lives for better because it gave them many benefits including finding legal work and opening bank accounts. This sense of financial freedom resulted from respondents' ability to find legal work, save money and pay for their bills including school fees. Some of the respondents expressed their satisfaction in the following ways:

The permit gave me an opportunity to explore various work opportunities in various economic sectors.

(Steve, 37, 2020)

I can have my own account and apply for a job

(Vuyo, 36, 2020)

I can work legally, I can move around freely, I can open a bank account and other accounts… I was able to continue with my studies

(Sam, 31, 2020)

Having a ZSP gives a sense of direction as one begins to focus on bettering themselves, you away with getting odd jobs to survive and concentrate on landing a job in line with your career aspirations.

(Steve, 37, 2020)

However, although all respondents were generally satisfied with the ZSP benefits two out of ten migrants qualified their answers when asked if these benefits met their expectations of what getting the ZSP would entail. For instance, Vuyo, 36 (2020) indicated that "*For a better part my expectations were met. However I feel there are some privileges enjoyed by South African that I expected the ZSP to bring e.g University registrations...*" while Sam, 31 (2020) replied "*Had too much expectation though. Some expectations were met and some not*". On the other hand, Vuyo's, 36 (2020) expectations seem to have been partially met as he answered "*Not really because most vacancies I apply for require someone with a permanent resident permit or a South African ID*".

5.3.5 Freedom of Movement

This theme was an important theme to emerge because migration is about the right to freedom of movement. It is a universal basic human right. Seeing respondents underscoring this in different answers spoke volumes as it kept coming up. Before getting the ZSP, it is clear from the answers that most respondents were not free to move around because of fear of being arrested, questioned or unfairly dismissed. Six out of ten respondents indicated how getting the ZSP affected their ability to move freely without fear. For instance, Natasha, 33 (2020) emphasised twice that she can "*….move around freely……I can travel anytime I want without any fear of being arrested by the police for being an illegal immigrant….I don't have to play cat and mouse games with the police like illegal immigrants*". While for Vuyo, 36 (2020) this meant "*no running away from the police",* for Sbu, 33 (2019) it meant "*being free to speak my language in the street without being afraid that the police might ask to see my papers*".

Perhaps more poignant was Steve, 37, (2020) who said that getting his "*ZSP brings dignity and erases fear of being labelled illegal or undocumented*" as well as Sam, 31 (2020) who said having her ZSP gave her "*a peace of mind knowing her stay is legal*". Tshepo, 34 (2020) also stated that obtaining the ZSP gave him "*a peace of mind….it makes people travel freely between SA and Zim, instead of illegally crossing the border*". Sbu, 33 (2019) indicated that this also meant that "*I could change my permit in the future from work to a study permit in order to pursue my studies further*". It is very clear from this theme that ZSP holders deem the freedom to move freely extremely important and the permit enabled them to realize this important international right that is even enshrined in the constitution of South Africa beyond international laws and conventions.

5.3.6 Disappointment and Hope for future

The next theme that emerged was hope for permanent residency in the future. This comes from a sense of disappointment that they cannot get any form of long-term or permanent status other than keep renewing the ZSP when it expires and when the

South African government does renew it. Nine out of ten respondents in this study indicated that they are still on the ZSP because they never went to apply for regular work visa in Zimbabwe as the DHA advised when the amnesty permit was introduced.

Only one respondent indicated that he abandoned the process and came back because *"They said my passport should be part of the application pack. That will entail I cannot travel out of my home country for a period of not less than 4 weeks. Being employed full time no employer will grant that much paid leave. As a breadwinner one cannot risk going on unpaid leave to get conditions/class/type of visa changed"*, (Steve, 37, 2020). This speaks to the levels of exploitation and cheap labour that migrants are subjected to even when they are documented. It further speaks to how much weight being documented while still an outside actually carries practically. Vuyo, 36 (2020) echoes this when he says *"The ZSP is good for legal purposes. However discrimination exists to everyone even those with permits"*. This will be further discussed in Chapter 5.

Three other respondents indicated that they were not aware that it was possible to apply for a regular work visa. Four respondents said the requirements for a regular visa made it difficult for them and the costs involved too. Besides the complicated requirements two respondents said that the ZSP works just as good as the regular visa and costs less so there has been no need to change it. All the respondents indicated that they do not know anyone who has successfully managed to change from the special permit to the regular visa.

