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Illegal migration into South Africa and its National Security impact

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ILLEGAL MIGRATION INTO SOUTH AFRICA AND ITS NATIONAL SECURITY IMPACT

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A research report submitted to the Faculty of Management, University of Witwatersrand, in 50% fulfilment of the requirement for the degree of Master of Management (in the field of Security)

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Abstract

The main concern about the growing number of illegal or undocumented migrants moving into South Africa has been the influence on risks of this illegal migration to national security. The purpose of this research was to highlight the extent of illegal migration into South Africa and its impact on national security. As a result the study proposed policy and institutional options to address this problem.

Through literature reviews, documentary analysis, interviews, and observation, it materialised that the South African government is fragmented in its efforts, without the required legislation, systems, capacity, and level of security require- to enforce compliance and to secure its borders. This compromises the border controls and exposes South Africa to illegal migration, resulting in conflicts between local citizens and migrants-and transnational crimes.

South Africa should apply stronger governance measures to enhance the knowledge construct of these issues in the context of global and African development. Such measures may include clearly defined comprehensive, integrated, coordinated migration policies and practice, based on security, economic, social and development concerns.

Declaration

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

Matlhomola Lesley Tau
31 March 2020

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Throughout the project, my late father's words always echoed from far away. He had implanted in my mind what is the power of knowledge and the measuring of success through education. Daniel Tau.

List of Abbreviations

AU- African Union

BCOCC- Border Control Operational Coordinating Committee

CoRMSA- Consortium for Refugees and Migrants in South Africa

DHA- Department of Home Affairs

IOM- International Organisation for Migration

OAU- Organisation of African Unity

PoE- Port of Entry

RRO- Refugee Reception Office

SABC- South African Broadcasting Corporation

SAPS- South African Police Service

SADC- Southern African Development Community

SANDF- South African National Defence Force

SAHRC- South African Human Rights Commission

UN- United Nations

UNHCR- United Nations High Commissioner for Refugees

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CHAPTER 1: INTRODUCTION AND BACKGROUND

South Africa as a member of the international community is required to develop and implement policies that promote safe, orderly and regular migration for a prosperous, secure and united Africa whilst also protecting the safety of its citizens. Globalisation and the increased interdependence between the fields of international relations, trade, investment, humanitarian aid and migration in a global sphere have more than ever challenged the capacity of states to assert their sovereignty while collaborating in the management of international migration.

The dominance of immigration in the national security debates has been controversial and legitimized a selective enforcement policy drawn along the lines of race, religion, nationality and citizenship emanating from the United States immigration legislation. Whilst migration is a normal globalisation process that it plays a positive role in enhancing human resources, international trade and revenue, international migration management is one of the greatest challenges of recent times. International migration and management of identity of travellers moved to the forefront of the security agendas of several states, particularly those in Europe and North America that have been hit hard by international crime, particularly terrorism- such as the September 11 attacks (Wadhia, 2017). Larger migration, immigration, tourism, professional relocation and general cross-border activities place strain on border management systems and processes on the ability to identify and authenticate citizens and foreigners alike.

Globalisation and its associated economic and technological advances have made the process of international movement easy and have advantaged migrants who intend to commit transnational crimes. Some of the most important motivations for the enhancement and tightening of border controls have been the growth in cross-border crime, the globalisation of the activities of organised crime syndicates and the international dimensions of crimes like terrorism that affect economies, societies, politics, and ecologies of many countries.

In this globalised world, a particular spotlight has been focused on Africa, due to perceived weaknesses in the criminal justice sector, limited law enforcement capacity, political and systemic corruption, poor border control and management, and weak anti- organised crime laws which are believed to provide an ideal environment for cross-border and transnational crimes to flourish. As Omuku (2011) puts it, while economic prosperity relies on the free movement of goods and people, Africa is increasingly facing the daunting task of managing its borders in ways that ensure that they prevent illegal entries and exiting of people (including criminal elements) and goods while allowing easy legal movement of goods and people, facilitate cross-border cooperation and regional integration, and enables tourists to move easily. If these movements are not monitored and controlled, countries will become even more susceptible to illegal migration, transnational crimes like smuggling, trafficking and terrorism, and the rapid expansion of xenophobic attacks by locals on migrants, who are perceives as a threat to their safety and economic survival.

The governing ANC Policy Discussion Document (2012) states that South Africa as a developmental state 'is unable to meet its essential goals without a detailed and secure identification system that incorporates both citizens and non-citizens who live, work and /or study within its borders'. The document acknowledges that while immigration is about the enforcement of laws, rules, and regulations, it is also of critical and strategic importance that is aligned to the promotion of economic development, jobs creation and trade investment in South Africa. Therefore, the concept of migration management involves policy decisions that address all issues relating to migration, development remittances, human rights, security, the labour market, and the integration of migrants into local communities. This has led to the acceptance of resolutions on various engagements that are currently underway like the establishment of the Border Management Authority, the review of the Immigration Act, and the repositioning of Department of Home Affairs as a critical department in the security system of the state.

For South Africa, this means investing in the systems, institutions, and capacity it needs to manage international migration, so as to minimise the risks and maximise its benefits, and to determine what those risks are. What arises is the extent to which the South African and other governments maintain the security they need, particularly securing borders and

to maintain safety and security of their citizens- and restoring regional, continental, and global peace and economic prosperity through bilateral and multilateral initiatives, while encouraging the trade they want. How can government system be strengthened to ensure a free flow of authorised goods and people, which is totally immune from transnational crimes and illegal migrations?

What is critical is to eliminate unsustainable and illegal immigrants while upholding international conventions on immigrants' rights as well as ensuring that legal and documented immigrants and refugees are protected. Under current South African law, two categories of people can be considered illegal migrants: lawful entrants who overstay the duration of their permit and unlawful entrants (people who entered without documentation or with fraudulent documentation) (Landau and Segatti, 2011).

This study sought to address research questions on the extent of illegal migration in South Africa and its national security implications. It probed the effectiveness of legislated strategies and measures to address the problem. This was investigated through interviews and observations to explore the experiences of border officials dealing with undocumented foreign nationals, civil servants involved in policy formulation and implementation, and representatives of civil and international organisations dealing with migration issues, and documentary analysis. The research set out to provide policy and institutional options to address the identified limitations

This paper is divided as follows
CHAPTER 1: INTRODUCTION AND BACKGROUND
CHAPTER 2 LITERATURE REVIEW
CHAPTER 3 RESEARCH METHODOLOGY
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CHAPTER 6: CONCLUSION AND RECOMMENDATION

1.1 PROBLEM STATEMENT

International migration to South Africa has become progressively complex with the country attracting not only asylum seekers, needed skilled professionals from across the globe,

needed tourism for the economy, needed investors in the economy, and environmental and socio-economic migrants, but undocumented foreigners that live within its borders and those who cross borderlines without having been cleared according to the country immigration rules.

Solomon (2000) notes that while immigration is a normal global process that plays an important role in development; it also affects the economy of South Africa negatively and has also been associated with transnational crimes. The most obvious aspect of the risk of undocumented or illegal migrants is that large numbers of people enter and remain in the country illegally from unknown origins and with unclear motives. Their motives may range from purely economic (employment, higher salaries) to harmful illicit activities. This could potentially lead to the presence of international crime syndicates, criminal gangs, individual criminals, and terrorist organizations that are frequently engaged in various forms of illegal activity including drug trafficking, fraud, human trafficking, theft, smuggling, extortion, home invasions, prostitution, and terrorism. It is widely accepted that transnational crime undermines the integrity of any country's borders and threatens human lives.

The existing literature is extensive and comprehensive about global migration as a threat to national security but little is available the South African context. It mostly refers to legal migration and little on illegal migration as these studies are conducted in countries with tighter migration control. There is some research done on the effectiveness of Migration Policy change from the apartheid era to the new dispensation in 1994, some on the economic effect of migration, health effects, and xenophobic violence in the country but there is little that could contribute to the analysis of the national borders and the resultant security threats and risks. There is no sufficient studies on the evaluations of the extent to which recommendations of previous reports have been implemented.

This study therefore intended to enhance our understanding of the extent to which illegal migration manifests itself in South Africa and its impact on the security of the country. It attempted to establish why the current strategies and control measures fail to yield desired outcomes and what policy options should be considered.

1.2 PURPOSE STATEMENT

The purpose of the research was to get an in-depth understanding of illegal migration into South Africa and its impact on national security. It would further try to establish why legislated measures for immigration in South Africa failed to work as expected and to propose policy and institutional options to address the problem.

1.5 RESEARCH QUESTIONS

a. What is illegal migration and how does it manifest itself in South Africa?
b. Are legislated measures, policies, and, institutional arrangements and capacity sufficient enough to address the illegal migration issues?
c. Are legislated measures and policies effectively implemented to address illegal migration?
d. What is the potential impact of illegal migration on national security in particular with reference to transnational crime and internal stability?
e. What can the government do to manage migration effectively to lessen illegal migration to mitigate national security threat?

1.6 DEFINITION OF CONCEPTS

The following concepts were defined in order to establish a common ground for discussion:

Asylum seeker: refers to a person who seeks safety from persecution or serious harm in a country other than his or her own, and who awaits a decision on an application for refugee status according to the Refugee Act No 130 of 1998 (Department of Home Affairs, 2016).

Boundary: a line that marks the confines of a territory or divides two contiguous territories. It defines the physical limits of a state's territorial and physical jurisdiction. Boundary systems may be classified as fixed or general. A fixed boundary is one that has been accurately surveyed. A general boundary is one where the precise line of the legal boundary between adjoining land portions is left undetermined. The physical boundary markings are used to control persons and goods entering the territory of one state from another (Gerstei, et al, 2018).

Border: represents the geographic boundaries of a nation and define the territory where governments exercise legal jurisdiction over the structures, actions, and people that reside within the boundaries. The term *border* is often associated with a boundary established to control and, in some cases, to prevent the flow of people, goods, and services into a country. Hence, borders are frequently associated with establishing a security perimeter for controlling entry into the territory of a sovereign nation (Gerstei, et al, 2018)

Border communities*:* are vibrant areas close to the borders, where a mix of people live and work and where trade in goods and services happen on a regular basis. Many border communities share common languages, tribal affiliations, and family ties. They are also highly sensitive to changes caused by variations in law enforcement, security measures, and customs requirements. In other words, attempts to close borders could be met with angry protests (Gerstei,et al, 2018).

Border management: commonly defined as the government functions of immigration, customs and excise, and policing, with the aim of controlling and regulating the flow of people and goods across a country's border in the national interest (particularly economic development, security and peace). *Border management* is the term used to describe the control applied at a nation's borders and includes *border security*—preventing unauthorized crossings—and the facilitative side of *border operations*, which seeks to support rapid transit with minimal interference for authorized people and goods. Border management also includes maintenance of boundary beacons that mark the physical limits of the country's territory (Gerstei,et al, 2018).

Critical skills list: refers to a legislated list of scarce skills that are in demand for the economic growth.

Economic migrant: refers to foreign nationals who migrate for economic reasons such as seeking employment or to conduct business.

Emigration: refers to the act of departing or exiting from one's country of origin or of habitual residence, with a view to settling in another host country (Department of Home Affairs, 2016).

Family reunion / family reunification migrants: refers to people joining people they share family ties with who have already entered an immigration country under one of the above-mentioned categories (Department of Home Affairs, 2016).

Forced migration: in a broader sense, this includes not only refugees and asylum seekers but also people forced to move due to external factors, such as environmental catastrophes or development projects (Department of Home Affairs, 2016).

International migration: refers to any movement by a person across an international border, regardless of (1) the person's legal status; (2) whether the movement is voluntary or involuntary; (3) what the causes for the movement are; or (4) what the length of the stay is. Short-term international migration refers to at least three months duration of stay in a country, or away from a country of habitual residence. Long-term international migration exists when the period of stay is at least one year (Department of Home Affairs, 2016).

Irregular migrants (or undocumented / illegal migrants): these are people who enter a country, usually in search of income-generating activities, without the necessary documents and permits. According to the Immigration Act 13 of 2002 Foreigner' refers to someone who is neither a citizen nor a resident of a particular country. Illegal foreign national: refer to people in a country other than their country of origin without official documentation (McDonald 2000:). The term 'Undocumented foreign nationals' refers to "all persons who enter South Africa without passing through the formal border control procedures" (Human Rights Watch, 1998:8). In different studies this term is also used interchangeably with other terms such as 'irregular', 'unauthorised' or 'illegal immigrants', 'foreign nationals', 'foreigner' 'foreign persons'; According to the CDE (2010: 13), 'illegal foreign national' is a concept used mainly by those who associate the disregard of the formal border-crossing procedures with criminal offence, while 'undocumented foreign national' is a concept used by those who view migration issues from a human rights perspective. 'Illegal foreign national' is a concept used also in the South African Immigration Act and Immigration Amendment Act 13 of 2011 (South Africa, 2011a) to refer to a foreigner who contravenes the provisions of this country's Immigration legislation.

Legal immigrants: refers to people in a country other than their country of origin, with official documentation (McDonald 2000)

Migration/Immigration: refers to short-term departure, involving the crossing of magisterial boundaries, for purposes of seeking an income-generating activity (McDonald 2000: 50). Statistics South Africa (2004: 27) gives the following definitions: "Migration describes the movement into and out of countries, and within countries, from non-urban to urban areas or the other way around, or from one province or state to another and

International migration is defined as the movement to and from South Africa. The term 'immigration' refers to "the process of entering another country in order to live there" (Longman's Dictionary of Contemporary English, 1995: 711). In this study this term is used to refer to the movement of people from their country of origin into another foreign country

Migration management: this term is used to encompass numerous governmental functions within a national system for the orderly and humane management of cross-border migration. It refers to a planned approach to the development of policy, legislative and administrative responses to key migration issues (Department of Home Affairs, 2016).

Naturalisation: refers to an act of granting citizenship by a state to a non-national through a formal act on the application of the individual concerned (Department of Home Affairs, 2016).

Permanent residence permit: refers to authorisation granted to certain categories of foreign nationals by the state to reside in the country permanently (Department of Home Affairs, 2016).

Port of entry: refers to a place designated by the Minister in the RSA where all persons report to an immigration officer before entering or leaving the country (Department of Home Affairs, 2016).

Refugee: a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinions, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country. He is a person who has been granted asylum status and protection in terms of the section 24 of Refugee Act No 130 of 1998.

Temporary residence visa: refers to any of the visas issued to a foreign national to enter and temporarily reside in the country. These include transit, visitors, work and business visas (Department of Home Affairs, 2016).

Terrorism: According to Okpala,(2014) , the Organization of African Unity Convention on the Prevention and Combating of Terrorism, defines a terrorism act as denoting the following:

(a) Any act which is a violation of the criminal laws of a State Party and which may endanger the life, physical integrity or freedom of, or cause serious injury or death to, any person, any number or group of persons or causes or may cause damage to public or

private property, natural resources, environmental or cultural heritage and is calculated or intended to:

(i) intimidate, put in fear, force, coerce or induce any government, body, institution, the general public or any segment thereof, to do or abstain from doing any act, or to adopt or abandon a particular standpoint, or to act according to certain principles; or

(ii) disrupt any public service, the delivery of any essential service to the public or to create a public emergency; or

(iii) create general insurrection in a State.

(b) any promotion, sponsoring, contribution to, command, aid, incitement, encouragement, attempt, threat, conspiracy, organizing, or procurement of any person, with the intent to commit any act referred to in paragraph (a) (i) to (iii).”

Xenophobia: At the international level, no universally accepted definition of xenophobia exists, although it can be described as attitudes, prejudices and behaviour that reject, exclude and often vilify persons, based on the perception that they are outsiders or foreigners to the community, society or national identity (CoRMSA 2008).

CHAPTER 2 LITERATURE REVIEW

2.1 INTRODUCTION

This chapter focuses was basically literature review that sought to develop a contextual understanding of illegal migration into South Africa and its effects on national security. It first provided a contextual understanding of migration and illegal migration, followed by a conceptual understanding of the national security concept and its dimensions within the immigration environment, historical overview of migration in South Africa, how migration in South Africa was currently managed, and last security challenges posed by migration. It also attempted to determine any impact of illegal migration on national security, while taking into account the dynamic nature of the present threats.

2.2 UNDERSTANDING MIGRATION

International migration describes the movement of individuals across international boundaries; for example, when South Africans move to other countries (emigration) or non-South Africans move into South Africa (immigration). In this increasingly globalised world, societies have been formed by people who have migrated to find security and resources. It is between and within societies that the movement of people and the related flow and exchange of ideas, technology and other elements of culture have been and still are essential to human development.

Gebrewold (2007) divides immigrants into two groups: individuals that move into a country involuntarily or on humanitarian grounds and those that move voluntarily. The former includes those seeking asylum and refugees. The latter do so to set up businesses, to work, or to unite with family or other acquaintances.

Migration is caused by economic, social, political and environmental factors among others (Singh, 2009). Hirschman (2004) argues that according to economic theory, migration is a normal response to the mismatch between the spatial distribution of people and opportunities. The presumption is that free mobility of labour has a similar logic to the argument for free trade. Free trade is considered to maximize economic opportunities and

wealth in the long run, although the benefits are often unevenly distributed in the short term.

The Levin Institute (2011) states that sociologists analyse migration in terms of the 'push-pull model'. This model differentiates between push factors and pull factors. Singh (2009) defines push factors as the factors that force a person to leave a certain place and move to another place. The push factors are negative aspects of the sending country because they drive a person out of his or her own home and the pull factors are positive aspects of the receiving country. Push factors, are pressures that encourage emigration in countries of origin: namely professional, political, security, and economic factors. Botha *et al* (2012) define pull factors as the reflectors of the actions of the receiving countries that create a demand for or encourage people to leave their homes. Push factors normally drive migrants out of their countries of origin while pull factors generally decide the places where these migrants end up.

The Levin Institute (2011) postulates that the positive aspects of some receiving countries serve to attract more migrants than others. The push and pull factors are two sides of a coin. Ideally speaking, when migrants are moving, they should not only see the lack of benefits and opportunities at home (push factors), but as pull factors, they should also see a surplus of benefits and opportunities outside their home countries. While it may seem that push and pull factors are diametrically opposed, they both come into play when a population or person is considering migrating to a new location.

Singh (2009) lists the following conditions as push factors

1. *Lack of Jobs/Poverty:* Economic factors provide the main motivation for migration. In fact, according to the International Labour Organization, approximately half of the total population of current international migrants, or about 100 million migrant workers, have left home to find better job and lifestyle opportunities for their families abroad (International Labour Office of the Director-General, 2008). In some countries, jobs simply do not exist for a great deal of the population. In other instances, the income gap between sending and receiving countries is great enough to warrant a move.

2. *Civil Strife/War/Political and Religious Persecution*: Some migrants are impelled to cross national borders because of war or persecution at home. These immigrants may be considered refugees or asylum seekers in receiving countries. The 1951 Geneva Convention Relating to the Status of Refugees defines the qualifications for such migrants and compels signatory countries not to return these migrants to places where they could be persecuted. According to the Convention, a refugee is someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion (1951 Convention Relating to the Status of Refugees).
3. *Environmental Problems*: Environmental problems and natural disasters often cause the loss of money, homes, and jobs.
4. Other push factors include "primitive" conditions, natural disasters, poor medical care, as well as slavery and political fear.

Below are three examples of pull factors that draw migrants to receiving countries-

1. *Higher standards of living/Higher wages*: Economic incentives provide both the biggest push and pull factors for potential migrants. People moving to more developed countries will often find that they could earn more there for the same work they had been doing at home. They might also find a greater safety net of welfare benefits should they be unable to work. Migrants are drawn to those countries where they can maximize benefits.
2. *Labour Demand*: Almost all developed countries have found that they need migrants' low skill labour costs to support their growing economies.
3. *Political and Religious Freedom*: Much like discrimination and persecution are strong push factors for people to leave their home countries, the existence of tolerant government policies with regards to religion, race, political views and so on may make certain countries more attractive to potential migrants. This pull factor is especially relevant to those migrants who are escaping situations of persecution (and may be considered refugees, as noted above) though it can apply to other migrants as well.

4. *Other pull factors* include superior medical care or education, family links or simply a personal fondness for a certain place, whether it may be linked to culture, language, weather conditions or other influencing factors.

International migration, however is not simply the movement of people from developing to developed economies. Some developing countries have attracted millions of temporary labour migrants from developed countries to work as labourers and domestic servants.. Added to these patterns of voluntary labour migration, the world is frequently beset with refugees fleeing war, violence, political persecution, and natural disasters. However, such movements across borders need some management since certain categories of border areas are particularly vulnerable to transnational crimes and conflicts with local populations.

Increases in volumes of cross-border trading and movements of people from their countries of origin, in search of greener pastures elsewhere have placed massive pressures on border control systems. Botha *et al* (2012) explain that border management is a collaborative process between a country and its neighbours. It cannot be done unilaterally, as it is most effective and efficient when done regionally. It includes a number of stakeholders:

I. Key government agencies (customs, immigration, police, armed forces, agricultural institutions), who in most cases operate in isolation without networking or exchanging information.
II. Airlines
III. Shipping companies
IV. Border local authorities
V. International business companies and individuals
VI. Individuals (residents of the borders or travelers across boundaries e.g. traders, relatives, tourists or terrorists)

As emphasised in the introduction, border control is about assistance in regulating the orderly legal movement of people wanting to migrate either temporarily or permanently. Hence immigration controls are implemented to regulate these movements, not to prevent

the cross-border movement of people and goods. Botha et al (2012) further explain border security to as follows:

I. Geophysical control of a boundary through patrol by the military or special border protection forces.
II. Migration by internally enforcing laws.
III. Migration by controlling the transnational movement of people.
IV. Enhancing enforcement of the immigration and migration laws by asking questions that assist in screening people at the border.
V. Enhancing inspections through searches to ensure that harmful products or individuals do not enter a country.
VI. Enhancing management of institutions and systems that contribute to border security.
VII. Detecting and preventing criminals, and illegal persons, goods, drugs, and weapons, as well as other prohibited items, from entering a country.

