# Aliens in the Blue Naartjie

A narrative exploration of migrants to South Africa and how they navigate the changing immigration landscape

**By**

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**Abstract**

Economic migrants to South Africa face a hostile reception; periodic displays of widespread xenophobia have highlighted the myths and stereotypes that still abound about foreigners - that they are job-stealers, criminals and a threat to our nation's well-being. The Department of Home Affairs recently brought in new immigration laws that raise the barriers to entry and participation in the South African economy and society. Yet a back door has been left wide open for economic migrants, often unskilled and with no other options, to enter South Africa, live and work. For six consecutive years South Africa was the number one destination for asylum seekers globally and the influx has caused the refugee determination process to become clogged and corrupt, leaving genuine refugees vulnerable and hundreds of thousands of foreigners in an unhappy limbo. The accompanying narrative long form journalism piece highlights some of the fault lines in the government's uncoordinated and inconsistent migration policy. Overall the project seeks to personalize some of the key challenges and contentious issues faced by migrants to South Africa. It aims to puts a human face to a bureaucratic process by accessing the stories of marginalized migrants, giving them a voice to articulate their experiences in South Africa. The accompanying method document outlines some of the academic research underpinning the study.

**Contents**

**Sunset on sanctuary**

Basil's small food kiosk looks out over the busy Hospice corner intersection on Louis Botha Avenue in North Eastern Johannesburg. It is sunset on a Saturday and weekend festivities are getting under way. The setting sun silhouettes the Blue Naartjie bar, perched on the second floor of a dilapidated old building in the side street, back-lighting it like a wobbly black lunar module. Glassy-eyed men spill out of the tavern's downstairs Shisa Nyama, sitting on the pavement drinking quarts of beer. The traffic lights aren't working, cars and minibus taxis hooting as they navigate the stop and go protocols. The pavement is an uneven sandy hole, bricks and paving stones lie in untidy piles, sand, rubble and packets of refuse pushed up against the orange construction site mesh and plastic traffic barriers. A drunk couple stumbles into the street arguing, the man grabs roughly at the woman, she shouts abuse back, flailing her arms. "Street life people," says Basil disapprovingly. "This is not my kind of thing."

On Sundays the 32-year old Nigerian is an evangelical preacher at Spread the Word Ministries, just one block further up, where smartly dressed Nigerians gather on Sundays for praise and fellowship. Basil is also one of the newest entrepreneurs to ply his trade in this crumbling commercial zone. His tiny two by two metre food kiosk is carved out of the entrance to a corner supermarket run by an Ethiopian, his stock and equipment secured behind a roll down garage door at night. His business has only been open a few weeks and he will have to sell a lot of fried chips, fat cakes, chicken wings and 'kotas" – quarter loaves stuffed with polony, atcha and cheese - to make the rent of R2 500, due in a few days.

"I've just got to keep pushing. I can't be idle," says Basil. With his black baseball cap and neatly trimmed facial hair, he looks the part of the handsome professional musician he has always dreamed of being. "I have a degree in Theatre Arts and came to South Africa to pursue my career in music, although it has not turned out as I expected." Although his business ambition and musical aspirations were the driving motivation behind his move from Nigeria, according to his official documentation Basil, like many of the newly arrived migrants along this stretch, is an asylum seeker. He has been in South Africa for two years, regularly renewing his asylum seeker permit at the Marabastad Refugee Reception Centre in Pretoria; they either give an extension for three or six months, though it seems random how long he gets. He thinks hard when I ask him if he considers himself a refugee, someone in need of asylum and protection. "Yes," he says eventually. "Because we are stopped here, we cannot leave the country. And because of how we feel here, it feels like a war. Even when the police approach you, they talk to you like you are a nobody and make you feel bad. We came here to have peace and a start fresh, but we still face persecution, in fact the persecution is more here than at home."

**Aliens in the Blue Naartjie**

A decade ago the Blue Naartjie late night pub was described as the Area 53 of Joburg's nightlife, part Amsterdam coffee bar, part Spaceship Enterprise, its regular patrons wittily dubbed the "illuminaartjie". It sported a trendy alien theme; on the walls beside the obligatory spliff-smoking alien asking "Take me to your dealer" were a collection of billboard posters from the Daily Sun newspaper with headlines like "Bloody end of alien lover" and "Aliens use muthi to steal our cattle". The aliens making the news were not the bug-eyed extra-terrestrial type, but migrants, foreigners to South Africa disparagingly packaged into a five-letter headline. The term was borrowed from the contemporary South African immigration legislation, the Aliens Control Act, a hangover of the apartheid era, deciding in its typically patriarchal way who could come to South Africa and who was not welcome. The dawn of the rainbow nation and a flourishing economy made the New South Africa seem like a promised land for many of the continent's northern neighbours, but the "aliens" would not always receive a warm and friendly welcome in a country still seeking to understand and reinvent itself.

Although the country celebrated its multiculturalism and the new liberal constitution guaranteed rights not only to citizens, declaring that it "belongs to all who live in it, united in our diversity", the reality proved different. Studies showed disturbing levels of intolerance and hostility to outsiders, particularly amongst the urban poor and in 2008 xenophobic violence rocked the country's townships. Foreign-owned businesses were looted and destroyed and intimidation and random acts of anger led to murder, splashed across the headlines of the foreign media to the country's eternal shame.

Politicians depicted foreigners – "aliens" – as scroungers and job-stealers, the scapegoat for the nation's ills. The media were complicit too; the Daily Sun newspaper, a low-brow tabloid serving a mostly urban daily readership of over 5 million, regularly and shamelessly portrayed migrants as a prime source of all problems implying that violence would be an understandable and legitimate reaction to them. In 2008the Media Monitoring Project and the Consortium for Refugees and Migrants in South Africa (CoRMSA) lodged a complaint with the Press Ombudsman over the Daily Sun's use of the word "aliens" and they were eventually convinced to stop using the term.

But the specter of the "illegal immigrant" still loomed and xenophobia - prejudice and discrimination aimed at foreigners - emerged as the new racism in a country still scratching at the scars of its apartheid wounds. Foreigners that came looking for a better life faced a hostile reception and had to duck and dive to navigate the unwelcoming immigration documentation system, which seemed particularly prejudiced against Africans. Yet still they come. Many are bitterly disappointed by their new home and hosts; they find themselves in a survivalist

purgatory, the bureaucratic barriers, mistreatment and corruption at the Department of Home Affairs making it clear that "Home" does not apply to them.

At policy level South Africa finds itself between a rock and a hard place. Home Affairs Minister Malusi Gigaba has acknowledged his challenge of balancing the needs and security of citizens with the contribution migration makes to economic development and prosperity. Yet the new immigration laws are even more exclusionary, raising the barriers to participation in the South African economy and society, even for skilled foreigners looking for work permits. As entry is increasingly denied to those that politely announce themselves at the front gate, the country's progressive asylum system has allowed resourceful, yet under-qualified migrants to scramble for entry under the back fence. Between 2006 and 2012 South Africa was the top destination in the world for asylum seekers, in 2009 it received a quarter of all applications globally - five times as many as the USA with the second most applications. The influx of mostly Zimbabweans fleeing economic meltdown effectively paralyzed the system, the vulnerable refugees that it was designed to safeguard left unprotected and further prejudiced. Though a special dispensation permit was introduced to 'regularise' Zimbabwean migration, the cracks in an uncoordinated and inconsistent migration policy were getting harder to ignore.

The Blue Naartjie is now under new management, the offensive posters have since been removed from the walls and the clientele is no longer the grungy white journos and late night stoners that stumble across Louis Botha Avenue after closing hours at the Radium Beerhall, Joburg's oldest pub, but a more pan-African melting migrant mix. The sushi menu has given way to the Shisa Nyama, the barmaid is Zimbabwean and the bouncer is Nigerian – the "aliens" have landed in the Blue Naartjie.

**Immigrants in the Grove**

Orange Grove has always been a gathering point for migrants. As its cheery name suggests, the suburb was once a farm that grew the produce that fed the early miners in the growing City of Gold. When the land was divided up into 496m² residential plots it attracted a diverse mix of working class fortune seekers hoping to build a decent livelihood and life with their families. Amongst the earliest settlers were Italians, recruited from Europe to work at the nearby Modderfontein dynamite factory; the area became known as "Little Italy", pasta restaurants lined the neighborhood's main street, but the suburb always boasted a cosmopolitan mix of cultures and nationalities. The main thoroughfare, now known as Louis Botha Avenue, named after the Boer general that was the first Prime Minister of the Union of South Africa, once served as the only direct link between the Johannesburg CBD, Alexandria Township and beyond that the capital, Pretoria. A hundred years ago a public tram ran along this route, bringing weekend leisure-seekers to swim in the spa, there was a waterfall at Death Bend, its waters cascading off the Witwatersrand ridge to the orchards below.

Unsurprisingly the artery and surrounding suburbs have changed enormously in the past century. After the end of Apartheid the suburb saw an in-migration of upwardly-mobile families from the townships and other parts of the country, first time investors getting a starter home step on the property ladder. In the past decade the suburb underwent another transformation with African migrants becoming the dominant residents. Whereas the townships and inner city would once have been the arrival points for the city's immigrants, fear of the xenophobic attacks led many nervous migrants to seek a safe space in the de-racialised residential areas, as the white former homeowners moved to townhouses and gated communities in the Northern suburbs.

The new immigrants have stamped their identity on the area. The shops that occupy the few blocks around the central stretch of Louis Botha Avenue as it kinks to the left and heads to Alexandria serve a decidedly working class clientele, to a few rungs below. The Wits Hospice shop occupies one block, its second hand clothing, books, furniture and knickknacks sections do a roaring trade with items only costing a few rands. The neighbouring businesses include pawn shops, budget boutiques, supermarkets, hairdressing salons and internet cafes, there are several vacant stores and it is likely many more will bolt their security gates and board up their windows in the coming months as they struggle to compete for the shrinking trade. The supermarkets are run by Bangladeshi and Ethiopian migrants, the hair salons and internet cafes are Nigerian owned, the cinemas and larger shops that were then converted to second hard furniture warehouses have since been transformed into evangelic churches. I count nine new churches in little more than a kilometer serving diverse congregations, all with suitably righteous names – The Kings Tabernacle, Global Faith Mission Ministries, Christian Assembly of Kinshasa and Ethiopian Apostolic Church. While the street celebrates hedonism on a Saturday, on a Sunday the congregation comes together smartly dressed, seeking repentance.

**Paper Chase**

The imposing 3-storey brick building before Hospice corner was once the branch of a major bank, but as the needs and demographics of the area changed it closed down and was taken over by the city, the official City of Johannesburg sign still announcing its short-lived incarnation as the African Literature Bookshop. The entrance on Louis Botha Avenue, decorated with bright murals and graffiti has been boarded up, litter gathering in swirling circles. The back entrance in the same side street as the Blue Naartjie boasts a vast, empty grey-paved car park with a sign that reads *City of Johannesburg Region E Migrant Helpdesk*. The security hut, fence and boom and the few staff cars suggest that they have entrance requirements; it is not exactly welcoming, what is ostensibly set up as a service to foreigners comes across as yet another barrier.

Daisy Maimela is a migrant officer at the Region E Helpdesk. She sits at the first terminal on the right in an immense, empty room on the third floor with rows of monitors stretched along each side. The rest of the office is empty as her colleagues, mostly social workers, are at a function. Daisy comes across as a committed, compassionate and competent official, but there is also a sense of despondency in her work. The official role of the migrant help desk is to "promote social cohesion between migrants and South Africans"; they run workshops on human rights, cultural exchange and counter-xenophobia dialogues. Although Region E extends from Bruma to Fourways, as a neighbourhood service Daisy principally deals with residents from the surrounding suburb of Orange Grove which has a high concentration of Nigerian and Congolese migrants. "In every region the dynamics are different, in Region G, they are mostly from Lesotho, if they come from Mozambique and Zimbabwe they might go to Alex, somewhere they can put up a shack." She admits though that the Nigerians don't use the help desk. "They usually come to South Africa because they know someone, they get help from each other."