When asked about their future plans regarding their statuses in SA eight out of ten respondents stated that they wish the DHA would give them and others who are on the ZSP permanent residency. Two others did not indicate any interest in permanent residency. Tshepo, 34 indicated that he would *"keep extending the ZSP if possible"* while Vuyo, 36 said the ZSP is good for a legal status but cannot protect you against discrimination and therefore *"I want to leave to Canada ASAP"*.

5.3.7 Citizenship

There is no doubt that ZSP holders are grappling with the issues of displacement because of the shambolic situation in Zimbabwe across the social, economic and political spectrum. The fact that some Respondents indicated they wish that the DHA could grant them permanent residence speaks to a yearning for belonging and a better future. Respondent 11 even went as far as wishing the ZSP permit meant holders could add their immediate family members. *"The only challenge is the future of ZEP as it is not renewable and in adding immediate family members",* (Respondent, 11 2020). When asked how the DHA can improve this amnesty programme the respondents had the following to say:

Natasha, 33 (2020) said *"The Home Affairs department should let Zimbabweans on the ZEP/ZSP apply for permanent residency as we have been in the country for almost a decade using these permits".*

Sam, 31 (2020) *"Allow those with such permits to apply for permanent residence permits".*

Vuyo, 36 (2020) *"Make renewals far in-between or better yet give citizenship".*

Regarding their plans for the future about documentation respondents indicated as that they would like to remain in South Africa will a little more certainty. For instance, Neo, 33 (2020) said *"I hope to get permanent residence as I'm already married and have kids".* Sam, 31 (2020) also echoed the same wishes and said that *"I'd like to apply for a permanent residence permit and have South African citizenship".* Steve, 37, (2020) indicated that *"I wish to change to a critical skills visa and perhaps a permanent residence permit".* Thabo, 42 (2020) has a wish that *"all ZSP holders could be issued with permanent residence since it's going to be a decade after the program was announced. I know it's a long shot but think that will help a lot".*

5.4. Conclusion

The purpose of this chapter was to present findings from the data that was collected under seven broad themes which emerged during fieldwork. The themes included decision to migrate, documentation, administrative challenges within the DHA, employment and financial freedom, freedom of movement, disappointment and hope for the future and citizenship. It is quite clear from the detailed data collected above that the majority of ZSP holders who participated in this study need certainty regarding their future status in SA as none of them indicated the possibility of returning to Zimbabwe during the time the study was conducted. The DHA has raised the migrants' hopes and should find a way of dealing with the situation either locally in South Africa or through mediation in resolving the situation in Zimbabwe as none of the respondents came to South Africa out of their own willingness but were pushed by the dire economic and shambolic political situation in Zimbabwe.

Chapter 6: Interpretation and analysis of data

6.1 Introduction

In the previous chapter data that was collected during fieldwork was presented under the seven broad themes that emerged. To analyse data collected through interviews the researcher uses phenomenological analysis during and after the interview process. Phenomenological analysis is an approach that aims to document "an account of what all research participants share in common as they experience the same phenomena" (Wagner *et al*, 2012, p. 238). During phenomenological analysis the researcher is occupied with the similarities in how the ZSP holders view the permit while constructing a shared world view "that plays out in their everyday lived experiences" (Wagner *et al*, 2012, p. 238).

According to Wagner *et al* (2012) there are two approaches to phenomenological analysis namely hermeneutic phenomenology which is concerned with interpreting texts such as interviews etc.; however, for the purposes of this study the researcher uses the second one which is known as "empirical, transcendental or psychological". Here, the analysis focuses more on the experiences of the participants and less on the researcher's interpretations (Wagner *et al*, 2012). This section will discuss the mentioned broad themes using the available literature and determine what the implications for this study are; what do the findings mean and conclude with recommended policy interventions.

6.2 Decision to migrate

There are complex reasons why people migrate and Bloch (2010) lists them from being individualistic, familial, monetary to kin-related at different times. This list of reasons in Bloch was found to be an interconnected thread for Zimbabwean migrants in this study who decided to move as on an individual level in order to find work that will compensate them in monetary terms so that they can be able to take care of their kinships or families. This confirms Massey *et al* (1993) and Sager (2012) argument that macro-level theories (economic, political & social) cannot be viewed in isolation from micro-level theories which are preoccupied with reasons why people migrate on an individual level.

Migration systems theory further provides us with analytical tools to understand these complexities (King, 2012). This study found that the majority of Zimbabwean migrants who are ZSP holders mainly migrated to South Africa to look for work in order to support themselves and their families. This finding confirms Hagen-Zanker's (2008) theory that community and household reasons can explain why people migrate. Even though one respondent came to South Africa to study, she further went on to acquire the ZSP work category in order to find work.