In his paper Steinberg (2005) elaborates that countries at peace with their neighbours characteristically assign their Immigration Services the task of controlling the movement of people across borders; the statutory and regulatory environment is typically shaped by a national assessment of the human capital and developmental requirements of the domestic economy and the region.

2.3 DEFINING ILLEGAL IMMIGRATION

According to Wotella and Letsiri (2016) one can divide individuals coming into a country into legal immigrants and illegal immigrants. The former obtain official permission to enter and stay for a prescribed duration in the country of destination. Campbell (2007), describes an illegal immigrant is a person who enters a country of which he/she is not a citizen without demonstrating at the port of entry that he/she possesses legal documents that justify such entry. Alternatively, a person may have entered the country legally but his/her further stay beyond a certain legal period makes him or her illegal. Students, previously employed persons whose work or residence permits have expired, tourists, refugees and visiting family members do constitute sources of illegal immigration.

Campbell (2007) further breaks down illegal immigrants into two groups — that is, those that enter South Africa legally but stay on after their permits have expired and hence remain in the country illegally as well as those that enter South Africa illegally and continue to stay illegally. To this, we can add one more group, namely those that enter illegally but legalise their stay in South Africa. Asylum seekers can be illegal for a short period until they present themselves at the RRO, whey would be given temporary asylum by the government to allow time for a determination of status.

In South African, the Immigration Act 13 (2002) accommodates within its boundaries non-South Africans with temporary or permanent residence permits to visit, study, work, and transact. The illegal immigrants comprise individuals without legitimate or valid official permission to be in South Africa.

2.4 NATIONAL SECURITY DEFINED

Van Nieuwkerk (2004, 114) introduces the concept national security as follows, “Keeping in mind that there exists no generally accepted definition of national security, the term is employed here to mean the processes by which the state deals with threat perceptions. Put differently, security is about the pursuit of freedom from threat. When it is discussed in the context of the international system, security is about the ability of states and societies to maintain their independent identity and their functional integrity. Whether local or global, the security of people is affected by factors in five major sectors: military, political, economic, societal and environmental. Protecting people and institutions from a variety of threats is therefore in a country’s national interest.”

According to Fjäder (2014), national security can be defined as the capability of a state to defend and protect its sovereignty and the integrity of its social, economic, and political institutions. This points to the broader aspects of national security, such as combatting crime, ensuring water and food security, and having the capacity to respond to disasters and emergencies. Fjäder (2014) provides seven fundamental elements that lie at the core of, and therefore further amplify this definition of national security.

1. **Socio-Political Stability:** Peace and harmony among all inhabitants, regardless of creed, ethnic origin or social station. The government and the people must engage in nation-building under the rule of law, Constitutional democracy and the full respect for human rights.

2. **Territorial Integrity**: the permanent inviolability a national territory and its effective control by the Government and the State.

3**. Economic Solidarity and Strength**: an economic regime where the people take command of their own lives, their livelihood and their economic destiny based on social conscience, respect for the dignity of labor and concern for the public interest.

4. **Ecological Balance:** effective conservation of natural environment in the face of industrial and agricultural expansion, population growth and the promotion of sustainable development side by side with social justice.

5. **Cultural Cohesiveness:** people must be ruled by a common set of values and beliefs grounded in high moral and ethical standards, drawn from the country's heritage and embodying in the country's standards, drawn from its heritage and embodying a country's identity transcending religious, ethnic and linguistic differences.

6**. Moral-Spiritual Consensus:** propelled by a national vision inspired, and manifested by patriotism, national pride and the advancement of national goals and objectives

7**. External Peace:** constructive and cordial relations with all nations and peoples, even as the nation itself must chart an independent course, free from external control, interference or threat of aggression.

National security, however, is also defined by the economic and social welfare of a nation's inhabitants as well as the respect for that country by governments and people outside its borders. Timonen and Nikander (2017) and Eriksson and Rhinard (2009) put forward two subdivisions of the national security dimension, namely internal threats and external threats. They explain that the inseparability of internal and external security is concretised, particularly in connection with trends that significantly change the global foreign and security policy operating environment, such as widespread immigration, which combines, in various compositions, the factors generating immigration – strong population growth, differences in standards of living, the absence of human rights and democracy, and military conflicts. From the perspective of a recipient country, widespread and

uncontrolled immigration involves internal security risks through, for example, terrorism, crime, and radical xenophobic movements. One can subdivide threats to national security as follows

1. Internal threats
    a. **Organized crime** is a national security concern. It is a category of transnational, national, or local groupings of highly centralised enterprises run by criminals to engage in illegal activity, most commonly for profit. Some criminal organisations, such as terrorist groups, are politically motivated. The challenge of illegal drugs, for an example, has grown into a major threat to the national community.
    b. **Widespread poverty** especially to the extent that it breeds and abets rebellion, crime and dissidence
    c. **Economic sabotage** undermines the market economy, the financial system and the nation's resources. Under this category are underground activities such as counterfeiting, money laundering, large-scale smuggling, inter-oceanic poaching and commercial dumping.
    d. **Graft and corruption** have become another threat to our national security by virtue of the huge scale by which it saps public resources, undermines the morale of the civil service and affects the delivery of quality basic services. It has also become a disincentive to investment.
    e. **Persistent environment degradation** poses a long-term security threat. The attrition of forests and watersheds, air-land-water pollution and the proliferation of toxic substances are a cause of sickness, death and the diminution of national productivity and well-being. Environmental protection has assumed a high priority in defence and law enforcement concerns and is an institutional area of emphasis in the educational system.
2. External threats**:**
    a. The smuggling of firearms and contraband, illegal migration and the occasional movement of suspected foreign terrorists through the porous borders have elicited transnational concern.
    b. The Proliferation of Weapons of Mass Destruction (WMD**)** is a threat to global security.

c. Cybercrime is a growing global threat since many vital decision-making processes of government are now electronically-based and therefore vulnerable to this threat.
d. Mankind's global activities – particularly population growth, resource consumption, pollution, urbanisation, industrialisation, desertification and deforestation – will increasingly impact on climate and weather patterns, strain fragile ecosystems, and put more pressure on health and social support systems.

2.5 NATIONAL SECURITY CONCEPT WITHIN THE IMMIGRATION ENVIRONMENT

According to Hugo (2004), properly managed migration is beneficial to the interests of both the sending country and the receiving country as well migrants themselves. The sending country gains foreign exchange, revenue, alleviates the burden of excessive labour, and promotes international trade. Receiving countries benefit from the expertise of immigrants for their own national development.

Economic prosperity relies on the free movement of goods and people, but if those flows are not monitored and controlled the result can be smuggling, trafficking and illegal migration; organised crime and terrorism. According to Stivachtis (2008), border security has become synonymous with border control, which seeks to facilitate or limit the movements of people, animals, plants, and goods in and out of a country. Border control is divided into two main categories: securing borderlines (activities along the boundary), and controlling ports (harbours, border posts and airports) of entry. This is to ensure that goods moved across a border have been paid for (excise tax, levies) and eliminate illegal activities (black market smuggling operations) at border posts. Furthermore, to ensure that animals and plants do not transmit diseases.

Immigration management can be viewed as the first line of defence when it comes to external threats that places it at the centre of international developments in the fields of counterterrorism and international crime management. Miller and Baumeister (2013) view

rapid tightening and regularisation of borders as an attempt to keep undesirable, high-risk migrants out of potential destination countries. It is the right of every state to control its borders and regulate migration whilst eliminating what appears to be a border security problem, which mainly translates to transnational crimes. Since the 1980s, internal security has emerged as an aspect threatened by immigration. Since September 11 attacks in the United State of America, immigration has featured prominently on the counter-terrorism agenda with governments tightening immigration policies as they link immigration with terrorist activities (Spencer 2008).

Ering (2011) argues that the dimensions and momentum of transnational crimes have increased with the emergence of globalisation. Transnational crimes range from domestic extremism manifesting in terrorism, espionage, organized crime, arms proliferation, illegal entries, which impact on border security, aviation security, marine security, and cyber security. Global security issues, such as terrorism and its related recruiting activities, widespread immigration, and cybercrime, exemplify the inseparability of internal and external security as the security environment undergoes rapid and constant change.

In most cases, as Drent, at al (2014) explain, immigration does not pose a direct threat to national security. It can, however, be linked to pressure on societal services and provisions. For example, immigrants are often associated with strains on the healthcare system, the education system, the housing stock and the social security system without much distinction being made between legal and illegal immigration. The issue of “illegal foreigners” has become a burning a burning issue in recent times in South Africa, with the country experiencing violent attacks on people of foreign origin with the debate revolving around whether attacks have xenophobic origins or are purely criminal acts. Informal debates include stoking hatred against outsiders, blaming crime on foreigners, attributing high rates of unemployment among locals to the influx of foreigners who are prepared to work less than the minimum wage, and attributing social ills associated with drugs to the foreigners (Steinberg 2005).

The importation model focuses explicitly on the relationship between migration and crime which may be relevant to explain the relationship between migration and transnational

crime. According to Worttley (2009) the models assumes that some individuals decide to migrate with the explicit objective of engaging in criminal activity within the receiving country. This model is often used to explain the presence of international crime syndicates, criminal gangs, and terrorist organisations. These organisations, it is argued, frequently engage in various forms of illegal activity including drug trafficking, fraud, human trafficking, theft, smuggling, extortion, home invasions, prostitution, and terrorism. Particularly vulnerable areas regions with lengthy exposed borders and/or a high volume of border crossings, transitional states where the control mechanisms of the central state do not function effectively; areas of great political or regional conflict or where the state has lost control over part of its territory, countries with very high levels of corruption on at least one side of the border, and countries in which there is government complicity in transnational crime or terrorism (Shelley, 2005).

Policy initiatives associated with the importation model include improved screening of potential immigrants and refugees, better tracking of international criminals through cooperation with foreign police agencies, the restriction of immigration from “crime-prone” countries, and the swift deportation of immigrants who are convicted of criminal offenses. The importation model may appeal to conservative policymakers because it largely absolves the host country of responsibility for immigrant and/or ethnic minority crime. In fact, this theory holds that immigrant, minority offenders are already motivated criminals when they make the decision to migrate (Worttley, 2009).

However, Wortley also brings in the The Strain Model to recognize the stress associated with migration and resettlement that often associated with social, cultural, political, and economic marginalization. It is argued that such deprivation often lead some people towards criminal activity. It is argued that those who are disillusioned and frustrated with mainstream society are much more likely to be attracted to the illegitimate economic opportunities provided by organized crime organizations.

Border security is about asserting territorial sovereignty by enforcing the boundary and by protecting it through permanent surveillance (Stivachtis 2008). Border enforcement and surveillance also include the systems that allow the state to trace the movement and use

of goods and data, and especially the actions of people once they are inside the national boundaries. The balance between security and the licit flow of people and goods will undoubtedly vary, depending on the perceived risks, threats, and vulnerabilities in a border area.

Stivachtis (2008) states that after the September 11 attack in America, immigration became as a threat to national security on five ground:

1. Unsustainable immigration: when the number of immigrants exceed the social, economic, and ecological capacity of hosting countries.
2. Illegal immigration: migrants who ignore immigration procedures.
3. Transnational crime: terrorism, human trafficking, human smuggling, money laundering, armed robbery, corruption, drug trafficking.
4. Military and political activities: when migrants use host countries as bases for organising military activities against their countries of origin.
5. Societal disruption: when migrants form cultural, linguistic, religious and racially distinct minority groups, thereby altering the social character and strength of the host society.

According to Okumu (2011) key issues in border insecurity in Africa include:

1. Human smuggling: helping clients for a fee to cross borders. It is usually to facilitate the is facilitating crossing of borders and for employment purposes, usually exploitative, in foreign lands. Victims of human trafficking put their lives at risk to look for better life opportunities in promised lands by using criminal syndicates. War, poverty and flawed or non-existent birth registration systems are the main factors that contribute to African women and children being trafficked and forced into prostitution or to work under deplorable conditions. The most vulnerable are the women and children in refugee camps and those orphaned by HIV/AIDS. Almost 90% of human trafficking is intra-African.
2. Criminal syndicates, which use ships, aircraft and land transport, particularly in regional conflict clusters to smuggle arms across borders with ease. Some of the arms smuggling activities are linked to conflict resources such as diamonds that are used to purchase more weapons. A prime example is The Great Lakes Region

conflicts which have been fuelled by the presence of natural resources that have drawn in national armies of Angola, Namibia, Rwanda, Uganda and Zimbabwe and has sustained motley crew of rebel groups, some of them acting as proxies for foreign interests. Minerals exploited in the Eastern Democratic Republic of Congo are smuggled across borders with Uganda, Rwanda and Burundi. Arms smuggling in West Africa has been identified as a major contributor to regional instability. Porous borders allow the supply of weapons to meet demand more readily.

3. Auto theft in South Africa, more than 100 vehicles, mainly Land Cruisers, four wheel drives, Mercedes-Benz, and BMWs are stolen and smuggled across the border with Mozambique each month. This is done with the assistance of border communities who hide the vehicles and provide information on local law enforcement patrols for a fee.

Miller and Baumeister (2013) make reference to critics of tightened immigration control who believe that restrictive government migration regimes and border control policies have generated a growing demand for clandestine migration and migration services, including smuggling across borders, procuring of fraudulent passport and visas, and arranging of the false employment opportunities. The issue at stake is the role of border controls in combating irregular migration when much of the problem has to do with the involvement of third parties, excessive rent taking, corruption, and mismanagement of migration systems. Regardless of how it manifests itself, these are illicit activities that breed a fertile ground for transnational crimes.

2.6 SOUTH AFRICAN BORDER MANAGEMENT EVOLUTION

2.6.1 BEFORE AND DURING APARTHEID ERA

According to Peberdy (2013), the dawn of democracy in South Africa in 1994 came just over 80 years after the introduction in 1913 of the first immigration legislation by the government of the newly formed Union of South Africa. The Immigrants Regulation Act of 1913 (Act No. 13), was essentially an exclusionary act, whose intention was to allow only white people to enter the country as migrants or immigrants. This Act was combined with its amendments in the 1972 Admissions of Persons into the Republic Act. The 1913 Act

and subsequently the 1972 Act worked in conjunction with the Aliens Act of 1937, which had been introduced to exclude Jewish immigrants. Although the racially discriminatory use of clauses of immigration legislation superficially fell away in 1986, the legislation remained exclusionary in intent and largely racially exclusionary in practice. The 1972 and 1937 Acts governed immigration to South Africa until the introduction of the Aliens Control Act of 1991. This act, which has been called one of the 'dying Acts of apartheid', combined all existing immigration legislation.

Border control before 1994 reflected the character and gave expression to the political exigencies of the apartheid state. South Africa was infamous throughout the world for its racialized policies and limitless measures of social controls. The issue of migration dates to the 1860's, with the discovery of diamonds in the Orange Free State and gold in the Witwatersrand. The discovery of these minerals led to the high demand for and recruitment of cheap labour from countries like Malawi, Namibia, Mozambique, Zimbabwe, Lesotho, Botswana and Swaziland (McDonald 2000; IOM 2005).

As Since the supply of indigenous labour within South Africa was insufficient to meet the growing demands of the mines, the Chamber of Mines was formed in an attempt to control the pool of prospective labourers and to keep employment costs down. Indigenous labourers were recruited from surrounding colonies such as Botswana, Swaziland and Zimbabwe (Adepoju, 1988). By 1900, the vast majority (more than three quarters) of mineworkers in South Africa were of foreign origin. South Africa was managed from London, with the Secretary of Home Affairs responsible for national security, who was in charge of the police, domestic intelligence, prisons, civil registration, immigration and the public service. In 1910, the Department of Interior was established in South Africa (United Nations, 1998).

According to Peberdy (2013), it was only until 1961 that nationals of Botswana, Lesotho, Swaziland and Namibia could enter South Africa without limitations and were treated as if they were nationals of South Africa. Obviously, this meant that black nationals of these countries were subject to the same restrictions as black South Africans about where they could live and how they could move around the country, once they had entered.

From the mid-1970s until its demise, apartheid South Africa was surrounded by hostile neighbours. It had to deal with the presence of exiled liberation movements in the region, dedicated to infiltrating South Africa's borders for guerrilla warfare and to engage in campaigns of armed propaganda. Unsurprisingly then, border control functions were highly militarised. The institutions primarily responsible for border control were the South African Defence Force (SADF) and the quasi-military South African Police (SAP) (Steinberg, 2005). In apartheid South Africa, controlling the movement of people was assigned primarily to the police, and the exigency was to protect the country from infiltration by armed guerrillas.

During this period, the country's growing economy generated substantial demand for both unskilled and skilled labour. A significant share of this labour demand was met by international migrants, often recruited from other countries on the African continent. During the apartheid period, the government refused black foreigner labourers basic rights. Skilled white immigrants were much better treated and, particularly after the 1960s, actively recruited (Landau & Segatti, 2009). Racial barriers softened with the Aliens Amendment Act of 1986, which allowed skilled black Africans to migrate legally to the country. Significant numbers of African refugees were granted entry into South Africa in the late 1980s, fleeing conflicts in Zimbabwe and Mozambique. When the last distinctions between white and black migrants were removed in 1991, as the apartheid system collapsed, South Africa had a growing population of international migrants.

In summary, the civilian agencies, which customarily ran border control functions, were relegated to a secondary role under apartheid, as security concerns eclipsed customary concerns about efficient and lawful trade and human development (Steinberg, 2005). With the demise of apartheid in 1994, South Africa became entrenched as a focal point for trade and travel (Landau 2007:63). This led to a rapid increase of immigrants into South Africa (McDonald 2000 1-2).

2.6.2 POST APARTHEID

Following the end of the apartheid system, the new democratic government began a nation-building project, aimed at moving the country towards a liberal multicultural democratic republic. The government has, at least officially, sought to promote national attachment to a non-racial multicultural concept of the nation (i.e. the "Rainbow Nation") among the public. Regular (or documented) immigrants in South Africa were granted legal protections, as well as access to social services such as health care and education (Peberdy, 2009). Here the priority was to deracialise the laws and build the population register inclusive of all residents of South Africa.

The period 1994 to 2004 of border control in South Africa was characterized by the country having to contend with managing the residues of the bizarre institutional labour arrangement that was inherited from the apartheid era. An important dynamic in the politics of South African border control over the last decade, has consisted of the difficult process of police withdrawal from, and civilian agencies' assumption of full responsibility for various border control functions. Attempts to deal with the immigration issue through policy reforms have been fraught with difficulties, with the government torn between its domestic and international human rights obligations. This was on the other hand exacerbated by the growing pressure to deal with the "immigration problem" Attempts to reform immigration policies started in 1995, with a statutory amendment to the Aliens Control Act no. 96 of 1991 with the intention to bring the Act in line with the new constitution and eventually a Refugee Act was passed at the end of 1998 (Steinberg, 2005). The rights and protections granted to documented immigrants in South Africa depended on their immigration status. There is a significant difference, for instance, in the rights granted to asylum-seekers versus those granted refugees.

One of the major problems faced by SA in formulating a new migration policy is the large number of undocumented migrants present in the country. There are several reasons for the steady influx of undocumented migrants. One is the economic decline of countries in

the region (notably Mozambique), which can partly be attributed to the apartheid government's destabilisation policies. The severe drought in 1992 encouraged movement to SA, as did the relative strength of the SA economy and the perception that it offered much better opportunities than the migrants' home countries (Lewis, 1996).

The move away from apartheid contributed to the flow of undocumented migrants, as SA was now considered to be more sympathetic to people from the region than previously, particularly given the perceived need to make amends for the abuses inflicted by the apartheid government on surrounding countries. Peberdy (2009) argues that due to changes in the mining regime, legislation and hiring practices, as well as declining employment, there has been a significant fall in the number of foreign workers on the gold mines since the mid-1990s. Continued undocumented migration, mainly from neighbouring states and other SADC countries, reflects the difficulties that many have in negotiating the existing immigration regime. Undocumented or irregular migration takes up most of the debates on migration to South Africa, where particularly Africans from elsewhere on the continent are often assumed to be in the country without legal papers.
Peberdy (2013) elaborates that South Africa has become a significant destination for asylum seekers and refugees since 1994, attracting people from refugee producing countries across the continent, as well as further afield. Most recognised refugees were from Angola, Burundi, the Democratic Republic of the Congo (DRC), Rwanda and Somalia. Many asylum seekers were from Bangladesh, the DRC, Ethiopia, Somalia and Zimbabwe.

Other institutions and researchers have agreed that with the end of Apartheid and the consequent ushering in of the democratic era in the country in 1994, the African National Congress-led government has continued pursuing a more restrictive migration policy in the post-Apartheid era (Crush, Williams & Peberdy, 2005). Apart from granting amnesty to a limited number of political asylum-seekers and refugees from some Sub-Sahara African countries, the South African government has generally shown little appetite for immigration. For example, legal labour migration to the country has been on the decline since the early 1990s, as the more restrictive policies put in place have made it difficult for employers to obtain work permits for foreign contract workers. SA's border control system

became more lenient in the 1990s, most notably with the charge in the electrified fence being reduced to a non-lethal, but still deterrent, shock. (Crush & McDonald, 2000). This was on human right considerations.