As the name implies the help desk is set up as a walk-in service for migrants with problems. "It is usually about documentation," Daisy explains. "We explain the processes and refer them to the Department of Home Affairs." Those that come ask for help with bank accounts, accessing UIF or for social work services, migrant males who have children with South African women ask for legal advice when a parent runs away with the child, or gets dumped with the child and there is no birth certificate...it usually comes down to the documentation.

And this is the conundrum that Daisy faces daily: most of the people that seek help don't qualify for documentation that would allow them to settle, work and make their lives here, yet that is the one solution to their problems. She admits despondently, "I am also a human being, a community member and not being in a position to help is difficult, it's demoralising."

Daisy is at the coalface of the immigration challenge. She has to try to smooth over the contradictions between migration policy and the social system and the inconsistent application of the regulations by the various government departments. According to the law, migrants are entitled to the same basic rights as South Africans except for the right to vote. They should be able to access schools and hospitals and in the case of asylum seekers jobs too, but the reality is that when they apply for jobs or seek medical help, they are very often rejected.

The constantly changing immigration landscape means that even government departments aren't on the same page. It seems the Department of Labour, which is responsible for promoting sound labour relations and improving efficiency and productivity, is able to deduct UIF from migrants' pay slips, but when they try to claim they are told that their passport doesn't allow them to retrieve the contribution as a 13-digit identity bar code is required.

Of course, for most migrants - or actually anyone for that matter - the difference between survival and success is quite simply regular work. Qualifications or abilities aside, if your lack of the right paperwork denies you the right to work, what hope is there?

Just a few blocks further down off Louis Botha Avenue is a man-on-the-side-of-the-road station – a place where unemployed men gather from early in the morning in the hope that they get picked up for a "piece job", any sort of manual labour really. If formal consistent employment continues to elude you, you are reduced to soliciting your meagre muscles in the hope of money for a meal and perhaps something to put towards the rent. Here, the going daily rate is R120 a day (just fractionally more than the minimum wage for a general worker of R12.15 an hour). However, once the day draws on and there are still crowds of men, the migrants are the most desperate and most willing to cut their rate. Whereas South Africans might settle for R80, a hungry desperate migrant might settle for R40 or R50.

Without papers, you are doomed to the lowest ranks of the illegal labour market and daily face the risks of police raids and spot checks. In a practice eerily reminiscent of the days of the early Apartheid pass laws, those on the economic fringes, arguably society's most vulnerable, are constantly exposed to the indignity of being stopped and asked to produce their official state-supplied documentation. "Everyone knows that they must always carry identification 24 hours," says Warrant Officer Riaan Riekert of the local Norwood Police Station. "If anything though, the migrants might be more cautious if they have no papers." After the xenophobic attacks in April 2015 the government's heavy-handed "Operation Fiela" saw police raids targeting undocumented foreigners – effectively the victims of the violence - for arrest and deportation. The word "Fiela" tellingly means to sweep away and between April and July 2015 a total of 15 396 people were detained and repatriated to their countries of origin. Although individual police stations do not release their arrest figures, but send them to Head Office to be collated into a countrywide report by Stats SA, Riekert admits that undocumented migrants are detained and deported on a weekly basis. "We are trying our best to clean the streets and I would say we are winning."

**Paradise in a muddy street**

Solomon wears a brightly coloured Ankara African print shirt and a yellow tape measure hangs around his neck, he is like a walking business card, everything about him says stylish, efficient West African tailor. His actual business card reads Prince Solly Owa, CEO, Paradise Ladies & Gents Outfitters, Experts in Kind of Adam & Eve Outfits Alterations and Renting of Costumes, Import/export of Merchandise. I ask him about the title of "Prince" and he answers with a dismissive "every child of god is a prince."

The pavement outside Paradise Outfitters is a shallow hole of mud and rubble with a neat concrete edge. It has been like this for months, dug up and largely neglected since the City of Johannesburg discovered the new Rea Vaya BRT buses cannot fit alongside a normal car on the road. Though badly behind schedule, the new bus route, lauded by the City planners as a "Corridor of Freedom", will eventually link Hillbrow with Sandton and beyond, the shopkeepers hope that it will revitalize the suburb and turn its flagging fortunes around.

Solomon is the chairman of the Orange Grove Nigerian community, but while he identifies as Nigerian, he has in fact also been a South African citizen since 2008. And he is quite matter of fact about the process required to get there: "You come on a visitor's visa, you extend, apply for asylum, then get married." Marrying a South African is the key strategy of Nigerian migrants to South Africa. It is shrewd too.

"I have my wife, my kids here, the two countries are inseparable, it is not possible for me to leave." Like Solomon, his two children, aged 6 and 12 have both South African and Nigerian passports. Though they have not been to Nigeria or visited their father's home village, they will one day. "Even if I am dead, they will go," says Solomon, "they must know where I come from." He has taught them some *Ika*, his home language, they also speak Zulu, their mother's tongue, but the family's home language is English.

With his matter-of-fact manner, I didn't expect much of a love story from Solomon when I asked him where he and his wife met, and I wasn't disappointed. "We met at the Spar, here in Norwood, she was the security lady." Though I prodded, the only other information he offered was that she doesn't know about his business and has a piece job as a domestic worker.

Solomon came to South Africa 16 years ago, a friend had told him there was a lady looking for a tailor, unfortunately by the time he arrived that opportunity was gone. "I finally met a Malian who had a shop in the Carlton Centre and I saved my salary."

Nigerians have a reputation as shrewd businessmen, they represent the classic archetype of the new arrival who has found success to the detriment of the locals. Solomon says that from childhood Nigerians are trained to do business, to buy and sell. When the first wave of migrants came to South Africa they were amazed that few people were buying wholesale, which offered a huge opportunity for Nigerians – clothes, electronics, if anything wasn't working they would fix it.

Solomon says they set up the Nigerian Community of Orange Grove 'to help one another' recognising that newly-arrived foreigners are very reliant on support from their community-in-diaspora. "If someone is sick, or someone needs help to provide for their family, if someone passes away...we get money together to help them." As Solomon sees it, whenever we leave our home we seek community, it is just a matter of degrees. "If I leave for the city, my village

will have a forum in the city, in a bigger city people from the Delta States will stick together." So in Orange Grove, the regional and linguistic differences become inconsequential and their community is united by their Nigerian-ness. In Europe, Solomon points out, we would all be united as Africans.

In general he has few complaints about South Africa, "Apart from the crime, I don't think it's bad…and the inflation, although that is still much better than Nigeria. It depends on your business. And at least there is electricity here."

Even the xenophobia Solomon acknowledges with understanding, accepting it as just a part of life. "It is in-built, it is part of human beings, it started in the bible, the Old Testament, Israel and Palestine, Moses killed another Egyptian. Even in West Africa we are used to it, Nigerians asked Ghana to leave, Ghana asked Nigerians to leave..."

**Grace of Ghana**

Directly across from Solomon's shop on the Eastern side of Louis Botha is Adom Clothing – it means 'grace' in the Ghanaian language says shopkeeper Benjamin Essian. His shop is also one of the more established along this stretch, he has been in South Africa for more than 10 years, deciding as a young man to head for greener pastures. "Life was not good for me at home."

Like Solomon he has married a South African and has a son, named Kwesi, because he is born on a Sunday. Though he is not comfortable with it being called a strategy, he concedes that for most migrants, particularly from West Africa, the solution to becoming documented is to marry a South African. "Even the Ethiopian and Bangladeshis along this street, though they are Muslim, they will marry a South African."

When Benjamin met his wife, a nurse, she was a divorcee with three kids but he says she didn't give in easy. "She was doubting me, I had to give her my sister's telephone number in Nigeria."

"Many of the men are not fair to the ladies here," Benjamin explains. "Many are committed at home and they don't tell the ladies the truth, they say they don't have wives and kids, they only reveal their true colours when they get their paperwork, then they leave and the ladies complain."

He has also watched the changing business dynamics of this stretch of street with concern. "This business is not like before, the economy is turning on us. I am getting fed up, sometimes I sit the whole day and don't even sell a pair of socks for R10."

"The problem is there is no bank here anymore. Before, they would get their money and maybe have a look and buy something. Now, they come in, ask the price and say "'Yadura asambeni" (It's expensive, let's go.)

In an effort to share rent, he sublets half of his shop to a Malawian tailor, who seems to be getting most of the business. Most of the stores along this stretch have been dividing into smaller and smaller spaces, subletting to cut costs. Even Joseph "Mr. Shoe", the Ghanaian cobbler who sits under a scrappy tarpaulin on the opposite corner fixing shoes and bags on an ancient sewing machine, has to hustle hard to pay rent, even though he cannot work if it rains.

Though many of Louis Botha Avenue's small-scale businessmen have been working here for years, most still exist in an uneasy purgatory caught between a former home and an uncertain future. Apart from the lucky few who have found their local wives and secured permanent residence, they are mostly asylum seekers – Nigerians, Ethiopians, Bangladeshis, Congolese, Tanzanians and more – in varying degrees both the victims and beneficiaries of an overwhelmed and highly corrupt system.

**Refugees from corruption**

After 1994 South Africa took it upon itself to receive asylum seekers in accordance with international standards. The Refugees Act 130 of 1998, based on the Geneva Conventions, was a highly progressive piece of legislation, guaranteeing every individual no matter their origin the right to present their case for asylum. The only way to become a refugee in South Africa is to apply for asylum once in the country. Although the basic principles of refugee protection include freedom of movement and access to basic social services, initially the asylum seekers were not permitted to work or study unless specifically authorized in rare cases - if they were caught conducting unauthorized work, they faced immediate detention, deportation and even criminal prosecution with the risk of a five year prison sentence. In 2002 though, a landmark case, found technical grounds to declare the prohibition of work or study unconstitutional.

Practically this meant that from 2004 asylum seekers had the opportunity to be economically active while they awaited their status determination. Many other countries, like Germany for instance, which is bearing a significant burden of the European refugee crisis, accepting over a million migrants in 2015, do not allow asylum seekers to work. This unintentional back door pass to work has become a significant "pull" factor in regional and continental migration as effectively an asylum permit is a work permit when you are not eligible for any other sort of visa.

Although the main grounds for refugee determination is that they face "a well-founded fear of persecution or war in their home countries", South Africa is bound by inviolable international law, endorsed in Section 2 of the Refugees Act which states that a host country cannot refuse entry into the Republic; expel; extradite or return an asylum-seeker to home country before the asylum claim is fully determined. Also, unlike many other African countries, they are not

required to live in camps, but have free movement and access to the economy, infrastructure and many established services.

The refugee determination process is also designed around individualized decision-making, each asylum case should be considered individually on its merits by a Refugee Determination Officer at the Department of Home Affairs. Practically this has led to virtual paralysis of the overloaded system, it is clogged and constipated, the massive backlog undermining genuine humanitarian efforts to assist vulnerable refugees.

The reality is that the majority of asylum seekers are in fact low-skilled economic migrants who do not have a political claim to refugee status. Yet rather than increasing resources to help clear the backlog and provide the service as intended, the Department of Home Affairs has instead focused on decreasing demand – by closing three refugee reception centres. In 2014 only 12 percent of the 75 000 asylum seekers that applied for refugee status were successful. According to a mid-2015 UNHCR report there are still 798 080 asylum seeker cases pending.

**Stuck in the asylum**

A few hundred metres further down Louis Botha just past the Sydenham turnoff is the territory of the East African community, united in their KiSwahili tongue. They have specialized in transport hire, three or four large flatbed trucks are parked on the roadside waiting for business; they charge R550 a load.

Imrani is from Burundi, he has been in South Africa for ten years, his asylum papers ragged from folding and pulling out his pocket when required. He shows me the ink date stamp on the back, a date just a few weeks away. “At Home Affairs they say they have run out of ink for the printer so they can’t print a new permit, they just put a stamp.”

His friend Jussien is from Tanzania and his asylum papers have now officially expired. For three weeks he tried to get his permit renewed in Pretoria before the deadline, but failed. He is now saving for the R1000 fine he will have to pay to get his documentation back on track.

“You know how long it will take me to save that? Everything is so expensive now, food, rent…”

The Ethiopians and Bangladeshis, they say, pay the required bribes and they move up the queue at Home Affairs. But even then there are about a thousand asylum seekers waiting, but maybe they will see one hundred in a day.