6.3 Documentation

As previously indicated in chapter 4, the main reason behind the introduction of the ZSP was to regularise the stay of irregular Zimbabwean migrants through documentation. This study found that respondents' stories behind documentation were not monolithic. Some migrants entered the country with valid documents which later expired. Others came without valid documentation because of the reasons mentioned in the previous section such as knowing someone who managed to cross the border into South Africa successfully without valid documents such as Vuyo, 36 (2020).

However, once they were documented through the ZSP amnesty, all migrants indicated satisfaction with the impact that documentation has in their lives. This is different from the argument by Amit & Kriger (2014) who are pessimistic about the DHA's documentation process because they believe it is driven by a sinister motive of limiting documented migrants within its borders. Further, this sounds alarmist considering the fact that the ZSP does not deter its holders from visiting Zimbabwe. In fact, being able to visit their families freely is one of the benefits they mentioned. Amit and Kriger (2014) are not alone in this pessimism about documentation though, Derks (2013) tells us that in places like Thailand documentation has been used by the state to oppress and exploit migrants by preventing them from changing employers on their own.

Migrants in this study did not mention this form of oppression or exploitation. In fact, Sbu, 33 indicated that he plans to change from the work category to a study category of the ZSP in the near future so that he can further his career aspirations. What could be questioned though is whether the state and South Africans treat documented and undocumented migrants differently as previously suggested by Crush and Williams (2010). They argue that for law enforcement officers, differences between documented and undocumented black migrants are ignored and are automatically viewed as being in the country illegally until they show proof. This is clearly not isolated from xenophobia which is discussed later in this chapter.

6.4 Administrative challenges within the DHA

When the DHA announced and introduced the special permit researchers like Amit (2011) managed to document the administrative injustices experienced during that chaotic first time. Amit (2011) documented problems such as ill preparation and poor communication towards the project commencement, chaotic queues, inefficient application processes, ill prepared officials as well as administrative injustices. Migrants in this study indicated that the DHA system was inefficient in 2009 when the special permit was first announced and introduced. However, the migrants' experiences also changed as the DHA migrated from manual to digital processing except for Tshepo, 34 who believes the system has gotten worse as it progresses. This might be due to the fact that Tshepo, 34 used to receive his documents faster before and that now he has had to wait. It is unclear. When the new online system was introduced in 2014 it made things better and has improved tremendously since then.

The DHA could improve by announcing their plans to renew the permits on time so to give all ZSP holders a chance to get hold of the news and make necessary preparations and arrangements on time. Furthermore, the period for renewals should be extensive to allow the ZSP holders enough time to renew their passports with the Zimbabwean government for those whose documents could be expiring. This is important because none of the migrants have faith in the Zimbabwean government which they need to renew their passports in order to have their ZSPs valid. For instance, asked whether she had ever tried to go back to Zimbabwe to apply for a general work visa after acquiring the ZSP, Natasha, 33 (2020) had this to say:

"I did not go to the Zimbabwe embassy to apply for a work visa because my government does not care about its people".

This speaks to what one of the migrants also suggested that perhaps the South African government should consider allowing them to renew their permits at the Zimbabwean embassy here in South Africa. However, that is not the jurisdiction of South Africa but a Zimbabwean matter because a Zimbabwean passport is a Zimbabwean government document.

6.5 Employment and Financial Freedom

Migration systems theory believes that migration leads to economic changes amongst others (Wickramasinghe & Wimalaratana, 2016) and that there is a mutual link between migration and development. The development perspective of this theory makes it more relevant to this study. Despite the administrative challenges they went through in applying for the special permit, all ten respondents expressed that the ZSP changed their lives for the better. They indicated that they are now able to work, study and open bank accounts to run their finances better. This level of development and ability to pursue career opportunities gives the migrants a sense of relief, and as some indicated, a peace of mind. The respondents are also able to take care of their families back in Zimbabwe through remittances as indicated by (Crush *et al* 2017). Even though there is still uncertainty about the future of the ZSP the permit gives them a sense of comfort for at least four years.