Despite these restrictive migration policies, international migration to South Africa has continued to expand. South Africa hosts several types of immigration: immigrants who come under the pretext of political refugees, economic immigrants, who for a long time have been coming steadily from Europe and Asia and more recently from Africa and other developing countries; and finally, immigrants who are brought in for their skills – like doctors from Cuba to work in rural areas to provide primary health care. The latter is a consequence of either a brain drain, as many South Africans have emigrated, and their skills required replacement and the fact of economic growth that has necessitated the surge in required skills. Most immigrants come to seek a better future. Most migrants have come from Sub-Saharan African countries, mainly in search of employment and other economic opportunities in this regional economic super-power (Adepoju, 1998).

Immigration can enhance integration in a globalized economy. Cross-immigration between emerging economies can strengthen the role of emerging economies in an increasingly multi-polar world. It can also foster other benefits such as cultural understanding and the development of foreign relations.

2.7 MIGRATION MANAGEMENT IN SOUTH AFRICA

2.7.1 LEGISLATION

The South African Government applies national, continental, and global procedures and protocols to deal with international immigration matters. National documentation includes the 1996 Constitution of the Republic of South Africa, the South African Refugees Act 130 of 1998, and the South African Immigration Act 443 of 2002. In 2012, South Africa adopted the National Development Plan (NDP, 2012) as the cornerstone and blueprint for a future economic and socio-economic development strategy for the country, which calls for a more open approach to skilled immigration, to enable the expansion of the supply of

scarce skills for the economy, in a manner that obviates the displacement of South Africans.

Sustainable Development Goals (SDG), also known as the Global Goals, were adopted by all United Nations Member States in 2015 as a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030, with explicit reference to migration in six of its 17 goals. Migration was mainstreamed into a global development policy. In 2016, the UN Member States adopted the New York Declaration for Refugees and Migrants at the UN Summit on Refugees and Migrants, where they committed to negotiate the Global Compact on safe, orderly and regular migration and the Global Compact on Refugees (United Nations, 2016). In Africa, the African Union adopted Agenda 2063 (2013), which aspired to an integrated and politically united Africa, and called for the free movement of people, capital, goods, and services.

2.7.1.1 National

With the Constitution making provision for the promotion of human rights and human dignity through state action, South Africa has two instruments that deal directly with immigration, the Immigration Act of 2002 and the Refugees Act of 1998.

The Immigration Act 13 of 2002 (South Africa, 2002) regulates admissions of non-citizens, so that temporary and permanent visas are processed efficiently and effectively. The Act states that no person shall enter or leave this country at any place other than a port of entry (unless special permission is granted). Section 1(h) of the Act states that the duty of immigration officials is to ensure that people enter only by recognised borders, and to deter, detect and punish illegal border crossing. The control mechanisms employed in South Africa to meet these objectives are:

- Control of the entry and exit of people at recognised borders.
- Border patrolling to prevent and deter illegal border crossing.
- Detection of people who have entered illegally.
- A formalised process to determine whether people have entered the country illegally.
- Deportation of people who have entered illegally.

Responsibility for border patrolling and the detection of illegal entrants to South Africa is shared between the DHA, SAPS and SANDF, with the DHA as the lead agency. The other control mechanisms cited above are, so far, the responsibility of the DHA alone. The mandate of DHA is to regulate and facilitate immigration by clearing those who want to enter or leave the country by land, sea, or air within the provision of the Immigration Act. DHA is therefore a backbone of national security, service delivery and development, because it is the custodian of the unique identity of all citizens and documented foreigners residing in South Africa.

In order to enforce this law, this Act provides that the SAPS should stop and check the identities of suspected undocumented foreign nationals, arrest those in contravention of this law and report them to the DHA before deportation. According to the Immigration Act, someone who can contribute to the economy or who has exceptional skills is most welcome to South Africa. Immigrants who can contribute to the broadening of the country's economic base are welcome to apply for residence (either temporary or permanent). Applications by skilled workers in occupations for which there is a shortage in the country are encouraged, as well as applications by industrialists and other entrepreneurs who wish to relocate their existing businesses or establish new concerns in South Africa. This Act is seen by Khan (2007) to promote a highly restrictionist immigration policy.

The South African Refugee Act 130 of 1998 (South Africa, 1998b) also emphasises that a person should be granted a visa to stay in the country, only if such a person's life will be in danger if they go back to their country of origin. A failure to convince immigration officials about the risk of going back to their original country could result in visa rejections for applicants. The Act also grants legal protection to refugees, as well as permission to appeal any decision made against them. Until the amnesty application process is finalised, no person shall be arrested, provided they can produce a document proving that they are still waiting for a response from the DHA. DHA has legislated the Refugees Act with the intention of treating refugees as human beings with rights, rather than simply housing them, and affording them extensive basic rights, as afforded to South Africans in terms of

its Bill of Rights, only excluding them from voting in elections. Khan (2007), however, believes that the government has failed to implement this Act properly, and that xenophobic attitudes to refugees is a major obstacle to refugees' integration into society.

The Immigration Amendment Act 13 of 2011 (South Africa, 2011) followed the Immigration Act 13 of 2002. It improved the conditions for offering asylum status to immigrants. For example, it provides that a temporary visa should be issued to new immigrants and such a permit is valid for five days. This enables undocumented foreign nationals to travel to a RRO and file for an asylum-seeking permit. If that person has not secured an asylum-seeking permit after the five days, then they shall be deemed an undocumented foreign national. Permanent residence permits should be offered to a foreign national who has a work permit for a period of five years and who has secured permanent employment in the host country.

2.7.1.2 Continental

At continental level, it is the 1969 African Union Convention that governs the specific aspects of refugee problems in Africa. The objective of the 1969 OAU Convention was to encourage cooperation between African states on matters relating to refugees and refugee problems in Africa. According to this convention, all states in Africa are expected to accept and assist foreign nationals seeking asylum within their borders. Any state that rejects asylum seekers should report its decision to the African Union committee. The assistance that should be provided to asylum seekers includes obtaining refugee status, settling in the host country, finding shelter/accommodation and obtaining access to basic services, such as water, health and education. Those that wish to return to their countries should be supported with transportation and travel documents. This convention prohibits the deportation of refugees against their will, or denying refugees full access to their basic human rights, provided that they abide by the laws and rules of the host country (Majodina (2002).

The aim of the SADC Protocol of 2005 is to harmonise legislation regarding internal and cross border movements of people within the member states of SADC (SADC protocol on the facilitation of movements of persons, 2005). The harmonisation of laws means that the

laws governing migration issues in each participating member country, should be in line with the provisions of this protocol. For example, participating countries can enter into bilateral agreements, such as visa-free ports of entry for a period of 90 days, or any form of agreement that promotes a smooth movement of people through the granting of accessible work permits. This protocol also emphasises cooperation and helping each other to facilitate the movement of people within the region by sharing resources and information regarding border safety, the promotion of educational awareness programmes among communities and the prevention of illegal activities within communities (SADC, 2012).

2.7.1.3 Global/International

Global documentation includes the 1948 United Nations Universal Declaration of Human Rights and the 1951 and United Nations Convention on the Status of Refugees and the United Nations Protocol on the Status of Refugees of 1967.

The 1951 UN Convention on the Status of Refugees provides a definition of a refugee, what refugees' rights are and how a host country should treat refugees. This convention also indicates that an asylum seeker must convince the host country that they need refugee status and that their lives will endangered if they return to their country of origin. For instance, political instabilities could result in people migrating to other countries due to the violence experienced in their countries, an inability for children to attend school, poor health systems and unfair evictions. When an immigrant official has to decide whether an applicant cannot return to his country, the following should be examined as well: the nature of the risk, whether such an applicant's life will be in danger when he returns to his country; and what the applicant's activities will be when he gets back to his country (Human Rights Watch, 2008).

According to the UN Handbook on Human Rights and Screening in Border Security and Management, Advance Passenger Information (API) is the information extracted from identity documents, provided for verification when a person is travelling. Passenger Name Records (PNR) include a broader range of unverified information provided when a journey is booked, including information on payment, advance seat selection and meal

preferences. The UN Security Council resolution 2178 (2014) and later Resolution 2396 (2017), calls upon States to require that airlines operating in their territories provide advance passenger information to the appropriate national authorities, in order to detect departure times from their territories, or attempted entry into or transit through their territories, by means of civil aircraft, of individuals designated by the Committee established pursuant to resolutions 1267 (1999) and 1989 (2011). States are also required to report to the Committee and share that information with the State of residence or nationality, as appropriate and in accordance with domestic and international obligations, and to report any departure from their territories, or attempted entry into or transit through their territories, by sharing that information with the State of residence or nationality, or the countries of return, transit or relocation, and relevant international organisations.

2.7.2 STRUCTURAL ARRANGEMENTS ON BORDER CONTROL AND MIGRATION MANAGEMENT IN SOUTH AFRICA

The Border Control Operational Coordinating Committee (BCOCC), which has been transferred back to the Department of Home Affairs as a process in a fully fletched Border Management Agency, is responsible for the strategic management of the South African border environment in a coordinated manner. It has representatives from government departments responsible for border control related functions and one of its main functions, is to develop and implement a National Border Control and Security Strategy, to improve the legal flow of persons and goods through ports of entry, whilst promoting trade, tourism and development. It must also coordinate law enforcement actions to combat illegal activities. This coordination is for functions relating to the Department of Home Affairs (DHA), the South African Revenue Services, the South African Police Service, the South African National Defence Force, the Departments of Health, Agriculture, Transport, Trade and Industry and the State Security Agency (Steinberg J, 2005).

According to Hennop, Jefferson and McLean (2001), the leading institutions involved in border post control in South Africa are:

- The Department of Home Affairs, which controls the entry and departure of people.
- A Customs and Excise division of the South African Revenue Services (SARS), which controls the import and export of goods.

- Border Police, responsible for policing South Africa's international borders. The South African Police also performs functions for Home Affairs with regards to immigration and for the SARS in the roles of Customs and Excise.
- The paramount duty of the Department of Defence and Military Veterans is to defend the borders and the people of South Africa. The South African National Defence Force (SANDF) is responsible for border protection, which is defined as 'the protection of the international borders of the RSA against hostile attacks and actions'. Securing territorial integrity is at the centre of the mandate of the Defence Force. Meaningful safeguarding involves not only the deployment of soldiers, but border-fence construction and maintenance across the perimeter of the country. Borderline control is the responsibility of the SANDF and involves the application of border control on the borderline between identified ports of entry. It also includes air space and maritime control. Strategically, the SANDF must guarantee the border of the country through the effective monitoring of the border, control over illegal border crossings and the prevention of the violation of territorial integrity.
- The Department of State Security, which focuses on assessing security threats related to cross-border movement, such as terrorist threats.
- The Department of Health, which provides emergency medical support to people using a port of entry and Port Health Services monitors and evaluates all foodstuffs, cosmetics, disinfectants, hazardous substances and medicines entering the Western Cape through ports, and controls and monitors the possible entering of all serious contagious diseases into South Africa.
- The Department of Agriculture, which examines animals or plants and other natural aspects that may affect agriculture in this country. In cases where animals or plants are being imported or exported, this department looks at the impact of the exportation or importation of the item at hand.
- The Department of Environmental Affairs, which focuses on nature conservation matters, such as the import or export of indigenous animals or plantations. It then decides on whether to allow or reject the entry or exit of specific animals or plants.
- The Department of Transport, which focuses on regulating the cross-border movement of vessels, craft and vehicles

There are various stakeholders in international migration that have influence in its management in South Africa. Notable ones are the following:

- Institutions of higher learning: scholars and students of international migration and related fields of study on how to manage international migration.
- Chapter 9 institutions and human rights organisations.
- Business and labour sectors: who are dependent on international migrants.
- Department of International Relations.
- Department of Cooperative Governance and Traditional Affairs (COGTA), the South African Local Government Association (SALGA), national, provincial and local government on the integration of international migration.
- International Organisation for Migration, United Nations Commissioner for Refugees, International Labour Migration.
- Non-governmental organisations such as Lawyers for Human Rights, Consortium for Refugees and Migrants in South Africa.

Vertovec (2017) states that at practically every stage of applications and the status of migrants and asylum-seekers, there are opportunities, restrictions and consequences set by policies and institutional measures concerning:

- Access to welfare, health, education and public services.
- Permission and restrictions for work and the process, type and focus of insertion into the labour market – including the nature of employment contracts, work conditions and wages.
- Nature of treatment by the criminal justice system.
- Length and nature of residence.
- Prospects of family reunification.
- Nature of legal advice and support, including modes of appeal.
- Forcible removal and deportation.
- Chances of permanent settlement and the eventual possibility of gaining citizenship.

According to Mariano (2012) and the IOM (2004), the current process consists of mixed flows of people made up of minor children, men and women. Most of these foreign nationals are semi- or unskilled labourers and often survive as hawkers, domestic workers and through doing craft work (CDE, 2008). They are from nearby countries and countries that are further away, including Zimbabwe, Mozambique, the DRC, Lesotho and Pakistan.

Figure 1: The map of South Africa showing its neighbouring countries



Source: Htonl

2.8 NATIONAL SECURITY DIMENSION AND SECURITY CHALLENGES POSED BY MIGRATION

Many countries in Africa have long been suffering from actions of non-state actors threatening internal security situation and the security of regions. The terrorist threats in some cases go together with organized crime, trafficking and general lack of control. When a country lacks the capacity and structural strength to resist terrorism, opportunities emerge for terrorists to take up safe havens and establish operational bases inside their host nations. This is in line with the assertion by Solomon (2012) that existing counterterrorism regimes suffer from a lack of political will to deal with corruption and the inept handling of security threats by the security apparatus of the state. It is for the

purpose of this review within the cross border movement context, to look at corruption, terrorism, human and drug trafficking, transnational crimes, xenophobic attacks as critical issues that the policy makers should prioritize in mitigating national security risks, to deal with threats that needs attention within the migration control environment and the national security strategy context.

To-and-fro migration by street traders in Southern Africa can act as a means of promoting positive changes in the societies and economies of the region. Exchange of goods and services across borders is the driving force behind economic development and should be encouraged and facilitated, even at the most micro level. It assists in the development of other economies in the region, thus contributing to a long-term decline in immigration to SA. This builds further opportunities in the home countries, encouraging the repatriation of immigrants (Dodson, 1998). In the South African context, the main purpose to create a border control system, is to ensure that only those legally permitted by the government of South Africa to enter its borders are able to do, and to disallow those who do not meet the country's entry requirements.

The White Paper has remained in place since 1999 and the Department has undertaken a comprehensive review of the current immigration policy and in June 2016, launched the Green Paper on International Migration (2016) for public comments. According to the paper, the key principles are primarily national priorities such as national security and development and constitutional and international commitments, while also promoting human rights, peace and stability in the world. While immigration has economic advantages and disadvantages for both sending and receiving states, the definition of security to encompass the economic sector, has increased the focus on the economic challenges caused by immigration, which has resulted in migration being labelled as a security concern for the economic consequences in a receiving country.

Political instability and volatility in many countries like Zimbabwe and the lingering impacts of inflation are impeding the countries' economic potential (Heritage Foundation Report, 2012). This has led to massive outflows of people from neighbouring countries to South Africa to look for jobs and better wages. The highest number of immigrants from

Zimbabwe to South Africa has been mainly due to the political fragility, military violence and civil strife in Zimbabwe, which is also true of many countries like Mozambique, Kenya, Uganda, Zaire, Somalia, Burundi, Rwanda, and Liberia (Hussein, 2000).

It has been established that Southern African inter-regional migration has intensified over the last two decades and South Africa and Botswana have been the top choices for migration, in terms of economic opportunities. Cross-border migrants to South Africa find better access to land, housing, and services than in their own countries, and they travel mainly for economic opportunities and that which makes the migration a livelihood strategy (Mcconnel, 2009). This migration could be both legal and illegal crossings.

Informal cross-border traders are said to be more prone to illegal entrance into South Africa in order to avoid paying taxes (PHAMSA 2005). The payment of custom duties has an impact on profits made by informal traders, hence their decision to migrate illegally (Roberts 2007). Informal sector entrepreneurs are said to be playing a very positive role in the formal and informal sectors, because immigrants employ and train locals, and thus invigorate the sector. This is said to be a priority in governmental economic plans (Cross et al 2006; FMSP 2007).

Klotz (2000) notes that each year, hundreds of thousands of legal and illegal migrants from all over the world come to South Africa in search of socio-economic and political opportunities. This is certainly the case for African immigrants from up north, who want to take advantage of the strength of the South Africa's economy and infrastructure. Some come with skills for which there is little demand in their local economy, while others come with their entrepreneurial zeal and passion for trade, to seek new markets or open new vistas of economic opportunity. Immigration can stimulate local skills development and the transfer of experience.

Mike Hough from the University of Pretoria (DefenseWeb 2011) speaking at the Border Control Conference in March 2010 outlined some of the reasons for illegal migration, including poor borderline control; corruption, fraud and fake documentation; economic conditions in the home countries; opportunities for crime; and fraudulent asylum claims.

He notes that people overstaying their visas are another issue. “We’ve probably got close to a million over-stayers - nobody can tell you exactly,” Hough says. In addition, political instability in countries like Zimbabwe and Somalia is a leading cause of illegal migration. Hough notes that many Somali immigrants are required to seek asylum in the first friendly country, but often stay in refugee camps for only a week before coming to South Africa.

Corruption is a criminal act on its own and a common denominator for the existence of security concerns. It is likely to facilitate a long list of security threats at the border management level and activities relating to illegal immigrants, the smuggling of people and drugs, violence, terrorist activities, and cross border crimes. Boone, Lewis, and Zvekic (2003) in their analysis of crime in Southern African countries, identified corruption as a serious problem in the region and a central concern in law enforcement and the delivery of services. It encompasses bribes to police, customs and judicial officials.

Corruption delinks refugee status from protection needs, which undermines the government’s migration goals and provides a mechanism for economic migrants to enter the country and regularise their status, even when government devotes greater resources to border control and deportation. Bribery at checkpoints undermines other security efforts and reduces potential for tax revenue. The security of the country is compromised.

The public sector is regarded as disproportionally more vulnerable to corruption. Khan (2007) stresses that these centres are poorly staffed, with little resources, and the Department has identified corruption as the single biggest problem in the Department. Asylum seekers pay officials bribes in order to file a claim for asylum and in many instances, extortion starts outside the offices by security guards, hired to maintain order, who follow applicants into the building, where they have to pay interpreters and thereafter officials for the temporary asylum permit, whilst the process is underway.

Immigration impacts both negatively and positively on a host country. Illegal immigration is criticized, as it produces high costs through the lowering of domestic wages and the raising of public expenditure on health and education (Hanson, 2007). Skilled immigrants on the other hand, are praised for contributing positively to the economy of the host

country. The economic effects include effects on living standards, unemployment, brain gain, prices and wages, external balance, productivity, diversity and trade among others.

2.8.1 TERRORISM

Patterns of moving into and out of South Africa have become progressively complex with the country attracting not only asylum seekers and skilled professionals from across the continent as well as environmental and socio-economic migrants, but also undocumented foreigners that live within its borders and those who cross borderlines without having been cleared according to the country's immigration rules in the wake of recent reports, that are linking South Africa to global terrorism, transnational crimes, and human trafficking.

Porous borders, ample routes for smuggling of drugs, weapons, explosives and other contraband, as well as corruptible police and security forces make Sub-Saharan Africa an inviting operational environment for international criminals, drug traffickers, and terrorists. Major Sub-Saharan cities with extensive commercial, financial, and sea and air transportation links to Europe, the Middle East, and Asia are hubs for international criminal activities. These include Nairobi and Mombasa in Kenya, Addis Ababa in Ethiopia, Abidjan in Côte d'Ivoire, Johannesburg in South Africa, and Lagos in Nigeria (US Government, 2011). La Verle (2003) lists factors that provide an operational environment for terrorism:

- Weakness of state institutions.
- Limited law enforcement capacity.
- Widespread poverty.
- Political and systemic corruption.
- Incomplete or weak anti-terrorism and organized crime legislation.
- Lack of respect for the rule of law in society.
- Long porous and unpatrolled borders.
- Geographic location along international trafficking routes.
- The existence of transnational ethnic networks, whose members move freely across national borders.

Solomon (2012) believes that in recent years, South Africa has come to be used by international terrorists as a safe house for paramilitary training purposes, as a base from which to plan attacks on other countries and as a conduit for financial transactions inside and outside South Africa. This manifests itself in terror financing to access safe houses and fraudulently acquired South African passports and identity documents to the provision of paramilitary training, as well as the use of its territory as an operational base to strike at other countries. South Africa has the potential to become a safe haven for those wishing to operate on behalf of terrorist organizations from within the country. Examples include what happened after the killing of senior al Shabbab commander Saleh Ali Nabhan, when the group decided to target United States interests in South Africa in revenge. Another case is that of Haroon Rashid Aswat in 2005, who was detained in Zambia after his phone number appeared on all four of London's July 7, 2005, suicide bombers' cell phones. Indeed, it emerged that he exchanged phone calls with each of them while in South Africa just days before the attack. This resulted in analysts questioning whether there was an operational link between Mohammed Saddiq Khan, who led the suicide cell in London, and Aswat in South Africa.