“President Zuma came to Home Affairs,” they tell me, sounding impressed. “There were only two computers working, everyone was on lunch break even though it was the morning.” Perhaps they hope that Zuma will follow the lead of Tanzania’s new president John Magufuli, who soon after his election went undercover in hospitals and public offices to weed out

corruption and inefficiency, capturing the imagination of a continent long deprived of inspiring leadership.

**Queuing for corruption**

The corruption and inefficiency at Pretoria's Marabastad Refugee Reception Office is legendary. The office is one of only three offices still in operation and deals with all the applications for the country's most populous and most economically active province. After years of anecdotal evidence Lawyers for Human Rights and the African Centre for Migration and Society (ACMS) published a report in 2015 with a qualitative assessment of corruption at the Refugee Reception Offices. Their report titled *Queue Here for Corruption* showed that more than half the respondents experienced corruption in the queue and 30 percent reported being denied access because they didn't pay, a quarter admitted they had paid at least once to renew their asylum permit at Marabastad.

The endemic bribery and corruption has subverted and crippled the very system put in place to control the flow of migrants. "Even as the government continues to point to the scourge of economic migrants abusing the asylum system, it does little to combat the corruption that enables individuals without protection needs to claim asylum while denying protection to the system's intended beneficiaries," wrote researcher Roni Amit.

Bribery by officials is not the only hazard faced by Marabastad's victims - criminals, pickpockets and con artists prey on the desperate and impatient in the queues outside.

"No, it's not good for us here," says Hassan, a Bangladeshi shopkeeper who has worked behind the till of the Louis Botha corner shop for eight years. He has been on an asylum seeker permit for as long, travelling to Pretoria every few months to get it renewed. "It is not just that we must pay inside. We have to queue outside and the locals, the Zulus, they rob us."

**Living in limbo**

Joly is an asylum seeker from Congo; he has been in South Africa for ten years and works as a car guard at the Linksfield Square shopping centre, a few kilometres into leafy suburbia from the bustling Louis Botha Avenue. Come rain or shine, he stands in the car park in long trousers, a yellow high visibility jacket and faded broad-rimmed hat watching cars park and drive off, hopefully with an open window and an arm extended with a few coins as a tip for his troubles. According to his agreement with the centre's contracted security firm, Joly is not allowed to sit, but sometimes when it is quiet he leans on a trolley under the shade of the fire escape stairs. He has spent six years in the car park, supporting a wife and two children with small change from the Woolies shoppers and Jewish moms who meet at Seattle Coffee after dropping their kids off at King David School across the road. He is friendly and helpful, asking about how your

children are, always smiling, yet few of his upper middle class customers would give much thought to how he came to be here or the civil war that drove him from his home in Eastern Congo.

“Everybody in Congo saw the war,” he says, the emotion rising in his voice and on his face as he remembers his one-time home. “The war killed everything; you can’t live where the war is, they are raping mothers and treating you like animals, everyone has a family member that has been killed. You have to look where to live better. If I had more money I would have gone to Europe. They live better than us there, they pay them a social.”

He left alone, travelling mostly by truck. “What we heard was that South Africa was more developed, here is democracy. Zimbabwe is just like Congo, they are also all running away. That is why there are so many foreigners in Europe, they are all looking for peace.”

Although Joly has been in South Africa since 2005 – over ten years, he is still an asylum seeker, awaiting a decision from the Department of Home Affairs on his refugee status. His application was lodged at the Marabastad, the rampant corruption and obstructive service he encountered there an enduring indictment of his chosen place of exile. “For you to have status they ask you for money. You are just an opportunity for them to make money.” He is due back there in a few weeks but expects it will be for another renewal of his asylum seeker permit.

Research by the Institute for Security Studies has shown that Congolese migrants to South Africa are predominantly young, urban, male and middle-class – their baseline survey also found that nearly half the migrants from the DRC have some tertiary education and fewer than one in 20 was unemployed in the DRC. It seems that of the millions displaced by the conflict in the DRC, the poor are mostly internally displaced or in refugee camps in neighbouring countries – the ones who come to South Africa often come from families of means and their motives are middle-class life planning. But where they might once have occupied the upper levels of education and employment, in South Africa their reality is very different, they operate on the margins of the informal economy – and the experience seems to be bitterly disappointing to many.

“South Africa was considered a good place, but now we see things different. This xenophobia, it’s not only people getting attacked physically, but morally too. Even if they don’t beat you, you are scared.”

Jolygrew up speaking French and only learnt English in South Africa; he had completed High School and was studying chemical engineering when the university shut down because of the conflict. “Most of the Congolese here have degrees, many of the other asylum seekers too. We were independent before South Africa. But here the foreigners are doing the simple jobs, not the nice jobs, either security or car guards, even if you have got a degree.”

Joly alternates day shifts in the car park with two other Congolese, one has spent ten years on this patch of asphalt, forever hopeful that something better will come along. Although the Congolese car guards are contracted to the security company that operates at the small shopping centre, they do not get paid a salary. Officially says Joly, he is called a “helper” and earns only what he gets given as tips. “The people that come here know us, we are friendly, we don’t push, I don’t know your pockets.”

Congolese, it seems, have come to dominate two rather specific sectors of the informal economy in South Africa – as car guards and street-side barbers. None would have done these jobs in Congo – many don’t even necessarily consider these survivalist strategies jobs. Although they undoubtedly had hopes to be able to pursue a professional career in South Africa, to retrieve a middle class existence, they found their prospects limited yet perhaps their middle class work ethic explains their relative success in the sectors they have to come to work.

Though the security guard that works the night shift at the centre gets paid a modest wage by the management company, he probably comes out with slightly less than Joly, who could expect R200 on a decent day. Although the situation is less than ideal, Joly does not consider the option of renegotiating his terms of employment, acknowledging an unwritten understanding that he should not make trouble or he could be chased from the car park, his ‘employer’ aware that his options are few. Once, in 2008, Joly says, he worked alongside a South African, but his attitude was bad and he lasted one week, once he got paid some money, they didn’t see him again. The reason foreigners succeed where locals don't? “The answer is simple,” says Joly, “they are lazy. They need land, toilets, food, everything for free!” He laughs.

Joly’s family shares a three-bedroom flat with two Zimbabwean families, one bedroom each with a shared kitchen and bathroom. “My two children were born here, when they are sixteen they can apply for an ID, maybe it will be better for them.”

Statistically South Africa is less welcoming to Congolese asylum seekers than other places. According to the UNHCR in 2010 58.3 percent of applications from refugees from the Congo were accepted globally. In the same year in South Africa, the figure was only 33 percent, meaning it is twice as likely a Congolese refugee will be refused status in South Africa that elsewhere in the world.

“My ambition is to go to Europe, it is better than here. It would also not be easy, but it would be better than here,” says Joly.

But of course asylum seekers have no passports, they have long expired, their former citizenship rejected. To be able to move they would first need to get refugee status, five years after that they can apply for permanent residence, five years after that citizenship and a passport.

Though Joly is not convinced documentation will make much of a difference; he believes the xenophobia that grips the country is because South Africans are jealous. “Let me ask you, when they are killing, do you think they ask to see your ID. If we are without papers how can we be taking your jobs?”

**A back alley welcome**

Amla’s voluminous maroon hijab is the only colour in the drab concrete back alley. It falls to the floor in two wafting layers as she sits on a box in the shade of a low brick wall opposite the entrance to the Refugee Reception Centre in North End, Port Elizabeth, displaying her wares on a low improvised table – small packets of Niknaks and cheap chips, a few flasks of coffee and a bucket with chunky homemade samoosas. Amla ekes out a living selling snacks to the asylum seekers that wait patiently at the Home Affairs offices for their refugee status to be confirmed. She is a refugee from Somalia and received her papers four years ago, but this is the best she can do to at least bring home a bit of money to support her children. The men waiting in the alley, Somalis, Bangladeshis and Ethiopians are dressed uniformly brown and generic, perhaps purposefully styled so as not to draw attention.

The Port Elizabeth Refugee Reception Centre entrance is starkly symbolic, makeshift and unwelcoming. Stone Street is the very definition of a back alley, a narrow side street off Govan Mbeki Avenue, the old Main Street that runs from the City Hall to the Northern suburbs, becoming increasingly industrial and gritty. This part of North End is wall to wall crumbling concrete and peeling paint, not a tree or blade of grass in sight. The three rows of metal seats in the waiting room are full so another 30-odd men spread themselves out along the street, leaning against the half-wall of Bay Upholsterers on the shady side.

The offices would have shut their doors years ago if the Department of Home Affairs had their way. In 2012 the Somali Association of South Africa and the Project for Conflict Resolution and Development took the DHA to court after it announced it would be closing the refugee reception centres in Port Elizabeth, Johannesburg and Cape Town and relocating them to ‘points of entry’.

The department argued that the PE office serves only a small number of asylum seekers – in 2010 only three percent of new applications were processed there. Lawyers for Human Rights and refugee organisations pointed out that closure of the offices would require already vulnerable people to travel great distances at a significant cost over many months or years. The matter was dragged through the courts for years with the Constitutional Court finally dismissing the DHA application to challenge a Supreme Court of Appeal judgment declaring the decision to close the PE refugee office unlawful. The DHA was issued with a court order to reopen the centre with a deadline of 9 February 2016.

Perhaps my blondeness betrays that I am not an asylum seeker so before long a tall Somali with a lively spring in his step approaches and asks bluntly if I have a problem with Somalis. The community is understandably cautious as barely a month before government's heavy-handed Operation Fiela had swept through the town, rounding up and detaining 90 undocumented migrants. It is also barely two years since a 25-year old Somali shop owner was attacked, stabbed and stoned to death by an angry mob of delivery protesters in nearby Booysens Park after attempting to protect his shop from looters, the shocking video of the stoning going viral.

Hussain Keinan is in his mid-thirties, tall and handsome, in his designer jeans, fashion trainers and crisp white shirt he looks more confident than the others waiting in the alley. Perhaps it's because he has been here for eight years, he has received his official refugee documentation and is here to hand in his application for permanent residence.

Hussain left Mogadishu in 2007, the ongoing civil war robbing him of all possibility of a prosperous future. "There is nothing there, no jobs, nothing, just fighting between the two tribes, that is why we run away." He had planned to stop in Kenya, but did not have the right documentation and was advised by fellow Somalis to head for South Africa. It took him ten days to travel by bus via Tanzania and Mozambique, the fares expensive, using almost all the money he had saved and been given by family and friends.

He found himself in Port Elizabeth as that is where he had a contact – "where people go, others are coming; you have to know someone, a relative, a brother or cousin…" He made his asylum application soon after arriving and has regularly renewed it as required, first every six months, then every two years, his current refugee permit is valid for four years. He shows me his maroon ID card, which he has laminated to protect it from wear, it is always in his back pocket as he could be stopped and asked to produce it at any point.

His documents state that he has "never married", but in eight years he has built a decent life for himself. Somali's are well known for their business acumen, hard work and frugality and they will often work as a shop assistant for a number of years, saving every cent so they can eventually open their own shop. Though Hussain works in wholesale, he has a South African boss and has no ambitions to go it alone and enjoys receiving a salary. "As long as they look after me, I am happy and will stay."

The entrepreneurial success of foreign shop owners has often drawn the wrong sort of attention, resentment from locals and victimization which has often spilled over into violence, the term 'xenophobia' bearing the blame for what is just as likely disgruntled business rivals or opportunistic looters. In January 2015 as tension was again brewing between locals and migrant traders, South Africa's Small Business Development Minister Lindiwe Zulu infamously suggested that foreign business owners in the townships cannot expect to coexist peacefully

with local businesses unless they shared their trade secrets. "Foreigners need to understand that they are here as a courtesy and our priority is to the people of this country first and foremost. A platform is needed for business owners to communicate and share ideas. They cannot barricade themselves in and not share their practices with local business owners," Zulu said.

Although Minister Zulu emphasized that locals had been marginalised by poor education and a lack of opportunities under apartheid, the truth is that foreign-born entrepreneurs likely have it much harder; they arrive with nothing, struggle to communicate in unfamiliar languages and are faced with daily hostility and potential crime. For the newly-arrived entrepreneur the stakes are higher, failure is not an option, they have is no safety net. Competitors' resentment is compounded by a perception that migrants from Somalia, Ethiopia and Bangladesh are naturally skilled traders with an apparent inborn aptitude for business. They have introduced customer credit schemes and longer trading hours to bring in more customers and partnerships for bulk buying and shared transport costs allows them to offer discounted prices and undercut competitors.