These emerging trends speak draw links to researchers such as (Crush 2011; UNCTAD 2018; Nshimbi & Fioramonti, 2014) who found that migrants from Zimbabwe to South Africa have increased in numbers due to Zimbabwe's economic crisis. Findings from Nshimbi & Fioramonti (2014) that in 2011 the majority of work permits were issued to Zimbabweans due to the SZP programme has more important implications for this study in that they confirm what the literature shows us. The implications are further illuminated by the fact that all the respondents in this study were on a work category of the ZSP.

Employment and financial freedom further mean the ability of migrants to send remittances/transfer money back home. This finding confirms what Crush (2017) found

that over one-third of Zimbabwean entrepreneurs sent funds back home a monthly. The difference here is that the respondents in this study were not entrepreneurs. However, the migrants expressed gratitude for the fact that the ZSP meant they can take care of their families through employment. However, it can be assumed that even though the respondents are grateful they can work legally it does not mean their lives are much better in South Africa currently. They are grateful for the ZSP but they are not completely happy. They wish things could be better. This is shown by how they want the ZSP to be extended to more years or be given permanent residence in the country. This is echoed by findings in Lefko-Everett (2010) that even though economic circumstances of the Zimbabwean women who were respondents had improved, their social experiences of South Africa were appalling due to abuse, harassment and exclusion. This goes back to the question of what does documentation mean? Does it shelter migrants from name calling, sexism or xenophobia? Considering the fact that one of the causes for xenophobia as indicated by Tella (2016) is recognising cultural and linguistic differences, it would seem documentation achieves nothing for migrants beyond the notion employment. Their human rights are still not guaranteed if xenophobia exists.

6.6 Freedom of Movement

Freedom of movement is the most important and basic human right that no human should ever be denied of. Six out of ten respondents indicated how getting the ZSP affected their ability to move freely without fear within SA and between SA and Zimbabwe. This is why documentation is important in order to prevent prejudicing migrants from moving freely between their home and host countries. This contradicts the argument by Amit & Kriger (2014) who believe that the DHA's documentation process is driven by a more sinister motive of limiting documented migrants within its borders as discussed above.

This is further contradicted by Penninx (2010) who argues that migration in times of globalization has taken more fluid and mobile ways. In that European study on international migration and settlement, Penninx (2010, p.24) reflects that "while migration tended to be viewed in the past predominantly as a once-off movement leading to permanent resettlement (a conception that prevailed in the literature on classic immigration countries), recent migration – helped by strongly increased transport and communication facilities – has shifted to more fluid practices of international mobility in which more migrants have consecutive stays in different countries, alternate their residence between countries, etc". One of the Zimbabwean migrants in Lefko-Everett (2010, p.287) confirms this assertion when she says, "I believe many people here don't come and stay, they make business and go back".

These findings from Lefko-Everett (2010, p.286) further confirm this contradiction because before the ZSP, Zimbabwean women who were in South Africa felt that 'if visa requirements were removed, they would likely travel home to Zimbabwe more regularly". They further indicated that another alternative to visa requirement would be

allowing them to stay in South Africa for extended periods of time which also speaks to most respondents in this study who recommend that the solution to their uncertainty should be permanent residence.

On the other hand, the documentation process does limit what migrants can and cannot do but that is the case with every migrant in any state who is not a naturalized citizen. For instance, as shown in the previous chapter, eight out of ten respondents would like to have permanent residency in the future because of the benefits that come with that as opposed to limited special permit benefits. But these limitations do not take away the freedom of movement for the migrants which emerged as an important part of their daily lives.

The idea of freedom of movement also speaks to the notion of human rights in migration. The ability to move freely to look for work cannot be taken for granted. It is in line with the constitution of South Africa, the migration policy framework and the global compact for migration amongst other tools that emphasise the importance of protecting and promoting migrants' human rights through policies such as the ZSP. To emphasise the importance of human rights, Betts (2013, p.59), in a study on displaced Zimbabweans and South Africa's ad hoc response to the mixed migration tells us that "testimonies taken from Zimbabweans in South Africa reinforce the sense that the majority of migrants have left because of economic and social rights deprivations that in many cases violate their right to life".

6.7 Disappointment and Hope for future

The ten ZSP holders who participated in this study did not indicate any future plans to return to Zimbabwe even though they move between the two countries to visit their families. Instead, eight out of ten respondents stated that they wish the DHA would give them and others who are on the ZSP permanent residency. They are disappointed with the Zimbabwean government for failing to take care of them as its citizens. However, they are also anxious about their stay in South Africa because they do not know what the future of the ZSP holds. The respondents hope that the DHA could extend the ZSP to more years or give them permanent residence. For instance, Matthew, 32 (2020) said "I hope the South African government would give those of us who have no criminal records in the country permanent residence".