The planning and organization that is typically essential for acts of violent extremism, requires a certain level of infrastructure and established communication networks. Considering the developed infrastructure of South Africa, such as working roads, transportation, communication networks and financial institutions, the country provides a fertile ground for planning such operations. These factors, in combination with an overstretched police service, may make South Africa attractive to terrorist organizations who wish to remain unmonitored during their planning of terrorist attacks, as locations perceived as ungovernable are often attractive to violent extremists (Cachalia & Schoeman, 2017)

The issue of South Africa as an operational base and a transit and conduit for international terrorists to their target country, was also evidenced in 2004 in the case of Tunisian al Qaeda suspect Ihsan Garnaoui, who was an explosives expert trained in Afghanistan and who was promoted to be an al Qaeda trainer. He held several South African passports in different names (including Abram Shoman and Mallick Shoman) and traveled via South Africa to Europe, where he was accused of planning bombings of American and Jewish

targets. Most of Garnaoui's preparation for these attacks took place in South Africa, where he purchased sophisticated military-grade binoculars with an integrated digital camera, diagrams, and instructions for the assembly of detonators, as well as setting up networks in Berlin, while still in South Africa (Solomon H, 2012).

Shelley (2005) adds a multi-faceted approach, which can befall South Africa anywhere. In the border control environment, terrorists (like criminals) try to span different jurisdictions, to minimize the risk of effective enforcement. Furthermore, their operations can be segmented, with the planning going on in one country, the financing going on in another country, with the operation carried out in a third location. They thrive on the existence of borders where legislation is not harmonized, by operating as networks across continents, shifting their operations on the basis of feasibility and calculated risks. Illustrative of this is that the terrorists behind the 11 September 2001 attacks planned their crime in Hamburg, received training in Afghanistan, funding from the Middle East and perpetrated their crime in the United States.

Islamic radicalization in eastern Africa has become a problem, both in terms of the local political threat and the contribution to international jihad. As Anderson and McKnight (2015) account, most recent evolution has seen them transform from an overt, military and governmental force in southern Somalia to a covert, insurgent and anarchic force in Kenya and their attacks in Kenya, launched since June 2014, indicate how potent and dangerous their insurgency has become in the borderlands and coastal districts, where Kenya's Islamic population predominates.

Agbiboa (2013) gives account of attacks which should worry any other African country. In September 2009, Al-Qaeda bombed the African Union peacekeeping mission in Mogadishu, killing more than 20 people and damaging the offices of a US firm that was purportedly providing support to peacekeepers. On 11 July 2010, Al-Shabab claimed responsibility for the suicide bombing of two groups of fans watching the World Cup in Kampala and these attacks, according to Al-Shabab, were launched to punish the country for its active role in assisting AMISOM forces in Somalia, in the same way that the recent Westgate attack was launched to punish Kenya for its military operations in Somalia since August 2011.

The failure to coordinate law enforcement and intelligence internationally and domestically, permitted the terrorists to plan the multi-faceted operation without detection (Shelley, 2005). This should therefore be a concern to South Africa, as it has been identified as a vulnerable state. Accordingly, as Agbiboa (2013) puts it, movements across borders caused by armed conflicts have far-reaching legal and security implications. While refugees fleeing armed conflicts have rights and protections guaranteed by international humanitarian laws, amongst them may be armed combatants who could threaten the security of civilian refugees and local populations, or alternatively organize cross-border attacks or invasions of neighbouring countries.

Two incidents have sparked concern that South Africa might be facing an increased risk of terror attacks, specifically on embassies, foreign-based businesses, and buildings:

- A bomb maker working for the Islamic State terrorist group was arrested at a Turkish airport last month, as he was about to board a flight to Johannesburg.
- Africa and Hostatetter (2017) reported in a local newspaper that an Iraqi terror suspect, named Abu Osama, was arrested shortly after immigration officials at OR Tambo airport flagged another suspected terrorist entering South Africa from Turkey. He was originally from the US. Apparently Iraq had more information on the planned attack in South Africa by Osama, but he could not share this with the South African government, until it had signed a memorandum of understanding with Iraq, in which both countries agreed to share security information. State Security Minister David Mahlobo, at the time confirmed the incident at OR Tambo airport and said Kindeel had notified him about the arrest in Turkey. Mahlobo said extremist groups were recruiting people with clean records so they were not easily identified.

Africa and Hostatetter further reported that a source in the South African security services with direct access to anti-terror investigations said there were many IS-linked foreigners receiving training in South Africa and recruiting locally for the organisation. US embassy spokeswoman Cynthia Harvey would not comment on whether the US was aware of the arrest in Turkey, or of Osama's alleged plans to launch an attack in South Africa. She confirmed that a terror alert regarding South Africa issued last year was still in force. She

said it was based on information that terrorist groups were planning to carry out "near-term attacks against places where US citizens congregate in South Africa".

Africa and Ngoepe (2020) in the Sunday Times newspaper state that according to unnamed senior government and security cluster sources more than 20 widows of South African men who died in Syria fighting for The Islamic State in Iraq and Levant (ISIS) wanted to be repatriated with their children, after they left the country to join their husbands who had joined the ISIS in Syria and other Islamic countries in the Middle East. The paper also indicated that between 80 and 100 returnees, especially families, who had been in Islamic State camps abroad had been previously repatriated and it was indicated that government was bound by international rules to repatriate these widows and their children.

The paper indicated that South Africa was aware that Isis had been recruiting a number of South Africans from different mosques around the country, brainwashed and indoctrinated before they were taken out of the country to go and fight for Isis Some recruiters come to South Africa as refugees. Three were arrested in the Democratic Country of Congo in possession of South African refugee passports and were verified not be South African citizens. It is believed that there are up to 100 South African men, mainly from Muslim communities, who have joined Isis since 2015 and most of them are dead. Even though South Africa is not known as an Isis target, there are fears that some of the Embassies in the country are targets.

Security analyst Jasmine Opperman, a director of the Terrorism Research and Analysis Consortium who previously worked for the State Security Agency, told the Sunday Times that the threat of an IS attack in South Africa was real.

From the United Nation Handbook and Screening in Border Security and Management, those who created the United Nations Global Counter-Terrorism Strategy urged Member States to increase national efforts and bilateral and multilateral cooperation to enhance effective border controls, to prevent and detect the movement of terrorists. That reflects the increasing recognition of the threat of individuals who transit through or travel to a State other than that of their residence or nationality for the purposes of perpetration,

planning or preparation of, or participation in terrorist acts. The Security Council has repeatedly emphasized the significance of border controls, calling on Member States to increase border security. These measures could include traveller risk assessments and screening procedures to identify individuals of concern. States have legitimate interests in exercising immigration controls to screen who enters their territories. They are also obliged to take measures to address security concerns, notably transnational organized crimes and terrorism. At the same time, the Global Counter-Terrorism Strategy and relevant Security Council resolutions all emphasize the importance of compliance with international human rights laws and international refugee laws in implementing measures for border security and management.

According to Okpala (2014), The continent of Africa has a long history of attempting to prevent and combat terrorism, which gave birth to the OAU Convention on Preventing and Combating Terrorism of 1999. It marked the first major comprehensive legislative approach to addressing the scourge of terrorism in Africa. Okpala is satfisfied that The OAU Algiers Convention of 1999 forms the major pillar for the enactment of other OAU (AU) legislations on peace and security in Africa whereby Member States undertook to:

a. Enhance border control and surveillance, as well as the necessary means to prevent the forgery and falsification of travel and identity documents.
b. Ensure that identity documents contain advanced security features that protect them against forgery.
c. Issue machine-readable travel documents that contain security features which protect them against forgery.
d. Keep a Passport Stoplist containing information of individuals whose applications would require special attention or who may not be issued with travel documents.
e. Check applications against the Passport Stoplist and the population register before the document is issued.
f. Develop and upgrade the regulations governing border control and security procedures including land, sea and air exit and entry points, so as to curb infiltration and promote co-operation among police agencies having due regard for relevant provisions of relevant regional and continental agreements on the free movement of persons and goods.

g. Computerize all points of entry in order to monitor the arrival and departure of all individuals.
h. Inspect all passports for authenticity, acceptability and prior endorsement.
i. Provide regular training to immigration officials with regard to the profiling of travellers and the verification of the authenticity of documents.
j. Ensure that an asylum seeker is not involved, directly or indirectly, in terrorism related activities prior to granting asylum to the concerned person.
k. Expedite the finalization and adoption of the draft Convention on Extradition and the draft Convention on Mutual Legal Assistance.

2.8.2 HUMAN TRAFFICKING AND DRUG SMUGGLING

Boone, Lewis, and Ugljesa (2003) point to South Africa as a hub, as a destination and as a transit country for human trafficking. Generally, smuggling of migrants appears to be a huge problem in the southern African region. Mozambique and Swaziland are known transit points. The dual phenomena of trafficking in persons and smuggling of migrants exists in the region and involves regional trafficking in women and children both from Asia and Eastern Europe into the region and from the region into Europe, North America, and Asia.

Kruger and Oosthuizen (2012) analyse the legislative prescript and prosecution challenges for crimes related to human trafficking. They maintain that by mid-2011, South Africa had not enacted the required comprehensive counter-trafficking legislation. Corrupting and bribing officials for the purpose of executing trafficking are often part of the modus operandi of traffickers. Such illegal conduct, which includes bribing or threatening officials to obtain a passport or to cross borders without a passport, can also be prosecuted under the Immigration Act. The act further contains several provisions criminalizing illegal conduct related to passports and other documents, conduct which traffickers are often guilty of. It has been reported that fabricated or falsified travel documents are used when traffickers themselves or their victims cannot cross international borders legally. Whilst the Immigration Act criminalizes the use of such fabricated or falsified passports for the purpose of crossing a South African border or

assisting a victim to do so, the paper advocated for more comprehensive legislative measures to address these criminal acts, which are often committed during the trafficking cycle.

The most illegal cross-border migration is caused by human trafficking and smuggling of people across borders. The porous borders, corruption of the police and Department of Home Affairs officials are said to encourage the trafficking of humans across borders. Women are said to be trafficked mainly for commercial sex work (IOM 2005:; Oucho 2007; Cross et al 2006; Solomon 2000)

Boone, Lewis, and Ugljesa (2003) in their analysis of crime in southern African countries, explain that the laundering of drug proceeds through the international banking system is done through South Africa as a commercial and financial magnet and exposing Mozambique, Namibia, and Swaziland to their schemes. This is easier in South Africa and in these countries because of inadequate preparation and countermeasures on the part of these countries. In the absence of specific legislation, there is no protection for trafficked people from being deported because they are without documentation (Crush et al, 2005)..

2.8.3 TRANSNATIONAL CRIME

Excessive immigration is said to have an impact on the increase in crime, safety and security. It is said to create a climate for survival crimes and criminal recruitment. Illegal immigration leads to an increase in antisocial behaviour and criminal activity (FMSP 2007:18, Simelane 1999:4-5, Landau 2007:72) such as drug trafficking and gun-running, and thus contributes to violent crimes in South Africa (Maharaj 2004:7, Tevera & Zinyama 2002:29-31). According to Boone, Lewis, and Zvekic (2003) in their analysis of crime in southern African countries, the new pattern of organized crime, drug trafficking and terrorist financing, centred on South Africa, with its relative wealth and sophisticated economy and financial sector, have placed the issue of money-laundering as priority of a number of key SADC member states. High rates of car theft and cross border smuggling of vehicles, especially from South Africa, constitute another major police problem. The

United Nations defines transnational crimes as offences whose inception, prevention, and/or direct or indirect effects involve more than one country''.

Hussein (200) explains a functional relationship exists between illegal immigrants and crime (). In 1994, 12 403 illegal immigrants were arrested for committing serious crimes. In 2012, 14% of crimes within borders of South Africa involved illegal immigrants (Hussein, 1996). These crimes vary from armed robberies; drug trafficking, prostitution, rape and money laundering among others. In 7 November 2017, Times Live 7) newspaper reported Gauteng Police Commissioner Lieutenant-General Deliwe de Lange as having said during presentation of the Gauteng Province annual crime statistics that about 60% of the suspects arrested for violent crimes in the province were illegal immigrants.

Hussein (2000) indicated that immigrants are also involved in fake telegraphic transfers of funds and the withdrawal of fake credits, counterfeiting and selling of identity documents to fellow foreigners and buying furniture on credit using fake identity documents. In 1996, about 152 immigrants were involved in commercial crime to an estimated value of R518 million, which was 19, 6% of all the commercial crimes over the same period (Hussein, 1996).

As immigration increases, the level of violent robberies, drug related crimes and commercial crimes also increase. According to Hussein (2000), most immigrants who enter South Africa were found to be users of drugs or to be drugs dealers. Drugs in South Africa are a source of easy and quick money. In order to get money to satisfy their addictions, immigrants and South African drug addicts steal, rob and even commit murder. Hussein (2000) also mentioned that immigrants from Mozambique were found to be in possession of unlicensed firearms which they use to commit crime.

According to Hennop et al (2005) In the US Immigration and Naturalization Services' report, an assessment was made of conditions at South African land borders, airports and seaports by the US Immigration and Naturalization Service. Problem areas in terms of land borders identified by the report were situated along these borders

1. Lesotho/South African border where cross-border crimes like stock theft and drug-smuggling were identified as the main criminal activities taking place.
2. On the South African/Mozambique/Zimbabwe/Botswana border, cross-border crimes included the illegal crossing of people and cargo, and the smuggling of firearms, vehicles and drugs. Contraband and 'round-tripping' seemed to be the order of the day. The report also found that there is a lack of resources, personnel infrastructure and equipment that seriously hamper proper border control. It was suggested that the South African government should make the control of all movements across its borders one of its top priorities.

On the other hand, Loren Landau and Aurella Segatti (2009) noted that there is no evidence in South Africa which shows that foreigners are disproportionately prone to criminal activity. Rather South Africans are obsessed with immigrants as perpetrators of crime that they are distracting police from where they are needed. This leads to South Africans committing more crime and putting the blame on foreigners. However, as immigrants flee economic meltdowns and political instability in their home countries, criminals also come to South Africa in search of opportunities. Guy (2011) also indicated that in September 2010, South African Police Service (SAPS) arrested more than 700 immigrants in connection with car theft and drug trafficking. It also housed 8 589 immigrant criminals in prison at an estimated cost of R470 million a year. Nevertheless, immigrants are also victims of crime from other immigrants as well as from South African criminals (Dumba and Chirisa, 2010).

The South African Defence Force reported in 2010 (news24 archives, 2010-04-29) that as many as 100 stolen vehicles a month: Land Cruisers, 4x4s, Mercedes-Benz, even small cars were being smuggled over the border to Mozambique. Criminal syndicates were using the mountainous terrain of the Mozambican border to hide their activities before the vehicles were driven to the nearby N4, giving them a clear path to Maputo, "More than 100 vehicles a month". Parliament's Defense Committee, which is inspecting conditions on South Africa's borders. Along South Africa's border with Zimbabwe, the syndicates cut holes in the border fence then repaired them to conceal their activities. It was difficult for

casual observers to see the repaired holes and villagers were paid R1 000 to R2 000 for their assistance.

Minnar (2001) has observed that weak controls and the lack of effective coordination between the border agencies at borders and ports of entry create opportunities for crime and include the proliferation of firearms and drugs, increased criminal activity by organized crime and international syndicates, the entry of smuggled goods and contraband, fraud through non-payment of customs and excise duties, round-tripping of vehicles and other manufactured goods, and many more. Although lax controls and the porousness of borders do not cause these criminal activities, they create the space to pursue them with greater ease. Whilst it is difficult to prioritize specific crimes, the present flow of drugs and weapons and the illegal movement of motor vehicles are possibly the most serious crime problems facing South Africa and all can be linked to the cross-border movement of people and the exploitation of porous borders.

They are said to be contributing 14% of crimes in South Africa. This, however, depends on provinces with Gauteng being the most affected. Illegal immigrants are said to be entering the country armed since they are coming from countries which have been undergoing long periods of civil war; they are said to have skills in fighting and have the capability to can overthrow the South African government. They have the potential to impact negatively on domestic stability and foreign policy goals (Solomon 2003:92, Solomon 2000:16-17).

Vigneswaran (2007:6) argues that the reason why illegal immigrants are associated with crime, terror and prostitution is because they lack residency rights and due to their illegality they engage in undetected movements. Danso & McDonald (2000:16-17) indicates that illegal foreigners are involved in crime and that since 1994 the rate of crime in South Africa had increased. Solomon (1996:8-9) indicated that the involvement of illegal immigrants in crime affect investor confidence and that lead to the utilisation of state resources that should be used for RDP and now channeled into fighting crime.

2.8.4 XENOPHOBIC ATTACKS

Mcconnel (2009) believes that after 1994, it has been reasonable to prioritise citizens for transformation and change. However, the closed-door migration policies, slow or sluggish development and increases in poverty and inequality have provided a breeding ground for xenophobia. The increase in economic immigrants primarily from neighbouring countries has occasionally been met with hostility from the generally poor and unemployed sections of South African society, who view foreign migrants as direct competitors for jobs in the primary sectors of the economy. This hostility erupted into violent xenophobic attacks in May 2008, when several small-scale businesses, mainly owned by Zimbabwean, Mozambican, and Malawian immigrants were destroyed by groups of South Africans across several cities (Friebel, Gallego & Mendola; 2013).

Before the 2008 violent attacks on foreigners, Khan (2007) quoted a survey done by the South African Migration Project in 2004, which revealed that 87% of South Africans believed that the country was letting in too many foreigners and xenophobia then manifested itself in various ways, from exploitation of refugees in employment and housing matters, to the subtle and not- so subtle exclusion of refugees from engaging meaningfully within their communities, to outright violent attacks on refugees.

In a study undertaken by Kloppers (2006) on the Mozambican and South African border, Mozambican citizens were said to be collecting old age pension and other welfare grants from the South African government. They were perceived to be exerting pressure on the South African government welfare system, which makes it difficult for the country to achieve its socio-economic growth strategy and development targets. Kloppers (2006), Solomon (2000) and Ranchod (2005) also concur by indicating that illegal immigrants fraudulently claim pensions meant for South Africans. Once they enter the country, they illegally obtain identity documents and use them to apply for grants and other services. Ratha et al (2012) point to the social and economic burden that expands, leading to conflict between natives and foreigners based on a fear that the presence of immigrants can become an economic burden. This leads to inferences that the presence of

immigrants leads to loss of jobs, a heavy burden on the government, social system and increased criminality.

According to Sebola (2008), the provision of housing for South Africans is one challenge that the government needs to achieve, although Illegal migration is said to be having a negative impact on realising this goal. Illegal immigrants fraudulently benefit from houses that are meant for South Africans. They are unskilled and have very low levels of education, which means that they cannot be employed in formal employment sectors but can only be employed in the informal sector, they cannot afford to pay for their own housing and also add to the poverty levels of the country. Solomon (2003 and 1996) and Cross et al (2006) also confirm that illegal immigration contributes to squatting, especially if illegal immigrants are unemployed. They then benefit from facilities and houses meant for South Africans under the RDP at the cost of South African taxpayers.

Hussein (1999) notes that illegal immigrants compete with low-skilled South Africans in the job market, since they accept lower wages, while working for longer hours and accept bad working conditions. Since the illegal immigrants do not join unions to advocate for better wages and working conditions, the South African wage levels are pulled down and hence employment opportunities for South Africans are reduced. Letsiri and Wotela (2015) add that the general perception is that illegal immigrants in South Africa compete with locals for jobs and consume public goods and services, therefore frustrating state efforts to regulate health, education, and housing sectors.

Polzer (2010) argues that the effects may be negligible at national and probably provincial levels, but they are quite noticeable at district and municipality levels. Zolberg (2006: 244) postulates that “despite changing conditions, the presence of immigrants and the prospect of further immigration will continue to stimulate xenophobic or at least exclusionary sentiments …” Similarly, the Human Sciences Research Council (2008) and Klotz (2012) attribute xenophobic or more specifically Afrophobia, that is, violence directed at non South Africans living in South Africa, attacks leading to destruction of property and life, to the growing number of illegal immigrants jostling for limited resources and services with

South Africans. They take the law in their own hands because they think the South African Government is not managing illegal migration.

Non-South African street traders are often the targets of xenophobic and nationalist intimidation. Newspapers have reported many cases of assaults on non-South African street traders. These attacks appear to be based on a failure to recognise that the migrant enterprises are responsible for creating many employment opportunities and may in fact be more likely to create than to take jobs. It is not often recognised by the mainstream media that whilst in SA, immigrants contribute directly to the SA economy through their purchases of goods and services: over half the income of street traders from the region is spent on living expenses in SA (Peberdy and Talibe, 1997).

The xenophobic violence that erupted in May 2008 in the South African areas of Alexandra and Soshanguve, is an example of how violent it can get. Xenophobia is said to thrive where there is competition for scarce resources and employment (CoRMSA 2008; Maharaj 2004; Mello 2008). Samatar (City Press, 2019) also observes that nearly all violence occurs in predominantly black townships and informal settlements and that the targets of violence are not only African immigrants. Some poor immigrants and refugees who settle in predominantly black townships engage in business and ultimately in competition with their South African counterparts. A small group of these newcomers have an advantage over the local retailers, since there are part of a larger network of people located in cities and towns and therefore have access to wholesale prices, which are not available to locals, which generates resentment that sometimes turns violenent, though it is most often local criminals who see an opportunity in these circumstances. Once the criminals attack, some of the poor and unemployed join in the mayhem. It is also caused by accessible stereotypes which help justify the behaviour (Crush 2001). A 1996 HRSC survey indicate that individuals from the lower end of the economic spectrum are the ones who show more xenophobic tendencies. Lack of international travel is cited as one of the reasons for xenophobic attitudes in South Africa (Solomon 2000). South Africans feel that foreigners bring disease, crime and steal jobs (Crush 2008; McDonald et al 2000).