Despite the cheaper wares and other economic benefits they can bring to the disadvantaged communities they operate in - renting from locals and creating employment - too often the foreign shopkeepers have borne the brunt of the xenophobic violence, with resentful communities expelling them and looting and destroying their businesses.

Hussain admits his ambitions to go out on his own were short-lived, he did not have the resilience to make it as an entrepreneur in the townships. "I went to the location once, it was night and the people wanted to rob us and shoot us, they chased us. From that day I never went back."

In the past decade Port Elizabeth has developed a relatively large Muslim immigrant population; Ethiopians, Somalis and Bangladeshis enjoy what specialists in the field call a 'diasporic culture of solidarity' based on shared migrant experiences and the challenges of economic incorporation. In recent years, particularly following the 2006 attacks on several Somali shops in the township of Motherwell, the UN Refugee Agency, UNHCR saw the need to extend their outreach teams to offer assistance to the city's asylum seekers and refugees. The confusingly named Port Elizabeth office of the Cape Town Refugee Centre offers a range of social services from business training and counselling to giving food vouchers, even mattresses and blankets or assisting with the rent for newly arrived asylum seekers. All services are free of charge.

Linton Harmse, Head of the Refugee Rights Centre, a project set up by the Nelson Mandela Metropolitan University's Faculty of Law to offer legal advice and assistance to asylum seekers and refugees estimates that about 60 percent of the asylum seekers in the Eastern Cape are

Somali, about 20 percent from Ethiopia with smaller groups of Congolese and Burundians. “They go where a network has been established that can support them. Our view is that not a single Somali can be rejected as a refugee.”

A series of posters on the walls of their neat offices in Central explain how the refugee process works: would-be refugees arriving at the South African border should state their intention to apply for asylum and they then have to make an application at a reception office located in one of South Africa’s major urban centres where they will be issued with a Section 22 temporary asylum seeker permit, which serves as proof that the person has applied for refugee status and validates their right to be in the country until the process is complete. Since the introduction of the new immigration laws in 2014 this period has changed from 14 days to five days causing an outcry from civil society groups who claim that this is virtually impossible if they arrive in South Africa anywhere other than Beitbridge.

I check back with Linton Harmse after the DHA’s February deadline who confirmed that the department has disregarded the court order to reopen the reception centre and risks being held in contempt of court.

“The reception centre is not currently accepting new applications for asylum,” wrote Harmse by email. “Hundreds of asylum seekers remain undocumented because of the DHA’s continued violation of the SCA order. On 10 February about 100 asylum seekers, including children and pregnant women reported at the PERRO to lodge their asylum claims, but were turned away unassisted.”.

Although the Department of Home Affairs has indicated that they intend to comply with the court order, they claim they need an additional six months to overcome their challenges which include budget constraints, human resources, ICT support and a suitable building.

**Border jumper**

They started walking at 8pm, it had to be dark so the soldiers on patrol would not see them or they would be shot. Ten young Zimbabweans, walking through the dark bushveld in single file in silence, occasionally the leader would signal with a whistle and they would stop and drop low. After four hours they reached the fence and scrambled under it one by one, then lay the mighty Limpopo River, whose crocodiles have snacked on many a border jumper. Ruth Ndlovu knew that if she slipped and fell into the river no one would stop to help her. They waited for the signal to run across the railway line then hid again. Then in the dark on the side of the road till they saw the headlights of a car and their guide gave the whistle, the car slowed and all ten squashed in as quickly as they could and headed for their new lives in Johannesburg.

Ruth was nineteen year old and no one knew that she was running away, she could be robbed, raped or killed and her family would never know her fate. She had told her mother she was heading to Bulawayo, which was what a lot of young girls from her area were doing. All she had was an address in Houghton, just off Louis Botha Avenue in Johannesburg where her father lived and worked as a gardener, he would not be expecting her either. But she had done her research and knew the risks, deciding that the "*malaisha*" whose business was transporting household goods to Zimbabwe – and smuggling people back to South Africa – was her best bet. She stole a pair of jeans from her younger brother, something she had never worn before in her rural district of Tsholotsho in Matabeleland North, but she knew her light dress would be inadequate for the journey ahead. She had listened to the stories from friends and her older sister who had come back to visit, the sister who washed dishes in the house where their father worked, her family whom she had promised the *malaisha* would pay the R2000 fee for her passage once she made it to Joburg.

Ruth was lucky, she managed to make it across the border without being abducted, abused or killed, many young Zimbabweans before and after her were not so lucky. By 2009 the abuse inflicted by the people traffickers had become so bad that international medical organization Doctors without Borders expanded their service to survivors of sexual violence, reporting that in one month, April 2009, more than three quarters of the nearly 4000-5000 Zimbabwean migrants they treated each month had been raped while crossing the border, with nearly 60 percent violated by more than one perpetrator.

With dreams of a better life and limited prospects at home, these are risks that many young Zimbabweans are still willing to take. Although she had completed her A-levels, Ruth knew her options at home were few. "I knew I wanted to study further, but that basically meant I could become a teacher. And with my personality, I knew that would not work."

Although her arrival at her father's doorstep in Johannesburg was a surprise, in a way it had always been expected. "That's how it worked, if someone knew of a job or someone that needed a maid, the plan was that I would be called to come."

As it happened her sister got a better job offer and moved out so Ruth took over the part time job of washing dishes and cleaning a few days a week in the old house in Houghton where her father was caretaker and where a group of young architects had set up their business. "I started helping out more in the office, answering the phone, that sort of thing, trying to be useful," and they spotted her potential. It is now 10 years later and the architects Ruth calls "the guys" have expanded their business and moved to funky new loft offices in Rosebank, where Ruth is the office manager. They have supported her dream to study further; she has completed an office management course and is currently enrolled for an Accounting degree at Unisa.

**Quiet diplomacy's victims**

As Ruth was starting to navigate her new life in South Africa, the political and economic conditions is Zimbabwe were reaching crisis proportions and thousands were fleeing to South Africa every month. By 2008, the country was flailing as political turmoil, intimidation and election-related violence marked the lead up to the general elections; land seizures, a cholera epidemic and a weakening national health system added to the hardships and unemployment sat at a shocking 94%. The mismanagement by Mugabe's government led to economic freefall with hyperinflation peaking at 500 million percent in December 2008. Prices changed several times a day; a loaf of bread that cost Z$500 at the beginning of the month could cost between Z$7 000 and Z$10 000 by the end of the month and pensions, wages and investments became worthless. The shelves stood empty and even basic necessities like bread and soap were just not available. Zimbabwe became the world's most food aid dependent country, with the UN estimating that 5.1 million people, almost half the entire population, might be without access to food by the end of 2008.

Inexplicably the South African government's response to the humanitarian crisis on their doorstep was a policy of quiet diplomacy, failing to criticize Mugabe and acknowledge the worsening conditions in Zimbabwe and therefore the citizen's desperate grounds for fleeing. The solution to the thousands of Zimbabweans crossing the border daily was aggressive deportation, 300 000 Zimbabweans were deported in 2008 alone. But despite the significant cost to the taxpayer it was an ineffective and wasteful exercise as there was no change in the dire circumstances that drove Zimbabweans to flee in the first place, so most just headed straight back across the border. The South Africa Institute of International Affairs (SAIIA) described the SA government's immigration approach to Zimbabweans as a combination of "benign neglect at overall policy level…coupled with harassment at the level of police and immigration officials."

**Being a foreigner**

"It's not easy being a foreigner," says Ruth. Whether or not your paperwork is in order, you always run the risk of being stopped at random and asked to produce your papers. The threat of intimidation, harassment and extortion by police is never far away.

"If they stop you and you don't produce your papers, they will put you in the van. They don't take you to the police station they park somewhere and you have to call someone to bring money to pay them before they will release you," says Ruth, who has been in the van several times. "If you don't pay they will take you to the police station, then they take finger prints and you have a criminal record." This of course would automatically disqualify you from accessing permits for SA.

When she first returned to Zimbabwe Ruth was still technically an undocumented migrant so she borrowed her sister's South African ID document. "In those days you could still get an SA ID, it was quite easy." The sisters looked alike so they would share the SA identity document to travel home. "I'll be honest with you, I also applied for one," says Ruth a little sheepishly. A South African friend posed as her mother and the documentation was accepted, but she never collected the ID as around that time options were improving and the introduction of a special dispensation permit for Zimbabweans was announced. Having a fraudulent ID would disqualify her from applying for the visa. "I know a lot of people whose applications were rejected because they found they had fake IDs and they were only given ten days to leave the country."

Although officially the South African government regards Zimbabweans as voluntary economic migrants and therefore ineligible for asylum, it is bound by inviolable international law, endorsed in Section 2 of the Act which states that a host country cannot refuse entry into the Republic; expel; extradite or return an asylum-seeker to home country before the asylum claim is fully determined by the relevant administrative and or judicial bodies.

Unsurprisingly, as Zimbabwe went into meltdown, South Africa's asylum system quickly became overloaded. In 2009 South Africa officially became the country with the most new asylum applications worldwide - with over 222 000 applications, it received over a quarter of the world's total. The vast majority of the applications – 158 000 – were from Zimbabwe. Perhaps unsurprisingly, since it is a neighbouring country, ninety percent of all Zimbabweans seeking asylum applied in South Africa, yet interestingly more Zimbabweans have been granted asylum in the US in the past decade than in South Africa. However, even though their refugee applications were doomed to fail, the dysfunctional and clogged asylum system worked in their favour as a useful delaying strategy for migrants with no other options.

But by 2009 it had become clear, according to the FMSP, that the only policy options regarding Zimbabwean migration were continued large-scale undocumented migration with limited state control, or regulated and legal migration with the ability to manage movement in the interests of the country.

In April the Department of Home Affairs announced its intention to grant Zimbabweans in South Africa a twelve-month 'special dispensation permit' on the basis of the 2002 Immigration Act, section 31(2)(b). The permit was aimed at "regularizing" the movement and legal status of Zimbabweans, relieving pressure on the asylum system and improving levels of data on the migration flows. The awkwardly-named Dispensation of Zimbabweans Project (DZP) would allow permit holders the right to legally live and work in the country. Notably the government also declared a moratorium on deportations and a 90-day free visa for Zimbabweans entering South Africa would implemented from May 2009. The new 90-day free entry visa allowed

migration flows to be tracked and eliminated the need for undocumented migrants to stay in SA.

Ruth was among the 241 731 who applied for the DZP permit. Then in August 2014 the new Home Affairs Minister announced a second incarnation, the Zimbabwean Special Dispensation (ZSP) permit. Criteria were similar, applicants had to have a valid passport and provide evidence of employment, business or study, but only DZP permit holders were able to apply – it was effectively only a re-registration process. Although the DHA is responsible for adjudicating on the issuing of the permits, the application process was outsourced to VFS, a global visa management service. Officially there were 208 967 applications submitted by the deadline of 31 December 2014 at a cost of R870 per application. All permits are printed with an expiry date of 31 December 2017 and other conditions of the permit including that the permit holder is not entitled to apply for permanent residence irrespective of the period of stay in the RSA and ominously, that ZSP permits will not be renewable/extendable.

So what happens after 2017? Officially they have been told that the ZSPs are a temporary bridge to full implementation of the Immigration Act at the end of 2017, when all would be required to return home to apply for mainstream visas under the act. Unsurprisingly, this rather casually callous statement has migrants very worried.

“We don’t know what will happen,” says Ruth “If they tell us we must go back, I will go, what can I do?” Hidden in her acceptance is a subtle acknowledgment that for all Zimbabwe’s failures and all her personal successes in South Africa, she remains an outsider here. “This doesn’t feel like home,” she says with a perceptible longing for the ease and comfort of a place where you will always feel safe, where you belong. “We will just have to see. Most of my friends here have a Plan B, maybe they will try get IDs again, or go to London.”

Even though Ruth has achieved relative career success, she is careful to downplay it, the narrative of foreigners as job-stealers is pervasive and she is aware that her achievements are more likely to draw scorn and jealousy than respect. “They could say to me how come you have a nice office job and I am a domestic?”