This expression for hope is the opposite of what Segatti & Landau (2011, p.57) argue that "these low figures reflect that most migrants in the region, permanent immigration is not a goal, especially if it means renouncing the mobility that allows many to survive". However, this does not mean their argument in 2011 was not valid. Zimbabwean migrants could have held those views and we do not know if attaining permanent residence in South Africa could be still one of their hopes for the future in five years for instance. This speaks to the fact that reasons behind migration are complex and not static as shown by scholars such as (Bloch, 2010; Erdal & Oeppen, 2017; & Sjastaad 1962).

At the same time, it is difficult for the respondents to get to realise this wish because in order for a migrant to qualify for permanent residence in South Africa they must have at least been in South Africa on one form of visa for five years and the ZSP is a four year permit which means it automatically disqualifies them. This is affirmed by Segatti & Landau (2011, p.57) who conclude that "given the precariousness of many migrants in South Africa and the very limited possibilities of their remaining legally in South Africa for extended periods of time, they are unable to meet the conditions required to apply for permanent residence, making citizenship unattainable". The fact that respondents in this study are anxious about the sustainability of the ZSP and the South African government official indicated that the solution can only be regional through SADC means this ZSP permit is unsustainable and the South African government needs to think carefully how it will manage Zimbabwean migration in the future and other amnesty programmes such as the Lesotho Special Permit.

6.8 Citizenship

In order to attain citizenship one needs to first be a permanent resident in South Africa and as Segatti & Landau (2011) have shown us above, this is unattainable considering the fact that to qualify for the fact that to qualify for permanent residence one needs to be on one type of visa for full five years and the ZSP's duration of four years is tailored to exclude the ZSP holders.

The disappointment mentioned above speaks different ways that to citizenship would look like for Zimbabwean migrants who were respondents in this study. The yearning for permanent residence also raises questions that were not necessarily part of this study but worth reflecting on. Would citizenship mean Zimbabwe sorting itself and migrants going back to Zimbabwe? Would it look like acquiring permanent residence in South Africa? What would that citizenship look like in the case of a xenophobic South Africa then? These are important questions to develop further in determining what the future means for Zimbabwean migrants in South Africa and perhaps for other migrants in general.

The question of citizenship in a xenophobic country like South Africa speaks to Sundstrom (2013)'s idea that citizenship is embedded in nationalism and that nationalism shelters xenophobia. Even though Sundstrom (2013) argues that nation's sovereign right to determine constitutional criteria for residency and citizenship also creates obstacles for some migrants especially refugees and migrants like the respondents in this study who were forced to migrate, the history of xenophobia in South Africa further complicates this. For instance, an argument could be made that even though the respondents believe that permanent residence could make their stay in South Africa better, the nationalism that Sundstrom (2013) refers to could still alienate migrants and render them as other. Xenophobic attitudes in an increasingly unequal society such as South Africa and where there is no regard for what Tella (2016) calls African Renaissance mean that South Africans differentiate between foreign nationals

and locals by language and how they look, they do not ask to see what papers one holds. This has been confirmed by xenophobic attacks as documented by (Morreira, 2010; Dodson, 2010 & Tella 2016).

6.9 Conclusion

This study found that Zimbabwean migrants' experiences in acquiring the ZSP are generally positive and that most of their expectations were met. Most of the respondents found that the process has since been easy and user friendly over the years. Administratively, the Zimbabwean migrants' experiences of acquiring the ZSP have not been the same, they improved with each renewal period as the DHA went from manual to digital processes. Some of the respondent's expectations were met, in terms of what they expected the ZSP benefits to be. Economically and socially, most respondents expressed satisfaction as attaining the ZSP has changed their lives for the better. They can now work and study. The respondents also indicated that attaining the ZSP meant their freedom of movement improved tremendously, which, for the researcher, means less exposure to human rights violation.

Chapter 7: Conclusion and recommendations

7.1 Introduction

In chapter six we discussed the seven broad themes that emerged during this study and the themes were analysed through phenomenological analysis using the available literature. In this chapter we summarise the study, key findings, and provide recommendations.

7.2 Summary of the Study

Zimbabwean migration to South Africa is nothing new. It is as old as any movement of people from any other African country. Similarly, amnesty programmes are also not a new phenomenon. They go as far back as establishment of colonial migrant labour systems. However, for the purposes of this study, we did not go as far back as the slavery and colonial period to discuss these amnesty programmes. This may have been one of the limitations of the study; it set out to discuss contemporary migration with reference to a specific amnesty programme which is called the ZSP.