The South African media is seen as playing a role in exacerbating xenophobia (Crush 2001:16, Crush 2008:42, McDonald & Jacobs 2005:5). A large amount of South African newspaper coverage is said to be “anti-immigration and non-analytical”. The press is responsible for painting the image of foreigners as “criminals”, “illegals” and “job stealers”. This is said to perpetuate ill-considered stereotypes of immigrants in the following manner: The media misrepresents cross-border migration in a negative light and it seems like they feed off each other’s opinions because they report in the same way without analysing the situation. The negativity is shown towards immigrants from Africa, whereas foreigners from Europe and North America are seen in a more positive light. Although the South African policy on migration is being changed into a positive one that embraces immigration, with policies being more liberal and to have a managerial approach, instead of just controlling the flow of migration, the attitudes of politicians and officials do not echo its sentiment.

The press relies on police reports and wire services because they are free. The information is not correct and as reporters are not experts in migration issues, they just report issues as they are without investigating. South African press relies on sensational and reactionary issues to sell newspapers (McDonald & Jacobs 2005; McDonald et al 1999). South African newspapers have recently carried various reports of increasing xenophobia among South Africans, directed mainly towards Africans. Black South Africans are also accused of xenophobic prejudices against other Africans. A report by the International Organisation for Migration (IOM) notes that “Black South Africans do not easily accept black Africans – they are at best tolerated and at worst brutalised and marginalised” (Farquhar, 2000:1).

The role of the press should change and focus on human rights issues and the contributions of migrants to the South African economy, instead of concentrating on the negatives only (Maharaj 2004). The May 2008 coverage of the xenophobic violence by the press is applauded, because it exposed the xenophobia and fostered informed analysis and debate, unlike previous reporting (Crush 2008). The direct attacks on refugees are a violation of their right to life and they are also deprived of their right to freedom and security.

CONCLUSION AND POSSIBLE WAYS FORWARD

Some of the reasons for illegal migration include poor border control, corruption, fraud and fake documentation, economic conditions in home countries, opportunities for crime, and fraudulent asylum claims. Corruption in ports and borders involves different actors such as border guards, customs officials and port operators with different levels of discretionary powers and opportunities to extract bribes. It is clear from existing literature that vulnerability to terrorism and other security threats are influenced by geographic position, alliances, and the question of identity.

Some researchers argue that illegal migration has a negative impact on the economy (Sebola 2008), whilst others say the impact is positive, because South Africa benefits through cheap labour in terms of low production expenditure, especially the mining and the agricultural sectors (Kok et al 2006). Most researchers argue that since the number of illegal immigrants in the country is unknown due to the clandestine nature of their migration, it is erroneous to assume that they have a negative impact on the resources of the country, if the impact cannot be measured (McDonald et al 2000).

De Haas (2007) argues that strict border controls and migration policies, imprisonment and the provision of aid assistance, do not address the root cause of migration; instead, they may push those already in the country to settle here permanently. He states that if there is a need for unskilled labourers in the job market and a need for cheap labourers and market products of low prices in the country, this problem will continue. The reason for this is that the immigration of undocumented foreign nationals is mainly the result of personal motivations of foreign nationals to secure better employment opportunities and to achieve their future ambitions. Hence, many of them are determined to do whatever they can to avoid deportation or arrest. The question that emerges from the above discussion is: how do the South African organs of state experience the task of dealing with undocumented foreign nationals within the South African constitutional framework? Is there capacity to deal with undocumented foreign nationals?

The impact of illegal immigration on the resources of the country cannot be confirmed due to the lack of extensive research, but it cannot be ignored. The high immigration of undocumented migrants has raised humanitarian concerns for South Africa and the perpetual xenophobic attacks on immigrants have exacerbated the issue.

The key to a more effective, rewarding and humane immigration approach lies in the pragmatic acknowledgment that international migration is here to stay. The issue is how to manage it best for both host society and migrants. For Wortley (2009), policy initiatives include improved screening of potential immigrants and refugees, better tracking of international criminals through cooperation with foreign police agencies, the restriction of immigration from “crime-prone” countries, and the swift deportation of immigrants who are convicted of criminal offenses.

For Miller and Baumeister (20013), the way forward is to combine tightly managed migration systems and strict border control with the protection of human rights. Some of the tighter system initiatives are the new surveillance and biometric technologies to scan migrants, better information exchange, stricter visa requirements and the inclusion of non-state parties like airlines to act as gatekeepers. Having a sense of control over one’s border reduces fear and makes citizens feel secure, with little support for large-scale as well as strong moralistic objection to rewarding irregular migrants who enter under false presences. Training and retraining with continued support, resources allocation, and mentoring of frontline border officials and immigration officers have been highlighted. Miller and Baumeister (2013) conclude by emphasising that reliable data are required to systematically analyse the causes, dynamics, and impact of security threats based on empirical evidence, which is lacking in most cases, based on misinformation and pressure from interest groups. Countries must enhance their analytical and investigative capacities and use evidence-based knowledge for developing effective policies and countermeasures to security threats.

As Okumu (2011) puts it, increases in volumes of cross-border trading and movements of people from their countries of origin in search of greener pastures elsewhere, have placed enormous pressure on border control systems. These realities give urgency to African

countries to put in place effective border management systems that minimise border tensions, increase joint enforcement and surveillance efforts, decrease organised crime activities by syndicates and traffickers in borderlands, generate common understanding of border insecurities and approaches to addressing them, secure flow of goods and people in the spirit of regional and continental integration, integrate and develop marginalized border areas through provision of essential infrastructure and the promotion of a sense of security and well-being among the border population, enhance communication and information exchange between neighbouring countries, maintain borders in ways that do not obstruct cross-border trading and the legal movements of people, harmonize, and enable borders to be sources of mutual trust and harmony between neighbours.

From the above, the following two things are clear:

I. Illegal immigration is a threat to governance and security (Solomon, 2003; Zolberg, 2006).
II. Since the number of illegal immigrants is unknown, it is impossible to plan for service delivery (Landau & Singh, 2008). Du Toit et al., (2002) point out that effective and efficient service delivery depends on accurate knowledge of intended recipients. Since the intended recipients are unknown, the quality of services will be compromised.

One can deduct from the readings that the proposals to governments emphasise the need to define comprehensive, coordinated migration policies and practices based on economic, social and development concerns, rather than reactive control measures, to ensure beneficial migration, social harmony, and dignified treatment of nationals and non-nationals, with increased attention to migrants' rights initiatives and inter-agency cooperation by international organisations. This is part of the larger problem of weak systems that lend themselves to the collapse of all legal interventions. This calls for further research needed to establish the effectiveness of these interventions in reducing transnational crime levels, and managing security threats (Miller and Baumeister, 2013).

CHAPTER 3 RESEARCH METHODOLOGY

3.1 INTRODUCTION

This chapter focused on the research methodology followed in the study and provided information about the research design that was utilized in the study, a detailed report of the study area, the research population and the sample selection method. This was followed by the methods that were used to collect data and a synopsis of how the data was interpreted, analysed and presented.

The methodology of the research is the process that the researcher follows to achieve the objectives of the study. This process includes deciding on the approach to the research, the research subjects/participants, the strategy of inquiry to be followed and the methods of data collection and analysis (Babbie & Mouton, 2010: 103).

To address the research questions on the extent of illegal migration and its impact on national security in South Africa, and further to establish the extent to which the legislated strategy and measures fail to address the problem, the study was conducted by using a qualitative research method.

This method was used to describe the methods and material that the researcher used to collect and evaluate data in accordance with the goals of the study. This section provided an indication of the geographical area where the study was conducted, the study design and the population and sample that was used was described. An indication of the instrument that was used to collect the data was also be provided, including methods that were implemented to maintain the validity and reliability of the instrument that was used.

3.2 RESEARCH PARADIGM

This research followed a qualitative approach. In qualitative studies, the researcher considers the primary instrument of data collection and analysis. He was able to engage the situation, make sense of the multiple interpretations, as multiple realities exist in any given context, since both the researcher and the participants construct their own realities. He strove to collect data in a non-interfering manner, thus attempting to study real-world

situations as they unfold naturally without predetermined constraints or conditions that control the study or its outcomes. It was therefore an interpretivist/constructivist research approach that relies upon the "participants' views of the situation being studied" and recognises the impact of their own backgrounds and experiences on the research. Constructivists do not generally begin with a theory (as with post-positivists). Rather, they "generate or inductively develop a theory or pattern of meanings" throughout the research process (Wagner et al., 2012). Therefore, the researcher would rely on a qualitative data collection method and analysis.

The nature of this research needed data collected from people with a background in immigration matters and national security in South Africa, either as policy makers, implementers, or interest groups from civil society. Therefore, the focus was more on direct contact with the participants whilst maintaining a neutral stance in the research problem to understand, explain, explore, discovery and clarify situations. This was based on deductive rather than inductive logic found in quantitative research. The researcher went to the people on the ground and built an awareness from observations and an understanding gained in the field, since this needed an approach that is often flexible and evolving.

This study was guided by both the phenomenological and grounded theories as a research design, in which the research can generate theory from the data or expand or otherwise modify an existing theory. Grounded theory typically relies on the researcher relying on data from interviews, observations, and documents to test and verify a theory. It involves open and axial coding, simultaneous collection and analysis of data, the use of the constant comparison of data, memo writing to assist in developing an interpretation of the interrelationships of the concept, sampling to help verify and refine the understanding and interpretation of theory, and the integration of the theoretical framework into the write-up of the research (Wagner et al. 2012).

3.3 RESEARCH APPROACH

This research was in critical social science, which is naturally suspicious of claims and findings made and use critical thought in order to expose flaws that might invalidate these

claims, particularly those that are absolute. A study is descriptive when it describes a situation, problem, phenomenon, or provides information about the living conditions within a community or the description of an issue (Kumar, 2005). According to Creswell (1994), this approach is important because it tends to give an accurate portrayal of a real-life situation, which is ideal for the purpose of discovering new meaning and to provide a description of what already exists, by categorising the information generated from the study.

Wilson (1993:90) states that a study is exploratory when it entails uncovering relationships and dimensions of a phenomenon, by investigating the manner in which the phenomenon manifests itself in any other related area, which is one purpose of this research.

Wagner et al. (2012) explain that research can be basic or applied with the former forming the foundation of social knowledge by testing theories that explain how the world works or by generating new theories, while the latter solves specific problems in the social world. This research also attempted to solve specific problems in an explanatory research approach, by looking for the reason for or causes of a specific problem.

As stated above, this study adopted a qualitative research approach. The aim of this approach was mainly to establish new ways of looking at and understanding a particular phenomenon through the analysis of human experiences of their social reality (Creswell, 2003). This approach is characterised by the following elements:

• It uses inductive logic, which begins with limited knowledge and develops a theory of the phenomenon being studied.

• It is a time-consuming and costly approach, because the researcher is often compelled to travel to the research settings when collecting data, especially for in-depth interview purposes.

• Despite the travelling expenses, this approach provided the researcher with the opportunity to meet the research participants face-to-face and to observe the participants' emotions regarding the problem at hand.

This approach differs from the quantitative approach to research in the sense that the quantitative research process uses deductive logic. Quantitative research is aimed at

testing a research problem in order to verify an existing knowledge claim about social reality. As a result, it focuses on large groups of participants and researchers, using this approach to collect data through methods such as emails, telephones, posts and fax machines, so that the researcher is not required to visit the research site personally (De Vos et al., 2005). After weighing up the two approaches, the researcher decided the qualitative approach was best suited to this study, because it would enable the researcher to understand the research problem better when observing and conducting in-depth interviews with the research participants.

3.4 CONCEPTUAL FRAMEWORK

Along with the new democratic dispensation in South Africa, a new threat emerged. Transnational organised crime syndicates identified the country as an untapped market for their criminal activities. This became evident in the surging influx of drugs, the greater incidence of prostitution, money-laundering, and the sudden increase in organised crimes, particularly violent crimes like vehicle-hijackings and cash-in-transit robberies. The new democracy in South Africa also meant that international investors saw the country as an investment opportunity, giving rise to the creation of new employment opportunities. With this came an increase in the flow of illegal immigrants into South Africa. This cannot necessarily be tied to the higher crime levels, but when someone crosses an international border illegally it is a crime.

When thinking about security it is common to imagine a realistic threat to state survival, but gradually the dimension has extended to economic security, environmental security, identity security, social security and became the possibility of freely pursuing independence or protecting basic internal interests, concerned with the multitude of risks concerning the political economy and the social well-being of states and their people.

A rapid tightening and regularisation of borders should be the solution to keep undesirable, high-risk travellers out of potential countries, but the challenge is when you have to protect human rights in the current context of globalisation. Despite the well-intended creation of the Immigration Act of 2002 and subsequent policies of the

Department of Home Affairs, the problem of illegal migration into the country has continued beyond control. The purpose of this research was to understand the impact of illegal migration into South Africa by first understanding the existing phenomena and the structural and institutional capacity to deal with the problem, and how the problem manifested as a bigger problem.

Hussein (2000) and Guy (2011) argue that the presence of immigrants is a catalyst for the occurrence of crime citing statistics in South Africa, and Lube (2008) dismiss that argument on the basis that immigrants are vulnerable because of their illegal status and also being in a foreign land where they become victims and not perpetrators of crime. Wortley (2009) speaks of the Importation Method which assumes that individuals make decisions to migrate with the explicit objective of engaging in criminal activities within the receiving country and further point to The Strain Model, which recognises that the process of migration and resettlement, coupled with the experiences of social, cultural, political, and economic marginalisation, is often stressful and with such negative life experiences some people are pushed into criminal activities. Not only illegal immigrants, but also asylum seekers and refugees are framed as a security problem requiring proper actions.

3.5 RESEARCH DESIGN

A research design refers to the methodologies available for researchers to study certain phenomena, also known as a strategy of inquiry, is like a recipe that guides the researcher on how to find answers to the research problem (De Vos et al 2005). According to Burns and Grove (2003), research design is a blueprint for conducting a study with maximum control over factors that may interfere with the validity of the findings. On the other side, Parahoo (1997) defines it as a plan that describes how, when and where data are to be collected and analysed. Creswell (2013) defines research methodology as plans and procedures for research that span the steps from broad assumptions to detailed methods of data collection, analysis and interpretation.

The approach in this research was predominantly a case study and observation, of which a case here is the country South Africa and all attempts to be made to study the national

security implications of illegal migration and to understand it in its totality. The focus was more on exploring rather than confirming, using multiple methods to collect data, such as information from secondary sources, gathering data through observation, and collecting data through interviews. Through non-participant observation, the researcher was able to purposefully observe the phenomena where full and accurate information cannot be elicited through questioning, while not getting involved in the activities of the group, but to remain a passive observer, watching, and listening to activities and drawing conclusions.

Though a research design that is phenomenological in nature was chosen, some of the approach was borrowed from the Grounded Theory because it was expected to enable the researcher to obtain information directly from participants who had first-hand experience of the issues of undocumented foreign nationals in the country.

Phenomenology is designed to discover phenomena and unearth previously unnoticed or overlooked issues, as it explores the experience and meaning of phenomena. Phenomenology, therefore, reveals meanings that appear 'hidden' or identifies the impact of a phenomenon, rather than making inferences. At the same time, this approach provides rich descriptions that aid understanding. Phenomenology is mainly interested in the "lived experiences" of the subjects of the study, meaning subjective understandings of their own experiences. The goal is to answer a specific research question about the experiences of the participants. Grounded theory looks at experiences and as many other data sources as possible to develop a more objective understanding of the subject of the study. The goal is to develop your own model or explanation of the meaning of the study. Both grounded theorists and phenomenologists seek to collect and analyse data from participants' perspectives and try to ensure their findings are not influenced by preconceived ideas. To achieve this, they often involve participants in data analysis to make findings more trustworthy. For example, an individual government official's view of this issue, together with the views he/she shares with his/her colleagues were considered useful. With this design the researcher expected to be able to:

• Gather new information that had not yet undergone the analysis process.
• Present the research participants' ideas and reasoning as honestly as possible.

• Gather different views on the research problem, based on how each participant views his/her social reality, depending on the factors (time or circumstances) that influence such experiences (Denscombe, 2007).

The negative side of using a phenomenological research design is the difficulty the researcher may have in being objective or not being influenced by his / her preconceived ideas on the problem being studied. A further negative is the difficulty of ascertaining whether the research participants are telling the truth or not (Denscombe, 2007).

According to Babbie and Mouton (2010: 79), each research design is applied for a reason, which is to describe or explore or explain the research problem. In this study the researcher aimed to explore the research problem. An exploratory study advances the knowledge of a problem that is not well known. This was expected to be of advantage to this study as it would provide the researcher with new information. The disadvantage of using exploratory studies is that the findings cannot be generalised to the whole population but represent only the small group that was interviewed (Babbie & Mouton, 2010).

Data was collected from government officials and representatives of civil and international organisations involved in migration matters through a structured interview questionnaire. This method of data collection is characterised by having a set of predetermined questions on an interview questionnaire, in which the order of questions may be varied. Some questions may not be asked depending on the organisational context. Additional questions may be added to get more clarity and the nature of questions may be altered to suit the educational level and background of respondents (De Vos et al 2005). The rationale for utilising a structured interview schedule is that managers in government departments, civil societies, and international organisations generally have no time to fill in questionnaires.

The researcher is not a core functionary of the Department of Home Affairs and therefore requested to observe, without participating, the screening process at the Department of Home Affairs, SARS, and at a police station when foreigners are apprehended.

3.6 RESEARCH POPULATION/SAMPLING/DATA GATHERING

Babbie and Mouton (2010: 174) define a population as an “aggregation of the elements from which the sample is actually selected”. The aim of the study was to determine the nature and extent of illegal immigration in South Africa and if the current legislation provision or institutional arrangements address the problem, as well as the effectiveness of the implementation itself, and its impact on national security. For the purpose of this study, the population refered to the total number of people from which the research participants were chosen; that is, the government official serving in the DHA, SARS, SAPS, and other law-enforcement agencies, members of civil society groupings, NGOs and the representatives of international organisations dealing directly with immigration matters in South Africa.

The study conducted a desktop research and made use of a case study qualitative approach to get an in-depth understanding of illegal immigration in the country. The idea was to capture and assess the opinions of officials (immigration officials at border posts and Refugee Reception Offices, and other border control officials from other agencies), and experts (from human right institutions, analysts from state security and national prosecution authorities, ministerial advisory services, and other role players in immigration policy formulation, and those litigating against the Department of Home Affairs). Mouton (2006) advices that to collect data, the researcher needs some form of measuring instrument, which took the form of semi-structured interviews and observations in this particular case. News reports, official statistics, and articles on the subject were also used to validate opinions.

Reliance was on both primary and secondary sources of data. For primary sources, semi-structured interviews were scheduled with identified border control officials, mainly from Home Affairs at all levels, policy makers, implementers, and civic societies and the stakeholders. There will also non-participant observations at the ports of entry on the behaviour of officials and the migrants. Through interviews, some of the observations were clarified through unstructured interviews with experts and analysts from various organisations. This was intended to explore ideas, experiences, beliefs, views, and

opinions on the South African migration system, and why immigrants would choose to be come to South Africa illegally, and how they do it. It was also to establish officials' understanding of the migration system and its constraints, their responsibilities, their attitudes toward migration, and their views on the causes of illegal migration.

Secondary sources of data included the reports, prints, published articles, news editorials, and review of government publications and reports. This would enable the researcher to make a comparison of the data collected.

3.7 THE TARGET SAMPLE

Out of this population, a sample unit was selected by the researcher. A 'sampling unit' refers to the group of participants drawn from the research population to serve as a representative group of the research population (Babbie & Mouton, 2010: 174). There are two forms of sampling methods in the social sciences: probability and non-probability sampling. Probability sampling is differentiated from non-probability in the sense that it selects the research participants randomly and all participants have a similar chance of being selected for the study. In contrast, in non-probability sampling the participants do not have the same chance of participating in the study (Babbie & Mouton, 2010).

A non-probability sampling method was adopted as best suited to the nature of the study. The reason for this was that this study intended to explore the problem being studied, rather than to generalise the findings. The researcher had options between three forms of sampling methods: purposive sampling, snowball sampling and the convenience sampling method to choose the research participants from the research population. The advantage of using purposive sampling is that it enabled him to select participants such as government officials and representatives that would be able to answer questions for this study based on their experiences. Snowball sampling is used in situations where the researcher is not familiar with the location of the research participants, such as the human rights lawyers in this case. In this case, one research participant was approached first and asked to direct the researcher to the next one, etc. (De Vos et al., 2005). Convenience sampling is used in cases where it is not easy for the researcher to access the research

participants by following the formal procedure of making appointments. Therefore, whoever fits the criteria of the participants required is approached on the spot and asked to participate in an interview session (Denscombe, 2007). In this case, this method was not used on foreign nationals walking in and out of the port of entry, as it was deemed insensitive and also dangerous for those who are fleeing their countries to seek asylum in South Africa.

Sampling is the process of identifying, selecting and isolating cases of smaller groups from the broader group, whilst there are no rules concerning the most appropriate sample size in qualitative research (Wagner, et al, 2012). By following a purposive sampling method, out of nine provinces three provinces were selected for this study. This included the two provinces with the busiest ports of entry (Limpopo: Beit Bridge border post; Mpumalanga: Lebombo border post; together with one province that had the largest number of undocumented foreign nationals and the busiest refugee reception centre, namely Gauteng. The researcher identified the provinces with high numbers of undocumented foreign nationals from the SAPS International Obligation Unit database. This database contains the records of the arrest rates for foreign nationals from all police stations in the country.