“When I catch a taxi I get in, pay the money and plug my ear phones in. I don’t talk to anyone because you never know if someone might say something to you because you are a foreigner. They can call you a *makwerere* and you don’t know what the other people will do, so it’s better to keep quiet.”

Even as a white collar worker Ruth was frightened by the xenophobic violence that spread across South Africa in 2008 and again in 2015. Although she lives in the CBD she does not take any chances, if there is trouble brewing she packs her things and goes to hide out at her father’s

place in safe suburban Rosebank. “It’s worse in Hillbrow, people can hide in Tembisa or Diepsloot. But as a foreigner you are always hiding, we are not open, free.”

**Migrant men**

According to 33-year old Gift Muusha’s official ZSP documents he is a domestic worker. He lives on the property of Bridget X in the leafy Johannesburg suburb of Parkwood. But Gift’s skills do not lie in doing dishes and laundry; he is an experienced builder, plumber and electrician. He has built a reputation for excellent work by word of mouth amongst Bridget’s friends and friends of friends and is never without work. He has renovated their bathrooms, fixed roofs and been a stand-in handyman husband for scores of Bridget’s single friends who prepare a “Gift list” and hire him on weekends for a daily rate.

During the week he works alongside his childhood friend Tau, Gift arriving at the job site on his bicycle and Tau travelling by taxi and foot, sometimes for up to four hours.

When Gift and Tau were growing up in Gweru in rural Chimanimani, they never thought about what they would do when they were grown up. They played football and when food was short they would hunt field mice and cook them for a snack. Tau’s parents died when he was 7 so he was brought up by his mother’s sister, but she struggled to pay the school fees so he left school in Form 3. Gift completed three subjects in Form 4, the equivalent of a South African Grade 9 and then left school. When he realized he would need to learn a trade he enrolled in a 2-year building course at a Technical College in Chiredze. He was lucky that he had an uncle in Harare that was a builder so that is where he first worked and gained his on-the-job experience.

The chief difference between Gift and Tau is that Gift has a ZSP permit and is allowed to live and work in South Africa, Tau does not. He arrived in 2010 when it was too late to apply for the Dispensation permit. And only DZP permit holders were eligible to apply for ZSPs. So Tau is doomed to remain undocumented; he considered trying to arrange a fake permit or apply for asylum, but for Tau there is no legal route to be able to stay and work in South Africa.

“According to my passport I am in Zimbabwe right now,” laughs Tau wryly. After arriving in South Africa he sends his passport with a driver who gets it stamped at the border. Being without a passport is a risk, but at least officially it looks like he is keeping within his 90 days allocation, overstaying would mean being deemed “undesirable”, ruining his chances of returning. Tau’s wife joined him in October last year, securing a live-in domestic job in Kyalami. “If she is working, it is better than staying in Zim.”

As parents Gift and Tau saw no other option than to come to South Africa to look for work.

“There was not enough food, no jobs. You can’t just sit with your children dying in front of you,” says Gift. His twins are 12 years old already and he is painfully aware that he has missed watching them grow up. Although he tries to go home for a week, ideally two, every three months or so and is a good provider, he is an absent dad.

But Gift has been able to earn enough in Johannesburg to provide for his family, something not assured back home. Although his income varies depending on the jobs he gets, he manages to send an average of R3500 home a month. They use a money transfer service called Makuru, which takes a 10 percent fee.

Tau last saw his children more than a year ago, they are being looked after by his wife’s sister. His youngest boy is just over two years old, which means he may not know his father when he sees him again.

“Sometimes when you go home, the kids look like they are shy, and they hide like you are a stranger. Then slowly they get used to you again.”

They shrug sadly; the divided family is par for the course for Zimbabweans: “It is quite normal, the wives stay and the husbands go.”

Though they have found opportunities here, neither is particularly fond of South Africa. “It is not all bad, maybe only 75 percent of the people treat us badly.” Like all Zimbabweans I have spoken to, they regard South Africa as just a temporary measure and have every intention of returning home ‘when things improve’.

“Home is home,” says Gift.

**Chinese exports**

As you travel down on the other side of the ridge from Orange Grove, an enormous triple pagoda-roofed Oriental archway announces the entrance to Johannesburg’s China Town. It is in fact the city’s second China Town, the first grew up over a hundred years ago in Commissioner Street, but now, aside from a few shops run by the prominent Pon family, the neighbourhood has mostly been leveled to provide parking for the city banks. The Cyrildene China Town is by comparison still relatively new, but in less than twenty years it has blossomed into a thriving business centre with all its associated community disputes and benefits. The surrounding area has seen a property boom as new migrants enter the ethnic enclave, researchers claiming it represents the first case of a Chinese “ethnoburb” in South Africa, an area with a significantly dominant Chinese population. Along the bustling main thoroughfare of Derrick Avenue, a riot of bright signs and shopfronts announce their services in bold Chinese script, restaurants, clothing and cell phone shops, a fishmongers spills out across the pavement, crates of bizarre fresh

produce fill the walkways, long knobbly cucumbers, purple gourds, wrinkled mushrooms and dozens of other exotic Asian vegetables.

The impressive archway in the colorfully painted style of the China's mainland temples is part of a pair, built at a cost of R2.4-million – the money all raised by the community. South Africa's President Jacob Zuma officiated at the arch's official opening in October 2013, a significant gesture in acknowledgment of the value of the expanded diplomatic and economic ties between South Africa and China, but also of the political support of the Chinese community for the local ANC elite.

Although newly-arrived Chinese have only recently laid claim to the suburb of Cyrildene, there is a long history of Chinese migration to South Africa. Independent migrants, mostly from peasant or artisan families in the Southern province of Guangdong began arriving in South Africa from the 1870s. Another wave of more than 60 000 contract labourers arrived from Northern China between 1904 and 1907, to work on the gold mines, but most were repatriated by 1910. In the 1980s a wave of "settler-industrialists" came from Taiwan, taking advantage of generous incentive schemes by the apartheid government to establish factories in the former homeland areas. In the early 1990s there were approximately 30 000 Taiwanese in South Africa but after South Africa switched diplomatic ties to mainland China in 1998, many returned home.

While the 1990s saw professional immigrants from China's big cities of Beijing and Shanghai, after 2000 yet another massive wave of migrants was attracted to South Africa, this time dominated by small traders and former peasants from Fujian Province, an isolated and economically underdeveloped enclave in the south east of China, hemmed in by mountains, facing out across the Taiwan Strait. For years the province was an intentionally underdeveloped buffer zone against Taiwan, its relative poverty compounded by the mountainous terrain, with only ten percent of the land suitable for farming. The region has an emigrant culture, a long-established tradition of migration and it is considered a rite of passage for young people to head abroad to seek their fortunes. It has been estimated over five million Fujianese have left the province and settled in 160 countries. With lower education levels and skills, they find their way barred to more attractive destinations like Europe, Australia or the USA. Many arrive deeply indebted, having borrowed from their families to pay agents –essentially people-traffickers known as snakeheads - to secure their travel. It is often a risky family investment and migrants who do not find success would be more likely to try their luck somewhere else than face humiliation by returning home. South Africa has a lower threshold for entry, it gives the perception there are many opportunities and it costs about a tenth as much as getting to America.

The recent rate and scale of Chinese migration to South Africa has been considerable when one considers that around two thirds of the estimated 200 000 to 300 000 strong Chinese

population is now thought to be Fujian; the Fujian Association claims to have 100 000 members across Southern Africa. Researchers have acknowledged a large illegal "clandestine diaspora", with many migrants choosing to enter the country by land borders with neighbouring countries then overstaying their visitor's permits. Though yellow peril journalism has warned that Chinese shopkeepers have found their way into every small town across the country, the vast majority live in Johannesburg. Even then it would be a mistake to assume a homogenous cohesive community identity in Cyrildene.

To outsiders the Chinese here seem secretive and suspicious, friendly only as far as good business requires, the suspicion extending even to those within the community - essentially business competitors. A blog by a Chinese businessman from the area advised that there are a few questions one does not ask amongst Chinese in South Africa – the first and key one being if they have a residential permit.

Another astonishing estimate, quoted by the US version of China Daily, is that as many as 90 percent of the Chinese community here do not speak any English. Exaggerated as this may sound, the linguistic handicap could make them easy targets for crime and susceptible to extortion by corrupt police and Home Affairs officials. At one point the Chinese were disparaging called the police ATMs as corrupt individual officers would brazenly solicit bribes when in need of cash.

"The Chinese don't want trouble, they want to get on with business and they know that paying the money will fix the problem," says Li Wan, a case officer in the South African Chinese Community and Police Co-operation Centre.

The centre was set up in 2004 after 24 Chinese nationals were murdered the previous year; the community felt understandably frightened and exposed, and they were spurred on to reduce the vulnerability caused by the language barrier, helping the Chinese residents report crime and assisting the police in investigating cases involving the Chinese community.

"We help with disputes, translation for reporting robberies, hijacking. If someone is hijacked they call us first, we can speak to the tracking company and the police," says Li.

The South Africa Chinese Community and Police Cooperation Centre occupies a well-positioned old house in Marcia Road, just off the main Derrick Avenue drag. As is the style of official Chinese institutions, the forum's overly long-winded name is spelled out in both English and red Mandarin lettering and three flags flutter on masts. An oversized bulldog acts as unofficial security following anyone that moves and shaking long strands of slobber on waiting room legs. The office is neatly furnished, elaborately framed photos of official events cover the walls, a display cabinet is packed with plaques and engraved plates with gold trim. Another door leads to a private boardroom where disputes can be privately negotiated.

Li has been in South Africa for ten years, he came on a study visa and later worked for an uncle in Richards Bay so he had a work permit. He has now been granted permanent residence, abbreviated to “PR” in his circles, a holy grail goal signifying your everlasting right to live and work in South Africa is assured.

**A business built on a language barrier**

The English lettering on the sign outside the small shop says ‘Travel Agent’ but the Chinese characters, for those that can read them, explain that other services include visa and immigration facilitation. The office is one small room, a desk, laptop and four chairs for clients, a fan and a vase of lucky Chinese bamboos.

A young Chinese couple comes in to ask for advice on renewing a work permit. They are independent migrants without the benefit of official visa perks associated with the big Chinese multinationals or State Owned Enterprises that are expanding their operations to South Africa as a base for further penetration into the rapidly developing continent beyond. The agent produces a price list for immigration services, a work permit renewal will cost the couple R51 000. The couple does not even balk at the exorbitant sum. The advantage of going through the agent, they are told, is that they will not have to return to China, as is now required for all work permits, they have contacts in the South African Embassy in Swaziland who can provide facilitation. Despite the high cost, the responsibility for providing the required documentation still rests with the applicant. Work permits come in several forms, all requiring extensive supporting documents, the intra-company transfer visa, for instance, would require proof of long term employment from a firm in China. But for each obstacle, it seems, there are dedicated agents who can assist to find ways around them, for an additional fee.

As far as the main facilitation fee goes, there is no point in comparing prices, all immigration service providers in Cyrildene operate within a sort of cartel, with agreed fees. Costs, clients are told, would be even more back in China – a work permit application would cost RMB50 000, almost twice as much, not including the costs of the flight ticket.

Applying for asylum, the obvious path for African economic migrants, is not an option, the couple are told. If a Chinese national is spotted in the Marabastad queue, it is like an admission that they do not have the right documents and they will be quickly removed from the queue and arrested. Although the United States accepts Chinese refugees, many citing the one child policy as violation of their human rights, diplomatically of course, the South African government could not be seen to acknowledge a Chinese citizen’s refugee claim.

**What if I want to stay?**

My Chinese friend Yu Meng and I sit at the plastic tables in the dusty paved courtyard drinking pearl tea from Coco, one of the Chinese milk tea franchises that has successfully launched in South Africa, with six branches so far. The beige sign above the small shop in the Cyrildene side street notes that it is 'World wide store no. 2141'.

Yu Meng, is a student studying for a Masters Degree at the University of the Witwatersrand. It is cheaper to study here than the UK, she says, and because she has enrolled for a post-graduate course her study permit is valid until 2019. It allows her to have a local bank account and to do a limited number of hours of work; she has some freelance translation jobs and a contract to write a couple of business stories a month for the local office of the Chinese communist party mouthpiece People's Daily Online. For now her visa situation is secure, but she enjoys her life in South Africa and is considering her options to stay. Even her father says she should try to stay if she can, she will have a better life than in China.