In chapter one we provided a concise contextual background of contemporary migration between Zimbabwe and South Africa. During this discussion key contemporary events such as land occupation, economic deterioration and other political events that led to the current situation in Zimbabwe were outlined to show what may be the reasons behind some Zimbabwean migrants coming to South Africa undocumented. We also discussed the contested number of Zimbabwean migrants in South Africa and tried to separate rhetoric from empirical based numbers. Chapter one also outlined the research problem as well as the objectives of the study. The research problem emanates from the South African government introducing the four-year non-renewable amnesty programme for undocumented Zimbabwean migrants in 2010 and how that non-renewable programme has since been renewed routinely. The objective was to understand the experiences of Zimbabwean migrants in acquiring this amnesty permit (ZSP) over the years. This chapter also managed to introduce the reader to the primary and secondary research questions of this study.

Chapter two historicised migration in Africa and South Africa. It provided the reader with a historical overview of international migration in Africa and South Africa pre and post 1994. It introduced the reader to labour migration and gender dynamics in South Africa. From there it took the reader to global legal frameworks on migration and migration policy framework in Africa to contextually locate the ZSP amnesty programme. Chapter two also drew migration links between South Africa and Zimbabwe to show that contemporary migration between the two country has a long history which predates the current regimes in both countries. We also discussed documentation before introducing the reader to all South African amnesty programmes post 1994 including the Miners' amnesty, SADC amnesty etc.

In chapter three the reader was introduced to the theoretical framework for understanding migration in Africa. In this chapter, reasons why people migrate were outlined and discussed. The chapter also dealt with mixed migration, stages of the migration process, network and migration systems theory, remittances, human rights and xenophobia. All these theories and concepts were important to locate this study in relevant conceptual and theoretical debates.

Chapter four outlined the execution research design and methodology. It explained to the reader the researcher's positionality, reasons that let to research methods choices, research paradigm, research approach, research design, data gathering techniques that were utilised, sampling, validity, limitations and ethical considerations.

After chapter four the reader was introduced to chapter five which presented data collected to the reader until data saturation was reached. The reader was introduced to seven themes that emerged during data collection process. These themes include decisions to migrate, documentation, administrative challenges at home affairs, employment and financial freedom, freedom of movement, disappointment and hope for the future, and citizenship. In this chapter the reader was introduced to the research participants and read what they had to say about the research questions posed in chapter one as well as the themes mentioned above.

All these themes and research participants' views were then carried to chapter six for further analysis against literature to confirm and debunk some points. The next section provides recommendations that emerged from this chapter and analysis.

7.3 Conclusion and Recommendations

As indicated in chapter six the Zimbabwean migrants who participated in this study indicated that most of their experiences in acquiring the ZSP were satisfactory in the recent years compared to when the amnesty programme was introduced in 2010. They indicated that their experiences varied and improved with each renewal period. Most importantly, the migrants are living better lives now that they are documented because they can work and manage their finances better for themselves and their families.

However, even with that documentation, with the history of xenophobic attitudes in South Africa, there is no guarantee that their human rights might not be violated. Something that is perhaps beyond the DHA in this regard and more to do with South Africa as a nation. This study further confirms the fact that the situation in Zimbabwe is deteriorating with migrants revealing negative comments about the state of Zimbabwe and expressing hope that South Africa could make their stay permanent. Again, as indicated above this is incredibly difficult because the respondents would need to be on the ZSP for five consecutive years and currently the duration of the ZSP is four years. The door to residency and citizenship has been closed in their faces, even if the ZSP has made their lives easier compared to when they were not documented.

To remedy this complicated situation the DHA needs to monitor and evaluate the success of the ZSP. Currently it has not done so. So, it cannot factually tell us whether the ZSP has been a success or not. Nor can it tell us whether this special permit is sustainable or unsustainable without evaluating it. On the other hand, the Zimbabwean government needs to sort out the political and economic situation in Zimbabwe. South Africa should respect migrants' human rights. But it cannot be expected to perform duties of another sovereign nation. Zimbabweans who come to South Africa or go anywhere in the world should do so voluntarily and not because they are forced by a deteriorating economic and political situation that is in the hands of politicians and which endangers their basic human rights. In this instance, SADC and AU should do more to resolve the political crisis in Zimbabwe.

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