The researcher used mainly purposive sampling with a mix of snowball sampling. Purposive sampling (non-probability) is used if the researcher will rely on his own experience and ingenuity to find the participants in such a manner that can be considered to be representative of the population, and as Wagner, et al (2012) states, usually employs specific selection criteria to identify the most suitable individuals. Purposive or judgmental sampling techniques therefore were chosen because the researcher's knowledge of Home Affairs' systems would play a major role in identifying areas in which nationalities to be studied could be located and which stakeholders were best-placed to engage. Snowball sampling was used in situations where the researcher was not familiar with the location of the research participants, such as the human rights lawyers or prosecutors in this case.

A total of 16 participants were interviewed: DHA Head of Immigration, DHA Heads of Immigration at Beit Bridge and Lebombo, one junior immigration official from Beit Bridge and Lebombo, the DHA Head of Desmond Tutu Refugee Reception Centre, the DHA Manager at the Deportation Unit, the DHA manager at an immigration law enforcement unit , a SAPS station commander at Beitbridge and two junior police officials at Lebombo, two representatives of international organisations (UNHCR and IOM), and four representatives of civil society with interest in migration matters (CoMRSA, Lawyers for human rights, African Diaspora Forum, and Somali Refugee Forum).

3.8 METHOD OF DATA COLLECTION

Three data-collection methods were used in this study. These are explained below.

3.8.1 Interviews

For this study, one-on-one semi structured interviews were conducted with all the research participants. A one-on-one interview is a form of interviewing in which the number of participants is limited to two people, in this case the researcher and the research participant (De Vos et al., 2005). The one-on-one mode of interviewing was chosen to ensure that each participant's answers were not influenced by other participants' opinions. They also make it easier for the researcher to control the interview session and to set up appointments with the interviewees (Denscombe, 2007). Semi-structured interviews, on the other hand, make use of a schedule of questions that guides the type of information which the researcher wishes the research participants to focus on (De Vos et al., 2005). The researcher explained the purpose of the research and participants gave their informed consent to participate. They were also given an information sheet with referral information about the research supervisor for clarity or confirmation purposes.

3.8.2 Observations

The researcher took field notes about what he observed when visiting the ports of entry and also his observations regarding the non-verbal communication skills displayed by the participants during the interview sessions (especially the emotions displayed by the research participants regarding this problem). Observations allowed the researcher to observe the nonverbal language and unspoken words or actions of the research

participants and the environment pertaining to the research problem (De Vos et al., 2005). (add from others)

3.8.3 Document analysis

According to De Vos et al. (2005), there are different forms of documentation which can be analysed for research purposes. For example, personal documents such as diaries; mass media documents like newspapers; official documents such as government files; training documents; and archival materials stored in museums. The advantages of doing document analysis are that it saves the time and money required for visiting different research sites and prevents the study from being influenced by the researcher's preconceived ideas about the research topic. (Hodder, 2000; De Vos et al., 2005).

A disadvantage of doing document analysis is that the documents to be analysed might be too many and unmanageable and would require a lengthy period of time for analysis. Such documents might not have all the information the researcher needs and since they are often not collected for research purposes, the people who collected such documents and the quality of the procedures used for data collection might be questionable. The style of writing used in such documents might not be clear to the researcher or the data might be arranged in such a way that it is difficult for the researcher to conduct a proper analysis (Hodder, 2000; De Vos et al., 2005).

Data was collected from reports and documents from organisations that deal with immigration issues like IOM, SAHRC, LHR, FMSP, HSRC, ISS, and HRW, and from government documents.

3.9 DATA ANALYSIS.

The key issue in data analysis is making sense of the raw data derived from the responses of the participants. Data was analysed by means of inductive abstractions and generalisation. Statements about central themes were put together by sorting the information into categories and formatting that into a story to write the qualitative text.

The information obtained from interviews was used in conjunction with population, immigration and crime statistics, as well as pointers from the literature review. Narrative analysis, since it focuses on how participants present their stories in terms of both the ways that the stories are constructed and the ways that the participants view themselves (Wagner, et al, 2012) was useful in this research, where detailed stories helped to understand the research questions. Data was collected by interviews and observations, and the findings was presented as a story. Data was sorted, coded, organised and indexed in a manner that made it easier for the researcher to interpret, analyse and present it. The text was summarised by checking key themes, phrases or passages that were used in a more detailed analysis. The process was guided by the original aim of the study (Payne and Payne 2004; Mason 1996).

In this study, the researcher adopted the Tesch data analysis method (Tesch, 1990). This method was considered suitable for this study, because it made it easier for the researcher to analyse textual data, as well as to identify themes as they emerged from the data. Tesch's eight steps process works as follows:

Step 1: Read through the transcriptions one by one and identify the patterns of experiences (themes) in order to get an overview of the findings.

Step 2: Read a few of the transcripts with the aim of understanding the meaning behind the message.

Step 3: List all the emerging themes and group together those that belong to similar categories.

Step 4: Link the identified themes with the relevant segments of text.

Step 5: Double-check for duplication in the list of themes and merge together the themes that belong to the same category.

Step 6: Clarify the names of the themes identified.

Step 7: Organise the data materials by placing together those that fall under the same category.

Step 8: Check for segments of data that were missed during the coding process and if necessary, recode the data.

3.10 STRATEGIES TO ENSURE TRUSTWORTHINESS

VALIDITY AND RELIABILITY

Three of the most important criteria for the evaluation of social research are reliability, replication and validity ((Wagner, et al. 2012). To ensure credibility and trustworthiness in this research, the research would have to be value-free and would use unobtrusive measures (safe and non-threatening situations and an open, relaxed and trusting relationship with the interviewees), participants' validation (verifying understanding with those observed), and triangulation (combine interviews with observation and also using different sources to measure one aspect).

Validity: 'Validity' refers to the extent to which the results represent the truth of the original data collected from the research participants, whereas 'reliability' refers to whether the process used to obtain data if repeated, would produce similar results (Babbie & Mouton, 2010: 119 & 122). Validity within the study is concerned with the integrity of the conclusions that are generated from a piece of research and is mainly how the researcher knows that what he or she finds is valid in terms of what he or she is looking for.

Internal Validity is mostly used for the validity of causal reasons or causal conclusions for the validity of the measurement procedure. It concerns itself with whether a conclusion that incorporates a causal relationship between two or more variables holds water. It relates to the extent to which the design of a research study is a valid test of the hypothesis or is appropriate for the research question. This has to do with the state of the participants or their environment during the research.

External validity refers to the extent to which causal relationships can be generalised to different measures, persons, settings and times. It is well-known that what works in one setting may not work in another. Use of triangulation through use of multiple methods and measures may enhance the validity of the data.

Population validity: this refers to the degree of similarity amongst the sample used, the population drawn, the target population to which the results are to be generalised.

Personological variable: A given research finding may apply to some participants and not to others.

Ecological validity: is concerned with whether the social findings of the study are applicable to peoples' everyday natural social settings or not. The main concern of

ecological validity is whether the instruments capture the daily living conditions, opinions, values, attitudes and knowledge base of those studied in their natural habitat.
Reliability within this study concerned itself with the question whether the results of a study are repeatable. Such an approach is consistently used in relation to the question of whether the measures as devised are consistent. Stability reliability can determine if the same answers appear across time and representative reliability can determine if the the answers are repeated when applied across different groups (for example different ages, genders, and cultural backgrounds), and lastly, if the researcher asked the same question in different ways but the answers remained consistent.

Replication is very close to reliability. It happens when a researcher chooses to replicate findings of others, although replication of social research is quite rare. However, if a researcher does not specify his or her procedures when attempting to conduct replication, then replication would be impossible.

For the purpose of this study, the researcher ensured the trustworthiness of the research by adopting the criteria developed by Lincoln and Guba (in De Vos et al., 2005), which are credibility, dependability and confirmability.

Credibility refers to how well the researcher obtained the research results, and to what extent the results represented the information obtained from the participants. To ensure the credibility of this study, the researcher used triangulation, which involves using different methods of confirming the accuracy of the data obtained (Denscombe, 2007). Triangulation is one option to be used in research by using multiple data sources, which could be between primary and secondary data in an investigation to produce understanding, by for example examining the consistency of different data sources from within the same method and also utilising multiple theoretical perspectives to examine and interpret the data. In this case, the researcher first tape-recorded the interview sessions and ensured that the data was transcribed word-for-word. The researcher then undertook member checking, in which he asked the same question differently, or at times rephrased the participants' answers in order to confirm whether what they had said was a true reflection of what they meant. The researcher then compared the answers given by

different participants and checked the similarities and differences. Where possible, he asked further questions to ascertain the trustworthiness of such information. As mentioned before, participants in this case were government officials, members of civil society, and representatives of international organisations that deal with immigration matters. The answers of these groups were compared with one another.

Dependability refers to the possibility of repeating the research process with the same participants in the same environment as used in the original study and yielding similar results. The researcher ensured dependability by recording the participants' responses and making field notes on his observations, as well as incorporating a member-checking strategy to enhance the credibility of the study.

Confirmability refers to the neutrality of the researcher in the research process. This means that the researcher should be objective and refrain from influencing the research results as much as possible. To ensure the confirmability of this study, the researcher adopted the 'bracketing' method, which according to Denscombe (2007) means preventing one's personal experiences, ideas or cultural background from interfering with the answers given by the research participants. The researcher was as open-minded as possible and avoided leading the participants to the answers he hoped to obtain.

3.11 LIMITATIONS OF STUDY

It is important to note that the researcher is an employee of the Department of Home Affairs and the methodological challenge inherent in this research was to ensure that there was no bias in sampling, such as self-selection or volunteer bias. Limitations in terms of the actual research became apparent as the research process unfolded.

In order to increase the trustworthiness of this research study, the researcher summarised the limitations he encountered during the study as follows:

- Some of the participants were uncomfortable with tape recordings and the limited use of cameras within the port of entry. This meant that the researcher could not record all the interviews he was conducting. To counter this limitation, the researcher used member-checking (asking the same question differently to one person, in order to determine the accuracy of the answers given) and comparing the information given by the research

participants, to check whether there were similarities or differences in terms of the information provided by the research participants.

- Some stakeholders refused to be interviewed or there was a delay in getting authorisation. The researcher's intention to obtain the opinions of the State Security Agency (SSA) officials and National Prosecuting Authority (NPA) officials on this topic, was thwarted by the departments' delay in providing authorisation to interview members. No formal responses to the interview requests were ever provided. For this reason, the researcher had to rely on the information he obtained from the literature review and from the interviews with officials from other departments working with the two above departments, as well as his observations of the field of study.

- Information was only collected from the perspective of South African officials with the limitations mentioned above, while the permeability of national land borders also clearly impact upon the actions of neighbouring countries. No interviews were undertaken, or information collected about neighbouring countries, although some information did emerge, especially in terms of the relationships between the South African border police and their counterparts in neighbouring states.

3.12 ETHICAL CONSIDERATIONS

Ethical considerations in social science research are the benchmark of quality research, as they ensure the credibility of the data. Ethical considerations are defined as norms and conducts that distinguish between what is acceptable or unacceptable behaviour within the disciplines of research in social sciences. They are universally acceptable moral standards that researchers should adhere to in how they treat intellectual properties, the subjects or participants in research and the information generated after the research (Sterba, 2011). Ethics are therefore part and parcel of the research process and should play a major role in all the stages of research design. For the purposes of this particular research, the researcher adhered to three key ethical considerations:

1. **Informed consent**: This is based on the principle that the participant should give his/her consent to participate voluntarily in the research. It is therefore important to not only seek the consent but to inform the participant of the purpose and the use of the research being conducted.

2. **Honesty in Presenting the Report and Data**: Validity and the reliability of data are of paramount important in qualitative research. This is based on the premise that information that can stand up to scrutiny could be replicated. Therefore, high ethical standards are needed to make sure that the information provided is reliable.
3. **Anonymity and Confidentiality**: (Wagner, et al., 2012) are of the opinion that anonymity and confidentiality are essential to ethical considerations. This is not just to protect the identity of the participants, but also to maintain the neutral stance of the research throughout the research process. The right of respondents to privacy, confidentiality and anonymity should be respected. The use of respondent's names, video cameras, one-way mirrors and micro-phones were not be utilised in the study.
4. **Use of the Findings**: Like informed consent, participants must be made aware of the completed findings of a research project. It was mentioned to the participants that the findings would be used for the purpose of research only, and that if used for any other purpose, it would be for policy formulation purposes.

3.13 SIGNIFICANCE OF THE STUDY

The study sought to study the experiences of migrants and officials and further to determine the nature and the gravity of the problem of illegal immigration in South Africa and to what extent it threatens national security. The paper concluded with a few policy and structural options for the relevant government departments to explore.

CHAPTER 4: PRESENTATION OF DATA

4.1 INTRODUCTION

The focus of the chapter is to present and discuss the findings of this research. The one-on-one interview sessions with the relevant research participants were used to explore the experiences of dealing with undocumented foreign nationals within the South African constitutional framework and the extend of illegal migration. Field notes made during observations were used to increase the trustworthiness of the data obtained from the research participants. In addition, information was solicited from various institutions working or dealing with migration issues to present a more objective view of the extent of illegal migration and its impact on nation security. Findings were analysed through the use of the Tesch's data-analysis method.

Interview transcripts, training manuals and field notes were used during the data-analysis process to create units of analyses. Data analysis commenced with transcription of all recorded interviews. Transcripts were interrogated and analysed to identify a coding structure to present key segments of texts presented in the transcripts. Similar codes were grouped together into categories called 'themes'. For example, those codes that fell within the category of challenges were grouped together under the theme challenges whilst those that fell within the category of strategies used in policing were linked to the theme of manging migration. The final step was to discuss these findings in the form of a storyline.

4.2 ILLEGAL IMMIGRATION INTO SOUTH AFRICA

According to the interviews conducted with the immigration policy experts, South Africa has a land border of some 4471 km which it shares with neighbouring countries namely Mozambique, Zimbabwe, Botswana, Namibia, Lesotho, and Swaziland. There is also 1.2 million square kilometres of air space and a coastline calculated at 3 924 km. This vast area makes the challenges facing the South African border environment diverse. Legal movements across South African borders, legal immigration into South Africa, as well as deportation of illegal and undocumented migrants, fall under the jurisdiction of the Department of Home Affairs (DHA). Managing / controlling the border environments of South Africa currently encompass two main aspects: the first is the handling of tourists to

South Africa and the second relates to the management of ports of entry and border posts for import and export of goods.

Related to the first aspect of controlling border environments, this involves ensuring that the tourists have the correct documentation in terms of their visas, and adhere to the terms stipulated by their relevant visas (i.e. the length of time they may legally stay in the country and the types of activities in which each respective tourist is allowed to take part). Visas are offered for visiting purposes related to purely tourist activities, studying in South Africa, and for working legally in the country. However, particularly related to the point of working within the country, some controversy exist as South Africa has become a magnet for illegal immigration owing to the fact that the country has a fairly stable government and economy on the African continent.

Kok et al., (2006) categorise illegal migration inflows related to the search for work into three groups, namely labour mobility, refugees searching for work, and permanent migrants. In 2012 it was estimated that the total foreign population in South Africa ranged between seven and eight million, most of which has entered the country searching for job opportunities. This constituted approximately 5.7 percent of the country's total population of approximately 51.7 million in 2012 (Stats SA, 2012; Census, 2012). These statistics may seem out of date, but as purported by the DHA's Green Paper on International Migration (2016), population movements are complex to measure, as they are influenced by a variety of socio-economic, political and environmental factors. There are, in fact, no official figures available on the total number of foreign residents in SA other than projections based on census data. What has been found by the DHA (2015) is that migration has reached unprecedented levels in 2015 and is a defining feature of the current era. International migration reached 244 million in 2015; an increase of 41% from the 2000 statistics. This prompted the DHA in South Africa to revise its policy approach related to illegal migrants.

This policy revision was imperative as a key problem related to the lack of controls over detainees been deported by road. Despite the fact that illegal immigrants were transported back to their countries of origin, the same migrants were caught again in South Africa a

few months after been deported. In 2007, the cost of detention was R124.49 per person per day. This increased to R690. 07 in 2018 with some detainees staying in detention for more than 120 days. The cost of deporting illegal immigrants has therefore sored and has become a burden on the finances available within South Africa to offer other basic services.

According to one immigration manager, between April 2019 and February 2020, South Africa deported 26 559 undocumented or illegal migrants to the countries of origin. The number does not provide a realistic picture of how many undocumented or illegal migrants could be in South Africa at a given time, 'due to inadequate of record-keeping of all migrations movements into the country, including illegal movement of stolen livestock, vehicles and illicit goods across borders, human trafficking, drug smuggling, and the arrest of non-South African Citizens for transnational crimes outside South Africa with South African passports' he explained.

During a visit to Beit Bridge and Lebombo border post, the researcher identified the following challenges / issues related to illegal migration, which have been confirmed during interviews with border officials:

- Smuggling of illicit contraband (Cigarettes, ivory, explosives and counterfeit goods);
- Illegal influx of immigrants and human trafficking;
- Purchasing of fraudulent documentation for illegal immigrants;
- Seamless entry of undocumented foreigners into the country;
- Corruption where border officials are bribed to allow illegal immigrants to enter the country; and
- Non-declaration/ false-declaration of reasons for entering the country.

Observations at Beit Bridge indicated that Mathwala bag (women hawkers) and Gumagumas assisted undocumented persons and persons with overstays on the old bridge to obtain access to South Africa. This is done by assisting illegal immigrants to slide down underneath the concrete palisade of the bridge down to the Limpopo River. Once on the ground, illegal immigrants use the footpaths through to a Shell garage in South Africa via Manica, the military base or via agricultural houses through to the railway and the N1

national road. Modes of transport wait for illegal immigrants at the Shell garage next to the border. Mathwala bags mostly assist undocumented children to enter South Africa by putting them inside a carry bag and smuggle them through the border to the Shell garage. Children have to pay R500 each to be smuggled into the country in this way. The two borders that were visited have busy taxi ranks close to them. At Beit Bridge there is a fence, but the further one moves away from the port of entry the greater the chances of entering the country with ease.

Undocumented or overstays illegal immigrants also cross the border by bribing officers or deliberately bypassing business processes (chancer) and or target change of shifts, since officers take time to return to their posts during change of shifts. In addition, cyclists contravene immigration regulation by crossing the border without stamping passports. Cyclists further contravene customs and excise regulations in that they do not declare goods that were bought in Musina. This encourages smuggling in and out of South Africa as these cyclists are not inspected at the Beitbridge border post. Such 'agents' have freedom of movement in and out the border post without carrying passport or any form of identification and they also use their position to smuggle people into the Republic of South Africa.

To minimise the influx of illegal immigrants into South Africa DHA officials process minors without proper documentation such as unabridged birth certificates, SAPS affidavits, proof of residence and passports as these are a contravention of immigration regulations. However, during heavy traffic congestion at border posts there is a tendency of officials allowing travellers to pass through without following the necessary processes of checking documentation and stamping passports. This is especially the case during the festive season when many illegal immigrants within the borders of South Africa attempt to leave to visit family in their native countries. During these periods there is a lack of queue management which leads to travellers bribing their way through the border posts. Maguma-gumas with fraudulent stamps take advantage of the chaos by stamping passports for impatient travellers at a price. The shortage of Inspectorate Personnel results in SAPS officials taking over the mandate of DHA (i.e. verification of travelling documents) which leads to further corrupt activities by SAPS officials who take bribes form

travellers who are undocumented or who have challenges with their travel documents. This observation was confirmed by port officials.

Another problem perceived at the border posts was that there is inconsistency of port health officials in performing their duties in screening arriving travellers for Ebola since travellers and drivers of buses, and light vehicles do not disembark at the ports to go through the medical scanning process. Truck drivers, taxi drivers, cyclists and clearing agents are often also not tested and move feely between countries without their passport being checked. Bus driver are not asked to produce the passport and mostly their passports are not stamped. Mostly there is no DHA official doing the searches to identify illegal immigrants.

There is also a problem with the general deployment of staff to border posts. During the deployment periods there are officials posted in various sectors/posts but there is no management of the deployed staff since they move around their posts to be where their suited best. This increases the conduct of corrupt activities as many posts are left unattended. Observations and interviews indicted that DHA officials posted at different post often are often left with little or no supervision. In addition, some of these officials do not wear name tags to avoid being identified when they conduct their corrupt activities. An example of such corruption may be the Malawians immigrants who are required by the South African government to pay R3000 for entering the Republic of South Africa. Officials take advantage of this situation by charging illegal immigrants less to allow them to access the country. An additional problem at many border posts is that drivers' licence and car papers are not verified upon issuing of a gate pass. Corporate permits are often issued to one farmer in more than one name, implying that a number of people can enter or exit the country under various aliases. This increases problems of managing human trafficking and counterfeit goods entering South Africa.

A lack of human capacity was cited as some of the reasons for the problems experience at border posts. DHA in Beit Bridge and Lebombo lamented on shortage of inspectorate staff to check passport as most of immigration officers were based at the counters to process

passports. There was no official to check on boots of vehicles and in some cases passengers in vehicles entered the country without being processed.

Although a number of staff members work at the same border post, no relationship between them exist where they are willing to support and assist each other with the execution of duties. This results in many loopholes. This lack of cooperation is also fuelled by a lack of knowledge on the task on the part of other departments, especially those that follow a specialised field. For example, if the agriculture department officials cannot pitch for a call, the Police are often unable to examine the agricultural items they found in people's possession. Again, during the search, there are often incidences whereby border control personnel cannot search a particular cargo because they are denied access due to a tag or seal put on the cargo by a different department. These leads to undocumented people and/or illegal goods entering South African borders.