"Although there are lots of opportunities in Beijing, it is a very competitive lifestyle, there are always millions after the same job." Another major factor, she says, is the air pollution. In winter with the central heating and the smog from coal burning factories in neighbouring provinces, the city chokes, a heavy grey haze blanketing the city of more than 20 million people. Last December officials declared the first red alert warning, schools were closed and residents were advised to stay indoors for a week.

"If I was in China I would just be buying things online and posting pictures on WeChat. There I have my family and friends, but there is a lot of pressure, here I am on my own, I feel free." All her friends in China are getting married and having babies, as she approaches 30, she is aware that her "sell-by date" is approaching.

Though she has had a South African boyfriend for the past 10 months and knows that marriage is the quickest way to "PR" she says she wouldn't want to go that route and it's not something that they have spoken about. For now, she just enjoys living in her Orange Grove garden cottage with her cat, Quiet, who she brought with her from China as no one at home was willing to look after her. It was a complicated and extremely expensive exercise, but officially the cat has emigrated, even if Yu Meng returns to China, the cat will stay.

"I love my cottage and my neighbourhood, it is so interesting, so much diversity, I have my ballet, humus, Indian food, Jewish people, black and white people. I wouldn't have any of this in China."

The first time she came to South Africa was in 2014 on a business trip, the Bank of China sent her in an armoured car to have a look at Cyrildene. "Seriously, a bulletproof car, they did let me

get out to have a look but only for five minutes." She has many friends in Johannesburg from what she calls the Chinese expat community. They are all here on intra-company transfer visas with some of the big Chinese multi-nationals or State Owned Enterprises, which allow for a maximum of four year work contracts. They all live in the more sterile and safe suburbs of Sandton or Morningside, close to their offices to avoid the traffic. Though they sometimes go hiking and enjoy the choice of good Chinese restaurants, they do not stay out late, encouraged to be very cautious of the Joburg's crime. They are also very aware that they are here short term, they do not need to spend their time here joining community forums or building local networks.

"After I graduate I'd like to find a job here. But if you don't have PR it is very difficult to find a job. The companies aren't prepared to go through that process."

Even though one of the stated aims of the Immigration Act is to facilitate foreign investment and attract highly skilled and qualified foreigners to South Africa, the government has acknowledged an underlying principle of protecting jobs for South African citizens. Although there are a number of work categories, for a general work visa, the first requirement would be to have secured an offer of employment in South Africa. The employer has a responsibility to prove that the position has been advertised nationally (according to a specified format) and show that a reasonable attempt has been made to first employ a South African citizen. The prospective employee has to apply for a South African Qualifications Authority (SAQA) ruling on their academic qualifications, get 70 percent in a critical skills assessment by an accredited body and submit a raft of references and supporting documentation, then wait unemployed forseveral more weeks in their country of origin to hear the outcome.

As we wander through Cyrildene looking for the freshest fruit and vegetable stalls, we muse about what visas the Chinese shopkeepers and shoppers here have. Perhaps visitor's or relative's visa, I suggest. As we pass the cell phone shops, hairdressers, restaurants, it is clear that it can't be business visas, which would involve, amongst other requirements, an investment of at least R5-million. "You cannot leave China without a visa and any visa to South Africa is complicated," says Yu Meng. "You need medical reports, original documents, you have to go back to the Embassy many times. For a work permit it is even more complicated, you need SAQA. I just cannot believe that these people would have proper visas."

South Africa may be unwelcoming and anti-immigrant, but there are still enough legal and practical loopholes for the resourceful migrant who wants to live here.

"You must live in the place you want. People will always find a way to stay, whether government wants it or not."

# Aliens in the Blue Naartjie

Method Document:
Academic research underpinning the narrative long form piece “Aliens in the Blue Naartjie”

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MASTER OF ARTS IN JOURNALISM

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**"We, the people of South Africa…believe that South Africa belongs to all who live in it, united in our diversity."**

- **From the preamble to the constitution of the Republic of South Africa**

## Introduction

South Africa's apartheid past was defined by the struggle against racism and discrimination, so when the post-1994 rainbow nation was born it boasted one of the most progressive constitutions in the world. The new government enshrined a commitment to human rights and diversity with the Bill of Rights guaranteeing a range of political, cultural and socio-economic rights not just to South African citizens but to all who are resident in the country. (Crush, 2001) While the ensuing nation-building project proved successful, it has also inadvertently created a divisive rift between the native citizens of South Africa, the "us" of the emergent Rainbow Nation and "them", the foreign nationals who have since chosen to call the country home. Widespread xenophobic attitudes and waves of anti-immigrant intimidation and violence have emerged as the nasty side effects of the redefined boundaries of belonging in the new post-apartheid South Africa.

Another wave of brutal xenophobic attacks in April 2015 again brought the issue of foreigners living in South Africa to the fore. It highlighted the dangerous degree of racism and anger on the ground, that, spurred on by insensitive remarks from local leaders spilled over into violence, vandalism and murder of foreign nationals, followed shortly afterwards by the heavy-handed "Operation Fiela" and police raids to arrest and deport undocumented foreigners."Fiela" means to sweep away and between April and July 2015 a total of 15 396 people were repatriated to their countries of origin. (Jadoo, 2015)

Although the 2008 xenophobic attacks seemed to take officials by surprise, government and civil society reacted quickly this time, with anti-xenophobia marches and social and traditional media campaigns to #saynotoxenophobia and it has forced the issue of racism and 'Afrophobia' into the public conversation. Yet, despite attempts to adopt a more politically correct rhetoric, government policies have arguably become stricter and more discriminatory towards foreigners seeking to make their lives in South Africa.

The Department of Home Affairs announced the introduction of new immigration laws in May 2014, which Minister Malusi Gigaba said were aimed at "balancing the need for better security with the contribution migration makes to economic development and prosperity" (Mungadze, 2015). The changes effectively marked a tightening of the immigration rules and the stringent measures drew widespread criticism across many sectors of civil society. Although the rules raised the barriers for immigration generally, there are around a dozen visa options available for foreigners looking to make South Africa their home, sanctuary or temporary stopping place.

However many would-be applicants, particularly from the rest of the continent, would not be eligible according to the strict criteria laid down. Although Stats SA prepares detailed annual reports on documented migrants to South Africa, these do not include figures on asylum seekers, refugees and Zimbabwe Special Permit holders – although these make up the bulk of all temporary permit issues. The Stats SA analysis also does not include information about the number of applications rejected; what is clear is that fewer permits are being issued – 69 216 temporary permits were issued in 2014, compared to over 100 000 for the previous years, though it is not clear whether this is because of policy or bureaucratic sluggishness. Only 4136 permanent residence permits were issued in 2014 (StatsSA, 2015). The figures suggest that the window of opportunity is closing on the would-be new South Africans.

The lack of clarity around immigrant numbers, the sporadic xenophobic flashpoints coupled with the government's increasingly defensive "nightclub bouncer" approach to immigration are the key factors driving this research. This makes it a critical time not only to interrogate the migrant experience, their perceptions – and misperceptions about South Africa - but it is also timely to dissect the country's new immigration laws and how they are affecting the situation on the ground.

**Aim**

The accompanying narrative research aims to craft a broad portrait of South Africa's recent migrants exploring who has chosen to move to South Africa, why and how. The new immigration laws are controversial and full of contradictions; the widespread criticism of so many of the new provisions leads us to question the logic behind the government's policies. Whose interests do the new laws aim to serve? Who is welcome, who is not? Where are the inconsistencies, the log jams and the opportunities? How do new arrivals to South Africa navigate the changing immigration legislation?

The project sets out to look at immigration to South Africa from the perspective of the migrants – individuals who have chosen to move here. By accessing individual migrant experiences, the long form narrative explores the push and pull factors that lead them to South Africa, their sacrifices and successes along the way, not just their physical but also but their emotional journeys to start their new lives in South Africa. It considers their efforts to secure socio-economic inclusion, their bureaucratic challenges, their views on how they are treated and what their concerns and insecurities are, thereby offering a reflection back on South Africa as the host society.

The case studies have focused on the more vulnerable and marginalized migrants, as during the research process it emerged that the stories associated with the mainstream visa options,

though enlightening, were mostly tales of exasperating bureaucratic red tape, not adding particular insight into the wider concerns around xenophobia, regional migration and inconsistent immigration policies. Although the stories acknowledge that the reasons for migration are usually very complex, the narrative is a reminder that at its heart migration is a story about people.

## Rationale

> **"The figure of the foreigner is a political term not simply a description of those without citizenship. It is a way of defining a "we" or "us" against an outside "them". South Africa's borders are being redrawn. The foreigner is also potentially me and you, depending on what standard of African authenticity is at work in the here and now."**
>
> **-Ivor Chipkin, Executive Director of the Public Affairs Research institute (Sunday Times, May 10 2015)**

South Africa is a settler country, it boasts a rich cultural diversity with many citizens whose forefathers all migrated here at some point, arriving from near and far corners of the globe, travelling across seas and forging terrestrial trade routes long before the land was carved up by the coloured crayon lines of the colonists. During the colonial and apartheid eras immigration was actively encouraged – though selectively - and successive recruitment drives brought Dutch farmers, French Hugenots, British 1820 Settlers and Chinese and Indian indentured labourers to work on the gold mines and the commercial farms. Since the discovery of gold in the late 19$^{th}$ century, South Africa has also been a steady importer of migrant mineworkers from across the region. Yet as Peberdy notes, "the long history of cross border migration and the contribution of regional migrants to the building of the South African economy in the past and present appears to have been lost." (Peberdy, 2010)

As a global phenomenon the "migrant question" has grown in scope and impact in recent years; the traditional migrant supplying nations in Western Europe have now become migrant-receiving countries. Ongoing conflicts in North Africa, the Middle East and other parts of the world have led to a growing humanitarian crisis with millions of displaced people. According to the UN refugee Agency the number of asylum seekers in Europe has increased by 24 percent in one year, and while it is accepted that the majority are genuine refugees fleeing war, conflict and persecution, the European migrant crisis has highlighted the often opaque distinction between migrants and refugees and the pitfalls of formulating policies welcoming one type of migrant and barring another.

According to Wellman and Landau South Africa's migration challenges offer Europe a cautionary example of how well intentioned policies can go badly wrong. Although state bureaucracies make clear distinctions between refugees and migrants, South Africa's experience "illuminates the perverse consequences of accommodating one narrow category of

migrants – those designated as refugees – while attempting to keep out so-called economic migrants." (Wellman and Landau, 2015)

The research highlights the urgent need for carefully considered migration policy reform, and at a time when the national economy is floundering, suggests a more enlightened and humanistic approach of accommodating those that can contribute to the country's socio-economic development.