Another challenge faced at borders relates to reliance on photographs and passport and the car registration numbers to identify criminals or people that carry illegal passports. The lack of a fingerprint system that can help in identifying criminals is a hindrance for the police because they rarely catch people using photographs or bar codes in passports or car registration numbers. Some foreign nationals are reported to carry more than one passport, which makes it difficult to establish the real identify of a person. It can thus happen that one person will enter the country today with a passport from one country and next week exit with a different passport containing the same personal information. The implication is a complete inability to control the movement of foreign nationals. The DHA provided a case whereby a foreign national was arrested for being illegal in the country and was found to be liable for deportation in terms of Section 34 of Immigration Act 13 of 2002 as amended. When the Department took this person to the Embassy for the issuance of an Emergency Travel Certificate (ETC), it was detected that he is wanted by his home country for serious criminal activities. This person should never have been allowed to enter the borders of South Africa.

Although the demand for entering the country without legal documentation is an issue that has to be prevented, for some police officials and stakeholders working at the port of entry

this is an opportunity increase their income. Participants in the interviews indicated that accepting bribes to let people into the country without passports is not the only problem; there is also the issue of tampering with the official stamps. Participants indicate that they found stamps used to renew/issue the passports that has been tampered with. Every immigration officer's stamp is identified with a number. During the stamping process some officials will hide their stamp number with a cloth so that their identity remains anonymous as they received bribes to allow individuals to enter the country. From his observation, the researcher became aware that even though the port of entry could be very strict and let no one enter without legal documents, the South African border lines are very porous. Foreign nationals who do not wish to enter at the port of entry may still obtain access to the country.

Even though SANDF members have been deployed across the border line to prevent unlawful entry or exit, this has proved not to be a solution to prevent illegal entry into the country. Patrols re being watched and if illegal immigrants see that soldiers move from this side to the other side, they cross where the soldiers have just left. Illegal immigrants hide where the soldiers cannot see them. If there is a fence, they cut it and cross over. As the SANDF has limited equipment, vehicles, helicopters, manpower and finances to cover its entire mandate of helping the police to minimise entry of illegal immigrants, this measure of prevention is seen as not being effective. The number of undocumented foreign nationals will keep on increasing.

Frustrations of SANDF members are also high. One of the senior police officials indicated that they used to conduct two operations of checking documentations of foreign nationals on the street and through roadblocks, but stopped because it was becoming a futile exercise since more than 50% of the community members in their policing area (Komatipoort area near Lebombo Border) are foreign nationals and the majority of them uses fake passports or do not have any at all. Migrants are prone to creating networks and self-sustaining ways of coping with life in a new country. These networks are used to help each other to cross the border and to find accommodation and food on arrival in South Africa.

There is also an evidence of lack of cooperation or interest from the neighbouring countries regarding the issues of South African police preventing undocumented foreign nationals from entering South Africa. The researcher observed that there was pedestrian who just walked through the ports of entry without presenting themselves to the immigration counters. These individuals were also not stopped by officials of their country of origin. There are those who were passengers in vehicles who never bothered to present themselves at either side of the border counters. Sometimes the driver will take a number of passports to the counters but not of all passengers. Nobody bothers to verify if all passengers were processed. The implication is that illegal immigrants and undocumented persons operate at the mouth of border posts without fear of detection.

When asked about the role of the neighbouring countries, border patrol participants who were interviewed from neighbouring countries at border posts indicated that they were not interested. The police of the neighbouring country seemed relaxed and only attended to people when they approached them for help. This leads to the South African police becoming overwhelmed by the issue of illegal immigrants. These observations were a clear sign that while the South African police takes the issue of illegal border crossing seriously, their counterparts in neighbouring countries do not share the same sense of responsibility.

To explain the extent of problems faced by South Africa with illegal immigrants, an immigration manager at DHA Head Office provided detail on an operation that was carried out in November 2019. During this operation more than 140 people were arrested in South Africa for facilitating human trafficking, theft, possession of drugs, counterfeit goods, suspected stolen property, unlicensed firearms and undocumented immigrants, among other crimes. This operation was facilitated by the International Criminal Police Organisation (Interpol) and targeted ports of entry and borders. Twenty vehicles worth more than R15 million were confiscated, 15 of which were being smuggled out of South Africa, and five smuggled into the country. Concealed and undeclared South African currency amounting to R220 000 were seized during the operation. Livestock including cattle, goats, sheep and horses with an estimated value of R700,000 was recovered at borderlines while a pangolin, which is classified as an endangered species, was also

recovered. A minibus taxi with 45 people suspected to have been trafficked into the country via the Beit Bridge port of entry was intercepted. Two-hundred and three vehicles were recovered during the operation.

4.3 IDENTIFYING IMMIGRANTS

To understand the extent of the problem, it is important to have knowledge of the individuals involved in the actual migration problem. Based on observations, feedback obtained during interviews and information from sources, migrants can be distinguished as everyday crossers, economic improvement seekers, asylum seekers and other travellers

4.3.1 Everyday crossers

The everyday crossers are those foreign nationals from the neighbouring countries walking or riding bicycles into the country in order to shop. Very often these people make a return trip on the same day or a few days after obtaining goods from South Africa. The majority of these individuals have no interest in staying in this country. All they want is to be allowed to walk freely between countries. The items being shopped for were mostly grocery items, clothes and household furniture. Many of the foreign nationals in this group own small businesses within their countries of origin and enter South Africa to buy stock for their shops. In terms of the Immigration Act 13 of 2002 (South Africa, 2002), these people's passports should be stamped every time they enter and exit the country, regardless of the quantity or quality of the items they bought or the activities they undertook in South Africa.

During observations at various ports of entry, the researcher noted the following:

- The everyday crossers at Beit Bridge border gate were mainly local Zimbabwean men and women between the ages of 16 and 40 who would travel on foot, use bicycles or vehicles to enter South Africa, buy items in Musina town and return to their own country.
- At Tshidilamolomo, cross border activities are influenced by movement patterns of families and ethnic group or lineage that live on opposite sides of the border. Such movement and social interaction occur through both informal and designated crossing points between the two countries (South Africa and Botswana) which are

often therefore inevitable and therefore continue unabated. Tshidilamolomo Community Crossing Point in North West Province was launched as a pilot project by both governments of South Africa and Botswana on 08 December 2015. The project was devised as a means or concept to control the movement of pedestrian travellers to and from South Africa. The aim was to address a colonial problem of borderlines splitting up communities with a borderline. The procedure states that the community crossing will only be utilised by South African and Botswana nationals who are proven residents of Tshidilamolomo and have been registered on the National Immigration Information System (NIIS). However, this is not the case as there is also illegal movement through undesignated crossing points and through the broken fence. The SANDF who has been stationed to patrol the borderline is not fully staffed and the fence is regularly cut. Livestock from both countries roam around posing a risk of stock theft and proliferation of diseases..

- At Lebombo border gate, it was mainly local Mozambican men and women of similar age to the Zimbabweans who ran errands across the border posts to and from the town of Komatipoort.
- At Ficksburg border posts it was mainly local Lesotho men and women of the same age as those of Zimbabwean origin crossing at the border gate to shop at Ficksburg, the nearest town, and return to their country.
- At Manguzi there are many known informal or illegal crossings that are uncontrolled or not properly monitored and Gate Six at Manguzi is one of them. Existing laws and regulations concerning special permits for students (school children) and families living on opposite sides of borderlines are not enforced. There are also hawkers who enjoy free movement.

From the observation above, it appears that the frequency of daily visitors becomes known to the border security guards and the port of entry police and other officials working at the port of entry. ‘This means that the seriousness of their movement is ignored, with the result that whether one has left or still remains in the country is often unclear to the officials at the port of entry’ explained an immigration officer at the Beit Bridge. Officials at the port of entry become sympathetic to the travellers and facilitate their movement by turning a blind eye to their movement in and out of South Africa. This is one form of

receiving undocumented foreign nationals in the country, in which foreign nationals become familiar with how the law enforcement officials at the port of entry (including the police) operate and take advantage of the opportunity to enter the country illegally.

4.3.2 The greener pasture seekers (economic migrants)

The greener pasture seekers often do not want to be noticed by the police when they enter the South African border. Since they are not familiar to the officials working at the port of entry, they either try to just walk through the land ports, obtain a fake visa or attempt to bribe the law enforcement officials to let them into the country. Hiding in the cargo trucks that cross the border is one of the ways in which they enter the country. If this method of entering South Africa prove unsuccessful, these individuals often resort to crossing the border line in different ways such as by swimming through a river, climbing a mountain or walking alongside a railway line. They also use the help of criminal syndicates to gain access to the country. These types of undocumented foreign nationals seek better job opportunities in South Africa, with some of them intending to settle permanently in this country and only return to their countries of origin to visit.

This group of migrants includes the local citizens of the very nearest countries as well as people from countries that are further away such as Ethiopia, Somalia and Pakistan. They are desperate foreign nationals who are willing to take the risks associated with following dangerous and illegal routes to enter the country. According to the police, some of these undocumented foreign nationals are the victims of human trafficking syndicates that assisted them to cross the border with the intention of using them in the street as beggars, in brothels as prostitutes and in home settings as domestic workers or gardeners.

4.3.3 Asylum seekers

Asylum seekers are foreign nationals that meet the requirements to be granted refugee status, according to Refugee Act 130 of 1998 and the South African Immigration Amendment Act 13 of 2011. Many of these foreign nationals cross the border directly at the port of entry while others use illegal points of entry. The nature of the circumstances behind their immigration makes it easier for these foreign nationals to obtain asylum-

seeker documents than for those whose reasons for immigration are of an economic nature.

The procedure, as explained by Shawis and Velcamp (2016) that in order to obtain asylum-seeker status, an individual need to go to one of four RROs – Musina, Durban, Pretoria, and Port Elizabeth – that accept new applications to receive a Section 22 permit. With this permit (which was renamed 'visa' under the new Refugees Amendment Bill), an individual can remain in South Africa legally and move about the country freely until a hearing to determine whether his or her situation fits the definition of a refugee fleeing persecution due to race, tribe, religion, nationality, political opinion, social group, external aggression, and/or disturbing public order. After this first hearing, the asylum seeker can be granted refugee status, deemed to have an unfounded claim (a determination subject to appeal), or deemed to have a manifestly unfounded claim. If the individual is found to have a manifestly unfounded, fraudulent claim, then he/she are required to leave the country within 30 days or face deportation. At this moment, the individual becomes 'illegal'. The sequence associated with adjusting legal status in South Africa confuses almost everyone – the asylum-seekers, immigrants, police, officials in detention centres, and the general public. Moreover, one's legal standing is not fixed and can be changed swiftly by the DHA. This is important to note for deconstructing the use of the terms – refugee, asylum-seeker, and illegal foreigner.

4.3.4 Other travellers

The accessing of fraudulently obtained travel documentation by illegal migrants, has always been a cause for concern. In terms of South Africa, most illegal migrants target corrupt officials, especially for the identification and related travel documents as they attempted to either stay in the country or travel to other countries with South African travel documents. Incidents of illegal stamping of travel documents normally increase during peak seasons. The activities involve the endorsement of a stamp that is either a duplicate of a genuine immigration stamp or a completely fake stamp with a fake stamp number. The main reasons for travellers to utilise the opportunity to have their passports stamped illegally is to avoid being detected by the immigration systems as over stayers, or in possession of fraudulent documentation, or to avoid long queues. In some ports of entry

such as Beit Bridge and Lebombo, perpetrators work independently. Such culprits are usually in possession of cloned or duplicate stamps that they use at a fee and mostly operate at gas stations, taxi ranks, food stalls and ablution facilities situated close to the border port.

Travellers, who enter South Africa illegally, and those with expired visas or those who have overstayed, often claim to be undocumented while departing to their countries of origin during peak seasons. Most of these persons hide their passports and declare themselves as undocumented as they know that they would be allowed to travel home after being fingerprinted. 'The administrative burden of capturing fingerprints coupled with insufficient resources such as ink at some ports, results in travellers departing without their details being captured, which negatively impacts on the security of the country, as well as movement statistics' explained one immigration supervisor. In addition, the biometric details taken are kept at the Inspectorate or Immigration Offices and are not processed, which renders the whole process futile. By the time the fingerprints are delivered to the DHA Head Office, most of these individuals have already re-entered the country, mostly through the borderline.

4.4 LEGISLATED MEASURES, POLICIES, AND, INSTITUTIONAL ARRANGEMENTS AND CAPACITY TO ADDRESS THE ILLEGAL IMMIGRATION ISSUES

Key questions asked during the interviews related to legislation, policies and the ability of the DHA to manage illegal immigration issues. During the interviews participants from DHA pointed to the ineffectiveness of the current policy provisions for dealing with illegal immigrants. The legislation covers almost everything that can be done to manage illegal immigration. However, implementing the policy related to legislative requirements is a challenge in many respects. For example, there is no oversight and therefore, corrupt officials are allowed to continue with corrupt activities as they please.

On the entry of a person or a vehicle at the border post, the police is responsible to conduct a search for illegal items. It is the responsibility of DHA staff to assess the

passports of persons that want to enter the country and check whether they qualify to be admitted into the country or not. If there are any environmental or agriculture related items, then the relevant department is to be called to assess these items. If illegal items are identified, the relevant person will be taken to the nearest police station. If a vehicle is involved, depending on the nature of the case, that vehicle will be released under police custody or crushed at the port of entry (especially if it is found to be carrying drugs or other prohibited items). All these processes are to be accompanied by the completion of relevant documentation so that a record is available of activities that have taken place. However, there is a general lack of these records and the management of the records are poor.

In addition, access controls at most ports are inadequate. This is exacerbated by absence of proper infrastructure to allow for the deployment of relevant stakeholders to execute access control measures. This mainly results in a host of other problems within the controlled areas such as the proliferation of runners, corrupting of officials, and the increase in smuggling activities. Those foreign nationals who in some way have succeeded in crossing the border without following the legal processes are likely to meet the local police during in-country policing operations or raids or during random stop-and-search activities. This hardly happens at the busiest ports of entry, as there is a general lack of permanent staff stationed at border post to conduct these checks.

In terms of compliance with the South African Refugee Act 130 of 1998, the Act states that a person should be granted refugee status if returning to their country of origin puts the person's life in danger. The Immigration Amendment Act 13 of 2011 gives an undocumented foreign national a five-day period in which to obtain the necessary asylum documents immediately after entering the country. According to the centre manager at Desmond Tutu Refugee Reception Centre, the backlogs in the DHA make the application of these legislative regulations impractical, considering the large number of applications received by the DHA daily. The implication is that asylum seekers remain in the country for extended periods of time. The backlog is estimated at 200 000 cases. The status determination processes also takes years to complete and as a result, temporary permits valid for six months are continuously extended to up to 20 times. There are even cases

where asylum seekers were found to have been in the country for up to 11 months before applying for asylum. Evidence required before the state can decide on granting the applicant with an asylum permit is difficult for some foreign nationals to produce because whatever happened to them in their country was not recorded anywhere. This is a challenge as applicants have no record of the violence, they endured to prove that they need asylum in South Africa. It is in this type of cases that immigration officials need to apply their discretion, which can favour some of the foreign nationals over others. The DHA estimates that in 2018, 7% of asylum seekers entered the country through border posts. Others entered the country illegally, or legally with a visa but transgressed the visa requirements and subsequently applied for asylum to legalise their stay.

To curb the influx of illegal immigrants in South Africa, the Home Affairs Portfolio Committee and the Department of Home Affairs has promulgated the Border Management Authority Bill. Once approved this Act will pave the way for the introduction of the Border Management Authority (BMA) to replace the BCOCC. The Border Management Authority Bill aims to provide the legislative framework for the establishment of a unified and centralised border guard and authority. The authority will take over the customs control functions currently undertaken by the South African Revenue Service (Statement on the Cabinet meeting of 23 September, 2015). The Home Affairs Portfolio Committee explained that the inefficiencies resulting from having many government departments coordinating and often duplicating the securing of South Africa's land, sea and air borders have contributed to a porous 5244km border. The Bill and related authority aims to centralise the border-related responsibilities of, amongst others, the Department of Home Affairs, the South African National Defence Force, Police Service, Customs of the Revenue Service as well as aspects of the departments of Agriculture, Environment and Health. The DHA is the lead department to promulgate this legislation. The Department is aware of the fact that such new legislation encroaches on a great number of other Acts and divisions of government. Buy-in from other key stakeholders and role players are therefore imperative if the stipulations of this proposed Bill are to be achieved. The main focus is on the control of immigrants into and out of South Africa borders.

The Minister of Home Affairs, in his speech in parliament (26 May 2016), emphasised that the BMA Bill, once it becomes a BMA Act, is meant to set in motion a means to correctly and fairly handle the influx of refugees and asylum seekers. It will also give departments involved in the implementation of the Immigration Act the necessary breathing space to adequately and speedily deal with legitimate and economically advantageous immigrants who look to earn honest South African work visas, relatives visas and business visas via the Department of Home Affairs website. The proposed legislation will also allow for the transfer, assignment and designation of law enforcement functions on the country's borders and at points of entry to the border control agency. The staff of the SARS Collaborative Border Management (CBM) unit were seconded on 1 February 2015 to the BMA Project Management Office in the Department of Home Affairs, a national project with domestic, regional, Pan-African and global dimensions. The Border Management Project Office was put in place to promote government's vision and realisation of a new, integrated border management, through the BMA.

4.5. POTENTIAL IMPACT OF ILLEGAL IMMIGRATION ON NATIONAL SECURITY IN PARTICULAR RELATING TO TRANSNATIONAL CRIME

Research conducted by Mabudusha (2014) indicates that a huge challenge exists in the form of organised crime syndicates that conduct human trafficking by recruiting people from poor countries such as Zimbabwe, Mozambique and Lesotho into South Africa. According to a police report, in the town of Ficksburg a brothel was recently closed after a group of Lesotho women who had been used as prostitutes, asked for help after escaping from the human traffickers. These women had no passports with them and they claimed to have crossed the border illegally with the help of the human traffickers. In another example, in the town of Witbank, the police reported that they had found 38 Somalian men roaming the street looking hungry and tired and with no passports. When asked how they had got into the country without passports, they indicated that a human trafficking syndicate assisted them to enter the country at a price.

Related to asylum seekers, a case was opened in Durban against 19 undocumented foreign nationals from Ethiopia. They were denied refugee status by the High Court

because they claimed that since they had been in the country for little more than a month, they had not had time to visit the DHA to apply for asylum. These men claimed to be victims of persecution in Ethiopia. The human rights lawyers (who were defence lawyers to these foreign nationals) claimed that the foreign nationals refugee status was rejected by the court on the basis that these people could not tell the truth about how they had got into South Africa, especially in such a large number at the same time without legal documentation. The judge concluded that they were assisted by human traffickers and that a case for asylum seeking therefore do not exist (Bula & others v Minister of home Affairs & others (589/11), 2011).

Illegal migration and smuggling activities across the land borderline often take place in close proximity to designated border posts, especially during the peak seasons. This phenomenon is mainly attributed to lack of or inadequate fence along the borderline. Often, the fence is cut to enable illegal movements across the border. Generally, the borders of South Africa are said to be porous. The illegal movement of huge volumes of travellers and goods through the 10km radius of the ports of entry (along the borderline) also stretched resources, making it humanly impossible for the SANDF and SAPS members to adequately patrol the borderline. The extent of the borderline provides a loophole for criminal elements and those with nefarious intentions to cross the border illegally. At the border environment, customs and border officials often operate in remote posts that are geographically dispersed, and work around the clock with relatively few staff. They often lack adequate supervision.

The smuggling of dagga, counterfeit goods and livestock across the South African borders with eSwatini and Lesotho further remain an on-going challenge. The theft of vehicles continue to take place in urban areas in South Africa and is moved illegally to countries such as Zimbabwe, Mozambique and Lesotho through various crossing points along the borderline. Vehicles which were mostly targeted and attempted to be taken across the borderline are predominantly SUVs and double cab bakkies. This problem is exacerbated by the fact that border posts lack proper scanning of vehicles leaving the country. Participants interviewed during this research indicated that more attention given to trucks entering or exiting the borders. Vehicle checks are also impossible during peak period due

to a lack of staff. It is difficult for the SAPS to intercept stolen vehicles due to the infrastructure at border posts and the lack of human resources to manage the influx of immigrants.

In addition, participants interviewed during this research referred to the extensive state of corruption at border post as a major problem is managing the illegal entry of individuals into the country. ‘Corruption happens on day light at the front office, refugee centres, and border posts, and it involved the police, the security guards, and the officials alike’, commented one police officer. In 2013, the Sunday Independent newspaper reported that a British citizen and a terror suspect involved in the shooting at the Westgate Mall in Nairobi, Kenya, paid R20 000 for a fake South African at the Durban Department of Home Affairs office. In addition the SAPS Directorate for Priority Crime Investigations, the Hawks, reported in 2017 that it was investigating how an alleged terrorist who was arrested in Tanzania, was in possession of 15 unused South African passports,. Authorities said at the time, the passports, which contained pictures of South Africans on an international terrorist watch list, were seized from an Al-Shabaab courier in Tanzania. The suspect was believed to have had dual South African and Tanzanian citizenship. Corruption happens on day light at the front office, refugee centres, and border posts, and it involved the police, the security guards, and the officials alike. In 2013, Sunday Independent newspaper reported that the British citizen and a terror suspect involved in the shooting of Westgate Mall in Nairobi, Kenya, paid R20 000 for a fake South African at the Durban Home Affairs office

Related to terrorism is the influx of unregistered weapons that enter South Africa through border posts. According to Immigration Managers and border officials interviewed for this research, explosives are being stolen from neighbouring countries i.e. Zimbabwe and Zambia. These explosives are utilised for mainly automated teller machine bombings. Especially land ports of entry are the most targeted. Explosives from Zimbabwe are often confiscated at Beit Bridge and along the South African/ Zimbabwean borderline. The SAPS confirmed that during the festive season routine sweeping of the controlled area by SAPS members at Beit Bridge yielded positive results, as officers managed to detect three abandoned bags which included explosives. The Musina Explosive Unit confirmed that the

bags contained 70 units of Famesa Carmex Connector capped fuse, two reels of detonating fuses, 132 units of blasting cartridges superpower, and 90 marked on packaging material made in Zambia. No suspects were arrested.