## Literature Review and Theoretical framework

### Causes of migration

International migration can be defined as "crossing the frontiers which separate one of the world's approximately 200 states from one another." (Castles, 2000) However, Castles points out that there is nothing objective about the definitions of migration, as they are a result of "state policies introduced in response to political and economic goals and public attitudes." However most border crossings do not automatically imply migration as the intention is not necessarily to remain for long. Migration means taking up residence for a certain minimum period, perhaps six months or a year. (Castles, 2000)

According to the International Migration Report 2013 compiled by the Population Division of the Department of Economic and Social Affairs (DESA) of the United Nations Secretariat there were 232 million international migrants in 2013 with 41 per cent of the total hosted in the world's developing regions (UN International Migration Report, 2013). Though statistically the world's international migrants account for a relatively small share of the total population - about 3.2 per cent of the world population in 2013- the number of international migrants worldwide rose by over 77 million or by 50 per cent between 1990 and 2013. (UN World Population Situation Report, 2014)

Although migration is a common feature of almost all industrial nations, Massey notes that the theoretical base for understanding these forces remains weak, and therefore the recent boom in immigration has taken citizens, officials and demographers by surprise and "popular thinking remains mired in nineteenth-century concepts, models and assumption." As a consequence, Massey argues, there is no coherent theory of international migration, just a fragmented set of theories developed in isolation often contained within disciplinary boundaries. (Massey, 1993)

One of the key theoretical models proposed to explain why migration begins is World Systems theory, which sees it as a natural consequence of economic globalization and market penetration across national boundaries. (Massey et al, 1993) Globalization refers to the

widening, deepening and speeding up of worldwide interconnectedness; one of the key indicators is an increase in cross-border flows of all kinds – finance, trade, ideas and people. (Castles, 2000)

Dual labour market theory links immigration to the structural requirements of modern industrial economies. According to Burawoy, migrant labour entails a dual dependence upon employment in one place and an alternative economy and/or state in another. (Burawoy, 1976) Other theories like neoclassical economics conceive of the movement as "an individual's decision for income maximization." (Massey et al. 1993) "According to neo-classical economic theory, the main cause of migration is individuals' efforts to maximize their income by moving from low wage to high wage economies." (Borjas, 1989, quoted in Castles, 2000)

Others still, like Stark (1991) propose an alternative economic approach to migration – "the new economics of labour migration" – arguing that it is not merely income differences that drive migration but other factors like the chance of secure employment, availability of capital and the need to manage risk over long periods. This acknowledges that migration decisions are not merely individual choices but can represent family strategies to maximize income and survival chances. (Castles, 2000)

Once a movement is established, it becomes a self-sustaining process – networks are established to help with shelter, work, bureaucratic processes and support in personal difficulties – migrants become facilitators of migration. A migration industry emerges – recruitment organizations, agents, smugglers and a full range of middle-people. (Castles, 2000)

The International Organization for Migration's (IOM) 2013 World Migration Report claims that "migration remains inadequately integrated into development frameworks at national and local levels, and public perception of migrants and migration are often very negative."(IOM, 2013) While capital and commodity flows are generally welcomed, immigration is often seen as a threat to national sovereignty and identity and many governments seek to restrict it – and increasingly so.

**Migration to South Africa**

Migrants from other countries have been coming to South Africa for centuries, but the end of apartheid and South Africa's rise in regional power has led to a significant increase in migration from the region. South Africa, with its strong regional economy and prospects for a relatively high quality of life, unsurprisingly has the highest number of immigrants in the Southern African Development Community (SADC). According to the last census 5.7% of the South African population was foreign born. (Mabiala, 2013)

The movement of black Africans across the region was taking place long before the arrival of white settlers. The discovery of gold drew thousands of migrant mineworkers from across the

region; by 1900, three-fifths of black gold miners came from Mozambique. (Delius et al, 2014) and after the South African war, labour shortages led to the recruitment of 63 000 indentured labourers from northern China.

When South Africa became a Union in 1910 it began a system of racially exclusionary immigration legislation, which only allowed white immigration yet supported temporary black African migration needed for the mines and commercial farms. (Peberdy, 2010) This was further entrenched with the Aliens Act of 1937 which required that all aspiring immigrants "be of good character" and were "likely to be readily assimilated with the European inhabitants of the union", a clause aimed primarily at excluding Jewish immigrants. (Peberdy, 2009)

But by the 1960s black migrants from the region were entrenched in every sector of South Africa's labour force. The Froneman Commission of 1961 looking into 'foreign Bantu in the Republic" estimated there were 836 000 foreign-born Africans in South Africa. (Peberdy, 2010) By the 1970s foreign workers made up 70 percent of the labour force on the gold mines with men from Malawi, Mozambique and Lesotho predominating. (Delius et al, 2014)

The 1991 Aliens Control Act has been described as "one of the dying acts of apartheid" and it sought to protect the nation-in-transition from the expected deluge of neighbouring Africans. Although it removed the offensive reference to "Europeans" its basic architecture remained largely exclusionary and focused not on who could be allowed to enter South Africa but on who was not wanted and who should be removed. This Act governed South Africa's policies until 2002, effectively allowing the immigration ideology of the dying apartheid regime to set the tone for post-1994 debates and practices. (Msimang, 2014, Peberdy, 2009)

The Apartheid-era outlook and exclusionary immigration framework continued post-1994, however, and since 2002 new legislation and regulations "have built higher and stronger barriers to entry for legal immigrants." (Peberdy, 2009) Two possible exceptions to this are asylum seekers and refugees and 'extraordinarily skilled' immigrants.

According to Sisonke Msimang our ANC politicians still buy into the idea that immigrants pose a threat to our security and this attitude seems to be hardening rather than softening. "Immigration continues to be seen as a containment strategy rather than a path to economic growth," she writes in her article on Africasacountry.com (Msimang, 2014). She goes on to say that, "nowhere has post-apartheid policy suffered from the lack of imagination more acutely than in the area of immigration," arguing that although the xenophobia towards fellow Africans is a travesty of justice, South Africa's rejection of its African identity is a travesty of another sort: "By denying the contribution of Africa to its DNA, South Africa forgoes the opportunity to be a richer, smarter, more cosmopolitan and interesting country than it currently is."

Despite SADC initiatives to promote regional cooperation, population movement has always proved a sticky issue. Oucho and Crush (2001) examined how South African government effectively killed off a 1995 SADC Draft Protocol on Free Movement, claiming that the response and counterproposals revealed "the myth and paranoia that characterize thinking on cross-border migration within the country". (Oucho and Crush, 2001)

According to Peberdy, unpacking South Africa's immigration history reveals two striking things: firstly, a correlation between periods of significant change in state discourses and policies of immigration and moments of political reinvention. Secondly, she notes, the language used by state officials "constantly evokes notions of a nation as a body that could be fortified or contaminated by immigrants." (Peberdy, 2009)

**Xenophobic attitudes**

In 2006 the South African Migration Project's Xenophobia Survey found that South Africa exhibits levels of intolerance and hostility to outsiders "virtually unlike anything seen in other parts of the world." (Crush, 2008) Compared to citizens of other countries, South Africans, it concluded, are the least open to outsiders and want the greatest restrictions on immigration. Among the report's disturbing findings were that 84% felt that South Africa was allowing in "too many" foreign nationals, nearly three-quarters (74%) support a policy of deporting anyone who is not contributing economically to South Africa.

The report made it clear that South Africans clearly favour highly restrictive immigration policies despite the fact that around 60 percent admitted that they had little or no contact with immigrants based on personal experience. This indicates that the anti-immigrant attitudes are actually formed independently of personal interaction with migrants. The negative motives assigned to foreigners are more likely based on ignorance and bald prejudice, fear of the "unknown other", rather than on personal interactions.

A 2015 Afrobarometer report found that there has been little change in South Africa's unwelcoming attitude to foreigners with 42% saying foreigners should not be allowed to live in South Africa because they take jobs and benefits away from South Africans. (Chingwete, 2015) Though citizen's attitudes are divided on foreigners, they are united in their disapproval of the government's efforts to address immigration challenges with 68% saying the government is doing fairly badly or very badly in managing immigration issues.

**Discourse and depiction of migrants**

The 2015 xenophobic attacks again raised the issue of the dangerously racist and anti-foreigner discourse and troubling depictions of migrants in our media. The Sunday Times front page photographs documenting the stabbing and murder of Mozambican national Emmanuel Sithole during the April 2015 xenophobic violence raised an emotional debate on the ethical justification for running the graphic photos. As with the pictures of the "burning man", another Mozambican, Ernesto Nhamuave who was set alight by a mob in Ramaphosa informal settlement on the East Rand in xenophobic violence in May 2008, the pictures brought the horror of the hostility starkly to the world but also sparked debate about the media's role in fostering the conditions that led to the violence. Although it is not possible to prove a direct correlation between what is written in the press and acts of violence, there is little doubt that stereotyping and stigmatization of foreigners in the press can foster a powerfully xenophobic culture.

In 2008 the Media Monitoring Project (MMP) and the Consortium for Refugees and Migrants in South Africa (CoRMSA) lodged a complaint against the Daily Sun newspaper concerning its use of the word "aliens" to describe foreigners, claiming that the continuous use to refer to non-nationals was inappropriate and discriminatory. (Bird, 2008) It was claimed that the Daily Sun consistently presented foreign nationals in South Africa as "aliens" and as the primary source of all problems and that it "portrayed violence as an understandable and legitimate reaction to this state of affairs." (Thloloe, 2008) Although the Press Ombudsman, Joe Thloloe, found in favour of Daily Sun, following an appeal, the two parties settled their dispute on the basis that Daily Sun will no longer use the word "aliens" to describe foreigners.

The findings of a synthesis report into the media's coverage of xenophobia and xenophobia violence up till May 2008, showed that "the media has uncritically reproduced xenophobic language and statements, time and time again" and has in fact been "complicit in encouraging xenophobic attitudes among the population." (Smith, 2010) The report found that the majority of press media articles analysed were anti-immigration, making negative references to migrants and immigrants and persisted in using particular labels like "illegal immigrants" when referring to migrants, perpetuating negative stereotypes by using terms like "job-stealers, "criminals" and "illegals". (Smith, 2010)

The report also accused the media of taking an unanalytical, simplistic approach with little in-depth analysis. It proposed a concerted campaign by civil society to "sensitise and capacitate the media to undertake responsible reporting on migrants and migrant issues." (Smith, 2010) One specific recommendation was to ensure that the "media understands the different categories of migrants, various aspects of migration, and the rights and responsibilities of migrants." The accompanying narrative research takes this recommendation to heart; it

differentiates between migrants' different privileges and challenges, though crucially from the perspective of the individual migrants, effectively allowing them to determine the discourse about themselves.

The project also challenged the depiction of migrants as victims with no agency or part to play in shaping the development and the form of the system. "While there is no doubting the asymmetries of power in the making of an economy based on migrant labour there is a considerable body of research from recent decades that has qualified this account, showing how migrant struggles and choices helped to shape the system." (Delius et al, 2014)

**Facts, misperceptions and stereotypes**

After 1994 the volume and variety of migrants and refugees increased significantly, although not, as Crush notes, "to the 'illegal millions' of popular lore but enough to fuel perceptions that the country had lost control of its borders." (Crush, 2001)

Drawing on official labour data, Migrating for Work Research Consortium (MiWORC) found that "international migrants" account for just four percent of the overall South African working population. The report noted that while African migrants do better in the job market than local South Africans, "they are more likely to be employed in the informal sector and in precarious employment, both characterised by lower levels of earnings." (Budlender, 2014) Also, while historically foreign mineworkers have made up over half of the labour force of the gold mining industry, in 2006 foreign mineworkers formed "the lowest proportion of the workforce on the gold mines ever." (Peberdy, 2010)

A chapter in the 2010 Synthesis Report on Migration and Urbanisation in South Africa, entitled "Setting the Scene", questions where the discourse of illegality comes from, as the data seems to show that a significant proportion of African foreigners in South Africa are here with papers that allow them to work, study and trade. (Peberdy, 2010) Although the rate of regional movement has increased she says, "this may not amount to the influx and flooding that is so often imagined." (Peberdy, 2010)

A recent report on the state of South African prisons showed that despite an 'anecdotal belief' that many foreigners are criminals, this is unfounded as just 4 percent of the 112 467-strong sentenced prison population is foreign. (Wagner, 2014)

According to the 2011 census there were 2 199 871 people living in South Africa who were born outside the country and of these 71 percent were African. (StatsSA, 2014) When the xenophobia broke out in April 2015 international news media including NY Times, BBC and

Reuters were quoting the figure of 5 million migrants, a figure that fact checking organization Africa Check dismissed as an exaggeration; later proving that the NY Times had based their claims on unreliable data from a journal that is no longer accredited in South Africa. (Wilkinson, 2015) The article quotes Loren Landau, former director of the African Center for Migration Society at Wits University on the many reasons why inflated immigrant numbers have staying power:

"The first is confirmation bias. As people we best remember 'facts' and incidents that confirm what we believe. The second has to do with an odd and somewhat ironic alignment of interests. As things now stand, officials, business associations, and even some migrant associations and service providers benefit from these inflated numbers. Whether it is to justify militarising the border, explaining joblessness, or protecting businesses interests, the more we feel threatened the better."