4.6 MANAGING MIGRATION EFFECTIVELY TO LESSEN ILLEGAL IMMIGRATION TO MITIGATE NATIONAL SECURITY THREAT

As South Africa is seen as a haven towards a better life on the African continent, it is receiving the highest numbers of asylum seekers and economic migrants that want to enter the country. South Africa is signatory to many agreements and conventions governing the movement of persons, such as visa agreements and the United Nations and African Union protocols on asylum seekers and refugees. The world is politically and geographically divided into more than 200 states that are interconnected.

Participants to the research believed that the government must increase the capacity to improve the efficiency in service delivery related to immigrants that want to enter the country legally. The DHA is responsible for the identification and immigration status of all foreign nationals in South Africa. Only DHA immigration officers can lawfully permit persons to leave or enter the country or specify conditions. It must benchmark on best practises around the world and invest in technology to improve its service delivery. There is an urgent need for a systemic alignment of infrastructure, personnel and operational hours in order to ensure seamless facilitation of the number of persons and goods through the ports of entry.

The country is already working towards the envisaged integrated, secure and coordinated border management. Recent development in the country which is spearheaded by the DHA include:

- The adoption of a new policy on international migration;
- The establishment of a Border Management Authority (BMA); and
- The repositioning of DHA as a critical enabler of economic development and an active partner within the security cluster, meaning that it must operate with security tools empowered by the legislation to fully operate and manage international migration in a secure manner in line with security threats and risks assessment.

Assisting in the management of illegal immigrants, the DHA should work towards actively assisting national security as a key element of the security architecture and systems of the state. For example, the DHA's Movement Control System should detect persons who are wanted by the SAPS, Interpol, and other countries. To deliver against this mandate, the DHA must operate in a highly secure environment. No country trusts a passport that is not secure. Protecting the integrity of the population register (PR) enables the state to use it to secure the nation.

Manging illegal immigration further requires that the infrastructures at the ports of entry must be redesigned to allow efficient operations. 'Systems must speak to each other to track migrants at both ports of entry and refugee centres' one immigration further explained. Borders must be secured. Policies and procedures conducive to smooth crossing (financial, throughput capacity, simplicity) must be introduced. Border communities must be engaged with and empowered as key contributors in border security and management. Joint conduct and coordinated cross-border patrols, as well as joint multi-agency and interdisciplinary operation exercises is imperative to manage border control points.

This means that the DHA must take the lead in how government can invest in the systems, institutions, and capacity needed to manage and curb illegal immigration. Closer collaboration with civic organisations is also required to ensure that each potential immigrant is treated with human dignity. The assistance of civil organisations are required to:

- Ensure integration of migrants particularly refugees into the society;
- Act as a referral centre for foreign nationals by providing them with information on the available services such as where to apply for refugee status, health assistance, employment and educational facilities;
- Work with NGOs in identifying the needs of the foreign nationals; and
- Stimulate intervention at provincial level on matters regarding foreign nationals.

CHAPTER 5: DATA ANALYSIS AND INTERPRETATION

5.1 INTRODUCTION

South Africa seems to have ignored the historical and regional migration realities. If taken into consideration the capacity issues would have therefore been identified so that more pro-active solutions could be found sooner to manage illegal migration of individuals that is currently compromising national security. From the information provided in Chapter 4 it is evident that South Africa is faced with several types of immigration:

- Immigrants who come under the pretext of political refugees;
- Economic immigrants who have been coming steadily for a long time from Europe and Asia and more recently from Africa and other developing countries;
- Immigrants who are brought in for their skills – like doctors from Cuba to work in rural areas to provide primary health care;
- Illegal immigrants that visit South Africa for the purpose of finding better job opportunities;
- Asylum seekers; and
- Short-term immigrants who visit South Africa to purchase goods for businesses in their countries of origin.

Like Okumu (2013) put it: “South Africa with other African countries need to manage their borders in ways that secures their territorial sovereignty/integrity, ensures that they are bridges rather than barriers for cross-border cooperation and regional integration, prevents illegal entries and exiting of people and goods while allowing easy movement of goods and people, allows relatives to visit their kin while keeping away criminals (such as drug and human traffickers, terrorists, etc.), and facilitates tourists to easily cross while keeping out terrorists”

5.2 INTERPRETATION OF FINDINGS

Ineffective governance and management of illegal immigrants can compromise the defence and security of South Africa, and can also affect the general well-being and safety of its residents. Government should recognise that the effects of illegal immigration are within the borders of South Africa, but the root causes are outside its boundaries. According to participants interviewed during the research, the problem within the South

African borders to manage illegal immigrants relates to implementing, managing, and monitoring the current provisions for countering illegal immigration. By falsely obtaining South African citizenship, foreign nationals are entitled to benefit as South African citizens, inclusive of old age and disability pensions, child grants, health care and housing. However, given that the illegal immigrants have never contributed to the GDP of the country or the tax-base from which these funds are to be retrieved, the situation is unfairly negative towards South African citizens who worked and are still working to build internal investments and funds for basic services.

Related to criminal activities, international criminal are able to hide their identities by obtaining South African travelling documents. The diplomatic relations between South Africa and the rest of the world can be strained if this country is seen as a haven for criminals.

Border management further entails inter-agency operations. It requires the integration, coordination, and harmonisation of contrasting organisations with different missions and authorities; many of which do not necessarily feel comfortable sharing their sensitive information. Problems with inter-agency collaboration thus put further strain on the effective management of illegal immigrants. Even though structures have been in place for some time now to facilitate co-operation between the different government departments involved in border control on South Africa's international borders like BCOCC, this is seen as not being effective. Problems are still experienced in implementation and communication to curb the influx of illegal immigrants.

Border posts are understaffed and some even lack the basic facilities to undertake effective border policing such as computers and photocopiers for scanning. Often, border posts do not have consistent electricity supply, and proper living quarters for police/customs/immigration officers. There is also a lack of vehicles and proper search and storage facilities. Corruption at the border posts impacts on all citizens of the country, business, and social service departments.

Illegal immigrants are putting a strain on South African resources. The South African poor are competing for scarce resources, services, and opportunities with illegal immigrants,

which often leads to xenophobic attacks. South African citizens see ‘foreigners’ filling some gaps in villages and townships where they set up flourishing businesses. Local citizens feeling aggrieved, leading to an anti-foreigner sentiment in the country. Limiting the influx of illegal immigrants may go far in minimising xenophobic and inter-racial relationships.

The lengthy asylum-seeking process places constrains on South Africa’s resources and has a social and economic impact on the country. Any foreign national who has entered the country illegally could register as an asylum seeker for free and obtain access to the health and education system, as well as work in the country whilst the asylum application is being investigated. Undeserving asylum seekers are able to stay in the country indefinitely while their applications are being processed and a large number of illegal migrants end up legalised on a false premised and end up as naturalised citizens, with all the rights that come with the privilege.

There are perceptions and some realities giving rise to attacks on foreign nationals like the absence of any meaningful plan or strategy to integrate migrants and refugees into the country. African economic migrants and refugees integrate themselves into the local communities. In so doing they have found communities that were ravaged by apartheid and its legacy and which were in dire socio-economic straits. In such conditions, tensions inevitably and invariably arise. Furthermore, as refugees in South Africa are not encamped and are free to go anywhere and participate in economic and social ventures, illegal immigration is easy and difficult to counter. Since the asylum process are not managed with speed and within a reasonable period, asylum seekers that remain in the country for extended periods of time places additional burdens on already stretched resources.

Due to poor record keeping systems and inter-departmental collaboration, the DHA cannot account for illegal immigrants. The DHA is also unable to account for legal immigrants that stay on illegally after their permits have expired. Without an accurate estimate of illegal immigrants, it would be impossible to deal with illegal immigration as the extent of the problem is unknown.

CHAPTER 6: CONCLUSION AND RECOMMENDATION

6.1 INTRODUCTION

The term national security as it relates to the research focuses on the processes by which the state deals with threat perceptions. National security is a state or condition where South Africa's most cherished values and beliefs, democratic way of life, institutions of governance and unity, welfare and well-being as a nation and people are permanently protected and continuously enhanced. Given the expansion of the definition of national security to include economic, internal and environmental security, border management concept rests on the understanding that a tension exists between the need to prevent undesirable people and goods from crossing borders and the economic vitality that a country gains through trade and travel. Building on the concept of border management, this perspective proposes opportunities to strengthen national security whereby illegal immigration would be viewed as a threat to society and the economy. From the study, four broad categories to classify immigration as a threat to national security have emerged. These include

- When migrants and refugees are rejected by their home regime;
- When a country perceives security risks and political threats because of the immigrants and the refugees;
- When immigrants are seen as an economic threat for the host society; and
- When immigrants use locals as an instrument of threat against countries of their origin or other countries.

The management of identity is important to national security to secure the country against security threats to its people, systems, institutions, and capacity. Immigration poses a number of challenges to South Africa and cannot be managed without the capacity to enforce immigration laws. Illegal immigration should be managed in such a way that it is seen as playing a role in countering terrorism and the other transnational crimes which borders around knowing who is entering the country and for what reason. It becomes even

more worrisome when the number of those who enter the country is not known.

6.2 DISCUSSION OF KEY FINDINGS

Factors contributing to South African vulnerability by allowing illegal immigrants to cross the borders include corruption, criminality, peer/family/social pressure, and religious affinities. People intending to illegally cross borders have developed a variety of strategies to find a way around authorities and circumvent processes to gain illegal access. Social networks or environments are crucial in drawing vulnerable youths to a terrorist movement. These becomes easier when there is existence of groups with global reach. Part from extremism, those involved in transnational crime are more likely to exploit local grievances as there are issues of marginalisation from the economy and deprivation of opportunities. Many would say modern terrorism occurs because modern circumstances make terrorist methods exceptionally easy.

It is clear from the data collected during the research that the South African government does not have the capacity, systems, legislation, or level of security required to enforce compliance and secure its border, systems, and its data sufficiently. Despite legislative frameworks and other criminal justice mechanism to effectively close the gaps, implementation is poor due to a lack of resources, inter-departmental collaboration and the digitisation of information.

Weak institutions, poor governance and under resourced immigration services, customs services, police services, and defence forces make many of South Africa's borders porous and difficult to control, which means that it does not have deterrents to prevent illegal immigrants from crossing the borders illegally. To opportunists such as human traffickers and human smugglers, these illegal cross-border movements are used as a means of making money.

Basically, South Africa as a state needs to incorporate security and the licit flow of people and commerce and develop an integrated, layered approach to border management and establishing unity of effort across relevant government and non-governmental entities. South Africa must put in place the capacity and institutional arrangements needed to

understand illegal immigration issues in the context of global and African development with a clearly defined comprehensive, integrated, coordinated migration policy and practice to promote national security. South Africa's interests must be served and international commitments fulfilled. The DHA must also improve its citizenship and civil registration process to fulfil constitutional and international obligations and have an efficient asylum seeker and refugee system in compliance with domestic and international obligations. This will go far towards developing a secure population register to empower citizens, enable inclusivity, economic development and national security.

Contributing to the weaknesses above, has been the tendency to regard the DHA as the sole department responsible for the management of migration, which has led to a lack of development of integrated approaches across government departments to curb the influx of illegal immigrants. The DHA with its current mandate, or better a reconfigured DHA responsible for immigration, must drive an integrated and coordinated border management strategy to ensure our borders are effectively protected, secured and well-managed. Political responsibility for setting border security strategy and infrastructure can be better managed under the Ministry responsible for Home Affairs such as the case in countries such as Cuba, Canada, and the United States. It is recommended that South Africa move towards single departmental ownership of the challenges posed by border security, considering this approach as being more effective than the traditional three-way split between the Departments of International Relations and Cooperation (Consulate responsible for visas in many countries where Home Affairs is not represented), Home Affairs (immigration) and Finance (customs).

Any plans for consolidation should be incremental, starting with those that have the most immediate impact like DHA, Police, Intelligence, and Customs. Many jurisdictions have, for example, looked to consolidate immigration and customs functions into a border management machinery, and the creation of a unified command structure with the lines demarcating the division of labour between the SAPS, Customs and Home Affairs. This will clarify functions and promote work integration which may enhance the processing of travellers / immigrants.

A single institution responsible for managing immigration activities will be able to integrate

the myriad of information-gathering systems that litter the border control environment. It may also lead to a more comprehensive and accurate risk assessment of the issues related to illegal immigration. Since all line functions will converge on a single centre, the institution will be able to act on information by devising and executing a single global border control strategy. Fiscal planning is required and sufficient institutional capacity, inclusive of human, technology and financial resources to successfully manage a very difficult process of attempting wholesale immigration integration.

One of the modern approaches for improving border operations in the world is the establishment of a one-stop border posts (OSBPs). The OSBP concept refers to the legal and institutional framework, facilities, and associated procedures that enable goods, people and vehicles to stop once whereby they undergo necessary controls following applicable regional and national laws to exit one state and enter the adjoining state. This require proper joined-up thinking, common priorities, operational efficiency and effective knowledge sharing from all stakeholders involved. Improved leadership and governance will be a meaningful development in the region and the continent provided South Africa takes a hard stance on its neighbours and the continent, and reciprocal in its management of migration.

The DHA could play a key role in enabling regional development by working with SADC countries through the Department of International Relations and Cooperation (DIRCO) to establish efficient, secure and managed migration. A multilateral cooperation process may weaken the probability of security threats to arise. It may lower the probability of destructive effects to blow-out if regional clusters are more able to control and manage the effects of security threats within them. The member states should be able to gather and exchange data on citizens of identified countries and groupings and should handle those with ‘alerts’ accordingly. The prevention, containment, and repression of illegal migration should be fundamental and present a key axis of the migratory policy in the region. However, this requires stability in the region as a pre-condition. Regional cooperation with neighbouring countries and the coordination of security efforts with their border communities is essential to the long-term viability of border management system.

Border control must be valued as a specialised field with its own professional identity.

Therefore, border control, like any other specialised function, would require its own corporate identity, its own canons of pride, and its own distinctive vocational mission with uniform national standards at all border posts. Creating unity by sharing uniform, having employees identify with the same brand, and training them all under the same rubric, will create a corps of border control agents with a clear understanding of, and a deep commitment to their work.

There is also a further need for data usage to enhance the security mandate of the institutions responsible for border control and management. New technology should be built into policy-making and service delivery. Digital skills development must be expanded to ensure that employees are able to manage and analyse data towards obtaining data analytics and to deliver electronic services. The introductions of biometrics at border posts will simplify visa and permit requirements. An integrated electronic management system must be developed that will enable advance identification and verification through fingerprints and other selected modes of biometrics (palm-prints, iris, facial recognition and DNA). Such a system will promote the development of e-Visa system, encourage e-Gates and give way to the implementation of an introductory trusted traveller programme.

Related to asylum seekers, the DHA should improve staffing, equipment and processes to ensure that asylum seekers are processed efficiently and without delay at Refugee Reception Centres. The non-integration of IT systems in DHA, aging infrastructure and limited capability to integrate data platforms are a risk to the integrity of business processes and performance. While technology and equipment can be important additions to any border management system, they are only effective if properly incorporated into planned operational efforts. The effective use of technology can enable the mitigation of risks, deal with threats, and respond to national security initiatives.

Ports and border posts needs to be redesigned to allow the flow of human and freight traffic for effective border control. Incoming passengers should not mingle with outgoing passengers before reaching border control points. Cargo must not be easily diverted before reaching border control points. Towards achieving these goals, the SANDF soldiers need to be capacitated and SAPS members at land border provided with requisite staffing at all ports and border posts that are understaffed. Personnel in all critical positions must

be recruited in line with rigorous integrity criteria in a field prone to corruption.

Migration management in South Africa must be efficiently and strategically managed and that requires integrated systems and professional making decisions based on reliable information and intelligence provided. Command, control, and communications that allow for interactions and coordination among various interagency organisations and from the national to the local level are imperative to border solutions.

Corruption is another factor starting to become synonymous with border posts and officials responsible for border control activities. Corruption in ports and borders involves a number of different actors with different levels of discretionary powers and opportunities to extract bribes. Only through building a resilient anti-corruption system where border control employees are accountable and responsible towards national security, will corruption issues be minimised. Oversight mechanism may help prevent this common phenomenon.

6.3 FINAL RECOMMENDATION

Achieving the above, Government should direct their efforts towards the following:

- Legislative framework and other criminal justice mechanisms to deal trans-national crimes must be put in place. There must a robust strategy for criminal justice response.
- Develop a protocol for responding to corruption allegation must be developed.
- Strengthening the multi-agency anti-corruption system particularly with intelligence and criminal justice agencies is imperative. The current system is not yielding results. A shift in the leading agency to another is required to ensure specialised resources of departments are pulled together to offer a more comprehensive service.
- There must be a purposefully developed system based on intelligence collection that serve to alert response forces. Intelligence gathering, coordination, and sharing should be strengthened.
- Training of a specialised unit members on immigration matters must become a priority.
- A pool of prosecutors must be appointed to deal with illegal immigration and asylum-seeking matters.

- Initiate independent investigations at each stage in the process of granting visas and asylum status to reduce corruption and increase the speed at which these services are being offered.
- There should a white paper on violent extremism which will allow government to deal with illegal immigrants with criminal records.
- Community engagement and ownership should be encouraged by empowering the local authorities to provide their own security in conjunction with state mechanism. Representatives from the local population can be incentivized to act as the government 'eyes on the ground'. This includes employing locals from border communities that understand the importance of managing illegal immigration as part of national security.
- South Africa should adopt a clear and coherent integration policy for the integration of foreign national into the country's value system and population. Attacks against foreign nationals have in the past been partly blamed on the prevalence of undocumented foreign nationals in the country. To an ordinary citizen, there is no clear distinction between the legal, illegal or undocumented migrants. Integration will not take place also because the vast majority of immigrants entered the country illegally and have been ex-post facto regularised like Zimbabweans and Lesotho nationals. Thus, the stance of the native population towards them is very negative.
- Multi-disciplinary government communication machinery is required to engage local communities to enhance their understanding as to why South Africa is receiving immigrants and refugees into the country; where are they going to stay; how are they going to survive; and what rights and responsibilities they have.
- The creation of Community Based Forums to manage integration of migrants and refugees into the local communities is important to further encourage integration of immigrants into the South African society.
- Community Based National-Foreigner Business Forums can be created to ensure cooperation and skills transfer in business and Community Based Inter-Cultural and Language Forums may to help bridge cultural and language barriers. NGOs, businesses, trade unions, and religious groups should be urged to advocate respect for international standards, professionalise services and capacities, take leadership in opposing xenophobic behaviour, and join international initiatives.

- Youth job creation should run in tandem with border management efforts to prevent localised radicalisation. There is a need for increased attention to migrants' rights initiatives and inter-agency cooperation by international organizations. A dynamic and collaborative culture must be developed by identifying collective beliefs to ensure cohesion.
- Community engagement programmes should be developed with a focus on the local level that include main political parties, community leader, business leaders, and tribal chiefs to reach a consensual, non-partisan approach to border management and built trust among border community stakeholders and address the expansion of security activities within the area

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ADDENDUM

ADDENDUM A: QUESTION FRAMEWORK

Questionnaire for border officials

- What are the challenges of managing undocumented foreign nationals in this country
- What are your views on the increasing or decreasing numbers of undocumented foreign nationals?
- What is your unit's existing capacity to deal with undocumented foreign national?
- What security checks are in place to protect the country from potential hostile immigrants and how effective?
- What does legal immigration bring to the country?
- What does Illegal Immigration bring to the Country?
- Does Port Security have an effect on illegal immigration, and how much?
- Are anti-Illegal immigration laws effective?
- What are the costs of illegal immigration?
- What is the relationship between corruption and illegal migration?
- What would you recommend to improve border control in South Africa?

Questionnaire for state security cluster experts

- What is your organization's role in immigration?
- What are the drivers of migration towards South Africa?
- Is South Africa's internal security at stake as a result of illegal migration and how?
- How effective is border control against crime and illegal immigration?
- What are vulnerabilities and the extent of corruption (bribery) at the borders?
- Is Immigration better placed under DHA and why?
- Is South Africa handing the balance between national security and its international obligation effectively and how?
- What would you recommend for the DHA and law-enforcement in terms of how they should handle illegal immigrants?
- What would you recommend to improve management of migration in terms of

- Policy
- Implementation
- Institutional arrangements
- Cooperation and coordination between different role players?

Questionnaire for civil society and international organization representatives

- What services does your organization provides to undocumented foreign nationals?
- What challenges does your organisation encounter regarding undocumented foreign nationals?
- What is your organisational view regarding the importance of security in relation to the granting of stay to migrants?
- Are South Africa immigration laws effective? Please explain.
- What are the costs of illegal immigration?
- Is there a relationship between corruption and illegal migration, and if so, how?
- What would you recommend for the DHA, SAPS and/or the South African government in terms of how the undocumented foreign nationals should be managed?
- Are you able to describe any specific criminal case you handled relating to a suspect who is of foreign origin?