Research on migration in Southern Africa since 2000 that has included a focus on case studies of cross-border immigrants has also challenged the assumption that all cross-border migrants intend to permanently settle in South Africa. Rather much of the evidence indicated that many people entering South Africa still regard themselves as "circular migrants" – in other words they come for employment for a definite period but have little interest in remaining in the country permanently. (Crush and Williams, 1999)

The term "illegal migrants" is often used carelessly and little acknowledgement is given to the fact that many foreign-born migrants are now legitimate South African residents. Peberdy notes that there have been notable changes in the legal status of a significant number African cross border migrants. "Recognition by the post-apartheid state of racially exclusionary immigration legislation and practices has given over 250 000 SADC nationals already resident in South Africa permanent residence." (Peberdy, 2010)

**New South African Immigration Laws**

New immigration regulations came into effect on 26 May 2014. Newly-appointed Home Affairs Minister Malusi Gigaba said the new rules aimed to "balance the need for better security with the contribution migration makes to economic development and prosperity." (Mungadze, 2015) However, as Hamill notes in his paper *Closing the Door: South Africa's Draconian Immigration Reforms*, the new regulations have drawn criticism across a wide spectrum, including advocacy groups, business, political parties and the tourism industry. Although Hamill says the new regulations reflect a government mindset that is a "colder and more punitive climate around the immigration and asylum debate", he also acknowledges that the changes should not be

considered as deliberately malicious in intent as “they address issues that no South African government can afford to ignore”. (Hamill, 2014)

According to Kaajal Ramjathan-Keogh, Head of the Refugee and Migrants Rights programme, the new immigration regulations are causing consternation among foreign nationals living and working in South Africa, as the provisions “severely prejudice their fight to become documented.” The Immigration Act includes amendments from 2007 and 2011 which were passed but stayed dormant until they were enacted in 2014. Semantically the new regulations would not be considered welcoming; the provisions make generous use of the term “undesirable” and under the new rules anyone overstaying their visa is prohibited from re-entering the country by up to five years and is branded as “undesirable”, a term previously reserved for those with criminal records. (Thelwell, 2014)

Under the new legislation there are more than a dozen types of temporary residence visas including four types of work visas. Although the legislation aims to be specific so that a decision to grant a visa is never left to an official’s discretion, the constantly changing laws have led to extreme inconsistency in processes and information, leading to major frustration with the system. A Business Day editorial described applying for a work permit as “navigating a maze full of deep trenches and booby traps.” (Business Day, 2015)

Although employment is often the key motivation behind migration South Africa work visas are usually only issued to foreigners when no SA citizen with the required skills can be appointed. The employer needs to prove that the position has been advertised nationally and the foreign applicant’s qualifications need to be evaluated by the South African Qualifications Authority (SAQA), a process that could take months of preparation, patience and commitment. The Exceptional Skills Permit and Quota Work Permit have also been removed from the Immigration Act and replaced with a Critical Skills Work visa, effectively making it even harder for educated foreigners to work in South Africa. The new laws also stipulate that work visas – general work visas, critical skills visas and intra-company transfer visas – need to be applied for from outside South Africa and can only be issued for a maximum of five years. (Ramjathan-Keogh, 2014)

As Hamill notes, the regulations are likely to negatively impact businesses looking for workers with skills they cannot acquire locally and can only stifle the country’s growth potential. Also, he claims, “a policy aimed at admitting only people with critical skills will inevitably disadvantage Africans, given the levels of underdevelopment on the continent.” (Hamill, 2014)

**Asylum seekers and refugees**

In South Africa, the Refugee Act, passed in 1998 and based on the Geneva Conventions, gives all individuals the opportunity to present their case for asylum. The Convention describes a refugee as: "A person who owing to a well-founded fear of being persecuted for reasons of race,

religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unstable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it." (Smith, 2015)

The basic principles of refugee protection include freedom of movement, the right to work and access to basic social services. At the border would-be refugees should state their intention to apply for asylum and they then have to make an application for asylum at a reception office located in one of South Africa's major urban centres. Since the introduction of the new immigration laws this period has changed from 14 days to five days causing an outcry from civil society groups who claim that this is "nigh on impossible if they arrive in South Africa anywhere other than Beitbridge". (Ramjathan-Keogh, 2014)

However, the progressive asylum system and the opportunities offered by South Africa's relatively prosperous economy have resulted in an overwhelming influx of migrants, who make use of the asylum system as they are not eligible for any other visa options. Between 2006 and 2012 South Africa was the country that accepted the most asylum applications worldwide, the numbers peaked in 2009 with 222,300 – in comparison, the USA, which received the second most asylum applications received 47,900 in the same year. (Wellman and Landau, 2015)

The UNHCR's South Africa country profile page notes with concern that the South African asylum system is overwhelmed, the large number of applications has created a backlog which affects the quality and efficiency of refugee status determination. They estimate that there are 798 080 asylum applications still awaiting refugee determination; this effectively denies a key need for refugees - access to a fair and functioning refugee system. (UNHCR, 2015)

Rather than implementing reforms to tackle the asylum backlog, the Department of Home Affairs' strategy has been to try to decrease demand by closing refugee reception centres. The Lawyers for Human Rights and Somali Business Association successfully contested the DHA's attempt to close the Port Elizabeth refugee reception centre in 2012, taking it right up to the Constitution Court which ruled it should remain open, although it is still longer accept new applications in violation of the court order. The Department of Home Affairs also seems to be pressing ahead with plans to relocate the refugee reception centres to the borders and points of entry, a plan that has also been strongly opposed by refugee and human rights lobby groups.

**Zimbabwe Special Dispensation Permits**

The key reason behind the spike in asylum applications from 2008 was the economic and political turmoil in neighbouring Zimbabwe, which caused hundreds of thousands to flee across the border. Inexplicably the South African government's response was a policy of quiet

diplomacy, failing to criticize Mugabe or acknowledge the humanitarian crisis on their doorstep. The South Africa Institute of International Affairs (SAIIA) described the SA government's immigration approach to Zimbabweans as a combination of "benign neglect at overall policy level…coupled with harassment at the level of police and immigration officials." (Hammerstad, 2011) 300 000 Zimbabweans were deported in 2008 alone. (Polzer, 2009)

The Zimbabwean influx all but broke the asylum system – 158 000 of the 220 000 asylum applications received in 2009 were from Zimbabweans. (Hammerstad, 2011) The xenophobic violence also finally provoked the government to reconsider its immigration approach to Zimbabweans. The Special Dispensation Permit was introduced in 2009 and while it contributed to stabilizing the economic situation through a free flow of remittances, the strong distrust in the Department of Home Affairs meant that only 241 731applied for the permit. The South African Institute for International Affairs estimated there were between one and three million meaning that the majority remained undocumented. (Hammerstad, 2011)

The Zimbabwe Special Permit was introduced in late 2014, replacing and concluding the old Dispensation of Zimbabweans Project (DZP). Applicants for the ZSP permit were required to use their DZP reference number when lodging their new application online, in other words only Zimbabweans who had been in SA since before 2010 were eligible. Applications were open from 1 October – 31 December 2014 and proof of employment, business registration or enrollment at an educational institution was a requirement.208 967 applications were submitted by deadline of 31 December 2014 at a cost of R870 per application.

**Methodology**

The research set out to explore the phenomenon of migration from the perspective of the migrants themselves. I began by identifying as broad a range of migrants as possible, seeking out a wide variety of potential case studies who had come to South Africa on a variety of visa options. These wide-ranging interviews helped to shape my understanding of the issue and the various perspectives of the migrants and how they each managed to navigate the complex and shifting immigration laws.

My initial case studies were based on the full range of visa options available – Resident's Permit, Accompanying Spouse, Intra-company transfer, Retired Person's visa etc. However, although substantial research was conducted around the various visa categories, most of these characters and their stories were ultimately excluded from the final narrative as I realised that for many of the more affluent applicants, the tales of visa tribulations offered only insight into the bureaucratic inefficiencies of the system. While the process was annoying and time-

consuming, their paperwork would ultimately be secured, the “push” factors that led them to South Africa were less threatening – they still had options.

Characters from around Louis Botha Avenue and the Orange Grove suburb featured prominently because it is an area I know and understand and over the past few years I have witnessed the increase in migrants and their businesses. Shopkeepers like Solomon Owa and Benjamin Essian were open to being interviewed as their visa situations were resolved. More vulnerable asylum seekers like Basil, Imrani and Joly would volunteer certain information about their background and struggles to attain refugee status, but were reluctant to give too much personal information, such as their surnames, a concealment I felt it was ethically important to respect.

Ultimately the migration communities and characters selected for the final narrative were the ones where I could identify a willing and engaging interviewee and an illuminating story. Basic questions covered where they came from and why they left, how they travelled to South Africa, what they do for work and under what conditions they are allowed to stay. Further areas of enquiry were varied and questions open-ended depending on individual circumstances and regulatory conditions. In most cases the research involved a series of conversations and interactions. Interview material gathered was cross-checked for accuracy, but due to the chosen line of enquiry – to explore migration through migrant stories – an effort was made to retain as much of the nuance and emotion as possible and keep expert opinion to a minimum. Overall the journalistic style employed was to “show not tell”, allowing the characters to articulate their experiences.

**Narrative long-form enquiry**

A long-form narrative journalistic approach was particularly suited to this research as it allows an in-depth exploration of complex social issues and would permit a highly nuanced qualitative account to emerge from the viewpoint of the most affected - the migrants themselves, allowing them to articulate their own stories.

As American journalist David Bacon noted in *Illegal People*, “Those who live with globalisation’s consequences are not at the table and their voices are generally excluded.” (quoted in Camerinero-Santangelo, 2012) The migrants are not participants in the public sphere where immigration policy is debated. By seeking to access the personal stories, the “witness testimony”, the research could reclaim the agency of the migrants concerned.

Narrative enquiry as a research methodology is often used in social sciences and according to Leggo "focuses on the composition of a story as a way to represent experiences" with the challenge being to compose a story that represents experiences truthfully while acknowledging that narrative research can never tell the whole story. (Leggo, 2004)

Jeppesen and Hansen (2011) define narrative journalism as "a method to craft stories worth reading about real people." They argue that it can produce insights complementary to those obtainable through traditional qualitative and quantitative research methods. The fact that characters are non-anonymous subjects can add greatly to the understanding of a phenomenon.

According to the Poynter Institute: "Narrative journalism employs the techniques of fiction: point of view; time; scene (which includes setting, characters, dialogue); yet it remains true to the tenants of journalism: accuracy; honesty; integrity of intentions (Poynter.org). A narrative journalistic technique would attempt to take the reader "inside the sacred and profane details of daily life" (French, 2007) allowing the reader to bond with the characters as they reveal and face their challenges.

As Lynette Parker from the Markkula Centre for Applied Ethics said, "Because the ethics of migration highlight the tension between individuals and nations, these discussions should always begin and end with the acknowledgement of the humanity of those who are moving and those who do not move." (Parker, 2007)

**Conclusion**

It is clear that the South Africa's migrant story is extremely complex and there are many perspectives that could and should be considered. But at its heart it is a tale of individuals trying to maximize their opportunities in life. This research reveals that migrants are not a homogenous mass, they cover a wide range; all have different motivations for moving and different options to work. While skilled foreigners might face a barrage of bureaucracy, the more vulnerable economic migrants experience South Africa as an unwelcoming, even hostile place. While the distinction between refugees and other migrants is often considered in terms of 'having to move' and 'choosing to move', in reality the difference is very rarely clear cut. As Danish research professor Jørgen Carling points out, "all prospective migrants face a mix of opportunities and constraints, and make decisions that reflect multi-faceted considerations. What differs is the nature of this mix; for some, the choices are few and frightening." (Carling, 2015)

While South Africa's migrants have found ways to navigate around the restrictive immigration laws, often by taking advantage of the asylum system, they are denied a sense of security, often reduced to survivalist strategies.

From a policy perspective, it is clear that a paradigm shift is needed in developing strategies to manage and benefit from the economic migrants seeking to move to South Africa. Recent reform of the immigration laws has not resolved the multitude of inconsistencies and inefficiencies, but with political will and commitment the corruption and problems with implementation of an otherwise good asylum policy can be overcome.

At a time when Europe is facing its own migrant crisis, according to migration experts like Wellman and Landau, South Africa's experience offers a cautionary lesson of what happens when states ignore the complex dynamics of migration and offer a mix of progressive refugee policy with exclusionary immigration practices.

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